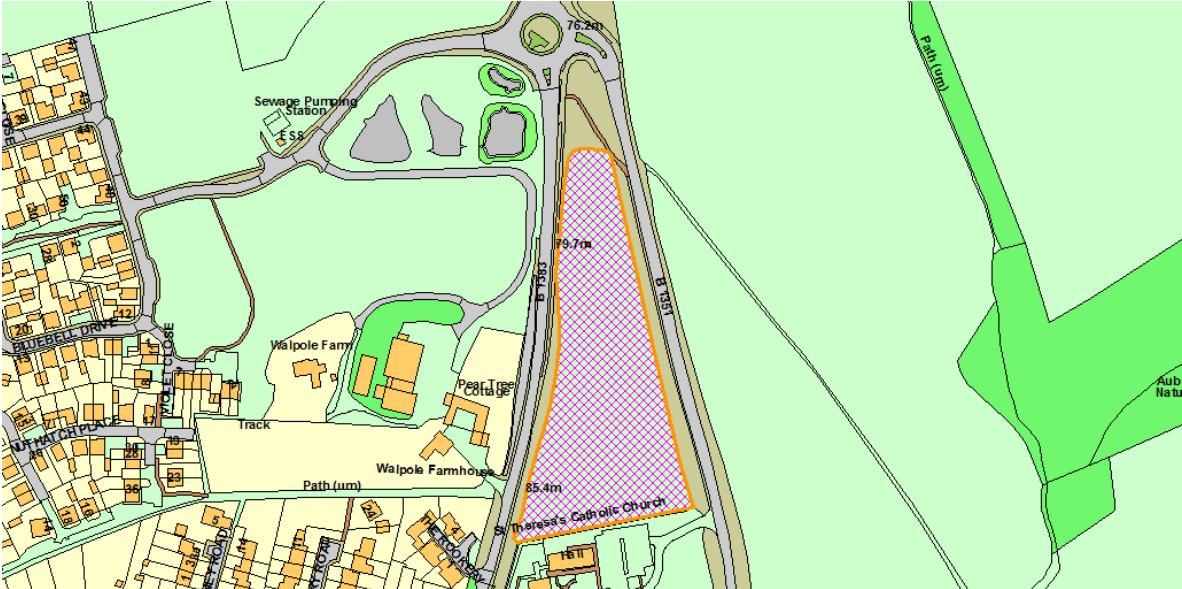


# REFERENCE NUMBER: UTT/21/2376/FUL

**LOCATION: Land To The West Of, High Lane, Stansted**

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council Date: 28th February 2022

**PROPOSAL:** Variation of condition 18 (footpaths) of planning permission UTT/18/1993/FUL - condition 18 to read "The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres". The omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

**APPLICANT:** Amherst Homes

**AGENT:** Tayla Morhall (Amherst Homes)

**EXPIRY DATE:** 18<sup>th</sup> March 2022

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

**REASON AT COMMITTEE:** Application deferred for site visit at 15<sup>th</sup> December's Planning Committee

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**1. RECOMMENDATION: APPROVE VARIATION OF CONDITION 18 - SUBJECT TO CONDITIONS**

**1.2 CONDITIONS:**

1.2.1 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

1.2.2 The development hereby approved shall be full accordance with the remediation details approved under condition 2 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

1.2.3 The development hereby approved shall be full accordance with the validation report approved under condition 3 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

1.2.4 The development hereby approved shall be full accordance with the noise protection details approved under condition 4 of planning application

UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To protect the proposed residential dwelling in regards to noise generators and in accordance with ENV11.

- 1.2.5 The development hereby approved shall be full accordance with the construction management plan approved under condition 5 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: This pre-commencement condition is required to ensure there is a sufficient scheme for the appropriate loading/unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety, also to ensure there is not any significant impact or loss of amenity to neighbouring properties in accordance with ULP Policies GEN1, GEN4

- 1.2.6 The development hereby approved shall be full accordance with the surface water drainage details approved under condition 6 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 1.2.7 The development hereby approved shall be full accordance with scheme of off-site flooding details approved under condition 7 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 1.2.8 The development hereby approved shall be full accordance with the maintenance plan approved under condition 8 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the has a sufficient drainage scheme and to reduce the impact of flooding on the proposed development, future occupants and third party properties during extreme events in accordance with Uttlesford Local Plan Policy GEN3, adopted 2005.

- 1.2.9 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report sections 5 and 6 (Southern Ecological Solutions, July 2018) and the Badger Survey (Southern Ecological Solutions, August 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes bat sensitive lighting, planting which enhances the environment for bats, installation of bat boxes, due diligence regarding nesting birds, due diligence for hedgehogs when undertaking vegetation clearance, creation of hedgehog habitat, permeable boundaries for hedgehogs, retain boundary trees and hedgerows, covering of trenches at night, storing of chemicals in sealed compounds, demarcation of a 20m exclusion zone around sets prior to closure, plantings to include grassland and fruiting trees to increase forage for badgers.

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) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 1.2.10 The development hereby approved shall be full accordance with the ecology details submitted under condition 10 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

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) and S17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7) and S17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7

- 1.2.11 The development hereby approved shall be full accordance with the Biodiversity Enhancement Layout, submitted under condition 11 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

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) and s17 Crime & Disorder Act 1998 and in accordance with ULP Policy GEN7.

- 1.2.12 The development hereby approved shall be full accordance with the archaeological programme of trial trenching and excavation submitted under condition 12 of planning application UTT/18/1993/FUL and formally discharged under application UTT19/2586/FUL (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The historic environmental record indicates that the proposed development site lies on the opposite side of the road from sensitive area of archaeological assets in accordance with ULP Policy ENV4.

- 1.2.13 The development hereby approved shall be full accordance with the hard and soft landscaping details as approved under condition 13 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/3075/DOC (27/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of such pre commencement condition is required to ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005), and to prevent highway safety issues relating to surface water runoff and loose materials in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 1.2.14 The development hereby approved shall be full accordance with the tree protection plan as approved under condition 14 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2727/DOC (12/8/2020) unless otherwise agreed in writing by the local planning authority.

REASON: The use of this condition is required to ensure the protection of the existing trees during the construction of the development in accordance with Local Plan Policies ENV3 of the Uttlesford Local Plan (adopted 2005).

- 1.2.15 The development hereby approved shall be full accordance with the materials approved under condition 15 of planning application UTT/18/1993/FUL and formally discharged under application UTT/19/2586/DOC (30/3/2020) unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policies GEN2 and ENV1

- 1.2.16 First and second floor flank windows serving en-suites, landings, bathroom and dual secondary dual aspect windows shall be obscurely glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 1.2.17 Prior to occupation of any dwelling, the provision of an access formed at right angles to High Lane, as shown in principle on drawing no. E3724/100/C (dated 27/02/2017) to include but not limited to: minimum 5.5 metre carriageway width with minimum radii of 6 metres, two 2 metre footways, pedestrian crossing points, relocation of footway and guard railing to the north of the access and clear to ground visibility splays with dimensions of 2.4 metres by 70 metres to the north and 2.4 metres by 133 metres to the south, as measured from and

along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between and in accordance with ULP Policy GEN1

1.2.18 The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres.

REASON: In the interests of accessibility and in accordance with ULP Policy GEN1

1.2.19 The internal visibility splays and layout shall be provided as indicated on DWG no. P18-0133\_01 Rev N. The visibility splays shall remain free from obstruction at all times.

REASON: To ensure adequate visibility is provided, in this interest of highway safety and efficiency and in accordance with ULP Policy GEN1

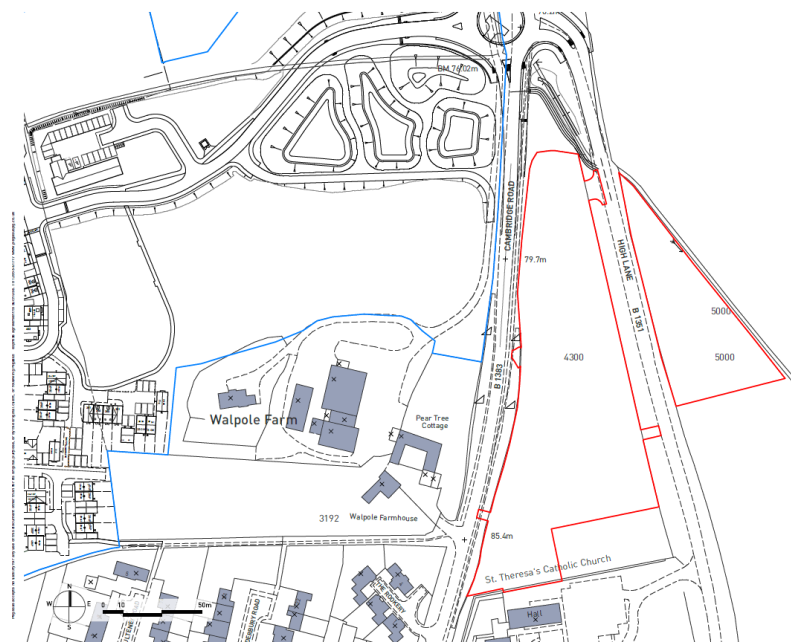
1.2.20 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with ULP policy GEN1,

## 2. DESCRIPTION OF THE SITE :

2.1 The application site is to the west of High lane in the parish of Stansted Mountfitchet. The application site has recently been constructed and includes a development of 35 dwellings and associated works. As set in plan 1 (below) the overall site is bound by High Lane to the east and the B1383 Cambridge Road to the west. To the south of the site is a Catholic Church.

2.2



Plan 1- Location Plan

2.3 **PROPOSAL**

2.4 The application is to variation the wording of condition 18 (footpaths) of planning permission UTT/18/1993/FUL.

The current condition includes;

*The pedestrian links, as indicated on drawing no. P18-0133\_01 (Rev N) as Path 1, Path 2 and Path 3, shall be constructed to a minimum width of 2 metres. REASON: In the interests of accessibility and in accordance with ULP Policy GEN1.*

This application proposes to vary the condition to state:

*"The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres REASON: In the interests of accessibility and in accordance with ULP Policy GEN1. "*

Also the proposal includes the omission of footpaths 2 and 3 approved under planning application UTT/18/1993/FUL.

2.5 The variation of the condition will result in the requirement for footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres and the removal of two of the approved pedestrian access points to the site, as demonstrated on plan 2 (below).

2.6



Plan 2 - Originally Approved Scheme

■ = Foot path to be omitted from the approved scheme.

2.7 It is also noted that the provision of the foot paths were secured in the S106 agreement as part of the original planning approval for the development (UTT/18/1993/FUL). As such a subsequent application (UTT/21/2399/DOV) requests for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance. However the Deed of Variation is not being considered under this application.

- 2.8 The application considered by the Planning Committee on the 15<sup>th</sup> December 2021 and was deferred, pending a site visit, also subsequently the description of the proposal has been amended and a re-consultation has been made.

### 3 ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 Town and Country Planning (Environmental Assessment):  
The proposal has been previously screened and is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

### 4. APPLICANTS CASE

- 4.1 The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Points raised;

- Extensive excavation works will be required to accommodate the access,
- The lack of adoption of the footpath steps requires the construction to be 5m from the existing highway foot path.
- Loss of trees and width clearance of around 8-10m to accommodate the footpaths,
- A significant steep angle will compromise the usability of the footpath,
- Footpaths 2 and 3 do not meet the design specification in manual for Streets (2007),
- The tunnelling enclosure design of the foot path may result in antisocial behaviour,
- The verge will need to be excavated to allow for 3.5m (h) and 5m (L) retaining walls,

- 4.2 Additional comments have been provided by the applicant on the 6/1/2022 setting out the reasons for the proposal as set out in the planning statement, these are briefly listed below:

#### Health and Safety - Slope

- Footpath "2" proposed at Cambridge Road is a 1:3 fall, far exceeding the maximum 1:20 fall outlined in the Manual For Streets (2007) (6.3.18).
- As both angles are so severe, the footpaths will need to be constructed with concrete steps. Highways are unwilling to adopt footpaths



containing steps and have requested a 5m buffer from the highway boundary.

- We are extremely concerned over the angle of both footpaths as we do not believe they will be safe or fit for purpose for the residents or the wider community.
- As the footpaths will need to be constructed with concrete steps, most of the community will be unable to use the footpath. The elderly, disabled, parents with pushchairs, children, etc, will be unable to these steps.

#### **Extensive Excavation Works**

- Due to the sloping angles, both footpaths require retaining walls. Our engineer has calculated the retaining walls required for each footpath need to be 3.2m high and 5m long.
- To safely construct the footpath and retaining walls, excavation would be required at 42° from the retaining walls. This will result in a further 10m in width of clearance in the treeline and vegetation from each road verge.
- The retaining walls will be constructed either side of the steps (at 3.2m high). This will create a structure most similar to the pedestrian steps at a subway underpass or a tunnel without a roof.

#### **Road Closures**

- To accommodate the excavations required for footpaths “2” and “3”, road closures will be required for both High Lane and Cambridge Road for several days. These road closures will cause disruptions to local residents, notably on Cambridge Road as this is a main route into Stansted Mountfitchet’s centre.

#### **Crime**

- Due to the large retaining structures that are needed for both footpaths, we are also very concerned over the potential for crime around the footpaths, particularly anti-social behaviour.
- Both footpaths are situated at the rear of residential properties, and we do not want these properties to become a subject of crime.
- The footpath is set in a road verge which is dense in vegetation, and without street lighting. The concrete retaining walls enclose and darken the steps further. During the winter and at night these footpaths will be blind spots within the development, with no natural surveillance. We are truly concerned the footpaths will become hotspots for crime.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/18/1993/FUL- Redevelopment of site to provide 35 no. dwellings with associated garages, drainage infrastructure, landscaping and parking including the creation of new vehicular access from High Lane and additional footpath access points from Cambridge Road and High Lane.

Approved - 30/5/2019

- 5.2 UTT/19/2586/DOC- Application to discharge conditions 2 (remediation strategy), 3 (validation report) 4 (noise protection) 6 (surface water drainage) 7 (offsite flooding) 8 (maintenance plan) 10 (Natural England licence) 12 (archaeological programme) 15(material samples) attached to UTT/18/1993/FUL.  
Approved 30/3/2020
- 5.3 UTT/19/3075/DOC- Application to discharge conditions 11 (Biodiversity) and 13 (Landscaping) of planning application UTT/18/1993/FUL.  
Approved- 27/3/2020
- 5.4 UTT/20/0562/FUL-Single storey rear extensions to plots 8 and 9 approved under UTT/18/1993/FUL.  
Approved- 23/4/2020
- 5.5 UTT/21/2399/DOV- Request for deed of variation relating to Section 106 agreement dated 24 May 2019 relating to UTT/18/1993/FUL to remove footpath "2" and "3" due to their public safety issues and non-policy compliance, leaving footpath "1" and the emergency access footpath "4" for access.

Under consideration.

## 6. CONSULTATION RESPONSES:

### Stansted Mountfitchet Parish Council

- 6.1 Objection on Health and Safety grounds and conflict with UDC policy on Active Travel.

The removal of the variation forces residents to 'travel' away from the facilities/services of the village, walk in the road to reach a safe route, as well as along a footway which Highways recommended should be improved.

Condition 17 states "Prior to occupation - provision of an access formed at right angles to High Lane to include but not limited to:

- a - Min 5m carriage way width, min radii of 6m (this is King Charles Drive)
- b - 2 no 2m footways

There are no walkways/footways on the site - removing the footpaths creates risks to pedestrians who will be forced to walk on the road, known as King Charles Drive.

The only retained footpath forces pedestrians to use the unimproved footway along the Cambridge Road, rather than the new footway into the centre of Stansted along High Lane.

The footpaths should be retained. The natural screen has deteriorated, traffic noise is obvious. Some trees have been cut down or are in poor health (possibly Highways), UDC should also discuss with Highways the need to plant trees along the verges to mitigate the volume of traffic noise.

## **The Highways Authority**

- 6.2 It is regrettable the applicant/developer cannot provide path '2' (onto High Lane) and path '3' (onto Cambridge Road), as this will in part reduce the accessibility of the site by means of active travel. It was previously noted by the Highway Authority that the private pathways were constrained in nature, and may not be accessible to all dependent upon the developer's design (i.e. due to the level difference).

Ultimately it is considered that the loss of the two paths does not preclude pedestrian access to and from the site, and therefore, from a highway and transportation perspective the Highway Authority has no adverse objections to the variation of condition no. 18 of planning permission UTT/18/1993/FUL.

In lieu of the loss of the paths, it may be suitable for local improvements to be undertaken by the developer. The Highway Authority would seek all other highway related conditions to be applied to the planning permission UTT/21/2376/FUL, as per UTT/18/1993/FUL.

## **UDC Landscape Officer**

- 6.3 No Objection,

From a landscape perspective the removal of the foot paths will reduce the impact to the landscape and boundary of the site.

## **7. REPRESENTATIONS:**

2 letters of objection received, comments include

- The removal of trees and vegetation has resulted in a 25m open gap to the boundary of the site,
- Increase of noise from loss of vegetation and boundary treatment,
- Light pollution
- Objection to the existing constructed path,
- Lack of appropriate landscaping.

### **7.1 Case Officer Comments:**

The current application does not result in any changes to the existing foot paths the 2 objections are in relation to. This application sets out to omit the remaining 2 foot paths to be built and reduce the harm caused by these.

## **8. POLICIES**

- 8.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

(a) the provisions of the development plan, so far as material to the application,

- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

8.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires 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.

### 8.3 National Policies

National Planning Framework (2021)

### 8.4 Uttlesford District Local Plan 2005

S7 -The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN7 – Nature Conservation  
ENV3 – Open Spaces and Trees

### 8.5 Supplementary Planning Document/Guidance

Essex Design Guide- Urban Place supplement planning document (2007)  
Manual for Streets (2007)

### 8.6 Stansted Mountfitchet Neighbourhood Plan

Pre regulation 14 consultation stage not adopted therefore no weight given.

## 9 CONSIDERATION AND ASSESSMENT:

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

- A Accessibility to the development (ULP Policy GEN1 and the NPPF)**
- B Design (ULP Policy GEN2 and the NPPF)**
- C Landscaping and Ecology(ULP Policies S7, ENV3, GEN7 and the NPPF)**

### **A Accessibility to the development (ULP Policy GEN1 and the NPPF)**

9.2 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local plan policy GEN1 advised development will only be permitted if it meets 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 on the surrounding transport networks.
- c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway.
- d) It must be designed to meet the needs of people with disabilities
- e) The development encourages movement by other means other than driving car

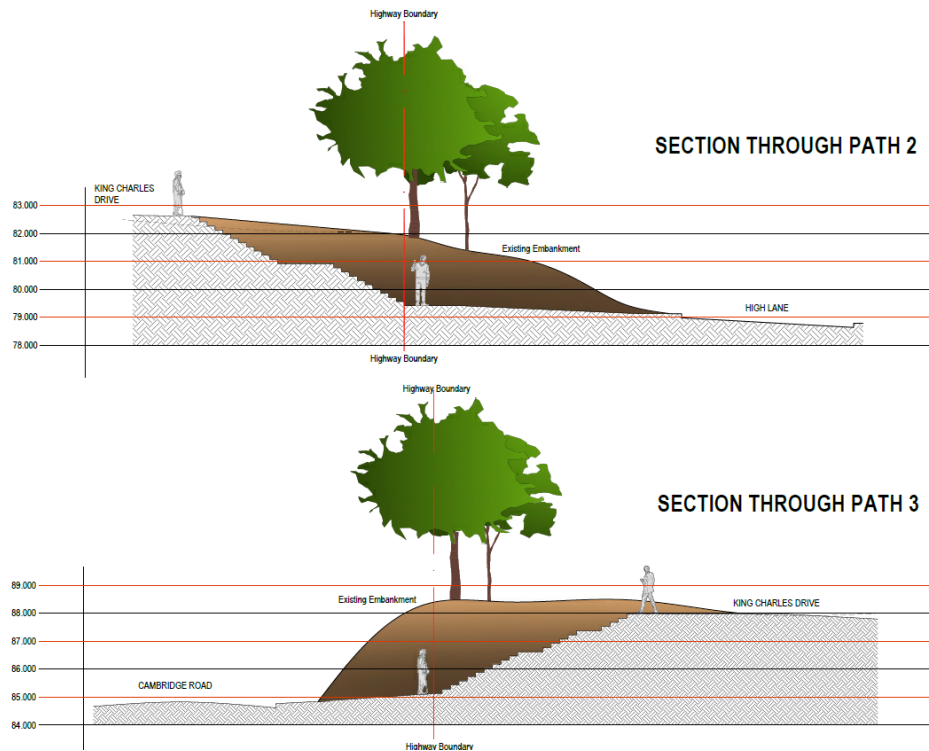
- 9.3 Paragraph 100 of the NPPF (2021) states 'planning decisions should protect and enhance rights of ways and access including taking opportunities to provide better facilities.
- 9.4 The approved pedestrian links as approved under planning application UTT/18/1993/FUL would require extensive excavation works. Footpaths 3 and 4 will require a steep angle to accommodate the access to the site. Part c and d of ULP Policy GEN1 considers the safety implications of proposed accesses within development. Also the Essex Design Guide and Urban Place Supplement Planning Document (2007) advises development should meet the needs of all users across their lifetime with ranging abilities. The design of the footpaths would only be appropriately accessible for a minority of the residents and not in accordance with ULP Policy GEN1.
- 9.5 Footpaths 2 and 3 do not meet the design specification set out in the Manual for Streets (2007) where longitudinal gradients should not exceed 5% (1:20 fall) and as such the proposal is likely to compromise public safety.
- 9.6 The Highway Authority have been consulted and although it is considered regrettable to lose the approved access points it was previously noted by the Highway Authority that due to the constraints of the site it may not of been possible to provide the foot paths. Therefore no objections are raised in regards to the loss of the footpaths.
- 9.7 It is noted the Parish Council have objected to the proposal in regard that the loss of the footpaths would result in the occupiers of the residential development to have further to travel to get to High Lane or Cambridge Road. It is agreed this is the case, but in the retention of these foot paths will result introduction of foot path/ steps that may compromise public health and safety, which is not considered to be outweighed by requirement to travel further to access the Highway network.
- 9.8 As such it is considered the footpaths will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1. Therefore the variation of the condition to only include footpaths 1 and 4 is considered acceptable.

## **B Design and Appearance (ULP Polices S7 and GEN2 and the NPPF)**

- 9.9 From access and movement perspective footpath to be removed from the scheme are situated to the rear of the site and provide an isolated route in and out of the site. The Essex Design Guide advises there should be no need for segregated spine footpaths within development and instead pedestrian routes should be mainly along residential roads.
- 9.10 The location of the proposed foot paths to the rear of plots 13 and 27 and surrounded by vegetation along the embanked verges. Both High Lane and Cambridge Road do not include streetlights along this section of the highway, as such the 3.5m high retaining walls will create a tunnel like enclosure. The dark environment will create blind spots with limited natural surveillance. The use of the footpaths would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), The Manual for Streets Guide (2007) and the paragraph 92 (C) of the NPPF.

9.11 The large section of steep angles steps and surrounding retaining wall detailing (as shown in Plan 3 below) will result in the introduction of obtrusive feature in the existing boundary of the site. This additional built form along the boundaries of the site will have urban affect to the existing rural appearance of the highway verge. This is considered out of place and not compatible with the rural appearance of the site and will have harmful impact to the character of the site and its surroundings. This is in conflict with the aims of ULP Policies S7 and GEN2 (b) which safeguards the rural appearance of the site and advises development will only be permitted if it protect or enhances the particular character of the part of the countryside.

9.12



Plan 3 - Site Sections.

**C Landscaping and Ecology(ULP Policies S7, ENV3, GEN7 and the NPPF)**

9.13 ULP Policy ENV3 considers the loss of trees in development and advises the loss of trees through development proposals will not be permitted unless the need for the development outweigh their amenity value. The introduction of the footpaths will require significant of trees and the existing boundary vegetation of the site of a minimum of 10m per footpath.

9.14 ULP Policy S7 considered development in the countryside and advised development will only be permitted if it protect or enhances the particular character of the part of the countryside.

9.15 The retention of the trees and boundary vegetation has been a positive contribution to the character of the development and has provided some appropriate level of mitigation. The loss the trees and vegetation of this will detrimentally impact the rural setting and local distinctiveness of the site. The loss of these trees cannot be replicated by new planting.

9.16 The Parish have objected to the removal of the condition and to not building the footpaths, however the introduction of the footpaths will result in the loss of

a significant section of trees and boundary treatment adjacent both High Lane and Cambridge Road. Some sections have already had to be removed to accommodate the existing development, as such the loss of further existing soft landscaping is not considered to be outweighed by requirement to travel further to access the Highway network.

9.17 The significant loss of the mature trees and existing boundary treatment to the site will have harmful impact to the character of the site and is not considered to be outweighed by the need of the footpaths. Although the foot paths were previously approved under planning application UTT/18/1993/FUL the developer has since been advised by the Highways Authority that they will not enter into an adoption agreement and the foot paths and construction of the stairwell would have to be set back 5m from the highway verge. This will result in significant excavation to allow for the works that would not necessarily protect or enhance the particular character of the part of the countryside. As such it considered the proposed variation of the condition is in accordance with ULP Policies S7, ENV3 and the NPPF.

9.18 Policy GEN7 and Paragraph 179 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Taking into account the proposal will retain the boundary vegetation and trees it is considered that this will not result in any harmful impact to ecology, wildlife or biodiversity. No objections of further recommendation have been received from the Council's Ecology Consultant, as such unlikely that the development would have significant adverse effects on any protected species or valuable habitat. It is therefore concluded that the proposal accords with ULP Policy GEN7.

## **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.

10.2 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.

10.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

## **11. CONCLUSION**

11.1 The variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2*

*metres*" is considered acceptable and in accordance with Local and National Planning Policies.

Footpaths 1 and 4 will remain as constructed.

- 11.2 Footpaths 2 and 3 will result the introduction of urbanising features that are not compatible with the character of the site and surrounding rural area, in conflict with ULP Policies S7 and GEN2 and the NPPF.
- 11.3 The introduction of footpaths 2 and 3 will result in the loss of two sections of trees and boundary vegetation which actively soften the views of built form. The loss of the trees will result in a harmful impact due to the established boundary features and the proposed amendment would preserve this. This is in conflict with ULP Policies S7, GEN7, ENV3 and the NPPF.
- 11.4 The design of the footpaths as approved would not have the potential to reduce the potential of crime as set out in ULP Policy GEN2 (d), the manual for Streets (2007) and paragraph 92 (c) of the NPPF.
- 11.5 Due to the gradient and steep layout of the site, footpaths 2 and 3 will not meet all the needs of the potential users and as approved will not be in accordance with ULP Policy GEN1.
- 11.6 No objections have been raised by the Highways Authority.
- 11.7 The variation of condition 18 of planning permission UTT/18/1993/FUL to include "*The pedestrian links, as indicated on drawing no. BRD/19/045/052 as Footpath 1 and Footpath 4, shall be constructed to a minimum width of 2 metres*" is considered acceptable. The omission of foot paths 2 and 3 due to reason set out in this reports is considered acceptable.
- 11.8 All previous conditions imposed on planning approval UTT/18/1993/FUL will be included and any formally discharge will still apply.
- 11.9 **RECOMMENDATION:  
APPROVE VARIATION OF CONDITION AND REVISIONS  
SUBJECT TO CONDITIONS**