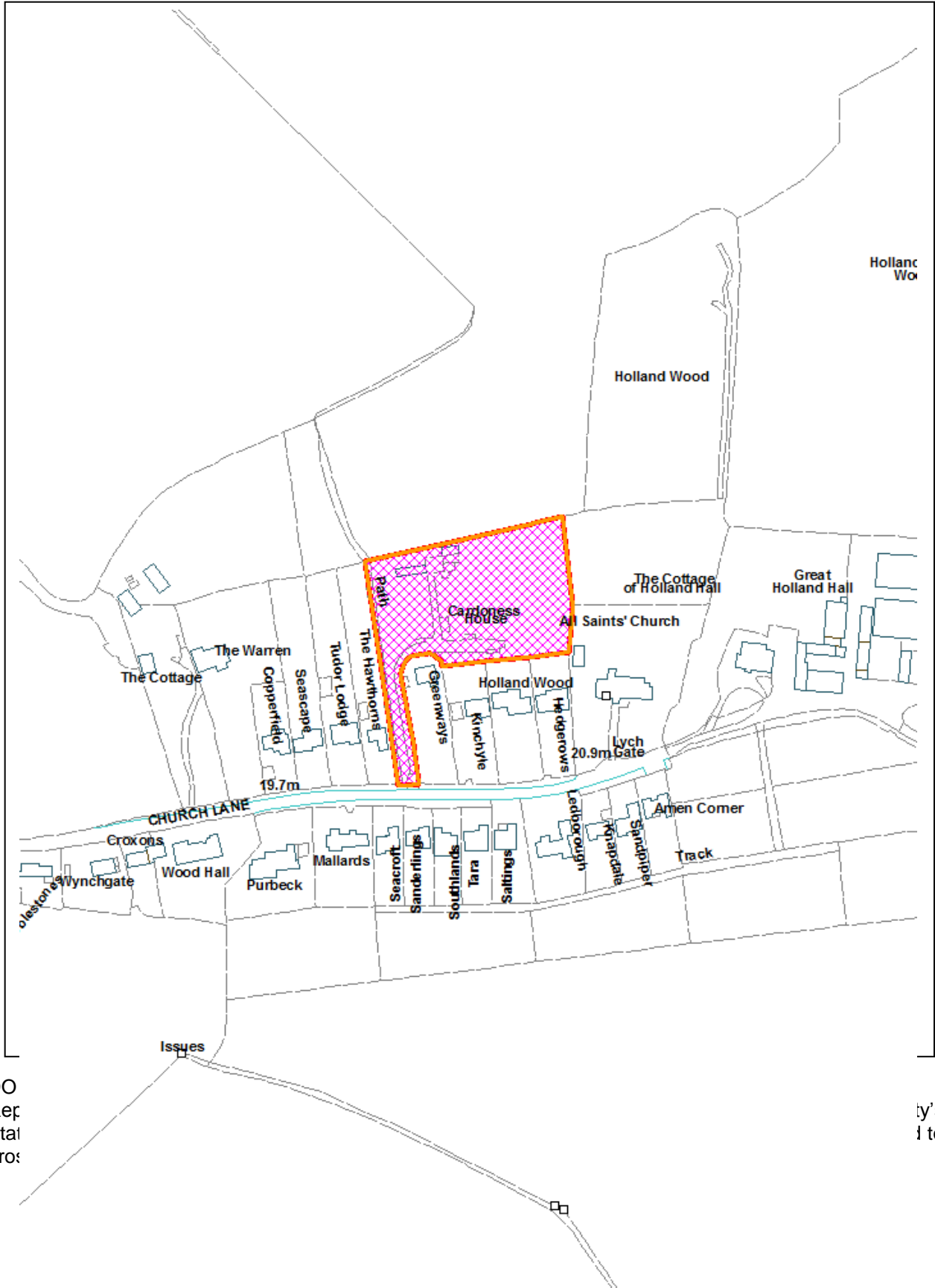


PLANNING COMMITTEE

14TH JUNE 2016

REPORT OF THE HEAD OF PLANNING

A.8 PLANNING APPLICATIONS - 15/00984/FUL - GREAT HOLLAND NURSERIES, CHURCH LANE, GREAT HOLLAND, CO13 0JS



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Application:	15/00984/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr & Mrs S & K Watcham	
Address:	Great Holland Nurseries, Church Lane, Great Holland CO13 0JS	
Development:	Demolition of existing nursery buildings and erection of two dwellings.	

1. **Executive Summary**

- 1.1 This application has been referred to Planning Committee at the request of Cllr Robert Bucke.
- 1.2 This application seeks full planning permission for the demolition of the existing nursery buildings and the construction of two detached properties with associated garaging, access road and parking.
- 1.3 The application site is situated on the northern side of Church Lane in the settlement of Great Holland and was formerly used as a horticultural nursery. The site lies within the Great Holland Conservation Area and is located adjacent to the churchyard of All Saints Church which is a grade II* listed building. Having regard to both the Saved Tendring District Local Plan (2007) and the Draft Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) the majority of the site lies outside of any defined Settlement Development Boundary apart from the access which lies within. The site is also located within a protected green gap in the Saved Tendring District Local Plan (2007).
- 1.4 The National Planning Policy Framework however sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.6 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.7 The site is considered to be located in a socially sustainable location and would meet the economic strand of sustainability. In respect of the environmental impact it is considered that the construction of the two dwellings proposed could take place without raising any objections in respect of; the character and appearance of the conservation area, the setting of the nearby listed All Saints Church, residential amenity, highway safety and biodiversity considerations.

Recommendation: Approve

Conditions:

- 1) Time Limit (3 Yrs)

- 2) Details of Materials
- 3) Landscaping Scheme
- 4) Implementation of Landscaping Scheme
- 5) Boundary Details (Fencing/Walls)
- 6) Access width of 5.5m with dropped kerb
- 7) No unbound materials in first 6m of access
- 8) Provision of Pedestrian Visibility Splays (1.5m x 1.5m)
- 9) Parking and Turning Area provided prior to occupation
- 10) Gates inward opening / set back 6m
- 11) Communal Refuse Point
- 12) Construction Method Statement
- 13) Resurfacing of Footpath / Vegetation Clearance along footpath (1.5m wide and 2m in height)
- 14) Timing of vegetation clearance
- 15) Lighting details
- 16) Biodiversity mitigation and enhancement provision
- 17) Accordance with tree/hedge protection plan (no dig construction in RPA's of Trees)
- 18) Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site
- 19) Removal of PD rights for extensions/outbuildings
- 20) Approved Plans

2. **Planning Policy**

National Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

Local Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy
 QL9 Design of New Development
 QL10 Designing New Development to Meet Functional Needs
 QL11 Environmental Impacts and Compatibility
 HG3 Residential Development Within Defined Settlements
 HG9 Private Amenity Space
 HG13 Backland Residential Development
 HG14 Side Isolation
 EN1 Landscape Character
 EN2 Local Green Gaps
 EN6 Biodiversity
 EN6a Protected Species
 EN17 Conservation Areas
 EN20 Demolition within Conservation Areas
 EN23 Development within the Proximity of a Listed Building
 TR1A Development Affecting Highways
 TR7 Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1 Presumption in Favour of Sustainable Development

SD5 Managing Growth
 SD6 Strategic Green Gaps
 SD8 Transport and Accessibility
 SD9 Design of New Development
 SD10 Sustainable Construction
 PEO1 Housing Supply
 PEO3 Housing Density
 PEO4 Standards for New Housing
 PEO6 Backland Residential Development
 PLA6 The Historic Environment
 PLA7 Conservation Areas
 PLA8 Listed Buildings

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
 Great Holland Conservation Area Appraisal
 Great Holland Village Design Statement

3. Relevant Planning History

98/00951/FUL	Portable timber clad building	Approved	31.12.2002
15/00984/FUL	Demolition of existing nursery buildings and erection of two dwellings.	Current	

4. Consultations

Anglian Water Services Ltd	No comments as development under 10 dwellings
Natural England	No specific comments to make on this application
Building Control and Access Officer	Drive must be capable of taking a fire appliance of 12.5 tonnes
Essex Bridleways Association	No comments received
ECC Highways Dept	<p>From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:</p> <ul style="list-style-type: none"> - Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be reconstructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority. - No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary. - Prior to the proposed access for any dwelling on the proposed development being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided

on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

- Prior to commencement of the proposed development, a vehicular turning facility for motor cars for each dwelling of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.
- Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the nearside edge of carriageway of the existing road.
- Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 25m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses.
- No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilities
- At the completion of the construction phase, the adjacent PRow, Footpath No 4 (Great Holland) shall be resurfaced and compacted with recycled road plainings or a similar material and all obstructing vegetation removed from site to provide a minimum clear width of 1.5m and also clear to a height of 2.0m across the entire sites western boundary to the footpath.

Informative1: The public's rights and ease of passage over Public Footpath No4 (Great Holland) shall be maintained free and unobstructed at all times.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Regeneration	No comments received
Essex Wildlife Trust	No comments received
The Ramblers Association	No comments received
Environmental Health	Method statement for the demolition of the existing structures (information on noise and dust control) and a proposal for the

construction e.g. working hours.

Principal Tree &
Landscape Officer

The proposal to erect two new dwellings has the potential to cause damage to the established Oaks situated on the northern boundary of the application site.

The trees are mature healthy specimens that make a positive contribution to the character and appearance of the Great Holland Conservation Area. In the main the trees are in good health, have no obvious defects and exhibit no signs of significant pest or disease infestation. The trees are protected by their position within the conservation area.

In order to show the likely impact of the development proposal on the trees the applicant has submitted a tree survey and report that has been completed in accordance with BS5837 2012: Trees in relation to design, demolition and construction.

The report contains a description of the condition of the trees and shows the area within which development should not take place the Root Protection Area (RPA). It is clear from the information provided that the position of the proposed dwellings is such that they will not be within the Root Protection Areas (RPAs) of the trees. However it is possible that part of the northern section of the access road may extend within the RPAs: therefore if planning permission is likely to be granted a condition should be attached to secure details of the construction of the access road to ensure that no-dig techniques are used.

If details of the construction of the access road can be secured then the development proposal could be implemented without causing harm to the boundary trees.

Historic England

The development might cause minor harm to the setting of All Saints Church, but the effect that this harm would have on the church's significance and that of the conservation area would be small. Although the disused nurseries include buildings which are derelict and unsightly, the horticultural use of this land preserves something of the historic separation between the village and church, and the agricultural setting of the latter. The replacement of the nursery buildings with houses would further erode that separation, although much of the site would remain undeveloped.

In so far as the proposed development would cause minor harm to the setting of the church and the character of the conservation area, Historic England recommend that your Council weigh that harm against such benefit.

5. Representations

5.1 Frinton & Walton Town Council recommends refusal;

- Against backland development and outside the village envelope. Against loss of employment land;
- Loss of privacy to neighbouring property.

5.2 36 letters of objection have been received including one from Cllr Bucke. The points raised are summarised below:

- Adverse impact on Great Holland Conservation Area
- Outside village boundary
- No facilities/pavements (not socially sustainable)
- Out of character backland development
- Set undesirable precedent
- Church Lane cannot take additional traffic
- Adverse impact on resident's amenity (outlook/privacy/noise)
- Horticultural use been abandoned for 30yrs
- Poor drainage
- Adverse impact on wildlife
- Windows at second floor (loss of privacy)

5.3 9 letters of support received concerning;

- Removal of eye sore
- Good bus service
- No impact on the Public Right of Way
- New families boost local economy
- Design of dwellings in keeping

6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposal;
- Principle/Social Sustainability;
- Heritage/Character Impact;
- Design/Layout;
- Residential Amenities;
- Highway Safety;
- Trees Impacts;
- Biodiversity; and,
- Legal Obligation.

Site Context

6.1 The application site is located on the northern side of Church Lane within the settlement of Great Holland. The site measures approximately 0.63 hectares in size and comprises of the currently redundant Great Holland Nursery, which was once an established horticultural nursery that comprised of commercial glasshouses and storage buildings. The majority of the glasshouses have now been demolished.

6.2 Access to the site is via an existing driveway located between the dwellings known as 'The Hawthorns' and 'Greenways'. A public footpath runs along the western side of the driveway which is in the ownership of the applicant but divided with a fence. The site is divided into two main sections the eastern half is largely open and comprises of scrub grassland and the western half is occupied by vacant nursery buildings. The site boundaries contain a number of trees, particularly the northern boundary of the site which is lined by mature Oak Trees.

- 6.3 To the south of the site are detached residential properties that front onto Church Lane. The dwellings on the western side of the access driveway are served by deeper gardens than those on its eastern side which share a common boundary with site.
- 6.4 The site lies within the Great Holland Conservation Area and is located adjacent to the churchyard of All Saints Church which is a grade II* listed building. Having regard to both the Saved Tendring District Local Plan (2007) and the Draft Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) the majority of the site lies outside of any defined Settlement Development Boundary apart from the access which lies within. The site is also located within a protected green gap in the Saved Tendring District Local Plan (2007).

Proposal

- 6.5 This application proposes full planning permission and conservation area consent for the demolition of all buildings upon the site and the erection of two detached houses
- 6.6 The proposed dwellings would be situated at the northern end of the plot and face north with private gardens to the south abutting the dwellings fronting onto Church Lane. The proposed access road is to be retained and enhanced by supplementary planting and a new wall/fence to enclose the proposed private amenity areas.
- 6.7 The dwellings would comprise of 4 bedrooms and be served by double garages and private drives. The properties would measure 16.8m in width, 11.5m in depth and 8.5m to ridge height.

Principle of Development

- 6.8 The majority of the site, save for the access track, lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) and Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012) but adjacent to in both plans. Given that the Tendring District Local Plan Proposed Submission Draft 2012 is not yet fully adopted and is subject to change, in accordance with a number of appeal decisions, it can only be given limited weight.
- 6.9 It is accepted that the Council is currently unable to demonstrate a five year supply of deliverable housing sites although the provision of two dwellings would make only a modest contribution to the supply for the district as a whole.
- 6.10 As an adequate supply of housing cannot be demonstrated paragraph 49 of 'The Framework' applies in relation to the three dimensions of sustainable development. The proposed dwellings would generate economic activity during their construction and so would meet the economic dimension of sustainable development.
- 6.11 As stated above the proposed development is located adjacent to the SDB of Great Holland within both the Draft Plan and the Focused Changes Document. The NPPF at paragraph 29 acknowledges that sustainable transport solutions will vary between urban and rural areas. In this case, the proposal would result in a net gain of two dwellings and, as such, any increase in car generated trips would be extremely modest. Furthermore, the village benefits from bus services and the train station at Kirby Cross is in relative close proximity. Consequently, by rural standards, a range of transport options are available. Where residents do use the car, larger towns and villages, such as Clacton and Kirby Cross, and the services available within them are a short distance away such that residents would not be reliant upon lengthy car journeys. Therefore, the limited range of services within the village does not dictate that the development should be resisted, taking account of saved policy HG3 and the requirements of the NPPF. A range of transport options would be

available for future residents, commensurate with the location of the site. In terms of the three dimensions of sustainable development, identified at paragraph 7 of the NPPF, the proposal would not lead to any significant environmental harm as a result of future travel patterns. Therefore to be consistent with recent appeal decisions within Great Holland, most notably at 21 Manor Road & Land Adjacent to Mon Reve, the site is considered to be within a socially sustainable location.

- 6.12 The environmental role is about contributing to protecting and enhancing the natural and historic built environment which is considered below under Heritage and Character Impact.

Heritage/Character Impact

- 6.13 The application site is located in a set back location behind the existing ribbon of residential development that runs along both sides of Church Lane. To the north of the site, beyond the tree lined northern boundary, are open agricultural fields and to the east is the churchyard serving the grade II* listed All Saints Church. To the west of the site is a public footpath with the rear garden serving 'The Hawthorns' beyond. Furthermore, the site can be considered as 'brownfield' as it currently accommodates a number of vacant horticultural buildings that have been situated on this established nursery site for many years. Against this backdrop the site is considered to be well enclosed and the proposal for two houses set within landscaped grounds would have a minimal visual impact upon the character and appearance of the locality.
- 6.14 In the saved local plan the site is designated as a Local Green Gap. However, this designation is not being carried forward in the draft local plan. In regard to this designation it is considered that the site cannot be described as a 'green gap'. The site is currently occupied by commercial buildings and is of a different character and appearance to the rest of the 'green gap' to the north which comprises of open agricultural fields and woodland areas. The site is clearly divided from the open farmland by a line of mature trees. As such the development of the site would not erode any sense of this being an important 'green gap' and would not detract from the open land that surrounds the settlement. The presence of the existing vegetation on the site boundaries along with supplementary planting would assist in obscuring views of the development from the north along the public footpath.
- 6.15 Consequently, due to the existing presence of commercial buildings on the site and the screening effect of the current vegetation on the perimeters of the plot, the re-development of the site for housing purposes would not appear out of character or overly prominent in this set back location. It must also be noted that there are other properties set to the west of the site (The Warren and The Cottage) which are also set back a significant distance from Church Lane.
- 6.16 As stated above the site is located in proximity to a nearby church (All Saints Church) which is a grade II* listed building and within the Great Holland Conservation Area. Therefore careful consideration needs to be had in regard to the impact of the proposed development upon these heritage assets. In this respect the applicant has provided a Heritage Assessment which aims to justify the development against its impact upon the aforementioned assets.
- 6.17 The heritage statement provides historic maps which show the evolution of this section of Church Lane. What is evident is that the site has been occupied by a nursery and glasshouses since the 1930's whilst the rest of Church Lane is largely devoid of any residential development. More recent maps in the 1970's show the nursery occupying a much larger area of the site with open fields and woodland located to the north and north-east. The Great Holland Conservation Area Appraisal within the boundary review section acknowledges that 'Great Holland Nursery' is sufficiently well screened in its backland setting not to be a negative feature. The review goes on to state that the renovation,

development or redevelopment of the site must not increase the impact that this group of buildings has in views around the area, either from Church Lane and its associated buildings, the church and churchyard, the significant woods to the rear or to wider views from outside the area.

- 6.18 To address this issue, the two dwellings would be sited within the western part of the site in a location where the existing buildings are present. The existing screening to the north in the form of mature trees and the proposed supplementary planting will assist in screening views into the site from the north. In respect of views from the churchyard, views would be partially obscured by the existing church hall and with the nearest dwelling being located some 40m away from the boundary, combined with the proposed landscaping belt any perceived harm upon views within the conservation area would be minimal.
- 6.19 All Saints Church is located approximately 27m to the east of the site and sited in between the development would be a landscape buffer and the existing church hall. In addition the nearest dwelling to the church would be sited 75m from the church. Taking these matters into consideration and having regard that only a small area of the public footpath would allow for views of the development in conjunction with the church, the impact upon the church's setting is considered to be minor.
- 6.20 Historic England has been consulted due to the listed status of the church and the siting of the development within a conservation area. Within their comments Historic England have said the development might cause minor harm to the setting of All Saints Church, but the effect that this harm would have on the church's significance, and that of the conservation area, would be small as most of the site would remain undeveloped.
- 6.21 Therefore having regard to the existing pattern of built form in the locality, the current screening present on and around the site and the set back nature of the land, it is considered that the character and appearance of the conservation area setting would be preserved. The existing buildings present on site are in a dilapidated form and have little architectural merit. Their removal is therefore thought to be entirely acceptable and would assist in enhancing the limited views that exist into the site. It is therefore concluded that the development meets the test of the environmental context set out within the definition of sustainable development.

Design/Layout

- 6.22 The dwellings would be located at the northern end of the plot in the area of the existing redundant buildings on the site. The properties would face northwards with their rear gardens facing south. This arrangement allows for a good degree of privacy to the proposed garden areas with sensitive boundary treatment being applied to the western boundary of the access road. The back to back distance of the rear elevations of the proposed dwellings to those properties sited directly to the south is approximately 55m which far exceeds the distance recommended in the Essex Design Guide and ensures the privacy of those residents is suitably maintained. The layout and siting of the dwellings also provides the dwellings with private amenity areas in excess of the 100sqm required by saved policy HG9 of the Tendring District Local Plan (2007).
- 6.23 The existing dwellings along Church Lane are predominantly large detached properties set within spacious plots. As such the design approach looks to replicate this character by proposing two similarly designed properties set within extensively landscaped grounds. The twin gable design with horizontal detailing assists in breaking up the bulk of the dwellings and the use of render to the bulk of the properties and a brick plinth relates appropriately to the character and appearance of other dwellings in the locality. The garage buildings would appear subservient to the dwellings and consist of traditional proportions and materials.

6.24 The design and layout of the properties is therefore considered to represent an appropriate response to the character and appearance of the locality.

Residential Amenities

6.25 As stated above the layout provided shows the dwellings having a back to back distance of approximately 55m to the dwellings to the south which front onto Church Lane. This arrangement far exceeds the distance recommended in the Essex Design Guide to maintain resident's privacy levels. The distance shown combined with the new tree planting proposed would ensure that any impact on surrounding residents would be minimal. The closest property to the development would be 'Greenways' to the south. This property is located in a set back position and is unusual in that its private amenity space is located to its front. Therefore the amenity of the resident's of this property would be retained.

6.26 To the west the nearest property to the site is 'The Hawthorns'. The rear elevation of this property is located approximately 65m from the rear of the nearest proposed dwelling. This significant distance along with additional screen planting along the access road would safeguard the resident's outlook, privacy and light levels. A single obscure glazed window is proposed in the west facing flank of the nearest dwelling removing the potential for overlooking of the rear area of 'The Hawthorn's' garden.

6.27 In regard to the use of the vehicular access, its use by the residents of two dwellings would represent a significant reduction against the potential for the site to be reopened for commercial purposes. The domestic use proposed would remove any chance of the site being utilised for horticultural purposes and the potential for noise from delivery/collection vehicles accessing/exiting the site. The traffic movements associated with two dwellings would be low and not infringe upon local resident's amenity.

6.28 Therefore in having regard to the existing commercial use of the site, the degree of separation of the development to surrounding properties and the existing and proposed landscaping, any impact upon local residents would be minimal.

Highway Safety

6.29 Having regard to the existing lawful use of the site Essex County Council Highways have no objections to the proposal subject to the following conditions;

- the proposed vehicular access being reconstructed to a width of 5.5m and provided with an appropriate dropped kerb vehicular crossing;
- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
- 1.5m. x 1.5m. pedestrian visibility splays being provided on both sides of the access;
- vehicular turning facilities for motor cars being provided for both dwellings prior to occupation;
- Any gates erected at the vehicular access being inward opening only and recessed a minimum of 6m from the existing road;
- a (communal) recycling/bin/refuse collection point being provided within 25m of the highway boundary;
- the submission of a Construction Method Statement (CMS); and

- the adjacent PRow, Footpath No 4 (Great Holland) being resurfaced and compacted with recycled road plainings or a similar material and all obstructing vegetation removed from site to provide a minimum clear width of 1.5m and also clear to a height of 2.0m across the entire sites western boundary to the footpath.

6.30 The layout plan provided shows that each dwelling would be served by a turning area and 4 parking spaces. This meets the requirements of Essex County Council Highways and is commensurate with the current Parking Standards.

Tree Impacts

6.31 The trees on the site are protected by their position within a conservation area. Therefore a tree report/survey has been provided. The Council's Tree Officer has reviewed the report and has confirmed that the report shows that the position of the dwellings is such that they would not be within the Root Protection Areas (RPA's) of the mature Oak trees present on the northern boundary of the site.

6.32 The report does however identify that part of the northern section of the access will extend into the Root Protection Area's of some of the trees. Therefore a condition will be attached to any approved securing details of the construction of the access road to ensure that 'no dig' techniques are used. With these details being secured the Council's Tree Officer has confirmed that the development proposal could be implemented without causing any harm to the trees.

Biodiversity Considerations

6.33 Due to the presence of redundant buildings on the site and areas of vegetation a Phase 1 Habitat Survey was undertaken. The survey identified the presence of nearby ponds and therefore the potential for Great Crested Newts to be present on site. The survey also found that one of the existing buildings has good potential for supporting roosting bats.

6.34 As a consequence of the Phase 1 Habitat Survey's findings further detailed reports (Bat, Dormice and Great Crested Newts Surveys) were submitted.

6.35 The Phase 1 Habitat Survey found 6 ponds within 250m of the site. The detailed Great Crested Newt Survey looked in detail at the suitability of these ponds to contain Great Crested Newts and it was found that out of the ponds surveyed (1 pond was not surveyed due to lack of access) that none of the ponds contained Great Crested Newts and therefore it is unlikely they are present on site.

6.36 The preliminary Phase 1 Habitat Survey found that one building on site had the potential to provide roosting opportunities for bats and the small potential for dormice to utilise the northern boundary of the site. Therefore a detailed Bat and Dormice Survey was undertaken. In regard to bats the potential bat roosting crevices in the relevant building were checked with an endoscope and a combined survey effort of two emergence surveys and three detailed endoscope inspections was carried out. As a result no roosting bats, or evidence of bats, were recorded in the building. The northern boundary was confirmed to be of value to small numbers of foraging soprano pipistrelle bats and common pipistrelle bats.

6.37 The dormouse survey constituted two detailed visual searches for nests, however no dormouse nests were recorded.

6.38 Consequently, it was found that the northern site boundary is of moderate importance to small numbers of common bats species. It may also provide a link for dormice, if present, between two small areas of woodland. The surveys therefore recommend that the northern

boundary trees are retained and supplemented by additional planting, which is proposed. The inclusion of a condition securing a sensitive low level lighting scheme will also ensure that that the development proposals do not have an adverse impact upon bats or dormice.

Legal Obligations

- 6.39 Following the decision by the Court of Appeal in *West Berkshire District Council and Reading Borough Council v. Secretary of State for Communities and Local Government* [2016] EWCA Civ 441 the National Planning Practice Guidance (NPPG) has now been amended so as to prohibit LPA's from enforcing levies on certain development schemes.
- 6.40 This amendment now means that affordable housing or tariff contributions will no longer be imposed on development schemes of 10 or less dwellings.

Background Papers

None.