

**UTT/19/2118/OP – FELSTED**

MAJOR

**PROPOSAL:** Outline application with all matters reserved except for access for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping

**LOCATION:** Land East And North Of Clifford Smith Drive  
Felsted

**APPLICANT:** Mr D Payne

**AGENT:** Mr C Loon

**EXPIRY DATE:** 26<sup>TH</sup> November 2019. EOT 22<sup>nd</sup> January 2020

**CASE OFFICER:** Mrs Madeleine Jones

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**1. NOTATION**

1.1 Outside Development Limits. Within 250m of Local Wildlife Site. SSSI Impact Risk Zones. Adjacent Listed Building (Weavers Farm)

**2. DESCRIPTION OF SITE**

- 2.1 The site lies on the Eastern side of the Braintree Road and adjoins existing residential development along the southern western boundary. This adjacent development of 25 dwellings was given planning permission in 2014.
- 2.2 The site is 2.86 hectares, is irregular in shape and is unmanaged scrubland with some young self-sown trees. It is predominantly flat but rises up to the eastern boundary.
- 2.3 The site has hedging along the Braintree Road boundary, to the northern boundary and to the eastern boundary. To the southern boundary there is a post and rail fence. New trees have recently been planted along the common boundary of Clifford Smith Drive. Agricultural land is to the east of site beyond the land set aside for ecological reasons.
- 2.4 On the opposite side of Braintree Road, B1417 at this point is open arable farmland.
- 2.5 A set of electricity pylons run across the site from east to west.
- 2.6 To the north of the site and further along the B1417 is Weavers Farm. There is a group of large deciduous trees on this boundary near to the front of the site. Weavers Farm is Grade II Listed and is approximately 70 m from the northern boundary of the site.
- 2.7 South East of the site is an area set aside for ecological reasons as part of the planning for the adjacent Clifford Smith Drive development. This land is dedicated as a licenced ecological mitigation area for Great Crested Newts, including ponds and mounds.

2.8 There are a number of footpaths and other public rights of way close to the site, including the PROW 15 16 to the north of Weaver Farm to the north, PROW 15 7 along the driveway to Felmoor Farm and PROW 15 15 along the southern edge of the Clifford Smith Drive ecological area.

2.9 The land is mainly grade 3 agricultural land

### **3. PROPOSAL**

3.1 Outline application with all matters reserved, except for access, for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping

3.2 The indicative layout shows a mix of dwellings and it is proposed that they would be a range of dwellings from 1 bed roomed to five bed roomed houses. The indicative proposed mix is 4 x 5 bed, 8 x 4 bed, 16x3 bed, 11x 2 bed and 2 x 1 bed. Of these 40% would be affordable housing (16) and would include seven bungalows. The proposed density of the site is 14 dwellings per hectare.

3.3 It is proposed that two areas of the site would form public open space, one adjacent to the front boundary, one to the south eastern corner.

3.4 The drawings indicate a new footpath at the north eastern corner of the site which would provide a link to the existing FP 15.

3.5 An area adjacent to the site, beyond the hedging to the south eastern boundary is proposed for additional ecology mitigation and enhancement.

3.6 The new vehicular access would be created off Clifford Smith Drive to the south of the site.

3.7 It is also intended that adult outdoor exercise equipment would be made available on the site

3.8 There would be ten visitor parking spaces provided.

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

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

### **5. APPLICANT'S CASE**

5.1 The applicants case is supported by the following documents:

- Design and Access Statement
- Planning Statement incorporating Heritage Statement
- Biodiversity questionnaire
- Flood risk assessment and drainage strategy
- Great Crested Newt and Reptile Survey Report
- Community Consultation Report
- Transport Statement

- Landscape and Visual Appraisal
- Preliminary Ecological Appraisal
- Phase 1 Geo-environmental Desk Study Report (contamination)
- Addendum to Great Crested Newt and Reptile Survey Report and mitigation Options Report
- Report to inform a Habitats Regulations Assessment

## **6. RELEVANT SITE HISTORY**

- 6.1 DUN/0302/61 - Site for residential development. Refused
- 6.2 UTT/0892/90 - Construction of outside leisure facilities including lake for angling 4 no tennis courts, bowling green, Approved with conditions.
- 6.3 UTT/0981/91 - Erection for indoor bowling facilities with ancillary parking and removal of four redundant farm buildings. Refused.
- 6.4 UTT/ 18/0784/OP - Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping. Refused. Allowed on appeal.

## **7. POLICIES**

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

ULP Policy S7 – The Countryside  
 ULP Policy H9 – Affordable Housing  
 ULP Policy H10 – Housing Mix  
 ULP Policy ENV3 – Trees and Open Spaces  
 ULP Policy GEN1 – Access  
 ULP Policy GEN2 – Design  
 ULP Policy GEN3 – Flood Risk  
 ULP Policy GEN4 – Good neighbourliness  
 ULP Policy GEN6 - Infrastructure Provision to Support Development.  
 ULP Policy GEN7 – Natural Conservation  
 ULP Policy GEN8 – Vehicle Parking Standards  
 ULP Policy ENV7 - County Wildlife Site  
 ULP Policy ENV13 – Exposure to poor air quality  
 ULP Policy ENV2 – Listed Buildings

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

SPD – Accessible Homes and Playspace

### **National Policies**

National Planning Policy Framework (NPPF) (February 2019)

### **Other Material Considerations**

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

## 8. PARISH COUNCIL COMMENTS

### 8.1 Felsted Parish Council strongly objects to the application for an increase in dwellings on this site for the following reasons.

Previous claims for a “low density” scheme

The original application for this site, outside the Village Development Limits in open countryside, UTT/18/0784/OP stated in the submitted Design and Access Statement that the application was for a Low density Scheme of 12.5 dwellings per hectare.

The application went on to say “Up to’ 30 no. dwellings are proposed. The definition gives flexibility to reduce the number of dwellings e.g. in a future detailed application. However, the intention of the application is to demonstrate that a maximum of 30 no. dwellings can be successfully accommodated at this site”.

It added under the “Layout and Landscaping” statement;

“The plan shows a scheme of 30 dwellings within a low density scheme. It is designed to reflect a similar density to the adjacent housing area. The design has been led by a rigorous assessment of the landscape”.

UDC refused the previous application which then went to appeal, which was allowed.

This updated application to increase housing density, through proposing 41 houses in the same development footprint as previously offered for 30 dwellings, shows a cynical disregard of the previous claims to respect the adjacent development and the community of Watch House Green.

Impact on adjacent Grade 11 listed building – Weavers Farm

Appeal Ref: APP/C1570/W/18/3210034

In allowing the appeal for 30 houses, the Inspector recognised the potential impact on the setting of the adjacent grade 11 listed building, Weavers Farm. The Inspector advised that, in determining the appeal, regard was paid to the significance of the listed building’s historic architecture and its traditional vernacular appearance, saying “it contributes to the rural character of the area”.

The Inspector said, overall, “I consider the proposed development would harm the character and appearance of the area and would conflict with LP Policy S7 which states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. However, the harm identified would be limited given the localised and self-contained nature of the site and the limited impact on views to the development described above”.

The PC believes that any increased density would negatively impact the setting of the Grade 11 Weavers Farm.

Original application was refused twice by UDC Planning Committee

This new application selectively references both the Emerging Local Plan and Felsted Neighbourhood Plan (FNP), pointing out that the Appeal Inspector, whilst recognising the conflict with the FNP, said they could only apply limited weight because the FNP was some way from being made.

However, that was several months ago. These conflicts still exist but by contrast; the FNP has now been with the Examiner at Regulation 19 for several weeks and is very much more advanced.

The UDC Planning Committee twice refused the original application having discussed the conflict with the FNP.

Felsted PC believes that the FNP should now be considered a significant Material Consideration. The FNP does not support this site but importantly does support the delivery of 63 dwellings in other identified locations, which also offer significant community benefit.

#### Cumulative Impact of housing numbers

Felsted has had over 104 dwellings approved since January 2019 and the cumulative influence of such significant housing numbers has an adverse impact of both the community and the infrastructure of Felsted.

As one example, as confirmed by the School Head in his submission to the original application, our Primary School is full in every year except one.

If this application for an increase in dwelling numbers is allowed, in addition to the 104 dwellings already approved for Felsted this year, where exactly are the children from 115 homes expected to go when the Primary School is already full to capacity? The Local Authority simply demands a financial contribution towards education, but money is not what is needed; it is adequate pupil capacity or more importantly, a halt to the unrealistic constant approval of additional dwellings in a community that is already full to bursting point.

Respect for the fact that Felsted Parish is demonstrating a "Plan led" approach.

Felsted Neighbourhood Plan has been developed over almost 5 years with considerable community involvement.

The UDC Submitted Local Plan allocates 134 dwellings across ALL "Type A" villages, of which Felsted is one of 19, to 2033.

The Felsted Neighbourhood Plan (currently at Regulation 19) allocates 63 dwellings during the Plan period.

As stated above, Felsted has already had 104 dwellings approved this year alone, add the 63 in the FNP and it will be 167 so Felsted is already providing significantly more housing than is reasonable or equitable.

## **9. CONSULTATIONS**

### **Essex Police**

- 9.1 Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

### **Essex County Council Highways**

- 9.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

## **ANGLIAN WATER**

### 9.3 Assets

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

### 9.4 Wastewater Services

The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

### 9.5 Section 3 - Used Water Network

This response has been based on the following submitted documents: flood risk assessment and drainage strategy. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

### 9.6 Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

## **ESSEX COUNTY COUNCIL – EDUCATION**

- 9.7 Assuming that all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 3.69 Early Years and childcare (EY&C) places, 12.30 primary school, and 8.20 secondary school places.

The developer contribution figures referred to are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

### 9.8 Early Years and Childcare

The proposed development is located within the Felsted Ward. According to Essex County Councils childcare sufficiency data, published in summer 2019, there are a total of zero unfilled places recorded. For Essex county Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement

demand and also ensure a diverse range of provision so that different needs can be met. The data shows insufficient places to meet demand from this proposal. An additional 3.69 places would be provided at an estimated total cost of £64,287.18 at April 2019 prices. This equates to £17,422 per place. So, based on the demand generated by this proposal set out above, a developer contribution, index linked to April 2019, is sought to mitigate its impact on local EY&C provision.

#### Primary Education

- 9.9 This development would sit within the priority admissions area of Felsted School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 271 pupils on roll (May 2019). Having taken a couple of bulge groups, the school now has a Planned Admission Number of 30 pupils per year. The school was fully subscribed with a waiting list for the September's intake. Looking at the wider area which includes Flitch Green and Stebbing Primary Schools, the Essex School Organisation Services 10 year plan to meet demand for school places forecasts a need for additional spaces in eight of the ten year groups covered. So, based on the demand generated by this proposal, a developer contribution of £187,956.30, index linked to April 2019, is sought to mitigate its impact on local primary school provision.

#### Secondary Education

- 9.10 A developer contribution is not sought to mitigate this proposals impact on local secondary school provision.
- 9.11 Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

#### **London Stansted Airport**

- 9.12 We have no aerodrome safeguarding objections to the outline proposal.

#### **NATS SAFEGUARDING**

- 9.13 NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

#### **Archaeology**

- 9.14 The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the south of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). A moated site is also located to the south of the area at Little Grant Courts (EHER9562). West of the proposed development lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. There is therefore the potential for multi-period archaeological remains to be encountered within the proposed development.

Recommendation: Archaeological Trial trenching followed by Open Area Excavation

## Ecology Place Services

- 9.15 No objection subject to securing biodiversity mitigation and enhancement measures  
Summary  
We have reviewed the revised Preliminary Great Crested Newt and Reptile Mitigation Options (SES, October 2019) submitted by the applicant. This, with previously submitted documents, now relates to the likely impacts of development on designated sites, protected species and Priority species & habitats.  
We are therefore satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 9.16 As mentioned in the Great Crested Newt and Reptile Survey (Hybrid Ecology, May 2018) *“since there is potential for an offence (killing/injury of Great Crested Newts) to be committed during site work, a Natural England mitigation licence will be required.”* From the Preliminary Great Crested Newt and Reptile Mitigation Options (SES, October 2019) we note that the applicant would like to utilise the upcoming Essex Great Crested Newt District Level Licencing Scheme. The current Natural England Guidance for the Kent scheme states: *“you can join the scheme if you’re planning a new phased development or are part way through an existing one. You must not start development work until you receive your licence from Natural England.”* If, once the Essex Great Crested Newt District Level Licencing Scheme is launched, the applicant does not desire to use this scheme, the development should proceed using the current Natural England EPS licencing scheme. To ensure any protected and Priority species are not harmed by the development, a Construction Environmental Management Plan (Biodiversity) should also be secured as a condition of any consent. This will demonstrate the LPA’s duty to prevent wildlife crime under s17 Crime & Disorder Act 1998.
- 9.17 We also note that the Preliminary Great Crested Newt and Reptile Mitigation Options (SES, October 2019) states that the development will require the translocation of common lizards. A Reptile Mitigation Strategy should therefore be prepared which should identify the chosen translocation site, if site enhancements are necessary and an appropriate methodology for the translocation. This should be secured as a condition of any consent.
- 9.18 We note that the Preliminary Ecological Appraisal (T4 Ecology, March 2018) identifies sections of the site were inaccessible during the survey due to the density of the vegetation, and a comprehensive survey for signs of badgers could not be completed. As recommended in this report *“The site should be subject to careful, phased clearance under ecological supervision as appropriate... Should evidence of badger setts be identified during clearance, setts should be left undisturbed until it can be established by way of further ecological investigation as to whether the sett is active, whether it has the potential to be disturbed by development, and whether a license would be required to disturb the sett in relation to the proposals.”*
- 9.19 The mitigation measures identified in the ecological documents submitted should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.
- 9.20 We also support the proposed reasonable biodiversity enhancements included in the Preliminary Ecological Appraisal (T4 Ecology, March 2018), which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable



biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured prior to slab level. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

- 9.21 The site is situated within the recreational impacts Zone of Influence (ZOI) for the Essex Coast RAMS. Therefore, Natural England's advice should be followed to ensure that recreational impacts to the coastal Habitats sites are minimised from new residential development. The LPA is therefore advised that a financial contribution should be sought from the applicant in line with the Essex Coast RAMS, to be secured by legal agreement. The LPA will also need to prepare a HRA Appropriate Assessment Record to record the likelihood of any adverse effect on site integrity and secure the developer contribution for delivery of visitor management measures at the Blackwater Estuary SPA and Ramsar sites. We advise that the applicant should discuss this matter with the Local Planning Authority prior to submission of any details.

#### **Lead Local Flood Authority**

- 9.22 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

#### **Essex County Council Highways**

- 9.23 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

### **10. REPRESENTATIONS**

- 10.1 Neighbours were notified of the application by letter and site notices were displayed at the front of the site. The application has been advertised and 17 representations have been received. Expiry date: 8<sup>th</sup> October 2019
- 10.2 The following concerns have been raised:
- 10.3 The Planning Committee rightly refused the previous application for up to 30 houses. Unbelievably the Planning Inspectorate allowed the appeal based on some very dubious opinions and by basically ignoring facts about the available services. School full - ignore .Neighbourhood plan - ignore etc. etc.  
So what do our cynical developers do - apply for 41 houses, an increase of more than 36%.  
Actually not cynical, plain greedy and ignores the comments of the appeal decision. The transport assessment is a wonderful work of fiction based on what? Not facts evidently. Their table of movements is so obviously incorrect for 40 houses. They quote a bus service to Chelmsford suitable for commuters, 4 a day each way and the last bus from Chelmsford at 6pm!
- 10.4 Inadequate parking provision
- 10.5 Impact on biodiversity- deer, buzzards. Loss of habitats. The site itself has significant wildlife and only on Monday did we see the return of the herd of wild deer that regularly occupy the area. With vast areas of farmland around the site this area gives these animals and other wildlife a significant area of habitat and was part of

the reason that the development at Clifford Smith Drive and Porter Close was originally accepted. This site was there for the animals and wildlife to occupy. If the proposed development went ahead this would eradicate many species of animal. We selected this particular house on the plot due to the landscape opposite which is home to an abundance of nature and wildlife, and is now where the proposed housing is planning to be erected. We regularly see a deer/stag family present in this field as well as barn owls and fear for where they may be RE-housed during the construction? Alongside this, there are other creatures who inhabit this land which seems to have been given no regards whatsoever and the new building work will affect the pond life located at the far end of Clifford Smith Drive - the future of this village and on a wider scale, our wildlife is being threatened due to extensive development.

- 10.6 Felsted has in the past met or exceeded their requirement in this area - Uttlesford may not have but that is irrelevant - and the Felsted Neighbourhood Plan covers the next 15 year housing supply - it has now passed formal examination.
- 10.7 Highway safety – Road too narrow. Old bridge is extremely dangerous. Speed limit needs reducing. Traffic Congestion. The entrance to the new site also raises concern. This is proposed off of the north of Clifford Smith Drive, where there is not the existing infrastructure to give safe access, further increasing the risk for existing residents. The access point for the 41 homes would create a bottle neck as it meets Clifford Smith Drive especially as a number of cars are often parked along side the road which reduces the road to a single car width.
- 10.8 The Felsted Neighbourhood Plan (which has considered all relevant local factors) has already identified two potential sites for housing. This huge development if allowed to proceed will make a mockery of all the hard work and contributions of the local community in formulating the Neighbourhood Plan.
- 10.9 Inadequate infrastructure
- 10.10 Local school oversubscribed. Children will have to be transported by road
- 10.11 Local doctors surgery is full and cannot cope with the current demand. Our doctors' surgery is already overfull. There is provision of a new surgery in the Neighbourhood Plan, but at present it looks as though this carefully drawn up plan will be overwritten by the speculative builders.
- 10.12 Pollution
- 10.13 Flooding and drainage issues
- 10.14 It is an opportunity to try and make more money for the applicant at the expense of all concerned who live in the area.
- 10.15 I cannot contemplate for one moment why this application would be granted - it is a blatant attempt to undermine the efforts of the parish council to produce a robust neighbourhood plan, and this is simply seeking to get in before the cut off. There is one motive only, and the interests of our residents are not considered at all.
- 10.16 Further development on this site will change the nature of the hamlet.
- 10.17 Our lovely Felsted has grown in the 5 years we have been here. We moved from the city to enjoy the beautiful peaceful countryside now it is so much bigger. The roads

and schools can't cope the noise and smell of traffic is awful. Parking for the school is horrendous and day to day living is a problem. Getting to the village shop should take a few minutes but with all the traffic it can take much longer.

The beautiful scenery is now filling with new builds. The surgery can't cope. We don't need the extra burden of more properties spoiling our beautiful village life. We are a village not a town please keep it that way. We don't have the facilities for more properties we want green fields and trees that is why we moved from the city.

- 10.18 We have lived in Watch House Green for over three. We are horrified in how the area is continually being forced to grow and understand that the building application for the site known as Maranello has recently been passed. If this planning application for the site adjacent to Clifford Smith Drive is approved it will desecrate the structure of Watch House Green to the detriment of residents and wildlife.
- 10.19 This application is a cynical attempt to make more money out of this site. Having won approval at appeal the developer feels emboldened to ask for more than 1/3 more houses, not a 'slightly larger number' as described in Mr Loon's letter. This shows a brazen lack of regard for the earlier reservations about even more housing at Watch House Green.
- 10.20 Watch House Green Primary School is full and the financial contribution in the 106 legal agreement will not of itself provide educational spaces. This school monetary provision will NOT, in reality, address the educational shortfall. Further, the traffic movements around Watch House Green are seriously hampered morning and afternoon - both for our own Primary School and also for Felsted School and Felsted Preparatory School. There are frequent jams as the roadway is carrying two way traffic and cars are parked along all the roads. At my last count at 3pm there were 100+ cars parked - from Chaffix Farm to the entrance of Whippersnappers' Nursery and to halfway to Bannister Green. There is a solution offered in the NHP, but this may never happen in the face of the over-development being allowed in Felsted.
- 10.21 Watch House Green has 58 more houses already in the pipeline. In addition there is the recent development of Clifford Smith Drive. To allow this increase in numbers will bring the total of new dwellings to over 100. Further there is the proposed several thousand new homes in the shared Braintree and Uttlesford proposal for "West of Braintree" and an application to build many houses to the west of the Flich Way. The overall pressure on the area is immense
- 10.22 The water supply in Felsted has always been precarious. We witnessed the destruction of a school house by fire fairly recently, which was exacerbated by the lack of readily available water to the fire appliances.
- 10.23 The application does not offer any solution to the existing SUDS situation as it's not performing as required. The pond in front of our house has on two occasions flooded our neighbour.
- 10.24 By creating the new Bund for the new development this will increase the excess water flow into the pond at 24 Clifford drive. By creating this extra flow of water it will create a flood risk for my property. I can confirm my house has been flooded due to this pond overflowing. This has happened on two occasions and the last being in April 2018.  
I would also like to add that at no time has anyone contacted me from the company carrying out the flood surveys to discuss if there has been any flooding in this area. Who is the third party they spoke too? This development needs to be objected as it

will create a higher water flow the pond at 24 Clifford Drive of which will flood adjacent properties.

- 10.25 This latest application epitomizes the greed of developers they are not satisfied that they have been granted the right to build 30 homes, they now wish to increase this to 41. We cannot allow the developers to dictate the building of homes for maximum profit where will this end. The other site opposite the proposed site (Maranello) also won its appeal so another 28 homes will be built. Where is the infrastructure for all these developments? The B1471 is a B road and cannot keep sustaining the increased level of traffic. The road is already at a stand still during school drop off and pick up.
- 10.26 When we moved here 22 years ago Watch House Green was a hamlet. The granting of building Clifford Smith Drive has certainly opened the floodgates to the developers. If this application is approved it will increase the house numbers by an additional 69. Yet more permission has been given for 4 more homes opposite the Watch House as well as further development in Stevens Lane. All these hamlets will merge into Felsted and it will become another Flitch Green.
- 10.27 This unnecessary spread of characterless properties is becoming all too regular with the same developer tactics.
- 10.28 Myself, along with my family, including 2 young children have lived here since April 2017 and one of the main reasons we chose to move here was the appeal of a small unobtrusive neighbourhood surrounded by greenery. If it had been larger or more developed, it would have strongly affected our decision as we wanted to settle somewhere peaceful and in the countryside.
- 10.29 The additional traffic, not to mention the heavy construction traffic that is being proposed, will change the community and village considerably.

## 11. APPRAISAL

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

- A The development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, GEN2, GEN3, H9, ENV2, H10);
- B The access to the site would be appropriate (ULP Policy GEN1);
- C There would be a detrimental impact on protected species (ULP Policy GEN7; NPPF);
- D Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- E Flood Risk and drainage (ULP Policy GEN3; NPPF)
- F Other material planning considerations

### **A The development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, GEN2, H9, H10);**

- 11.1 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Paragraph 2 of the NPPF reiterates this requirement and paragraph 5 confirms that the NPPF is a material planning consideration.

- 11.2 The application site is located outside the development limits of Felsted within open countryside and is therefore located within the Countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy. Notwithstanding this, there is a presumption in favour of sustainable development as set out in the NPPF.
- 11.3 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 2.68 year land supply. As such the Council cannot demonstrate a five year supply of deliverable housing sites and because the figure is less than three years supply, the added protection of Paragraph 14 would not apply, even if the Felsted Neighbourhood Plan was made. At present it has still to pass through the referendum stage.
- 11.4 The NPPF recognises the intrinsic character and beauty of the countryside. At present Felsted Parish forms a group of hamlets which are each separated by open countryside. There is a new development of residential housing to the south west of the site and a Grade II listed building to the north beyond hedging and landscaping. It is necessary to assess the potential impacts on the setting of the adjacent listed building, as set out in Policy ENV2.
- 11.5 The indicative layout shows rear garden to properties backing onto the boundary with Weavers Farm. Views of Weavers from the application site are largely screened. Additionally, the application is for outline with all matters reserved apart from access, therefore the layout is a matter for future consideration. However, the indicative plan shows that the proposed dwellings could be set out on the site such that the effect of the proposed development on the setting of the listed building would preserve its significance. This would comply with Policy ENV2 and the NPPF.
- 11.6 As already stated, appearance, landscaping, layout and scale are all matters to be reserved should outline planning permission be granted. The indicative drawings submitted and information within the Design and Access Statement show a mix of housing which would be broadly consistent with the Strategic Housing Market Housing report consisting of a mix of 1,2,3,4 and 5 bedroomed properties, including 16 affordable dwellings and 7 bungalows. The principle of this form of development would appear to be appropriate in this location. The landscaping concept would provide for a green approach to the village and development set back into the site with a hedgerow to the highway frontage. Existing hedging to the front, north and east of the site is proposed to be retained. Trees to the south western boundary with

Clifford Smith Drive are also shown to be retained. New planting is proposed to compensate for any young trees needing to be removed for the access.

- 11.7 The indicative plans show that all of the units would have private amenity spaces capable of being in accordance with the requirements set out in the Essex Design Guide.
- 11.8 The indicative plans also show that there would be sufficient space for the required parking provision to be provide for the size of dwellings proposed. In order to comply with the adopted parking standards, ten visitor parking spaces would be required, these are also shown on the indicative site plan.
- 11.9 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments of 20 dwellings or more ,the council will require 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition and 2016 amendments. This requirement can be secured by way of a condition if planning permission is granted.
- 11.10 As already mentioned, there has been a lot of representations regarding the Felsted Neighbourhood Plan and that the proposal would be contrary to the aims of the Neighbourhood Plan. However, whilst the Council recognises the effort and time that has been invested in the preparation of the Felsted Neighbourhood Plan, the Neighbourhood plan has not yet been, although now it has been passed by referendum it now has significant weight. However, notwithstanding this, as the council has less than 3 years housing supply the additional protections afforded by paragraph 14 (in respect of Neighbourhood Plans), of the NPPF does not apply. The tilted balance with the presumption in favour of sustainable development therefore applies.
- 11.11 Since the previous application being granted at appeal, the housing shortfall has grown and although this application has a slightly higher density it is still in line with the NPPF and is lower than that allowed at appeal on the nearby site at Maranello. Therefore, the increase in housing numbers must be afforded significant weight.
- 11.12 It is considered that the weight to be given to the requirement to provide a 5 year land supply, and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is relatively sustainable and has an extant permission on the site for 30 dwellings, is allocated within the emerging Local Plan. Therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of the development is acceptable and that the principle of development of the site has already been established under the extant planning consent granted on appeal (UTT/18/0784/OP).

**B The access to the site would be appropriate (ULP Policy GEN1)**

- 11.13 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight.

- 11.14 The proposed development would utilise the access and spine road that already serves the recently approved, residential development located to the south of the site. The development would result in an increase in the number of vehicle movements using the access road and local network. This intensification has the potential to have a detrimental impact on the amenity of the occupiers of the dwellings that are located adjacent to the spine road, close to the access with Braintree Road and also local residents.
- 11.15 The new access would involve the removal of trees, however, additional planting is proposed to be carried out to mitigate against their loss, a matter for reserved matters as this falls within the landscaping proposals.
- 11.16 The existing issues within the area, for example parking related to the school, are not issues for the applicant to mitigate against and any obstructive or dangerous parking would be a law enforcement issue. The site is less than 1 km from the school and therefore within walking distance.
- 11.17 In order to facilitate walking or cycling journeys new footpath links are proposed from the site to enable pedestrians to use the footpath on the western side of the Braintree Road. This would enable safe access to the school and bus stop and also to the wider village facilities.
- 11.18 A new rural footpath link is also proposed from the site to the sites North east corner where it would join up to footpath FP15. This link would allow the new and existing residents to access the footpath without the need to access the footpath at the existing point further along Braintree Road.
- 11.19 It is not considered that the additional 11 dwellings proposed to that already given permission, is unlikely to result in a significant increase in traffic congestion to warrant refusal. Essex County Council Highways have been consulted and have no objections to the proposal subject to conditions.
- 11.20 In view of the above it is considered that the proposal would comply with the aims of Policy GEN1.

**C There would be a detrimental impact on protected species (ULP Policy GEN7; NPPF)**

- 11.21 Policy GEN7 seeks to protect biodiversity, protected species and habitats. The application is accompanied by a completed biodiversity questionnaire, a Great Crested Newt and Reptile Survey, a Preliminary Ecological Appraisal and an addendum to the Great Crested Newt and Reptile Survey and mitigation options report and a report to inform a Habitats Regulations Assessment.
- 11.22 The development would require the translocation of lizards which can be secured by a suitably worded condition, as they would be relocated to land within the applicant's ownership. Additionally some sections of the site were inaccessible during the survey due to the density of the vegetation, and a comprehensive survey for signs of badgers could not be completed. As recommended in this report "The site should be subject to careful, phased clearance under ecological supervision as appropriate... Should evidence of badger setts be identified during clearance, setts should be left undisturbed until it can be established by way of further ecological investigation as to whether the sett is active, whether it has the potential to be disturbed by development, and whether a license would be required to disturb the sett in relation to the proposals."

- 11.23 Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the ecological documents submitted should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species. They support the proposed reasonable biodiversity enhancements included in the Preliminary Ecological Appraisal (T4 Ecology, March 2018), which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured prior to slab level. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Subject to suitable conditions to minimise the impacts of the proposal they confirm that the proposal is acceptable.
- 11.24 The site is also located within the recreational impacts Zone of Influence (ZOI) for the Essex Coast RAMS. The applicant has confirmed that they would make a financial contribution in line with the Essex coast RAMS to ensure that recreational impacts to the coastal Habitats sites are minimised from the residential development. This can be secured by a S106 agreement. Within the Planning Inspectors appeal decision he stated that the contribution would be effective in mitigating the adverse effects of the proposal on the BESPAs and Ramsar site.
- 11.25 As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP Policy GEN7.

**D Affordable Housing, Education Contributions (ULP policies H9, GEN6)**

- 11.26 Policy H9 states that the Council will seek to negotiate on a site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal.
- 11.27 The Strategic Housing Market Area Assessment supports the provision of a range of Affordable Housing: Affordable Housing provision (rounded up to the nearest whole number) 40% on sites of 15 or more dwellings or sites of 0.5ha or more.
- 11.28 The site area is 2.8 hectares and as such a provision of 40% affordable housing is required. The proposal would include 16 affordable units (including seven bungalows). The indicative plan shows the affordable housing is integrated across the development and therefore is tenure blind.
- 11.29 The applicant has indicated that they are prepared to enter a S106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.
- 11.30 With regards to impacts on education facilities, the consultation response from Essex County Council Education Department has highlighted the requirement for additional Early Years and Childcare and Primary school places. No contributions are required in respect of secondary education provision. Therefore, financial contributions will be required to off-set the additional impacts arising from the proposed development. These are:
- EY&C - £64,287.18



- Primary - £187,956.30

11.31 The developer has indicated that they are prepared to enter into a Section 106 legal obligation to make a payment of contributions towards education provision. The proposal therefore subject to compliance with the s106 agreement requirements would comply with Policy GEN6.

#### **E Flood Risk and drainage (ULP Policy GEN3; NPPF)**

11.32 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

11.33 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere.

11.34 The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. A representation has been received in respect of flooding to the pond at 24 Clifford Drive. The NPPF paragraphs 163 and 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. The Lead Local Flood Authority have been consulted and they have no objection to the proposal subject to conditions. These conditions would ensure that appropriate mitigation is provided. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

#### **F Other material planning considerations – Cumulative impact, Examination of the Local Plan, Referendum in respect of Neighbourhood Plan**

##### **Cumulative impact.**

11.35 Concerns have been raised in representations about the increased pressure the development would put on the local surgery and the local primary school. The ECC Education Department has considered the proposals and would require a financial contribution towards the provision of additional school places should the development proceed. This could be secured by the way of a S106 legal obligation if planning permission was to be granted.

11.36 The local GP surgery in Felsted is a branch surgery of John Tasker House in Great Dunmow. No significant cumulative effects arise under local health care. A letter has been submitted from a GP at the local doctor's surgery, John Tasker House Surgery, which confirms that the Felsted Surgery has the capacity to accommodate any new patients generated from this developments and other approved schemes. Accordingly, it is considered that there are no significant cumulative health issues. This has some weight in favour of the positive contribution the proposal could make.

11.37 A further material consideration is that the site is an allocated site (Policy FEL2) within the Regulation 19 Local Plan, although this has limited weight at this point in time.

- 11.38 The Parish Councils comments have been noted, however it is considered that (as explained earlier) greater weight should be given to the lack of five year land supply of deliverable sites for residential development.
- 11.39 Reference has been made within the representations received that the proposal is not consistent to the Felsted Neighbouring Plan, however this plan has not been made, although it has now passed the referendum and carries significant weight. However, even when made will not benefit from the extra protections set out in Paragraph 14 of the NPPF due to the lack of a 3 year housing land supply.
- 11.40 The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the south of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). A moated site is also located to the south of the area at Little Grant Courts (EHER9562). West of the proposed development lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. There is therefore the potential for multi-period archaeological remains to be encountered within the proposed development. Specialist advice recommends archaeological trial trenching followed by open area excavation. This can be achieved by appropriate conditions.

#### **Examination of the Local Plan**

- 11.41 On 10<sup>th</sup> January, the Inspectors' letter setting out their views on the stage 1 hearings of the Uttlesford Local Plan was received. In paragraph 114 of the overall conclusions they state:

“In order to arrive at a sound strategy, we consider that as a primary consideration, the Council would need to allocate more small and medium sized sites that could deliver homes in the short to medium term and help to bolster the 5 year housing land supply, until the Garden Communities begin to deliver housing. This would have the benefit of providing flexibility and choice in the market and the earlier provision of more affordable housing. It would also create a buffer, so the target of 14,000 homes is not only just being met by a narrow margin and would allow for a less a steeply stepped housing trajectory”

- 11.42 This application would help in the short term to achieve the above recommendation.

#### **Referendum in respect of Neighbourhood Plan**

- 11.43 On 30<sup>th</sup> January 2020 the referendum for the Felsted Neighbourhood Plan was held to decide whether the Neighbourhood Plan for Felsted should be used to help decide planning applications in the neighbourhood area. The result of the votes cast was 687 yes and 65 no.
- 11.44 As a result the Neighbourhood plan now has significant weight. However, in view of the local Planning Authorities lack of three year supply of deliverable housing sites, paragraph 14 c) of the NPPF applies and paragraph 11 d) then applies to applications involving the provision of housing. It is not considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

## **12. CONCLUSION**

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

- A** The principle of residential development is considered acceptable.
- B** The means of access to the site is acceptable and that the proposals would not result in harmful impacts on the strategic highway network and would comply with the aims of GEN1
- C** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation. The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species, namely reptiles and great crested newts. As such the proposals comply with Policy GEN7 and section 15 of the NPPF. The financial contribution in respect of RAMS can be secured by a section 106 agreement.
- D** The proposed affordable housing provision is acceptable and educational financial contributions are acceptable and complies with policy H9 and GEN6. The contribution in respect of education £ 252,243.48 (index linked) can be secured by a s106 legal obligation.
- E** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable.
- F** There would be no material detrimental cumulative impact caused to warrant refusal of the proposal. As recommended by the inspector of the emerging Local Plan, this site would help in the short term to bolster the 5 year housing land supply, until the Garden Communities begin to deliver housing. It is not considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

**RECOMMENDATION – APPROVAL WITH CONDITIONS SUBJECT TO S106 LEGAL OBLIGATION:**

**(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:**

- (i) provision of 40% affordable housing**
- (ii) payment of contributions towards education provision**
- (iii) Provision/ completion and long term on-going maintenance (whether Felsted Parish Council or private management company) of open space (including LAP and outside adult exercise equipment) long-term maintenance arrangements for the sustainable drainage system and public open space and outside exercise equipment.**
- (i) Payment of contribution towards RAMS**
- (ii) payment of the Council's reasonable legal costs**
- (iii) payment of monitoring fee**

**(II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**

**(III) If the freehold owner shall fail to enter into such an obligation by 6<sup>th</sup> of March 2020 the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**

- (i) inadequate provision of affordable housing**
- (ii) Non-payment of education contribution**
- (iii) Non- provision of open space**
- (iv) lack of suitable long-term maintenance arrangements for the open space**
- (v) lack of suitable long-term maintenance arrangements for the proposed sustainable drainage system (SuDS)**
- (vi) Non- payment towards RAMS**

### **Conditions**

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.

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.

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.

4. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted and approved by the planning authority prior to reserved matters applications being submitted.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work. Subsequently the mitigation strategy shall be implemented as approved.

REASON: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005).

5. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as

detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005).

6. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In view of the historic importance of the site, in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005).

7. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

Justification: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed in accordance with Policy GEN3 of Uttlesford Local Plan adopted 2005

8. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

9. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning

Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. In accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005)

10. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

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

11. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace and in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

12. Prior to occupation of any dwelling, an access shall be formed at right angles to Clifford Smith Drive, as shown in principle on drawing no. DR1 (dated 06/03/2018) to include but not limited to: minimum 5.5 metre carriageway width with two 2 metre wide footways (around each radii) extending along Clifford Smith Drive to suitable dropped kerb pedestrian crossing points across Clifford Smith Drive, and a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall 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 vehicles using the road junction and those in the existing public highway the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

13. Prior to occupation of any of the proposed dwellings, a pedestrian link to connect the proposed development to public footpath no. 15 (Felsted) as indicated on DWG no. SP007-PL-05 Rev 00 (dated Aug 2019), shall be provided. Details of the pedestrian link, including a suitable surface, shall be submitted to the Local Planning Authority, in consultation with the Highway Authority, and approved prior to occupation of any dwelling. Subsequently the works shall be carried out as approved.

REASON: In the interest of highway safety and accessibility, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

14. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
  - i. safe access into the site;

- ii. 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 underbody washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

15. No unbound material shall be used in the surface treatment of any 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 Uttlesford Local Plan Policy GEN1 (adopted 2005).

16. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology, March 2018) and the Preliminary Great Crested Newt and Reptile Mitigation Options (SES, October 2019) 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 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 Uttlesford Local Plan Policy GEN7 (adopted 2005).

17. No development shall commence in respect of the development hereby permitted in any circumstances unless the local planning authority has been provided with either:
- a) a licence issued by Natural England authorizing the specified activity/development to go ahead; either a mitigation licence pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 or authorisation to work under the Essex District Level Licensing scheme; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998 and Uttlesford Local Plan Policy GEN7 (adopted 2005).

18. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.  
The Reptile Mitigation Strategy shall include the following.
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.

- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- h) Details for monitoring and remedial measures.
- i) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON:: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Uttlesford Local Plan Policy GEN7 (adopted 2005).

19. Prior to commencement 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 the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of biodiversity protection zones.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may 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.

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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Uttlesford Local Plan Policy GEN7 (adopted 2005).

20. Concurrent with reserved matters a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.
- The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).

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



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

21. Prior to the first occupation of the development hereby permitted, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for wildlife, such as bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005).

