

**UTT/ 20/0028/DFO**

**PROPOSAL:** Details following outline permission UTT/17/0649/OP (granted under appeal ref: APP/C1570/W/18/3205707) - Details of access, appearance, landscaping, layout, scale for 7 no. dwellings

**LOCATION:** Land Off Stevens Lane, Felsted

**APPLICANT:** Jenny Moody Properties Ltd.

**AGENT:** Petro Designs Ltd

**EXPIRY DATE:** 10 March 2020 (Extension of time to 09 October 2020)

**CASE OFFICER:** Clive Theobald

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**1. NOTATION**

1.1 UDC Adopted Local Plan – Outside Development Limits / affecting setting of Grade II Listed Buildings.

Felsted Neighbourhood Plan– Outside Development Limits.

**2. DESCRIPTION OF SITE**

2.1 The site lies on the north side of Stevens Lane, an unclassified single track road which loops off Braintree Road and comprises for the purposes of the land edged in red an extensively overgrown, flat and irregular shaped area of undeveloped land consisting of 0.494 ha which has a more discernible line of mature trees running along its north-western boundary with an adjacent grass service track, some which are the subject of a group TPO (Oak, Ash and Maple).

2.2 The site is flanked on its south-west side by a line of cottages, one of which is listed (Yew Tree Cottage) and on its south-east side by a residentially converted courtyard barn range, which includes a further listed building (Stevens Farm Barn). A pair of newly constructed dwellings have been erected to the south-east of this converted barn range between two existing dwellings further along Stevens Lane on its north side, whilst a line of established modern housing which is generally open plan in character comprising a mixture of detached and semi-detached dwellings exists within the inside of the curve of Stevens Lane on its south side, including opposite the site. Arable agricultural land exists to the north (rear) of the site.

**3. PROPOSAL**

3.1 This reserved matters application relates to the erection of 7 no. dwellings with all matters reserved which follows on from a grant of outline planning permission at appeal under reference ref; UTT/17/0649/OP seeking the principle of residential development at this undeveloped site.

3.2 The proposed site layout for the current DFO application shows seven two storey market dwellings comprising detached and semi-detached units all with detached garages of varying house types which would radiate around a new access road

which would be formed off Stevens Lane, two of which (Plots 1 and 2) would front onto the lane.

3.3 The proposed housing schedule for the proposed development is as follows:

Plot No.	Storeys	No. of bedrooms	Garden amenity size	Parking spaces
Plot 1	2	3	165sqm	2
Plot 2	2	3	140sqm	2
Plot 3	2	5	465sqm	4
Plot 4	2	4	445sqm	4
Plot 5	2	4	395sqm	4
Plot 6	2	5	520sqm	4
Plot 7	2	4	395sqm	3

3.4 An area of similarly overgrown land lying immediately behind the site on its north side within the ownership/control of the applicant as shown edged in blue on the site location plan is proposed to serve as a Great Crested Newt translocation site where this translocation site was identified at outline application stage for approved application UTT/17/0649/OP and which has since been partially addressed pending the grant of a newt licence by Natural England.

#### 4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposal amounts to “Schedule 2” development (10. Infrastructure Projects - (b) Urban development projects...) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwellinghouse development; (ii) does not exceed 150 dwellings and (iii) the overall area of the development does not exceed 5 hectares, the proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a “sensitive area”.

#### 5. APPLICANT’S CASE

5.1 The application is accompanied by a Planning Statement which sets out the scope of the application proposal, a Design and Access Statement which sets out the access considerations and design principles for the current reserved matters application and also an Ecology Strategy report which deals with the subject of great crested newt translocation from the application site to an area of undeveloped land immediately behind the site where this matter arises from approved application UTT/17/0649/OP.

5.2 It is stated in the supporting information that the proposed housing layout for the current reserved matters application represents a layout improvement for the site compared to the indicative layout which was submitted for approved application ref; UTT/17/0649/OP where this previous layout was shown for illustrative purposes only to show how eight dwellings could possibly be accommodated on the site. It is further stated that the current DFO application has been submitted as seven residential units from the eight as approved under UTT/17/0649/OP to improve the overall site density for this edge of hamlet location.

## 6. RELEVANT SITE HISTORY

- 6.1 Outline planning permission with all matters reserved was granted on appeal on 19 March 2019 for the proposed residential development of this greenfield site consisting of 8 no. dwellings. In his decision letter, the Inspector formed the view that the site was located within a sustainable location on the eastern edge of Bannister Green, even though the site was strictly within the countryside, that housing on the site would result in some very limited harm through the loss of an area of undeveloped space adjacent to the settlement whereby this loss could be mitigated through appropriate landscaping, and *“that the potential layout, form and scale of the development within a fairly central position within an existing settlement provide special reasons in this case for supporting its need to be there, particularly given the Council’s acknowledged position within the Officer’s report where it does not have a five-year supply of deliverable housing land”*.
- 6.2 The Inspector also formed the view that the proposed housing layout as indicatively shown for the outline submitted scheme would not lead to any harm to the setting of the adjacent listed buildings (Yew Tree Cottage and Stevens Farm Barn) where he commented that both these listed buildings sat within their own grounds with Stevens Farm Barn separated by other buildings from the appeal site, adding, *“There is a clear physical and visual disconnection between the listed buildings and the appeal site in heritage terms, beyond the fact that they are near to each other”*, whereby the Inspector concluded on this point that the proposal would, at the very least, preserve the setting of the nearby listed buildings in accordance with listed building legislation, relevant advice contained within the NPPF and also ULP Policy ENV2 of the Council’s adopted Local Plan.
- 6.3 With regard to other matters, the Inspector noted that no public footpaths cut through the appeal site as had been asserted by some local residents (Footpath No.45 runs to the north of the site), that drainage could be addressed, and that ecology surveys undertaken were adequate and that mitigation measures could be put in place to ensure a net gain in biodiversity. Overall, the Inspector found that the proposal would accord with the adopted Development Plan for the area and that the “tilted balance” set out at Paragraph 11 of the Framework was engaged.
- 6.4 In recognition of the “tilted balance” and in summing up, the Inspector commented that; *“In this respect, I find that the very limited adverse impacts of the loss of an undeveloped space directly adjoining the settlement would not significantly and demonstrably outweigh the benefits; including the provision of new homes within a sustainable location and a net-gain for biodiversity”*.

It should be noted that the Inspector in addressing the relevant issues for the appeal proposal did not make any reference to affordable housing, nor did he make this a requirement of any approval for the eight dwelling outline submission in front of him.

## 7. POLICIES

### National Policies

National Planning Policy Framework (NPPF)

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN7 – Nature Conservation  
ULP Policy GEN8 – Vehicle Parking Standards  
ULP Policy ENV2 – Development affecting Listed Buildings  
ULP Policy ENV3 – Open spaces and trees  
ULP Policy H9 – Affordable Housing  
ULP Policy H10 – Housing Mix

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

SPD “Accessible Homes and Playspace”

### **Other Material Considerations**

#### **Felsted Neighbourhood Plan (FNP) – formerly made on 25<sup>th</sup> February 2020.**

FEL/CW1 – Landscape and Countryside Character  
FEL/HN1 – Meeting Housing Needs  
FEL/ICH1 – High Quality Design  
FEL/HN7 – Housing Mix  
FEL/HN8 – Habitats Regulations Assessment

Essex Design Guide  
ECC Parking Standards – “Design and Good Practice” (September 2009)  
UDC Parking Standards (adopted February 2013)

## **8. PARISH COUNCIL COMMENTS**

### **8.1 Object**

- Design and scale of the proposed dwellings, which are best described as executive style homes, would fail to have due regard to the site’s rural setting and character and would fail to preserve the setting of the adjacent two listed buildings;
- Smaller dwellings in a variety of styles and using more appropriate materials would be more suited to the site;
- Retention of the frontage boundary hedge should be a requirement of any planning permission granted;
- The Parish Council have significant concerns regarding the logistical and practical difficulties relating to the construction of this development for this designated quiet lane.

## **9. CONSULTATIONS**

### **ECC Highways**

- 9.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective.

### **ECC Place Services (Heritage)**

- 9.2 Stevens Lane is a Quiet Lane, semi-circular in plan, on the north side of the hamlet of Bannister Green, Felsted. It is narrow and rural in character, despite a

number of houses having been built on its south side in the second half of the 20th century. This development, which has outline planning further to an appeal, is located in a wooded field on the north side of the Lane. Either side of the field, there are two Grade II listed buildings: Stevens Farm Barn to the east, an eight bay 16th/17th century barn now residential, and to the west Yew Tree Cottage, a thatched single storey cottage dating to the 14th century.

The appeal inspector concluded that the development would not affect the setting of the listed buildings and would accord with policy of ENV2 of the ULP, which says that such development should be in keeping with their scale, character and surroundings. The scheme can be considered in the light of those criteria.

The hedge would be preserved on Stevens Lane with only one access made through it. This would help preserve the appearance of the Lane. Two houses, the more modest ones, would face the Lane, and although partially screened would follow the pattern of gappy development along it. Beyond the frontage, the development is a close of executive style houses on individual plots, a type of development new to this locality. Although the houses reference the Essex Design Guide in striving to achieve a traditional appearance, their deep plan forms, usually almost square, and low pitched roofs, are quite at odds with Design Guide principles. Narrower plan depths would make the properties look less bulky, and steeper pitched gables, particularly on front elevations where these run into the main part of the building, would improve the look of the house. This is particularly true of plot 1 on the frontage. In view of its prominent position on the frontage, and at the entrance to the close, plot 7 would benefit from revision; it has a gable of very slight projection and an unbalanced elevation, which does not succeed in making any form of statement, as well as presenting a blank wall to the lane.

No information is given as to proposed materials. Most of the houses would be clad in what looks like weatherboard, but is likely to be cement fibre board. Traditionally, weatherboard was used for agricultural buildings, cottages, and sometimes for side and rear elevations of brick fronted houses, not for houses of this scale. The introduction of different materials, such as more brick, and some render, would add variety. Good quality materials could soften the appearance of the buildings.

The development is said to be 'arcadian' in character. To achieve this, there would have to be significant tree and hedge planting within the close to provide a setting to the properties, and in particular to soften the car parking hard standings that occupy much of the front gardens.

The development would be more in character with its setting, and that of the listed buildings, if there were some revision to the design of the properties. Further information is required on their detailing and of the landscaping. I assume this will be done by condition, and I recommend the following:

- A schedule of materials to be used for the houses must be approved by the local planning authority before work starts;
- Works shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- Window and door frames shall be set into brickwork by at least 70mm behind the face of the bricks.
- Details of paving, and hard and soft landscaping and boundary treatments, must be approved by the local planning authority before work starts.

### **ECC Place Services (Ecology)**

9.3 No objections subject to securing an EPS Mitigation Licence for Gt Crested Newts.

#### Summary:

We have reviewed the Construction Environmental Management Plan: Biodiversity (SES, November 2019) and the Ecological Design Strategy (SES, December 2019) supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, with identification of proportionate mitigation.

The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Estuary SPA & Ramsar site. Therefore, Natural England's advice should be followed to ensure that impacts are minimised to the coastal Habitats Sites (European designated sites) from new residential development in combination with other plans and projects. The LPA is therefore advised that a financial contribution should be sought in line with the Essex Coast RAMS, from the residential development within the ZOI specified.

This contribution will need to be secured by legal agreement. The LPA will also need to prepare a HRA Appropriate Assessment Record to determine any adverse effect on site integrity and secure the developer contribution for delivery of visitor management at the Blackwater Estuary Habitat Sites.

The current Natural England Standing Advice on Great Crested Newt translocation states that the receptor site should be selected based on good land survey data from the site assessment and characteristics like connectivity and quality, have no or limited public access and not be enclosed by permanent fencing.

The Ecological Design Strategy (SES, December 2019) identifies that a footpath will be mown in the receptor site. This should be avoided unless "there's a strong case for public access" as recommended by the current Natural England Guidelines.

Also, as part of the planning permission UTT/14/2626/FUL for Site A, the site of this development was used as a receptor site and has received previous enhancements for Great Crested Newts, including the creation of a new pond. Given this pond is currently dry, and the Ecological Assessment (The Ecology Practice, March 2017), included in the Outline application (UTT/17/0649/OP) for this development, does not identify any additional enhancements on site (e.g. hibernacula), it is understood the site was unsuccessfully previously enhanced for Great Crested Newts. Therefore, the proposed enhancements detailed in the Ecological Design Strategy (SES, December 2019), including provision of a pond liner, should be strictly implemented and are likely to result in an increased suitability for amphibians in the receptor area.

If the proposed receptor site and management are not approved by Natural England, then the applicant will need to identify alternative land and/or management to secure a European Protected Species mitigation licence. We

recommend that a copy of the GCN mitigation licence is provided to the LPA to demonstrate its compliance with s17 Crime & Disorder Act 1998.

Additionally, Appendix 2b of the Ecological Design Strategy (SES, December 2019) identifies permeant TAF fencing between the receptor site and the development site, and between the site and Pond 5. As aforementioned Natural England Guidelines on Great Crested Newt translocation state the receptor site should not be enclosed by permanent fencing. This barrier to Great Crested Newt dispersal should be removed once construction is complete to allow movement between ponds.

The Construction Environmental Management Plan (SES, November 2019) identifies appropriate mitigation measures, including the provision of an Ecological Clerk of Works, to ensure no impacts to Protected and priority species during construction. These should be implemented in full.

The long-term management of the site, to be included in a LEMP (as a condition of Outline approval UTT/17/0649/OP) should include methods for the sensitive long-term management of the receptor site for Great Crested Newts including the timings of management works.

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

Recommended Conditions:

- (1) Action required in accordance with ecological appraisal recommendations
- (2) Submission of a copy of the eps licence for great crested newts

## **10. REPRESENTATIONS**

- 10.1 7 representations received (object). Neighbour notification period expires 5 February 2020. Advertisement expires 13 February 2020. Site notice expires 10 February 2020.
- 10.2 The representations received reflect in essence the objections raised by the Parish Council to the current reserved matters scheme (see above) regarding suitability of design and layout of the proposed dwellings and the impact of the proposed development of the adjacent listed buildings. Comments are also expressed about the principle of housing development at this greenfield site, including impacts on local wildlife and Stevens Lane, although the principle of residential development at this greenfield location has already been accepted at appeal under ref; UTT/17/0649/OP as explained above for relevant planning history.

## **11. APPRAISAL**

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

- A Whether proposed access arrangements would be acceptable (ULP Policy GEN1);
- B Whether the scale of the proposed development would be acceptable (ULP Policies, S7, GEN2 and ENV2, FEL/CW1 and FEL/ICH1);

- C Whether the layout of the proposed development would be acceptable (ULP Policies GEN2, GEN8 and ENV2, FEL/ICH1);
- D Whether the appearance of the proposed dwellings would be acceptable (ULP Policies GEN2 and ENV2, FEL/ICH1);
- E Whether indicated landscaping measures would be acceptable / Trees (ULP Policies GEN2, GEN7 and ENV3, FEL/ICH1);
- F Impact of the proposed development on residential amenity (ULP Policy GEN2);
- G Housing mix / Affordable housing requirements (ULP Policies H9 and H10, FEL/HN1 and FEL/HN7);
- H Impact upon protected / priority species (ULP Policy GEN7, FEL/HN8).

**A Whether proposed access arrangements would be acceptable (ULP Policy GEN1)**

- 11.1 Stevens Lane is an unclassified, single track lane and also a designated “Quiet Lane” which arcs off Braintree Road. Vehicular access to the proposed housing development would be via a single 5m width shared service road which would be tarmac finished and which would have a Type 3 turning head designed to cater for the turning of larger vehicles where the ability for such vehicles to enter and exit the service road satisfactorily has been demonstrated through swept path analysis as shown on the submitted revised site layout plan (ref; 1083 01B). The site access would have vehicular sight splays of 2.4m x 43m in each direction along Stevens Lane whereby the site access point would be positioned on the outside of the curve of Stevens Lane. Two vehicle passing places, one to be formed either side of the new site entrance on the north side of Stevens Lane are included on the site layout for the proposed scheme.
- 11.2 ECC Highways have been consulted on the application proposal given that Access falls to be a reserved matter for consideration and have not raised any highway objections to the proposed scheme on either access or highway safety grounds based upon the access arrangements as shown subject to recommended highway conditions. Accordingly, the proposal as submitted would comply with ULP Policy GEN1. It should be noted that the proposed development would not be suitable for adoption by the Highway Authority.
- 11.3 With reference to the “Quiet Lane” designation of Stevens Lane, no objections have been raised by ECC Highways in this respect, whilst it is noted that the Planning Inspector remarked for the appeal decision in allowing the principle of residential development at this location that there would be ways in which construction traffic could be managed and that *“the quantum of development is such that it is unlikely that traffic movements would be of a level that would significantly adversely affect the tranquillity of the Quiet Lane that already serves several dwellings, nor the highway network more generally”*.

**B Whether the scale of the proposed development would be acceptable (ULP Policies, S7, GEN2 and ENV2, FEL/CW1 and FEL/ICH1)**

- 11.4 The submitted scheme would have a mixture of six house types that would vary from smaller, two storey 3 bedroomed semi-detached dwellings at the front of the site to larger two storey 5 bedroomed detached dwellings at the rear of the site. The smaller dwellings shown positioned along the lane frontage for Plots 1 and 2 would face existing semi-detached dwellings in Stevens Lane, whilst the detached dwelling shown for Plot 7 would be positioned opposite a detached dwelling. The existing hedgerow which exists along the site frontage and which is a notable feature of this section of Stevens Lane would be retained through the proposal

except for a gap which would be required to facilitate the proposed new road access into the development and the appropriate site splays and thus reducing the visual impact of the proposed development on the semi-rural street scene.

- 11.5 It is considered that the size and scale of the development as shown would be in keeping with those dwellings which exist opposite the site along Stevens Lane and would be keeping with the local area in general and would not impact significantly on the rural amenities of the area whereby any wider views of the development from open land to the rear of the site from Public Footpath No.45 would be restricted due to the area of undisturbed vegetation that would continue to exist behind the site for a proposed Great Crested Newt relocation area and as the existing hedgerow onto the western side of the site would be retained through the proposal. As such, no design objections are raised to Scale as a submitted reserved matter under ULP Policies S7 and GEN2 or under FEL/ICH1.
- 11.6 Place Services Heritage have been consulted on the application given the setting of the site between two listed buildings and have commented that the development should be seen in the context of the planning inspector's comments for approved application UTT/17/0649/OP who commented that the housing development would not affect the setting of the listed buildings, noting that some of the frontage hedge along Stevens Lane would be retained through the development and thus preserving the appearance of the lane. However, they have criticised the overall presentation of the submitted scheme for the current reserved matters application insofar as they consider that insufficient regard has been had to the site's setting in terms of the size of the dwellings, their deep plan form and the choice of external finishes, to include cladding. However, Place Services do not go as far as recommending refusal of the application, but suggest that the introduction of a wider choice of materials, such as more brick, and some render, would add variety to the scheme. No heritage objections are therefore raised under ULP Policy ENV2 in this section (see further commentary at paragraph 11.11 below).

**C Whether the layout of the proposed development would be acceptable (ULP Policies GEN2, GEN8 and ENV2, FEL/ICH1)**

- 11.7 The Planning Inspector commented in his appeal decision letter for outline application UTT/17/0649/OP for the erection of eight dwellings for this undeveloped site that the illustrative housing layout arrangement submitted for that approved application showing a double row of dwellings leading off Stevens Lane was only one possible way in which the dwellings may be laid out "*rather than a definitive outcome*". The proposed housing layout as shown for the current reserved matters application has been the subject of pre-application discussions with Council officers whereby the number of dwellings for the scheme as now shown has been reduced from eight to seven units by the applicant to reduce the housing density of the site and also to provide an improved spatial relationship between the proposed dwellings within their respective plots.
- 11.8 The dwellings would have good sized garden plots which would not be overlooked either within the development itself or from adjacent properties given the separation distances which would exist to the flank boundaries of the site where all of the dwellings would have private rear garden amenity areas exceeding 100sqm as set out in the housing schedule above and thereby complying with the recommended 100sqm minimum rear garden amenity standards for 3 and 4+ bedroomed dwellings as set out within the Essex Design Guide.

- 11.9 The site is level which would mean that level access would be able to be afforded to each front door of the dwelling on the development. An accessible homes condition was imposed on the grant of outline approval for this housing development in principle, although it is considered necessary in the interests of condition certainty for the same condition to be re-imposed on any grant of permission for the current reserved matters application given that the layout of the development has since changed from that indicated from the outline layout scheme.
- 11.10 All of the dwellings would have on-plot parking provision consisting of both covered parking and frontage hardstandings on 6m wide driveways whereby all of the garages shown would be recessed behind the dwellings with the exception of the single garage shown for Plot 1. The level of parking shown for each dwelling would meet and exceed UDC locally adopted parking standards for 3 and 4+ bedroomed dwellings as set out in the housing schedule above, whilst the garages and hardstandings would comply with ECC parking standards relating to garage bay and hardstanding sizes (7m x 3m and 5.5 x 2.9m respectively). No design objections are therefore raised to Layout as a reserved matter under ULP Policies GEN2 and GEN8 and FEL/ICH1.

**D Whether the appearance of the proposed dwellings would be acceptable (ULP Policies GEN2 and ENV2, FEL/ICH1)**

- 11.11 The proposed development would incorporate a range of house types incorporating differing architectural styles whereby some dwellings would have cantilevered sections and roof dormers. The dwellings would be externally finished in a mixture of tiles, slate, facing brickwork and cladding with brick garages. It should be noted for this reserved matters application that the applicant (Jenny Moody Properties Ltd.) is the same housing developer responsible for building the dwellings which exist opposite the site in Stevens Lane whereby the applicant has stated that there would be a strong intentional relationship in the appearance of the dwellings proposed for the currently submitted reserved matters scheme and those already built opposite where it is the case that some of the dwellings proposed for the current scheme would be of the same house type specifications as those opposite.
- 11.12 The applicant has responded to Place Services comments in an email to the Council by stating the following;

*“The advice from Place services has noted that a schedule of materials must be approved by the planning authority before work starts, together with details of windows, doors, eaves, verges and cills. It is considered therefore that approval of these items should be conditioned and addressed at a later date*

*We do not agree with the suggestion from Place Services that weatherboarding is not suitable for houses of this scale. We have completed a number of similar houses in the Uttlesford Council area and all other Essex Council areas and have never had any issues with the weatherboarding material proposed. Weatherboarding is widely used and accepted in Essex and the use is detailed within the Essex Design Guide as a suitable material.*

*With regards to brick types, we do have a problem here as bricks are currently in short supply. We cannot therefore propose and guarantee a specific type or make that may or not be available in the future”.*

- 11.13 It is considered that the proposed dwellings would reflect the local vernacular style of existing built form on the opposite side of Stevens Lane, which show how a good design can be achieved. Whilst it is accepted that some of the dwellings are quite large, it is the view of the author of this report that the design of the dwellings as shown would have a less than significant impact on the setting of the adjacent listed buildings and at a level whereby the development would be acceptable in heritage terms subject to the conditions as recommended by Place Services to ensure a satisfactory form of development. As such, no design objections are raised to Layout as a reserved matter under ULP Policies GEN2, GEN8, ENV2 and FEL/ICH1 subject to the imposition of such heritage conditions.

**E Whether indicated landscaping measures would be acceptable / Trees (ULP Policies GEN2, GEN7 and ENV3, FEL/ICH1)**

- 11.14 The proposed scheme would aim to retain as much as possible of the existing vegetated frontage boundary onto Stevens Lane together with the mature trees and hedgerows which flank the site as stated on the submitted site layout plan thereby reducing the impact of the development within its natural setting. No specific landscape details have been submitted showing internal boundary treatments, which is partly due to the applicant having to meet certain ecological requirements regarding the translocation of Great Crested Newts. Notwithstanding that this is a reserved matters application, it is considered that further hard and soft landscaping measures for the site can be conditioned whereby implementation of this condition would coincide with the survey works to translocate any newts found on the site to the agreed translocation site behind the site. No objections are therefore raised to Landscaping as a reserved matter under ULP Policies GEN2, GEN7 and ENV3, FEL/ICH1.
- 11.15 The line of preserved trees comprising Oaks, Ash and Field Maple which run along the western flank boundary of the site with the existing track, some of which represent good mature specimens, would be unaffected by the proposal and no objections are raised under ULP Policy ENV3.

**F Impact of the proposed development on residential amenity (ULP Policy GEN2)**

- 11.16 The proposed dwellings would have good separation distances to their respective rear boundaries whereby there would not be any significant residential amenity loss in terms of overbearing effects, loss of privacy or loss of light to the nearest residential properties which exist to the sides of the site, namely Yew Tree Cottage and Stevens Farm Barn, where the closest dwellings within the development to these adjacent properties, namely Plots 3 and 6, are set at oblique angles to these properties. No residential amenity objections are therefore raised under ULP Policy GEN2.

**G Housing mix / Affordable housing requirements (ULP Policies H9 and H10, FEL/HN1 and FEL/HN7)**

- 11.17 The development proposes a mix of 3, 4 and 5 bedroomed dwellings as set out in the Housing schedule in this report above. This housing mix is in line with the latest housing needs assessment for the district which has found that market housing is generally in need of dwellings with three or more bedrooms, whilst the latest housing needs survey for Felsted which was conducted by RCCE in 2016 now requires updating. Furthermore, the dwelling mix would be consistent with the housing mix within the general area. In this context, the proposal is considered to

comply with the provisions of ULP Policy H10 as far as this housing policy still has force against the NPPF and when assessed against the latest SHLAA.

- 11.18 Policy FEL/HN7 of the made Felsted Neighbourhood Plan states that new housing will be supported where it provides 2 or 3 bedroomed accommodation suitable for young families, or homes suitable for older people that can encompass accessible and adaptable homes, other types of accommodation identified in the latest assessment of local housing needs, or affordable housing as “*a mix of housing to meet any future locally identified need*” (FEL/HN1). It is noted in the Felsted Housing Needs Survey (2016) tabled in the Plan that 3 bedroomed accommodation represented the highest identified local demand at 41.19%, with 2 bedroomed at 27.85% and 14.35% at 4 bedroomed. Whilst the proposed bedroom accommodation mix at the proposal site has a higher tendency towards 4 bedroomed accommodation than 3 bedroomed, it is considered that it would not be appropriate to refuse the application on this basis.
- 11.19 The site is less than 5 ha. in size (0.49 ha) and involves the erection of seven dwellings as a Minor planning application. Paragraph 5.4.11 of the Felsted Neighbourhood Plan states that the parish will seek to “*extract the maximum community value from major development*”. Therefore, given the proposal does not represent major development, it would be difficult to require affordable housing for the site proposal, or in the alternative to request a commuted sum, under ULP Policy H9 of the adopted Local Plan.

#### **H Impact upon protected / priority species (ULP Policy GEN7, FEL/HN8)**

- 11.20 It was an ecological requirement as part of the outline application for this housing scheme approved under UTT/17/0649/OP that any Great Crested Newts which presently exist at the application site resulting from a newt translocation exercise relating to an approved two dwelling scheme to the west at land adjacent to Stevens Farm (UTT/14/2626/FUL) due to the close proximity of frontage ponds to that adjacent development site (dwellings now built) be re-translocated to the area of overgrown land to the rear of the application site as a new receptor site whereby receptor enhancements were included within the ecology strategy submitted for UTT/17/0649/OP, including the creation of a new pond. It is understood, however, that a subsequent exercise to relocate newts to the rear land was unsuccessful.
- 11.21 ECC Place Services (Heritage) have advised that given that this pond is currently dry and the Ecological Assessment (The Ecology Practice, March 2017) included in the Outline application (UTT/17/0649/OP) for this development does not identify any additional enhancements on site (e.g. hibernacula) that the proposed enhancements detailed in the Ecological Design Strategy (SES, December 2019), including provision of a pond liner, should be strictly implemented and are likely to result in an increased suitability for amphibians in the receptor area. Place Services have also advised that the Construction Environmental Management Plan (SES, November 2019) identifies appropriate mitigation measures, including the provision of an Ecological Clerk of Works, to ensure no impacts to protected and Priority species during construction and that these works should be implemented in full. Furthermore, they advise that the long-term management of the site, to be included in a LEMP (as a condition of Outline approval UTT/17/0649/OP) should include methods for the sensitive long-term management of the receptor site for Great Crested Newts including the timings of management works.

- 11.22 It is the case that the applicant is currently seeking a Great Crested Newt Licence from Natural England whereby the grant of the licence would be dependent, the Council understands, upon planning permission being granted for the current reserved matters application given the requirements of the licencing process. Place Services Ecology have not raised any objections to the identified newt strategy given the aforementioned advice subject to the implementation of ecological appraisal recommendations and the issue of the EPS Licence which are conditioned and which the applicant has agreed to. No objections are therefore raised under ULP Policy GEN7 (FEL/HN8).
- 11.23 The site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Estuary SPA & Ramsar site. Therefore, Natural England's advice should be followed to ensure that impacts are minimised to the coastal Habitats Sites (European designated sites) from new residential development in combination with other plans and projects. It is therefore a requirement of the applicant to make a financial contribution in line with the Essex Coast RAMS, from the residential development within the ZOI specified where this is currently £125.58 per housing unit and would need to be paid to the Council by way of a legal obligation to commit to making the contribution before development commences.
- 11.24 The applicant has confirmed that it is agreeable to pay the SPA/Ramsar contribution whereby this would be through the making of a Unilateral Undertaking to the Council, which would represent an appropriate form of legal obligation for this type of tariff type contribution using a standard wording template where the same undertakings have been used for other development sites within the Zol where it is not necessary to have a commitment made though a s106 agreement for this process.

## **12. CONCLUSION**

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

- A The proposed access arrangements are considered to be acceptable.
- B The scale of the proposed development in terms of design, countryside impact and impacts on the setting of adjacent listed buildings is considered to be acceptable.
- C The proposed housing layout is considered to be acceptable.
- D The appearance of the dwellings is considered to be acceptable.
- E The landscaping measures submitted are considered acceptable subject to further landscaping enhancements, which can be conditioned.
- F The development would not cause significant residential harm to the occupiers of adjacent properties.
- G The housing mix for the proposed development is considered to be acceptable.
- H The development would not have a harmful impact on protected species subject to the successful translocation of Great Crested Newts.

### **RECOMMENDATION – APPROVAL WITH CONDITIONS WITH UNILATERAL UNDERTAKING – SPA/RAMSAR**

#### **Conditions**

1. Prior to commencement of development details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping

details to be submitted shall include planting plans, including specifications of species, sizes, planting centres, number and percentage mix for new planting areas, including for external boundary treatments and internal means of enclosure and also details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies S7, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual amenities of the area.

2. The existing frontage hedgerow to the site along Stevens Lane and the existing hedgerow along the private track onto the western boundary of the site shall both be retained in accordance with the hedge retention details as stated on Site Layout Plan ref; 1083 01B unless the local planning authority gives its written consent to their removal or variation. Should any part of the hedges die, be removed or become seriously damaged or diseased, they shall be replaced during the following planting season by native hedges planted in accordance with a specification previously approved in writing by the local planning authority.

REASON: To protect the existing site boundary planting in the interests of visual and rural amenity in accordance with ULP Policies S7, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

3. No development shall take place until the materials to be used for the external surfaces of the dwellings and garages hereby approved have been submitted to and approved in writing by the local planning authority. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of preserving the historic character and appearance of the adjacent listed buildings and their settings in accordance with ULP Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition: To ensure that rural amenity and the setting of the adjacent listed buildings are not compromised by the resulting development.

4. No development shall take place until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to

and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of preserving the historic character and appearance of the adjacent listed buildings and their settings in accordance with ULP Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition: To ensure that rural amenity and the setting of the adjacent listed buildings are not compromised by the resulting development.

5. Window and door frames shall be set into brickwork by at least 70mm behind the face of the bricks.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of preserving the historic character and appearance of the adjacent listed buildings and their settings in accordance with ULP Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to occupation of any dwelling, the private drive shall be formed at right angles to Stevens Lane, to include but not limited to: minimum 5 metre carriageway width with appropriate radii and clear to ground visibility splays with dimensions of 2.4 metres by 43 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of the development, the two passing places along the site frontage, as shown in principle on DWG no. 01B (Site Layout Plan), shall be provided. The passing places shall be retained in perpetuity for their intended purpose.

REASON: In the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

9. All garages provided shall be a minimum of 7 metres x 3 metres and all vehicular hardstandings provided shall be a minimum of 5.5 metres x 2.9 metres.

REASON: To ensure a satisfactory standard of development in the interests of highway safety and to ensure compliance with adopted vehicle parking standards

in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the garages to the dwellings hereby approved shall be retained for the parking of domestic vehicles in connection with the use of the properties and shall not be converted to another use, including conversion to habitable accommodation, without the prior approval in writing of the local planning authority.

REASON: To ensure that off-road parking is provided and maintained in the interest of traffic safety on the adjoining highway and to avoid the requirement for further buildings for this purpose in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

11. All of the 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the LPA's SPD "Accessible Homes and Playspace".

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), freestanding buildings erected on any part of the site or an access/hardstandings created without the prior written permission of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of preserving the historic character and appearance of the adjacent listed buildings and their settings in accordance with ULP Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Design Strategy (SES, December 2019) and Construction Environmental Management Plan (SES, November 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. These will require update for the reserved matters application but should follow the principles already set out.

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) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

14. No works in in any circumstances shall commence unless the local planning authority has been provided with either:
- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; 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 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) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the satisfactory translocation of Great Crested Newts can be achieved for this development proposal.

15. Prior to dwelling occupation the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council

Department: Planning

Date: 16 SEPTEMBER 2020