

UTT/21/0757/DFO

(FELSTED)

PROPOSAL: Details following outline application UTT/20/1596/OP for 7 dwellings. Details of layout, appearance, landscaping, and scale.

LOCATION: Land At Maranello
Watch House Green
Felsted
Dunmow

APPLICANT: Maranello Developments Ltd

AGENT: Mr Graham Fisher

EXPIRY DATE: 29th April 2021.

CASE OFFICER: Madeleine Jones

1. NOTATION

1.1 Outside Development Limits. Within 250m of Local wildlife Site (Fritch Way). Public right of Way

2. DESCRIPTION OF SITE

2.1 The site lies in the northern part of Watch House Green, and north east of the village of Felsted. It forms part of the garden of the dwelling house known as Maranello, which includes the large linked attached swimming pool to the west of the house.

2.2 There are existing residential properties to the east and south east of the site and planning permission has recently been granted for 28 dwellings to the south west, west and north west of the site, following grant of outline permission at appeal.

2.3 To the north of the site is an existing driveway (which is also a public right of way) which provides access to Felmoor Farm and a day nursery. This access leads onto the Braintree Road. Beyond the access track is open countryside. Mature trees line the existing access road.

2.4 A new access road was approved under planning application UTT/18/1011/OP to serve the approved 28 dwellings to the adjacent site and subsequently under UTT/20/1596/OP

3. PROPOSAL

3.1 This application relates to the Approval of Reserved Matters, following the grant of outline planning permission for the erection of 7 dwellings, under Outline Approval reference UTT/1596/OP

3.2 Access was considered under the application UTT/20/1596/OP and therefore only appearance, landscaping, scale and layout are for consideration as reserved matters. A new access road would be provided which would join onto the new

access road approved as part of planning application UTT/18/1011/OP and then subsequently UTT/20/1596/OP.

3.3 The table below shows the proposed housing mix

Plot	Housing Type	Garden size m ²	Parking provision
1	4 bed	129	3
2	3 bed	165	2
3	4 bed	335	4
4	3 bed	150	2
5	3 bed	145	2
6	3 bed	110	2
7	3 bed	163	2
Visitor Parking			4

3.4 All dwellings have on plot parking and the plans show 4 additional visitor parking spaces.

3.5 All dwellings have in excess of 100m² private amenity space.

3.6 The proposal shows the loss of 7 trees and 9 new trees to be planted.

3.7 A new access road would be provided with a new junction serving the farm and nursery off of the new development access drive. A pedestrian footpath would be created from the development linking to the pavement on the western side of the B1417

3.8 The existing access to Maranello would be moved further away from the B1417 junction

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.

Human Rights Act considerations:

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

5. APPLICANT'S CASE

5.1 The application was supported by a Planning Statement, a Transport Statement, and an Ecological Survey and Assessment.

6. RELEVANT SITE HISTORY

- 6.1 UTT/20/0356/PA: Erection of seven dwellings
- 6.2 DUN/0237/68: site for 3 dwellings – refused.
- 6.3 DUN/0488/65: Site for 3 dwellings - refused
- 6.4 UTT/0393/75: Erection of stable block. tack room and store – Conditional approval
- 6.5 UTT/0393/75: Erection of stable block. tack room and store – Conditional approval
- 6.6 UTT/0393/75: Erection of stable block. tack room and store – Conditional approval
- 6.7 UTT/0393/75: Erection of stable block. tack room and store – Conditional approval
- 6.8 UTT/1802/03/FUL: - Change of use of field to garden. – Conditionally approved.
- 6.9 UTT/18/1011/OP: Outline application, with appearance, landscaping and scale reserved, for the construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping. allowed at appeal. (adjacent site)
- 6.10 UTT/20/0757/DFO: Details following outline application UTT/18/1011/OP (granted under appeal ref: APP/C1570/W/18/3210501) for 28 dwellings. Details of appearance, landscaping, and scale. Approved with conditions.
- 6.11 UTT/20/1596/OP: Outline application, with all matters reserved except for access, for the demolition of part of existing building and the erection of 7 no. dwelling houses. Approved with conditions.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 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 GEN7 – Natural Conservation
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy GEN6 – Infrastructure Provision to Support Development
- ULP Policy ENV7- County Wildlife Site
- ULP policy ENV2 – Development affecting Listed Buildings

Felsted Neighbourhood Plan (Made 25th February 2020)

- 7.2 FEL/CW1 – Landscape and Countryside Character
- FEL/HN5: Residential Development outside Development Limits
- FEL/CW1 – Landscape and Countryside Character
- FEL/ICH1: High Quality Design

Supplementary Planning Documents/Guidance

- 7.3 SPD – Accessible Homes and Playspace

National Policies

- 7.4 National Planning Policy Framework (NPPF) (Sept 2019)

Other Material Considerations

- 7.5 National Planning Policy Guidance (NPPG)
Essex Design Guide
ECC Parking Standards – Design and Good Practice (September 2009)
UDC Parking Standards (adopted February 2013)
Interim Climate Change Planning Policy

8. PARISH COUNCIL COMMENTS

- 8.1 The Parish Council objected to the original application because it was inconsistent with, and against key policies of the Felsted Neighbourhood Plan. The Parish Council continues to believe that it is an inappropriate development, and they have no comment to make on plans for the layout, scale, landscaping and appearance.

9. CONSULTATIONS

ECC Ecology

- 9.1 No objection subject to securing biodiversity mitigation and enhancement measures.

ECC Highways

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

Environmental Health

- 9.3 No objections

10. REPRESENTATIONS

- 10.1 Neighbours were notified by letter and site notices were displayed at the front of the site. The application has been advertised and 2 representations have been received. Expiry date 8th April 2021.

- 10.2 Summary of representations received as follows:

Objections:

- Inadequate parking provision
- Highway safety
- Contrary to Neighbourhood Plan

- Inappropriate housing mix.

Support:

- The houses are well proportioned in relation to one another, and the landscaping will create a pleasant aspect for each property.
- I fully support the opportunity for new families to be able to own their first home and this scheme will offer just that, with well thought out living accommodation, in sympathetically designed surroundings.

11. APPRAISAL

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

- A Principle of development of this site for residential purposes– (NPPF, ULP Policy S7)**
- B Access (ULP Policy GEN1);**
- C Design and impact on neighbour’s amenity (ULP Policy GEN2, H10 and SPD “Accessible Homes and Playspace”);**
- D Vehicle Parking Standards (ULP Policy GEN8);**
- E Affordable housing (ULP Policy H9);**
- F Impact biodiversity (ULP Policies ENV3 and GEN7).**
- G Flood Risk and drainage (ULP Policy GEN3; NPPF)**

- A Principle of development of this site for residential purposes– (NPPF, ULP Policy S7)**

11.1 This scheme is for 7 residential units and follows an outline application reference UTT/20/1596/OP. As such the principle of the development has already been accepted. There are no further relevant changes in planning policy since that date that would reverse that decision.

11.2 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 3 confirms that the NPPF is a material planning consideration.

11.3 The reserved matters to be considered are therefore only appearance, layout, landscaping and scale which are considered below.

- B Access (ULP Policy GEN1);**

11.4 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.

11.5 The application includes the formation of a new vehicular access road and For the existing access into Maranello to be relocated further away from the B1417 junction. This would reduce traffic conflict at the junction. The public right of way,

footpath 7, connects Braintree Road to the Flitch Way runs along the northern side of the existing access road. This right of way would be retained. Essex County Council as Local Highway Authority now has no objections.

11.6 The access proposals were approved at the outline stage.

11.7 In view of the above it is considered that the proposal would comply with the aims of Policy GEN1.

C Design and impact on neighbours amenity (ULP Policy GEN2,H10 and SPD “Accessible Homes and Playspace”);

11.8 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.

11.9 The housing mix and parking provision of the individual plots for this application is as per the table below.

Plot	Housing type	Garden size	Parking
1	4 Bed	129	3
2	3 Bed	165	2
3	4 Bed	335	4
4	3 Bed	150	2
5	3 Bed	145	2
6	3 Bed	110	2
7	3 Bed	153	2
Visitor			4

11.11 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design

11.12 The site layout submitted is similar to the layout submitted at outline stage and is considered to be appropriate for the site.

11.13 The properties comprise a mix detached and link detached properties. A mix of materials is proposed consisting of render, brick and boarding. The design, appearance, scale and external materials of the proposed dwellings reflect the Essex vernacular as detailed in the Essex Design Guide.

11.14 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2-bedroom properties 50 sqm+. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide

11.15 The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbour’s amenity. The proposed layout of the development takes into account the position and orientation of the existing adjacent

properties and the distances set out in the Essex Design guide to prevent any overlooking and loss of amenity to the occupiers of existing properties.

- 11.16 The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4

D Parking (ULP policy GEN8)

- 11.17 The proposed properties are a mixture of three, and four bedroomed dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for two and three bedroomed dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.

- 11.18 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, 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 and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations, it states:

Where a parking space is provided for the dwelling, it should comply with all of the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
- c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
- d) The parking space is level or, where unavoidable, gently sloping
- e) The gradient is as shallow as the site permits.
- f) The parking space has a suitable ground surface.

- 11.19 The plans would comply with the above amended building regulations

- 11.20 As set out in the table above it can be seen that each property would be able to meet the required parking standards. There is sufficient space for four unallocated parking spaces within the development to provide visitor parking. Therefore, the proposals comply with Policy GEN8.

E Affordable housing (ULP Policy H9);

- 11.21 Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing

- 11.22 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.

- 11.23 Government guidance states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account. These circumstances are that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (Gross internal area).
- 11.24 This site is 0.38 hectares and is for seven dwellings, therefore there is no requirement for affordable housing provision.

F Impact biodiversity (ULP Policies ENV3 and GEN7).

- 11.25 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.
- 11.26 An ecology survey and assessment was submitted with the outline application and a number of conditions were attached to the outline application.
- 11.27 Previous ecology comments from Place Services Ecology on the outline application (UTT/20/1596/OP, 10th August 2020) including a developer contribution to visitor management at the Blackwater Estuary SPA & Ramsar site under the Essex Coast RAMS, additional biodiversity enhancement features are still relevant to this application. A Unilateral undertaken was submitted at the outline stage.
- 11.28 Specialist ecology advice is that the non-native species should be avoided and replaced with native species. Additionally, hedgehog highways in the boundary fencing is expected. These can be achieved under discharge of condition application attached to the outline application.
- 11.29 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.

G Flood Risk and drainage (ULP Policy GEN3; NPPF)

- 11.30 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. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

Other material considerations

- 11.31 Since the outline application has been approved, the council has adopted an Interim Climate change Planning Policy. Interim Policy 14 requires all new homes with on plot parking should be provided with at least one installed fast charging point and at

least 20% of parking spaces in new developments should be provided with installed fast charging points. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. The applicant agreed at outline stage to provide the infrastructure for a minimum of a single electric vehicle charging point shall be installed at each of the dwellings and a condition was attached to the outline application in this respect.

12. CONCLUSION

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

- A** The principle of the development has been established under UTT/20/1596/OP
- B** The new access road is considered to be acceptable and to comply with ULP policy GEN1 and was granted under UTT/20/1596/OP
- C** The design and scale of the dwellings is considered to be appropriate for this site.. The housing mix for the development is considered to be acceptable. Adequate amenity space can be provided.
- D** Sufficient parking provision would be provided to comply with ULP policy GEN8.
- E** There is no planning policy requirement for affordable housing
- F** The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species. As such the proposals comply with policy GEN7
- G** The proposal would not give rise to flooding issues and complies with policy GEN3.

RECOMMENDATION – APPROVAL WITH CONDITIONS

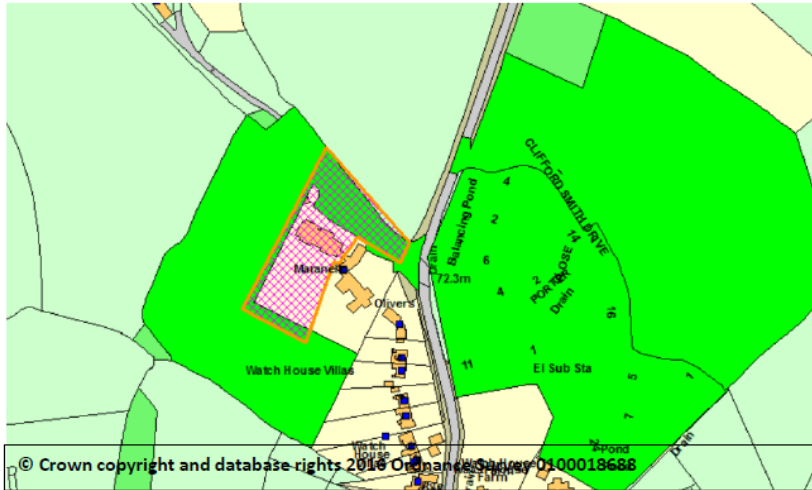
Conditions

1. 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 policy GEN1

2. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with ULP policy GEN1



Organisation: Uttlesford District Council

Department: Planning

Date: 27 APRIL 2021