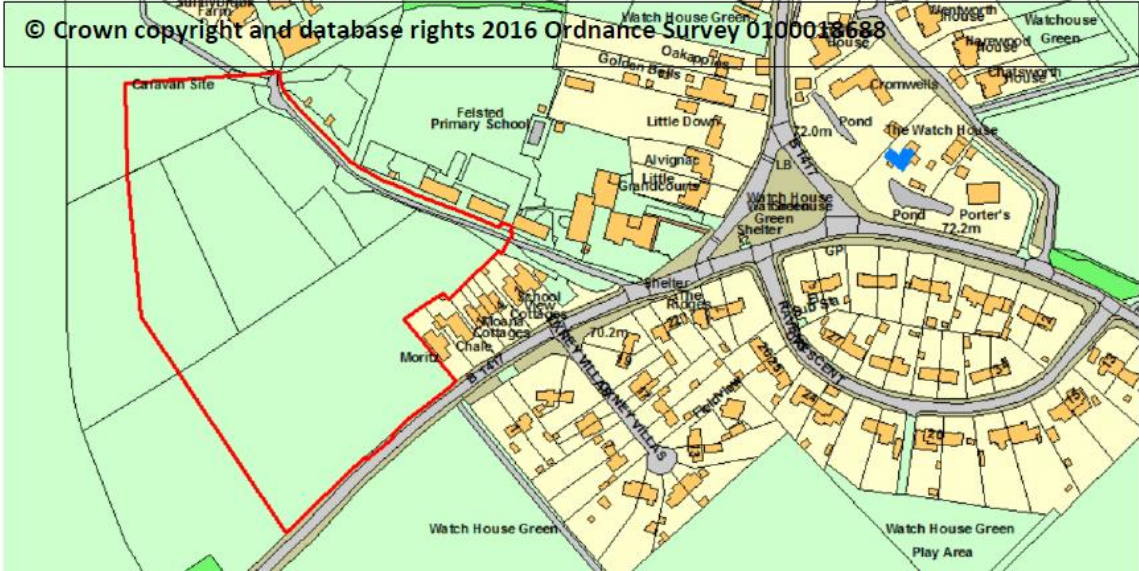


ITEM NUMBER:

REFERENCE NUMBER: UTT/20/1882/FUL

LOCATION: Land at Sunnybrook Farm,  
Braintree Road, Felsted

SITE LOCATION PLAN:



Organisation:	Uttlesford District Council
Department:	Planning
Date:	16/02/2022

© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council Date: 29 November 2021

**PROPOSAL:** Construction of 24 no. dwellings and school related community car park served via a new access from Braintree Road complete with related infrastructure and landscaping.

**APPLICANT:** Mr D. Cooney.

**AGENT:** Mr Chris Loon c/o Springfields Planning and Development.

**EXPIRY DATE:** 02.11.2020 (extension of time agreed until 01.04.2022).

**CASE OFFICER:** Clive Theobald.

**NOTATION:** Uttlesford Local Plan: Outside Development Limits.

Felsted Neighbourhood Plan: Part Inside / Part Outside Village Development Limits / Housing Allocation Site FEL/HN2 – Land at Braintree Road (Sunnybrook Farm).

---

**1.0 RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT:**

**1.1 (1) The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 16 April 2022 the freehold owner enters into a binding agreement 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 an agreement to secure the following:**

- **Construction of a 90 no. space school/community car park, complete with landscaping, drainage and enclosures;**
- **Transfer of the completed school/community car park to Felsted Community Trust (or other body designated by Felsted Parish Council) with assignable contractor warranty;**
- **Provision of a maintenance sum of £10,000 (ten thousand pounds) to Felsted Community Trust (or other body designated by Felsted Parish Council) in respect of the future maintenance of the school/community car park;**
- **Construction of a new pedestrian entrance and related works to the south-west side of Felsted Primary School;**
- **Construction/re-surfacing of the public footpath between Braintree Road and the application site, complete with drainage;**
- **Provision of an equipped Local Area for Play (LAP) and arrangements for its management and maintenance;**

- **Management and maintenance of the SUDS drainage scheme, including the drainage attenuation area;**
- **Management and maintenance of public open space;**
- **Financial contributions towards mitigating impacts upon the Blackwater Estuary SPA/Ramsar site (pursuant to the Essex RAMS/tariffs);**
- **Financial contribution of £10,000 for funding: (a) a consultation by Essex County Council with the North Essex Parking Partnership and (as may be required) the public; and (b) the costs of making a Traffic Regulation Order (TRO) and carrying out of TRO approved works for extending school waiting restrictions, complete with road marking and signage along Braintree Road in the vicinity of Felsted Primary School;**
- **Pay the Council's reasonable legal costs;**
- **Pay the monitoring fee.**

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

**(3) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:**

- **Failure to implement the construction of a 90 no. space school/ community car park, complete with landscaping, drainage and enclosures;**
- **Failure to implement the transfer of the completed school/ community car park to Felsted Community Trust (or other body designated by Felsted Parish Council) with assignable contractor warranty;**
- **Failure to implement the payment of a maintenance sum of £10,000 (ten thousand pounds) to Felsted Community Trust (or other body designated by Felsted Parish Council) in respect of the future maintenance of the school/community car park;**
- **Failure to implement the construction of a new pedestrian entrance and related works to the south-west side of Felsted Primary School;**
- **Failure to implement the construction/re-surfacing of the public footpath between Braintree Road and the application site, complete with drainage;**
- **Failure to provide an equipped Local Area for Play (LAP) and arrangements for its management and maintenance;**

- **Failure to implement the management and maintenance of the SUDS drainage scheme, including the drainage attenuation area;**
- **Failure to implement the management and maintenance of public open space;**
- **Failure to make financial contributions towards mitigating impacts upon the Blackwater Estuary SPA/Ramsar site (pursuant to the Essex RAMS/tariffs);**
- **Failure to make a financial contribution of £10,000 for funding: (a) a consultation by Essex County Council with the North Essex Parking Partnership and (as may be required) the public; and (b) the costs of making a Traffic Regulation Order (TRO) and carrying out of TRO approved works for extending school waiting restrictions, complete with road marking and signage along Braintree Road in the vicinity of Felsted Primary School;**
- **Failure to pay the Council's reasonable legal costs;**
- **Failure to pay the monitoring fee.**

1.2 **Conditions:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement of development, full details of both hard and soft landscape works, including details of planting for the landscaping buffer proposed for the western boundary of the site, the proposed copse at the northern end of the site, internal swale areas, public open space areas and the proposed car park, 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:-

- a) proposed finished levels
- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- h) location of service runs
- i) management and maintenance details

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 Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the development can be properly assimilated in time into the local landscape at this location to reduce its visual impacts.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. 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: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

4. Prior to commencement of development, details of the materials to be used in the external finishes of the dwellings as approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such unless otherwise agreed in writing by the LPA.

REASON: In the interests of preserving the visual amenities of the area in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the resulting development has a satisfactory appearance.

5. Prior to occupation of any dwelling, the road junction with Braintree Road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres, including the tangential splay to the north-east, as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. DR1 Rev. B (Proposed Access and Visibility, 04/09/2021). Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

6. Prior to occupation of any dwelling, an access formed at right angles to B1417 Braintree Road, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii (to facilitate the passing of opposing vehicles and refuse vehicles entering/exiting the site) and two 2 metre footways, shall be

provided.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of the 20th dwelling, a scheme of highway works to be first submitted to and agreed in writing by the local planning authority shall be implemented, to include the following measures;

- i. Improvements to the passenger transport infrastructure at the eastbound bus stop located along the site frontage on B1417 Braintree Road. The bus stop improvements shall include (where appropriate) raised kerbs, hardstanding, flags and bus shelter.

- ii. Appropriate measures to deter or restrict the use by vehicular traffic of the existing vehicular access serving Sunnybrook Farm along public footpath no.12 (Felsted) / existing farm track, where within the planning application site

- iii. Appropriate improvements to public footpath no.12 from the B1417 Braintree Road to the pedestrian entrance to the south-east side of the proposed school / community car park, including construction, surfacing and drainage, as required.

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

8. No dwelling shall be occupied until the car parking spaces associated with that dwelling as indicated on the approved plans have been provided. The vehicle parking 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 Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

9. The school/community car park shall be laid out in accordance with the layout details as shown on the submitted drawing ref; SP006-PL-04 Rev F dated Jan 2022 entitled "Parking Plan", including details for disabled parking.

REASON: To ensure that a satisfactory parking layout fit for its intended purpose is implemented in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

10. Cycle parking for each dwelling 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 Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

11. 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, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies GEN1 and GEN6 of the Uttlesford Local Plan (adopted 2005).

12. 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 and shall provide for the following all clear of the highway:

- i. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.
- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.

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 Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

13. Prior to construction of the dwellings above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase of the development, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

14. 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 Uttlesford District Council's adopted SPD entitled "Accessible Homes and Playspace".

15. All dwellings shall be provided with electric vehicle charging points. Prior to first occupation of each relevant dwelling, its charging point 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 Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted

2005).

16. Details of renewable energy and energy efficiency measures to be used for the dwellings beyond those already required to be incorporated into the dwellings under the latest Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.

REASON: In the interests of sustainable construction in accordance with Policies GEN2 and ENV15 of the Uttlesford Local Plan (adopted 2005).

17. Prior to the commencement of development, details of any external lighting to be installed for the proposed car park, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority. Only the details thereby approved shall be implemented.

REASON: In the interests of residential amenity protection in accordance with Policies GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005).

18. (i). No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

(ii). No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in (i) above.

(iii). The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local 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: The Historic Environment Record shows the proposed development lies in a potentially sensitive area of archaeological deposits in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

19. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Section 5.2 of the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes, but is not limited to, submission of a Biodiversity Management Plan, due diligence for nesting birds, consultation with a rabbit control specialist, general best practice during the construction phase; the installation of integrated bat and bird boxes on each property, tree mounted bird and bat boxes; retention of permeable boundaries; new native tree, hedgerow, copse, and meadow planting.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species



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

20. Prior to commencement of development, a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The BMP 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.
- i) Containment, control and removal of any Invasive non-native species present on site.
- j) Provision for new footpath/linkages to existing footpath network.

The approved BMP 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the bio-diversity measures as recommended for the approved development are implemented in accordance with recognised ecology best practice.

21. Prior to construction above damp proof course, a Biodiversity Enhancement Layout (BEL), providing the finalised details and locations of the enhancement measures contained within Section 5.2 of the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2020), including installation of bird and bat boxes and native/wildlife friendly planting in any landscaping (including planting of trees, hedgerows, copse, and meadows), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

22. Prior to occupation, 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 bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats 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 the prior consent from the local planning authority.

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

## **2.0 SITE DESCRIPTION**

- 2.1. The site lies on the north side of Braintree Road at the western edge of Watch House Green and comprises an irregular shaped and relatively flat area of maintained meadow land comprising 2.85 ha. The site is bordered along its post and railed north-eastern boundary by a long vehicular access track / public footpath leading from Braintree Road to Sunnybrook, whilst Felsted Primary School fronts onto the access track on its immediate north-east side. A line of bungalows and relatively new 1½ storey dwellings face onto Braintree Road at the front south-eastern corner of the site. The site is bordered along the remainder of its road frontage boundary onto Braintree Road and also along its western flank boundary by trees and mature hedgerow.

## **3.0 PROPOSAL**

- 3.1 This full application proposal related to the construction of 24 no. dwellings and school related community car park to serve Felsted Primary School which would both be served via a new vehicular access from Braintree Road.
- 3.2 Revised Proposed Development Layout ref; SP006-PL-02 Rev Z shows how the community car park and associated enabling market housing would be accommodated on the site, which includes an area of public open space and a small Local Area of Play (LAP), whilst drawing SP006-PL-03 Rev G shows the proposed detailed development layout, to include a detailed house type schedule.

## **4.0 ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposed development would constitute Schedule 2 works for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Infrastructure development), although the site is not within a sensitive area and an Environmental Statement is not required for the application.

## **5.0 APPLICANTS CASE**

5.1 The application is accompanied by the following statements and reports to inform the application proposal:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Arboricultural Impact Assessment
- Preliminary Ecological Assessment
- Landscape and Visual Impact Assessment
- Landscape Strategy
- Flood Risk Assessment and Drainage Strategy
- Transport Statement
- Phase 1 Geo-Environmental Desk Study Report

5.2 The submitted **Planning Statement** (Springfields Planning and Development) sets out the planning case for the submitted proposal and concludes as follows:

- The application has to be determined in accordance with Section 38(6) of The Planning and Compulsory Purchase Act. A decision should therefore be made in accordance with the Development Plan unless material considerations indicate otherwise.
- In terms of addressing the principle of the development, it will be noted that the proposal is made against the allocation of the site for these purposes in the made Felsted Neighbourhood Plan ('FNP'). The site was allocated so that Felsted could deliver its housing requirements (with a suitable mix of properties) and in particular that such housing would enable the provision of the community car park. It is intended that the car park will be transferred to the community and primarily used for school-related parking. This would address the current traffic congestion and related safety/amenity issues caused by on-street parking which currently takes place around Felsted Primary School due to the school's lack of parking facilities. The current problems are of significant concern to the community.
- The site lies in the countryside for the purposes of the adopted Uttlesford Local Plan. However, the proposed development is broadly in line with the FNP, this being part of the Development Plan which s.38(6) requires the application to be considered against and is also more recent than the 2005 Local Plan. Furthermore, the proposal meets the aspirations of the community and has been subject of community involvement. The site allocation provides a special reason why the development should be allowed such that it can be considered in line with Local Plan Countryside Policy (S7). Accordingly, the principle of the development is acceptable pursuant to consideration under s.38(6).
- The proposal has properly taken account of site constraints and opportunities, technical considerations and policy requirements. It is based on a range of professional advice. In consideration of the NPPF, which promotes sustainable development, the scheme meets environmental, social and economic objectives.
- In terms of the NPPF's *environmental* objectives, the development scheme has no overriding constraints. Professional appraisals have

been undertaken regarding tree impacts, ecology, highways and access, flooding/drainage, landscape and visual impacts and contamination. There are no overriding heritage issues.

- The proposal would deliver a high quality sustainably constructed housing development of suitable design, scale, siting, architecture and materials. The low-mid density of development would respect local character, but deliver a reasonably optimal use of the land which is currently underutilised.
- Extensive boundary landscaping is proposed, adding to existing boundary planting at Sunnybrook Farm which will be retained or enhanced, except where removal is necessary for an access incursion. Such vegetation will limit the impacts upon external views. Internally, the development will have a pleasing appearance due to a tree lined avenue, roadside swales, front gardens, a landscaped attenuation area and a landscaped car park. Buffers in the form of extended gardens for existing adjacent residential properties are also proposed. Account has been taken on impacts upon residential amenity following consultation with the adjacent residents.
- There will be net biodiversity gains as a result of new planting and other ecological measures.
- Safe access will be provided to the highway network for vehicles and pedestrians suitable for the residential and car park related users.
- A detailed SUDS drainage strategy is incorporated within the development scheme and arrangements can be made for its long term management.
- The site lies in a sustainable location close to accessible village facilities, amenities and good public transport services.
- In terms of *social* objectives, there are two important benefits:
  - Firstly, is the provision of housing to meet the policy requirements of the FNP, but additionally to help address the current and significant shortfall in the District's housing supply. The NPPF supports housing, especially small/medium scale sites and the efficient use of land, particularly where housing supply is short. The type of dwellings to be provided meet the policy aspirations of the FNP.
  - Secondly, is the provision of the community car park which primarily will be used for school related parking purposes. The car park will be an important benefit to the community as its use will relieve the significant traffic and parking congestion around Felsted Primary School which occurs at drop off and pick up times. It is intended that the car park would be transferred to the community (e.g. Felsted Community Trust).
- The NPPF's *economic* objectives will be met. The development will help support village facilities and bring short terms benefits via a construction project.

- It is therefore subscribed that the scheme would be a 'sustainable development' under the NPPF.
- The application proposal is in line with the Development Plan. In consideration of the Planning Acts it should therefore be granted, subject to any necessary conditions or obligations. Furthermore, the NPPF indicates that decisions should apply a 'presumption in favour of sustainable development' and goes on to state that for decision taking this means approving development proposals that accord with an up-to-date development plan *without delay*. As the proposal accords with an up to date Development Plan, planning permission should be forthcoming.

5.3 The submitted ***Statement of Community Engagement*** concludes as follows:

- The Government and Uttlesford DC encourage consultation prior to planning applications being submitted. Uttlesford DC encourages communities to form their own community led plans, which in this case involves the Felsted Neighbourhood Plan.
- The land use proposals for the site, including housing and a community car park, are contained within a site allocation of the Felsted Neighbourhood Plan. This is a made Development Plan which followed significant public involvement and had the overall support of the Felsted community. Other technical/statutory consultees were involved in the process. The Independent Examiner indicated that stakeholders had full opportunity to influence specific policies.
- The applicant has engaged with the Neighbourhood Plan Steering Group, Felsted Parish Council, Felsted Primary School and the immediately affected residents. As a result of this process, the application plans have been formulated with general consensus being reached as evidenced by recent correspondence. Given that early, proactive and effective engagement with the community has been undertaken and demonstrated, the planning application should be looked on more favourably, according to paragraph 128 of the NPPF.
- Very clear criteria are set out in the site allocation policy and the local consultation has been productive. Accordingly, it has not been deemed necessary to hold detailed pre-application discussions with the LPA. Furthermore, the council's SCI advises applicants to consider its Guidance Notes and a Planning Application Checklist. In these respects, the LPA's validation checklist has been reviewed. It provides clear advice about the level of information which is required to support a planning application. Appropriate documentation will be submitted accordingly with the planning application, including various technical reports.
- The applicants wish to thank those stakeholders who have engaged in the consultation process concerning the proposals for the Sunnybrook Farm site. Should any concerns with the proposals be raised during the application process, the applicants are open to discussing and resolving these.

## 6.0 RELEVANT SITE HISTORY

- 6.1 The southern part of the application site (plus an element of other land heading towards the west) facing onto Braintree Road was the subject of a planning application in 2013 which initially proposed a residential development comprising up to 13 no. dwellings and related infrastructure, school related car parking area, new vehicular access from Braintree Road and extended domestic garden adjacent to Moritz ((UTT/13/2942/OP). However, the application was subsequently amended to delete the car parking proposal following discussions with the LPA. The (amended) application was refused and subsequently dismissed on appeal on 15 September 2014. The key reasons for dismissing the appeal were based on the conflict of the proposal with countryside policy and its likely impacts upon the character and appearance of the area. The inspector also stated that the Council's housing land supply position (which at that time was greater than 5 years' supply) was not a material consideration which weighed against the policies in the development plan.

### ***Pre-application discussions***

- 6.2 See Statement of Community Involvement comments above regarding the extent of engagement by the applicant with the Neighbourhood Plan Steering Group, Felsted Parish Council, Felsted Primary School and affected local residents regarding this Felsted Neighbourhood Plan school / community car park / enabling housing allocation site (FNP FEL/HN2).

## 7.0 CONSULTATION RESPONSES:

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

- 7.1 (Revised comments received 3 December 2021 and subsequently updated 18 February 2022):

Having reviewed the amended Flood Risk Assessment and the associated documents which accompanied the planning application, we do not have any drainage objections to the granting of planning permission based on the new information received.

### **Place Services (Ecology):**

- 7.2 No objection subject to securing biodiversity mitigation and enhancement measures by condition and also a financial contribution being sought towards visitor management measures at the Blackwater Estuary SPA and Ramsar site in line with the Essex coast RAMS for impacts from residential development within the ZOI specified in combination with other plans and projects.

### **ECC Highways:**

- 7.3 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective as shown on DWG no. SP006-PL-02 Rev. Z subject to highway conditions.

### **ECC Education:**

- 7.4 From the information I have received, I have assessed the application on the basis of 24 houses. A development of this size can be expected to generate the

need for up to 2.16 Early Years and Childcare (EY&C) places; 7.20 primary school, and 4.80 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

*Early Years and Childcare:*

A developer contribution of £37,299 is being sought to mitigate the proposed development's impact on local EY&C provision.

*Primary Education:*

This development is adjacent to Felsted Primary School. The school has a Published Admission Number of 30 places per year. At the last schools' census in January, the school had in excess of this number in four of its year groups, including two bulge groups in year's 4 and 5. Provisional figures indicate that the school was again full in Reception this September and a waiting list is in operation. Forecasts for the wider area, set out in the Essex School Organisation Service's '10 Year Plan', indicate growing demand for primary school places across the wider school place planning area, which includes Flich Green Primary and Stebbing Primary schools (Uttlesford Group 7). Stebbing Primary School is expanding to offer 10 extra places per year but, by the end of the Plan period, up to 15 will be required across the Group.

Based on the demand generated by this proposal as set out above, a developer contribution of £124,330, index linked to January 2020, is sought to mitigate its impact on local primary school provision.

*Secondary Education:*

A developer contribution is not sought for this development.

*School transport:*

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.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare and primary education. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus childcare and primary education provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

## **Place Services (Archaeology)**

- 7.5 The Historic Environment Advisor has identified the above application from the weekly list as having potential for surviving archaeological deposits.

The following recommendations are in line with the National Planning Policy Framework:

Recommendation: A Programme of Trial Trenching followed by Open Area Excavation.

## **MAG Stansted Airport**

- 7.6 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. It has no aerodrome safeguarding objections to the proposal.

## **Anglian Water**

### ASSETS

- 7.7 Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted:

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable, then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence”.

### Wastewater Services

#### Section 2 - Wastewater Treatment

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 is 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.

#### Section 3 - Used Water Network

This response has been based on the following submitted documents: FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY. The development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development if permission is granted. It will need to



work with the applicant to ensure that any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information; the applicant has not submitted a connection point or regime (discharge rate) for the site. We therefore request a condition requiring an on-site drainage strategy.

#### 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.

#### Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

##### Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition:

Condition: Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason: To prevent environmental and amenity problems arising from flooding.

#### **UK Power Networks**

- 7.8 I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful.

#### **Crime Prevention Officer**

- 7.9 Policy GEN2: Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, 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.

### **UDC Housing Enabling Officer**

- 7.10 I note that there is no affordable housing provision proposed for the site and that an extensive school related community car park (90 spaces) is being provided, which significantly reduces the area available for the housing provision. We would expect there to be affordable housing provision included upon this site, albeit less than 40% affordable housing, if there is a recognised need for a school related community car park, although we question whether such an extensive car park is required.

### **UDC Environmental Health Officer**

- 7.11 The site layout shows that 90 no. spaces are proposed in respect of the school car park, with a number of gardens serving residential properties whose curtilage are proposed to be extended adjacent to the car park. Cars manoeuvring at low speeds in car parks generate low levels of noise, but higher levels can be generated (albeit briefly) from car doors being closed and engines being started. Whilst I acknowledge the proposed 1.8 metre high close board fence surrounding the carpark may offer some benefits, I am unable to determine in the absence of any form of acoustic assessment if the use of the car park by up to 90 vehicles over a short time frame, i.e. predominantly during school arrival and departure times, in addition to the potential noise associated with the drop zone, will not lead to an unacceptable loss of amenity. As such, I would recommend refusal on such grounds. However, should planning permission be granted, I would recommend that an external lighting condition and also Phase 1, Phase 2 and Phase 3 (if necessary) contamination conditions be attached to any grant of consent in the interests of residential amenity and ground water protection.

### **Felsted Parish Council**

- 7.12 Updated comments dated 27 July 2021:

'Following the Zoom meeting on Monday 17th May 2021 between yourself and Roy Ramm and Richard Freeman on behalf of Felsted Parish Council (FPC) and the Felsted Community Trust (FCT), we agreed to clarify the position of FPC with regard to the Planning Application for the development on Sunnybrook Farm, which includes the delivery of a car park for Felsted Primary School, which is supported by the Felsted Neighbourhood Plan (Policy FEL/HN2).

To aid the UDC Planning Committee, this letter is sent on behalf of both the Chair of Felsted Parish Council and the former Chair of the Felsted Neighbourhood Plan Steering Group.

#### ***Previous meeting between Felsted Parish Council, ECC and the School.***

Representatives of FPC participated in a Teams meeting on April 27th 2021 with Officers of Essex County Council. All parties are keen to see the proposed car park delivered subject to agreement on the exact positioning of the new access gate and some future maintenance issues.

The Board of Governors have previously asked for the following features to be

included or facilitated:

- Car park to have secure fencing and lockable gates, electronic/remotely controlled from the school and security camera monitored.
- Car park to have quality of surface, tough enough for regular car usage and safe to be used by children. Landscaping to be sympathetic, child friendly and secure.
- Secondary green area: differentiated but capable of inclusion as an additional play-space also landscaped sympathetically, not blocking attachment to car park area.
- Extinguishment of that part of footpath 12 that would pass through the car park (and associated deletion of track) to give adequate child safeguarding and elimination of vehicular traffic to farm.
- Gate to school – to be single pedestrian access, lockable, electronic security remote control, camera monitored and have covered area for a person to supervise when appropriate.

FPC supports these requests.

ECC and the school heads and bursar stated that the new entrance gate would need to be much closer to the Braintree Road than originally envisaged otherwise it could restrict future school development should new classrooms need to be built. This would require the new access gate to be relocated to ground currently owned by ECC. In this case, the surface, which is currently “un-made”, would require improvement. ECC have requested that the costs of resurfacing this area be included in the viability assessment for the Section 106 (S106).

ECC also requested that both the funds for the new gate construction and for resurfacing of “unmade” area are factored into the S106 and that these funds be transferred to UDC, to be reassigned by UDC to ECC (ring-fenced?) for construction of the gate and the resurfacing to be completed by ECC.

With regard to the re-routing of footpath 12, all were in agreement that it should be re-routed and FPC supported this. It is noted that in the most recent “Revised Plans” letter from Springfields Planning and Development, dated 7th July 2021 and now showing in the UDC Planning website that it is stated that the re-routing of footpath 12 is no longer being proposed and that some of the reasons quoted relate to comments in the Felsted Neighbourhood Plan (FNP).

Whilst it is true to say that FPC did not include the re-routing of footpath 12 in references within the FNP and indeed were keen that it should be retained, following representation from the school Governors who requested it be re-routed to improve child safeguarding and the practicality of the school using the car park as an extended play area during the day, we did recognise that this was a perfectly valid reason to request its re-route and expressed support to UDC for such a revision.

The short stretch of the existing path from the Braintree Road to the new car park, which is across land owned by ECC, could be retained (presumably as a “permissive path” or similar) and would require resurfacing to be safe as an access path to the new school access gate.

If the re-route of footpath 12 is reintroduced, the FPC would request that an alternative footpath was made available during construction and that the re-

routed footpath be transferred to the new road running through the development to join up with the Sunnybrook Farm section on completion.

### ***Factors to be considered during viability assessment***

FPC recognise that the viability assessment of delivering the car park will include some costs that are specific to providing features or facilities that improve the operational suitability of the car park for the school and have no reason to question these reasonable requests.

It is important to recognise that the Primary School is currently oversubscribed. Given the ongoing housing development within the area, future development of the school to increase its capacity seems to be inevitable, but it is critical that the potential associated impact on the local community is first addressed before any such expansion is considered. Consequently, any such increase in capacity is unlikely to be supported by either FPC or the local community whilst the existing traffic, parking and safety issues exist, hence the objective of the FNP to deliver the car park.

The capacity demands on the school are clearly exacerbated by three separate recent housing developments within just a few hundred metres of the school (as detailed below). However, whilst these developments accentuate the pressure on school places, because they all include affordable housing, they also serve to justify the request for a relaxation on the normal demand for more affordable housing on the Sunnybrook site in order to provide funds for this significant and badly needed improvement to local infrastructure.

There are 39 affordable homes already approved, but as yet unbuilt, within Watch House Green (WHG) or within just a few hundred metres of the site and there are a further 5 approved but as yet unbuilt in the Parish (at Bury Farm). Therefore a commutation of the normal affordable housing element on this site can help to deliver significant and much needed community benefit.

FPC has undertaken two Housing Needs Surveys in the past 10 years. The most recent survey was a fully independent survey completed by the RCCE in 2016 undertaken as part of our Neighbourhood Plan consultation process.

The 2016 survey identified a local “housing need” of 14 affordable units. It was subsequently considered by the Felsted Neighbourhood Plan Steering Group and Felsted Parish Council that the (then) identified need was addressed by the “phase-one” Clifford Smith Drive (CSD) development UTT/13/0989/OP. This had been approved in December 2014, but had not been completed at the time of the RCCE Housing Needs Survey and provided 10 affordable units.

FPC understand that not all of the Felsted connected families or individuals meeting the criteria for housing allocation on UDC’s housing register were able to benefit from the affordable housing on the phase one CSD development due to their inability to afford even the reduced formula rent. Understandably due to confidentiality, Felsted Parish Council was not advised of the number or details of those affected.

It should be noted that the proposed housing mix is fully consistent with the objectives of the FNP that identified a significant local need for smaller low cost open market homes suitable for first time buyers or older people downsizing, thus freeing up larger underutilised homes within the Parish. The proposal is for

18 x 2 bed dwellings, 1 x 3 bed dwelling and 5 x 4 bed dwellings which is a far higher number of smaller open market homes than the majority of recent developments have delivered for Felsted.

For the reasons stated, FPC is of the opinion that our community is already vastly oversubscribed with future affordable homes. Having conscientiously undertaken HNS's and met the (then) identified need we now consider that the provision of the important and much needed improvement in local infrastructure of the school car park which is supported by the FNP has become the priority.

It is also relevant to note that the three recently approved developments (detailed below) generated Primary Education contributions of £444,677 and £111,326 Early Years contributions (Totalling £556,003).

Another facility generally required within a development which could also be eliminated in this current application would be a children's play area. There are already two such areas within a few hundred metres of the site. One is off Ravens Crescent and the other is within the original Clifford Smith Drive development. There is a third very extensive children's play area within the village in the parish playing field a little over ¼ mile away.

***Details of relevant data when considering viability.***

Recent planning approvals (as yet unbuilt) generating Primary School financial contributions and affordable housing allocations (taken from S106 and/or ECC Economic Growth and Development requests, published data on UDC planning site).

Application ref:	Location	Primary contribution (£)	Affordable Housing allocation
UTT/19/2118	WHG (Clifford Smith Drive)	£187,956	16
UTT/18/1011	WHG - Maranello	£119,192	11
UTT/18/3529	South of Braintree Road	£137,529	12
UTT/18/2508	Bury Farm	Nil	5
Total		£444,677	44

Note: Early Years "pre-school" contributions were also requested by ECC for UTT/19/2118 of £64,287, UTT/18/3529 of £47,039.  
 Total Early Years contributions sought - £111,326.  
 Combined Education contribution total - £556,003

***Financial contribution towards future maintenance of car park surfaces fencing and landscaping.***

Whilst ECC and Felsted Primary School fully support the provision of the car park which, in line with the FNP which was fully "Made" by UDC will be transferred to the Felsted Community Trust (FCT), they have made it clear that they are not prepared to cover any costs associated with installation or long term operation. Therefore, if the FCT are to provide the facility on a "zero cost" basis to ECC and the school, which the Trust is prepared to do on a licence basis, we must consider the long term maintenance implications.

Therefore we seek a financial contribution as an element of the Section 106 agreement in order to mitigate the obligation on the FCT. Provided the car park is transferred to the FCT with a 10 year “warranty” to protect the FCT from unexpected short term costs, we would request a contribution from the developer towards long term maintenance in the region of 10% of the indicated build costs which would be £45,000.

As there is unlikely to be any immediate need for maintenance, there would be no requirement for this payment to be made until either completion or occupation of the last home or this could even be later provided there was a mechanism in place to protect the FCT from the developer subsequently ceasing to trade.

***Additional requirements of FPC (not necessarily Planning considerations) but to be addressed***

If the new side access gate is to be located closer to Braintree Road than originally envisaged then parking restrictions will need to be in place in Braintree Road at school drop off and collections times otherwise on street parking could persist. The developer needs to work with ECC to arrange this and cover any costs.

Note: Example of sign as currently in place at Felsted Primary School - Replace the word “entrance” with alternative “inside marked area” wording and introduce an appropriately marked area outside school.

We accept the exact positioning of the new side gate into the school will be determined by the school and ECC at a later date.

## **8.0 REPRESENTATIONS**

- 8.1
- Current proposal appears to be a repeat of a similar scheme which was previously refused;
  - Yet another housing development at Watch House Green;
  - Car park will be a white elephant;
  - The housing scheme will join this hamlet up with Felsted village;
  - 24 homes will add to existing traffic problems along Braintree Road, particularly during drop-off and collection times;
  - Development would have harmful impact upon local rural amenity;
  - The 24 dwellings and 90 space car park proposed seems extraordinary good value and also a gift the for the developer. Have the parish council been hoodwinked?
  - No affordable housing is included for the housing element of the scheme;
  - The school has a maximum of 270 pupils, so a 90 space car park looks excessive when taking into account staff numbers and remainder as a parent/pupil drop-off car park;
  - Type 3 turning heads shown for the development are not suitable for refuse vehicles, including as shown for the school gates;
  - Should a Traffic Regulation Order be considered for Braintree Road in light of the school car park proposal to take parking off the road?;
  - Developer should be made to pay for associated infrastructure costs, including speed bumps and slow down signage for Braintree Road?;

## **9. POLICIES**

### **9.1 National Policies**

National Planning Policy Framework (NPPF) (rev. July 2021)

### **9.2 Uttlesford District Local Plan (adopted 2005)**

Policy S7 – The Countryside

Policy ENV4 – Ancients Monuments and Sites of Archaeological Importance

Policy ENV5 – Protection of agricultural land

Policy ENV15 – Renewable Energy

Policy H1 – Housing development

Policy H9 – Affordable Housing

Policy H10 – Housing Mix

Policy LC3 – Community Facilities

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN5 – Light pollution

Policy GEN6 – Infrastructure Provision to Support Development

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

### **9.3 Felsted Neighbourhood Plan (made 25<sup>th</sup> February 2020) (FNP)**

FEL/HN1 – Meeting Housing Needs

FEL/HN2 – Land at Braintree Road (Sunnybrook Farm)

FEL/HN5 – Residential Development Outside Development Limits

FEL/HN7 – Housing Mix

FEL/HN8 – Habitats Regulations Assessment

FEL/ICH1 – High Quality Design

FEL/ICH4 – Avoiding Coalescence

FEL/CW1 – Landscape and Countryside Character

FEL/CW3 – Footpaths, Bridleways and Cycleways

FEL/INF1 – Flood Risk

### **9.4 Other material planning considerations**

Essex Design Guide

ECC Parking Standards – Design and Good Practice (September 2009)

UDC Parking Standards (February 2013)

Interim Climate Change Planning Policy (Uttlesford District Council, 2021)

UDC Supplementary Planning Guidance – ‘Accessible Homes and Playspace’

## **10 CONSIDERATION AND ASSESSMENT**

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

**A Principle of development - Felsted Neighbourhood Plan Allocation Site for housing with school car park / countryside protection / flood risk / loss of agricultural land / general sustainability principles (NPPF, Policies S7, ENV5, H1, LC3, GEN3, GEN6 – ULP, Policies FEL/HN2, FEL/HN5, FEL/ICH4,**

- FEL/CW1, FEL/CW3, FEL/INF1 – FNP);**
- B Proposed access arrangements (Policy GEN1 – ULP, Policy FEL/HN2 – FNP);**
- C Scale of development (NPPF, Policy GEN2 – ULP);**
- D Layout, including vehicle parking standards (NPPF, Policies GEN2 and GEN8 – ULP);**
- E Appearance (NPPF, Policy GEN2 – ULP, Policy FEL/ICH1 – FNP);**
- F Proposed landscaping measures (NPPF, Policy GEN2 – ULP, FEL/HN2 – FNP);**
- G Impact on residential amenity (NPPF, Policy GEN2, GEN4, GEN5, ENV11 – ULP);**
- H Housing Mix (Policy H10 – ULP, Policies FEL/HN1, FEL/HN7 – FNP);**
- I Affordable housing considerations (Policy H9 – ULP, Policies FEL/HN1, FEL/HN7 – FNP);**
- J Drainage (NPPF, Policies GEN2, GEN3, GEN6 – ULP, FEL/INF1, FEL/HN2 (vii) - FNP);**
- K Impact upon protected / priority species (GEN7 – ULP, Policies FEL/HN8, FEL/HN2 (ix) – FNP);**
- A Principle of development (NPPF, S7, ENV5, H1, LC3, GEN3 – ULP, FEL/HN2, FEL/HN5, FEL/ICH4, FEL/CW1, FEL/CW3, FEL/INF1 - FNP).**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area is the Uttlesford District Plan (adopted 2005) and also in this case the made Felsted Neighbourhood Plan (made 25<sup>th</sup> February 2020). The planning policies contained within the National Planning Policy Framework (NPPF) are also a material planning consideration to applications.

10.2 The site lies outside development limits for both the adopted Local Plan (2005) and also the made Felsted Neighbourhood Plan (made 25<sup>th</sup> February 2020) (FNP) where there would normally be a presumption against new forms of development under Policy S7 of the adopted LP and under FNP Policies FEL/HN5, FEL/ICH4 and FEL/CW1 of the made Neighbourhood Plan. However, the site is one of the two local infrastructure proposal sites planned for Felsted Parish as identified in the Felsted Neighbourhood Plan, namely FNP FEL/HN2 – Land at Braintree Road (Sunnybrook Farm) where the full policy text of this Neighbourhood Plan policy is set out below:

**FEL/HN2 – Land At Braintree Road (Sunnybrook Farm)**

The Plan allocates the Sunnybrook Farm Site as shown on Map 6 and Map 7 for housing development of approximately 24 units. To be supported the development proposals must:

- i. Be subject to a Transport Statement/Assessment in accordance with ECC Development Management Policies (2011) and Car Parking Standards;
- ii. Identify and pursue opportunities to promote walking, cycling and public transport to improve accessibility and integration into the wider community and wider networks;
- iii. Protect the public's rights and ease of passage over the adjacent Public Footpath 12 (Felsted), ensuring it is maintained free and unobstructed at all times to ensure the continued safe passage of



- public on the definitive right of way;
- iv. Include a new access road, a kiss and drop facility and significant off-road landscaped lockable car parking provision for approximately 90 vehicles, including contingency provision pending future expansion of the Primary School. These should be designed to take account of any reasonable operational requirements of the school. All mitigation measures, including any off-site highway measures, will be secured through appropriate legal agreement(s) or, where appropriate, Grampian style planning conditions;
- v. Be screened with native hedgerows or tree screening to the western and northern boundaries to mitigate the visual impact of the development on the landscape;
- vi. Include a landscape buffer behind the existing properties at Braintree Road;
- vii. Include swales to provide SUDS running along new roads unless Drainage Strategy considerations dictate otherwise;
- viii. Provide a mix of housing to meet the latest assessment of local housing need including a significant proportion of two- or three-bedroom accommodation suitable for young families, and homes that are suitable for older people (which can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs), having regard to the supply of such units at the time of application;
- ix. Due to its location within the zone of influence of the Blackwater Estuary SPA and RAMSAR site, the proposal shall be accompanied by a project level Habitats Regulation Assessment which will demonstrate that the development proposal will have no adverse effects on the integrity of the European site; or, in the case of the Essex RAMS SPD being adopted, be subject to a financial contribution towards avoidance and mitigation measures as specified in the Recreational disturbance and Avoidance and Mitigation Strategy (RAMS) for the Essex Coast.

10.3 The preamble to FNP Policy FEL/HN2 sets out the need for a school car park for Felsted Primary School where it recognises that traffic congestion around the school *'is an immediate and significant problem the community wants the Plan to address'*, adding that the existing school is full with a continuing pressure for places and that this will exacerbate the existing problems of traffic congestion and public safety. Paragraph 5.4.28 of the Felsted NP states as follows:

“Sunnybrook Farm site is immediately adjacent to the Primary School. Housing development on this site provides an opportunity to mitigate the congestion currently caused by school traffic and to provide some contingency for an increase in the size of the school. Support for the housing development proposal is entirely contingent on the provision by the developer of a new road to the west of the School and generous off-road parking and drop-off areas”.

10.4 The current detailed planning application for Sunnybrook Farm seeks to fulfil the policy objectives of FNP Policy FEL/HN2 of the Felsted Neighbourhood Plan for the Sunnybrook Farm Allocation Site as identified within the Plan to deliver a school/community car park with an enabling housing scheme for 24 no. market dwellings whereby the submitted scheme takes into consideration the various policy criterion as listed within FNP Policy FEL/HN2 in relation to

design, layout, access, landscaping, drainage, housing mix, ecological, operational and other requirements.

- 10.5 The site currently comprises a grass meadow which would be lost through the proposed development. However, Place Services Ecology have not objected to the proposal on ecology grounds (see further below) subject to appropriate compensatory conditions, whilst the loss of 2.85 ha of undeveloped land which is not presently in active agricultural use would not result in the loss of food production. It is accepted that the development would have some visual impact on local rural amenity at this edge of settlement location in terms of change in settlement character when viewed from the west and also that it would have a coalescence effect to a degree between this western side of Watch House Green and the beginning of Felsted village 'proper' to the east.
- 10.6 As such, the proposed development would 'by default' be contrary to Policy S7 of the adopted LP in that it would fail to protect the countryside for its own sake. However, the site is relatively flat and is well screened by strong vegetation along both Braintree Road and its extensive western flank boundary. Furthermore, the gradual curved nature of the spine road shown for the proposed development extending round from Braintree Road to the track leading to Sunnybrook Farm, together with both a reinforced native planting buffer along the site's western boundary and a new tree copse shown to be planted for the northern end of the site as shown on the submitted Landscape Strategy (drwg. 1198.01) would serve by appropriate screening to reduce the visual impact of the development within the site's localised rural setting and thus maintain the visual transition from Felsted village to Watch House Green.
- 10.7 In this context, the submitted Landscape and Visual Impact Assessment (Springfields) concludes that; *"Overall, the development of the siting and scale proposed should be able to be absorbed in to the wider local landscape, subject to the retention of the vegetation at the boundaries of Sunnybrook Farm, the new western and northern tree buffers, the various measures to improve or replace vegetation and use of appropriate materials, especially to roofs. Whilst the development will inevitably have some level of landscape and visual effect on this greenfield site, landscape and visual issues should not be considered as an overriding planning constraint in determining the planning application"*.
- 10.8 It is considered from the above landscape appraisal that the localised visual harm arising from the proposed development by the introduction of built form at this greenfield location would not be significant or demonstrable, whilst the resulting harm arising from the proposal also has to be balanced in this case against the local identified need for a community infrastructure facility at this location adjacent to Felsted Primary School as set out in FNP Policy FEL/HN2 of the Felsted NP whereby its is stated at paragraph 5.4.33. of the plan in recognition of the various constraints of the site that *"The Plan attaches significantly greater weight to the opportunity this development provides for delivering the urgent objective of reducing congestion caused by school traffic and does not therefore consider the limited degree of coalescence a precluding factor"*.
- 10.9 The principle of the proposed development of this greenfield site on the western edge of Watch House Green on land which is identified on the Government's flood risk map as being at the lowest risk of flooding (Flood Risk 1) is therefore considered to be acceptable against the provisions of FNP Policy FEL/HN2 subject to the detailed criteria requirements of this policy being met which are

discussed further below. The site is situated within a sustainable location with regard to the housing element of the proposed scheme being located on the Felsted bus service loop (No.133 hourly Stansted Airport to Colchester bus service and also the No.16 service with bus stops nearby) and also lying adjacent to Felsted Primary School whereby recent housing schemes have been built or approved within close vicinity of the site at Watch House Green (Clifford Smith Drive and Maranello)

## **B Proposed access arrangements (Policy GEN1 – ULP, FEL/HN2 – FNP)**

10.10 The proposed development would be served by vehicular access from Braintree Road south-west of the line of existing dwellings which line Braintree Road on its north side, whilst a spur road would feed off the spine road leading into the development to serve the school / community car park. A turning head would be positioned at the northern rear end of the development with a footpath link to connect with existing PROW footpath 12 which runs along the existing vehicular entrance track between Braintree Road and Sunnybrook Farm, whilst an additional turning head would be positioned at the end of the spur road. A gated vehicular and pedestrian entrance would serve the western end of the car park. The spine road / spur road would be subject to a 20mph speed restriction.

10.11 ECC Highways have been consulted on the proposal who have reviewed the submitted Transport Assessment (Journey Transport Planning) and who have not raised any highway objections to the proposal from a highways and transportation perspective based upon the latest proposed site layout drawing (SP006-PL-02-Rev Z) which now repositions indicated visitor parking bays along the spine road outside of the indicated x-y visibility splays for the internal secondary 'T' junction with the spur road leading to the car park, together with other highway visibility drawings and also tracking drawings subject to appropriate highway conditions being imposed, including the following proposed highway road infrastructure works condition along Braintree Road which would form part of an overall s106 agreement for the scheme should planning permission be granted being consistent with the requirement of section iv. of Policy FEL/HN2 (*"All mitigation measures, including any off-site highway measures will be secured through appropriate agreement(s) or, where appropriate, Grampian style planning conditions"*):

i. Improvements to the passenger transport infrastructure at the eastbound bus stop located along the site frontage on B1417 Braintree Road. The bus stops improvements to include (where appropriate) but not limited to, raised kerbs, hardstanding, flags, shelter, and any other related infrastructure as deemed necessary by the Highway Authority.

ii. The use of the existing vehicular access for Sunnybrook Farm along public footpath no. 12 (Felsted) / existing farm track shall be permanently closed to vehicular traffic, with the exception of vehicular access retained to the Essex County Council school car parking area.

iii. Appropriate improvements to public footpath no. 12 from B1417 Braintree Road to the northern site boundary, including construction, surfacing and drainage, as required.

iv. Appropriate adjustment to the extent of the 30mph speed limit and gateway and associated Traffic Regulation Orders (TROs), if deemed necessary by the Highway Authority as part of the access detailed design.

v. The developer shall consult with the North Essex Parking Partnership on the parking scheme for the extension of school / waiting restrictions on B1417 Braintree Road in the vicinity of the school and as required publicly consult on the agreed scheme. If the scheme is agreed following public consultation the agreed scheme shall be delivered, with the developer covering the costs of all necessary TROs, road marking and signage.

The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation.

REASON: In the interests of highway safety and accessibility.

- 10.12 The proposed internal road layout, associated site access works and the above mentioned off-site highway scheme for Braintree Road outside the development site are therefore considered to be acceptable in accordance with FNP Policy FEL/HN2 and Policy GEN1 of the adopted LP.

**C Scale of development (NPPF, Policy GEN2 – ULP)**

- 10.13 The proposal would comprise a housing scheme of 24 dwellings which is intended to serve as enabling development to deliver the school / community car park for Felsted Primary School. The site would have a resulting calculated site density of 8.42 dwellings per hectare (red line area), which is low, and which seeks to strike a balance between making efficient use of the land whilst maintaining the area's prevailing housing character. The dwellings would comprise a mixture of principally two storey detached dwellings extending along the spine road to reflect the predominant two storey local character, but with the inclusion of a small terrace of two storey dwellings shown for the proposed spur road in the middle of the site and a 'quadrangle' of bungalows which would front onto both Braintree Road and the spur road whereby the frontage bungalows would be consistent in scale with existing bungalows which front onto Braintree Road. It should be noted that the double garages shown to the larger dwellings for the development would have rooms in the roof to allow for the now increasing home working trend and which would reflect examples of this trend in the nearby Clifford Smith Drive development at Watch House Green.

- 10.14 The scale of development as shown in terms of the quantum of dwellings proposed would be consistent with the number of dwellings intended to be provided for the Sunnybrook Farm Housing Allocation site as stated within FNP Policy FEL/HN2 of the Felsted NP ("*housing development of approximately 24 units*"), whilst no design objections are similarly raised in terms of scale under Policy GEN2 of the adopted LP.

**D Layout, including vehicle parking standards (NPPF, Policies GEN2 and GEN8 – ULP)**

- 10.15 The proposed housing layout for this small housing scheme would incorporate a gently curving spine road which would form the dominant layout feature for the scheme. A row of evenly spaced detached dwellings with open plan frontages and continuous linear swale would curve around the outside of the spine road for its entire length in an 'avenue' style which would have the effect of attractively framing the development and providing a strong sense of place. The dwellings shown facing onto the spur road to the car park teeing off the

spine road are shown in linear fashion to replicate and 'mirror' those dwellings which face onto Braintree Road to the front. A line of public open space is shown to run along the inside edge of the spine road to its end, whilst additional strips of public open space are shown around a proposed drainage area at the northern end of the site. A pocket park (LAP) is also shown conveniently adjacent to the school car park gates.

10.16 The general composition of the proposed site layout as presented insofar as it relates to the proposed housing element of the scheme is considered to be acceptable and would be in accordance with Policy GEN2 of the adopted LP, whilst the 'one way, in-out' school car park would be laid out conveniently close to the side school entrance off the existing track/public footpath leading from Braintree Road to Sunnybrook Farm.

10.17 The following table provides a breakdown of bedroom accommodation, garden sizes and on-plot parking provision for the proposed development:

<b>Plot No.</b>	<b>Bedroom No.</b>	<b>Storey height</b>	<b>Rear garden size</b>	<b>Parking Spaces</b>
1	2	Bungalow	167	3
2	2	Bungalow	165	3
3	2	2	105	2
4	3	2	124	2
5	4	2	473	6
6	3	2	314	3
7	2	2	180	3
8	2	2	184	3
9	2	2	194	3
10	2	2	182	3
11	2	2	179	3
12	2	2	198	3
13	4	2	480	6
14	4	2	420	6
15	4	2	412	6
16	4	2	542	6
17	2	2	85	2
18	2	2	103	2
19	2	2	104	2
20	2	2	137	2
21	3	2	132	2
22	2	2	126	2
23	2	Bungalow	162	3
24	2	Bungalow	190	3

10.18 As will be seen from the above table and also as shown on the submitted drawing 'Garden Areas and Refuse Collection Plan' ref; SP006-PL-05 Rev F, all of the dwellings for the development would have rear garden amenity sizes which would either meet or exceed the Essex Design Guide recommended minimum rear garden standard of 50sqm for 2 bedroomed dwellings or 100sqm for 3 and 4 bedrooms thus giving an acceptable, and in some cases, generous level of garden amenity for future occupants of the dwellings whereby rear gardens would not be overlooked. It is also the case that the rear gardens of the dwellings facing onto Braintree Road as indicated with asterisks on the

submitted garden areas drawing would be extended as part of the proposal to provide improved rear garden amenity for these residential properties.

- 10.19 All of the dwellings would have the appropriate allocated number of on-plot parking spaces to comply with ECC parking standards and UDC parking standards depending on their bedroom specification as shown from the above table and also as shown on submitted drawing 'Parking Plan' ref; SP006-PL-04 Rev F., whilst hardstanding spaces and garages would be to ECC compliant size. Indeed, the level of on-plot parking provision shown across the development would exceed the minimum standards for 16 out of the 24 proposed dwellings, whilst visitor parking for the development as a whole would also exceed the ECC minimum visitor parking standard at 13 no. spaces (24 x 0.25 = 6 spaces minimum). It is noted that the on-plot parking provision is shown as triple parking arrangements in many situations, which is not encouraged. However, justification for this is given by the fact that the internal roads are 'dead ends' and that a 20mph speed limit with speed bumps would be in force. Bin collection points for each dwelling would conveniently be at the front of each property, whilst the submitted tracking / swept path drawings show that a UDC refuse collection lorry would be able to turn around within the turning heads for both the spine road and the spur road.
- 10.20 FNP Policy FEL/HN2 (iv) states that the following criterion should be adhered to with regard to the layout of the proposed school car park to be provided at Sunnybrook Farm, namely, *"...a kiss and drop facility and significant of-road landscaped lockable car parking provision for approximately 90 vehicles, including contingency provision pending future expansion of the Primary School. These should be designed to take into account of any reasonable operational requirements of the school"*. The number of parking spaces shown for the proposed school / community car park has been assessed in accordance with the present identified need for the school and also on any future school pupil expansion.
- 10.21 In this respect, the car park would comprise 90 no. parking spaces consistent with the requirement of FEL/HN2 (iv) which would be sited immediately adjacent to Felsted Primary School. The car park would have an internal one way circulation system and would be accessed via the new spine road into the development site and also footways from Braintree Road. A gated vehicular and pedestrian entrance would serve the western end of the car park. Various surfaced footways or footway 'corridors' would provide pedestrian access through the car park to the west edge of Felsted Primary School where it is intended to make an additional pedestrian gated access into the school grounds (in addition to the Braintree Road entry point). The whole of the new car park area would be enclosed, e.g. by fencing, gates and landscaping. The school has requested that the car park would be constructed in an all-weather surface and that it could be made available for other school related activities, e.g. netball. This would be achievable via a bitumen style surface. Suitable drainage provision has been designed to ensure that the car park surface adequately drains.
- 10.22 The car park has been designed to Essex CC parking standards and includes the provision of 5 no. disabled parking spaces. A kiss and drop facility would be provided at the eastern edge of the car park which would allow parents to drop off their child (expected by the school to only involve the oldest children, i.e. Year 6). The car park would be constructed in a bituminous material and provided with suitable drainage infrastructure. The specification of the car park

has been assessed by ECC Highways who have not raised any highway objections subject to the highway conditions as recommended in their consultation response for the proposal generally. It is therefore considered that the presented layout for the proposed enabling housing and school car park for this housing allocation scheme is acceptable and would be in accordance with Policies GEN2 and GEN8 of the adopted LP and FNP Policy FEL/HN2 in relation to layout.

## **E Appearance (NPPF, GEN2 – ULP, FEL/ICH1 – FNP)**

- 10.23 The proposed dwellings would incorporate a good mixture of house types and styles reflecting the Essex local vernacular and also nearby new house build developments as shown on submitted drawing SP006-PL-03 Rev G and would have a good pallet of external finishes comprising slate, tile, brick, render and black weatherboarding as shown on submitted drawing ‘Colour of Materials Layout’ ref; SP006-PL-06 Rev E and on the revised streetscene elevation drawing SP006-ST-01 Rev A. Garages and car ports for the dwellings would have similar external finishes. The dwellings would also incorporate a good level of architectural detailing and relief to also reflect the local Essex vernacular style incorporating such features as birdsmouth rafters, soldier window head coursing and lead style bay window canopies. The applicant was asked by officers to provide some variation in dwelling footprint orientation so as to break up some of the streetscene uniformity. Whilst such a request has not been fulfilled, the absence of this relief is not considered crucial to the scheme.
- 10.24 It is considered that the appearance of the dwellings as shown for this enabling housing scheme would be in accordance with the requirements of Policy GEN2 and FNP Policy FEL/HN2 in relation to appearance.

## **F Proposed landscaping measures (NPPF, GEN2 – ULP, FEL/HN2 – FNP)**

- 10.25 A detailed landscape strategy has been submitted for the development scheme as shown on the drawing entitled ‘Landscape Strategy’ ref; 1198.01 which shows the various proposed soft landscaping and ecology net gain measures proposed. This strategy is intended to meet the requirements of FNP Policy FEL/HN2 (v). which states that the development *“Be screened with native hedgerows or tree screening to the western and northern boundaries to mitigate the visual impact of the development on the landscape”*.
- 10.26 The strategy includes the provision of a native planting landscaped buffer for the western boundary of the site as well as the planting of a new native copse at the northern end of the site to physically contain the new housing and car park as well as the strengthening of existing tree planting along the site’s Braintree Road frontage. In addition, an ‘avenue’ of trees would be planted through the front gardens of the residential properties fronting onto the curved internal spine road to enhance the streetscene behind a continuous shallow linear swale which would run parallel with the road on this side as well as on the other side of the road leading to a shallow attenuation basin which would support damp tolerant wildflower meadow grasses and species on its upper edges. Further tree and hedge planting would be included within the development, such as around the outer edge of the attenuation basin, on the outer edge of the school car park and within the car park itself.
- 10.27 The soft landscaping features proposed for the development are considered

acceptable and would accord with the requirements of both Policy GEN2 of the adopted LP and also the requirements of FNP Policy FEL/HN2 subject to an appropriate landscaping condition being imposed on any planning permission granted requiring detailed planting specifications to be submitted to and approved by the LPA.

**G Impact on residential amenity (NPPF, Policies GEN2, GEN4, GEN5, ENV11 – ULP)**

10.28 The proposed development would be on a greenfield site meaning that the impact of the development on existing residential amenity would be limited. Indeed, the only residential properties which would be potentially affected by the proposal would be eight properties which line Braintree Road on its north side to the south of the school. However, the layout of the housing element of the scheme to the south-west of the last property positioned in the frontage row (Moritz) would mean that the impact of the development on these properties laterally would be limited whereby additionally the adjacent new dwellings to this last property (bungalow) would also be bungalows thereby having no overbearing effect and as furthermore land would be conveyed to Moritz on its south-western flank side by the developer (asterisked on proposed 'Garden Areas' plan) as additional residential amenity protection given this bungalow has side facing windows. No residential amenity objections are therefore raised under Policy GEN2 of the adopted LP).

10.29 It is noted that the Council's Environmental Health Officer has raised amenity concerns in relation to the potential for noise and disturbance to the occupants of these frontage properties as a result of the proposed 90 space school car park proposed to the rear, which is integral to this allocated housing scheme site. It is stated specifically that noise and disturbance generated from the introduction of the car park would be most evident during school term time pupil drop-off and collection times by parents parking their cars temporarily in the car park before driving off again.

10.30 Whilst this residential amenity concern from the Council's EHO is acknowledged, any such adverse effects by the creation of the car park would be restricted to short periods of vehicular activity / car doors closing daily during the early morning and again mid-afternoon (and none during school holiday periods) whereby the potential for noise and disturbance has to be weighed against the severe congestion as a negative effect which is currently being experienced by residents of these properties along Braintree Road by parents parking their cars in long lines along the road causing both inconvenience and slowing down of traffic along this section of the road to the detriment of residential amenity. The existing unsatisfactory situation is a material consideration to this issue and is a situation which both the Parish Council and the school wish to have eliminated through the submitted site allocation proposal whereby a Traffic Regulation Order would be put into place and enforced. As such, this would reduce these overall negative effects on these close residents in addition to those residents living around the school and elsewhere.

10.31 In addition to this local residential amenity benefit, the same frontage properties in Braintree Road would be positioned at least 30 metres distant from the proposed car park, which would have new screen fencing, whilst the rear gardens of these properties are proposed to be extended out further to off-set the amenity impacts from the car park in accordance with the buffer area



required under FNP Policy FEL/HN2 (vi) (“include a landscape buffer behind the existing properties at Braintree Road”). The residents are aware of the offer to extend their gardens (see community consultation) whereby the developer intends to provide fences to the extended garden areas which would offer a fair degree of mitigation. The fencing erected (likely to be 1.8m close boarded) can be agreed. It is therefore considered that no reasonable amenity objections can be raised to the development under Policies GEN4 and ENV11 of the adopted LP where the need for the development in this instance outweighs the degree of noise which would be temporarily generated.

## **H Housing Mix (Policy H10 – ULP, Policies FEL/HN1, FEL/HN7 – FNP)**

10.32 The mix of dwellings proposed for this site allocation scheme is intended to reflect the aspirations of the parish as set out in the Felsted Neighbourhood Plan as well as reflecting the LPA’s latest housing needs mix as set out in the District Council’s latest Strategic Housing Market Assessment.

10.33 The submitted proposal would encompass a range of dwellings between 2 to 4 bedrooms, with the mix including houses and bungalows. The dwelling type and bedroom mix is as follows.

<b>Dwelling Type</b>	<b>No. of Dwellings</b>	<b>% of Housing Mix</b>
2 Bed House	4	16.67%
2 Bed Bungalow	4	16.67%
3 Bed House	11	45.83%
4 Bed House	5	20.83%
<b>Total</b>	<b>24</b>	<b>100%</b>

10.34 The Felsted Neighbourhood Plan requires a significant proportion of two or three bedroomed accommodation suitable for young families and homes that are suitable for older people where this identified need is informed by the last rural housing needs survey carried out for Felsted parish in 2016. In this respect, FNP Policy FEL/HN2 (viii) states that the Sunnybrook Farm allocation site should “Provide a mix of housing to meet the latest assessment of local housing need, including a significant proportion of 2 and 3 bedroomed accommodation suitable for young families, and homes that are suitable for older people (which can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs), having regard to the supply of such units at the time of application”.

10.35 It will be seen from the table above that at least 79% of the scheme mix is for such needs, including 4 no. 2 bed bungalows (16.67%) and 15 no. 2 and 3 bed units (55%) suitable for young families. Uttlesford DC’s latest required housing mix (SHMA) has the highest need for 3 bed dwellings. The proposal would therefore align well in this respect, although has a greater emphasis on 2 bed units rather than 4 and 5 bed units than required by the SMHA in order to meet neighbourhood plan expectations. This can be further seen by the further table produced below;

<b>Size of Dwelling</b>	<b>No. of Dwellings</b>	<b>% of Housing Mix</b>	<b>UDC Required Mix %</b>
2 Bed	8	33.3%	7.8%

3 Bed	11	45.8%	44.2%
4 Bed	5	20.8%	32.0%
5 Bed	0	0%	14.5%

- 10.36 The NPPF supports mixed and balanced communities and requires that the size, type and tenure of housing needed for different groups in the community should be assessed. The latest SHMA identifies the market housing needs for Uttlesford. The biggest needs are for 3 bed houses (44.2%) and 4 bed houses (32%), with 2 bed properties (20.8%) having less need. Local Plan Policy H10 seeks a significant proportion of 'smaller' market properties to be included in sites whereby it is interpreted from this policy that smaller properties can include 3 bed dwellings. There is no set definition regarding what a 'significant proportion' means.
- 10.37 It will be seen from the above tables and discussion that this site allocation housing application proposes a 'significant proportion' of 2 and 3 bedroomed properties, these comprising 19 out of the 24 dwellings. Out of these, it is considered that there are 4 no. 2 bedroom houses which could act as starter homes, whilst provision for young families is made via the 11 no. 3 bed dwellings, either semi-detached or small detached /link-detached dwellings. To give some balance to the development and to ensure it is suitably viable to deliver the required community benefits which FNP Policy FEL/HN7 seeks, the scheme includes 5 no. 4 bedroom houses. These dwellings would represent around 20.8% of the total units and therefore aligns closely with SHMA mix requirements for 4 bed dwellings.
- 10.38 Provision to meet the needs of older people, including downsizers, is addressed through the provision of 4 no. detached bungalows for the scheme. These have been designed to meet wheelchair adaptable standards and comprise over 16% of the development, therefore in excess of the 5% minimum requirement under the Council's adopted strategic housing policy and as advised within adopted supplementary planning guidance. There is limited provision currently being made for market bungalows within Felsted and so the proposed units would represent a useful addition to the range of local housing stock within the parish.
- 10.39 Accordingly, it is considered that the proposed housing mix generally reflects the requested mix as set out in FNP Policy FEL/HN7. It should be noted and emphasised in this respect that prior to submitting the application that the applicant advised the Parish Council of the proposed unit mix who indicated their agreement and accordingly it has not been deemed necessary by the applicant to prepare a new local housing needs assessment given these material circumstances. In the circumstances, the proposed housing mix meets the requirements as set out within Policy H10 of the adopted LP and FNP Policies FEL/HN1, FEL/HN2 and FEL/HN7 of the made Neighbourhood Plan.

**I Affordable housing considerations (Policy H9 – ULP, Policies FEL/HN1, FEL/HN7 – FNP)**

- 10.40 Policy H9 of the adopted LP states that "The Council will seek to negotiate on a site to site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up to date Housing Needs Survey, market and site considerations". There would therefore be a normal policy requirement under this adopted LP policy to provide 9.6 on-site affordable dwellings (or 10 dwellings rounded up) for this neighbourhood plan housing allocation site scheme or equivalent off-site

financial contributions towards affordable housing for the district were the District Council to seek this.

10.41 The application as submitted purposely does not include any affordable housing whereby the applicant has stated in the application submission that the ability to meet Policy H9 regarding the normal requirement for affordable housing for the submitted scheme is severely hampered by the costs of the development, in particular the enabling works, including provision of the community car park which is a policy requirement of FNP Policy FEL/HN2. It is also a material consideration to the application that a significant amount of affordable housing has already been allocated or approved within housing schemes within Felsted parish in recent years, including at Clifford Smith Drive also at Watch House Green whereby Felsted Parish Council have recognised this in their various submissions for the current application in that they would not accordingly be expecting to see any affordable housing element to be included within any housing scheme for the Sunnybrook Farm housing allocation site so as to allow the school car park to be delivered (and where FNP FEL/HN2 does not stipulate this). Therefore, the NPPF's requirements for mixed and balanced communities can therefore be satisfied taking account of these circumstances.

10.42 Notwithstanding this, a Financial Viability Statement has subsequently been submitted by the applicant (Beresfords) for the submitted housing enabling scheme which has concluded that the scheme as submitted would not be viable with any affordable housing provision (or in lieu an affordable housing financial contribution) where this is predicated on the basis of delivering the FNP FEL/HN2 policy required school car park (including related necessary infrastructure e.g. drainage, fencing, gates, landscaping, etc).

10.43 In addition to these above identified cost constraints, the report appraisal has also factored in costs for numerous other matters relevant to the application to include the following costs which would be secured either via a s106 agreement or by planning conditions as appropriate and which may be considered important to the effective delivery of the FNP allocation scheme:

- £10,000 – Car Park Maintenance contribution (NB - Felsted Parish Council suggested circa £45,000. However, it is anticipated that the newly created car park would be transferred to the Felsted Community Trust with contractor warranty);
- £3000 – Essex RAMS Payment (24 units x £125);
- £1560 - Travel Pack (24 units x £65);
- £5000 – Local Area for Play Maintenance sum;
- £10,000 - Works to form a pedestrian access/bridge across ditch into the school grounds;
- £24,500 - Tarmac surface to the public footpath (ECC land adjacent to the Primary School) between Braintree Road and the site;
- £10,000 - Bus shelter/works to bus stop adjacent Braintree Road site frontage;

10.44 The submitted Financial Viability Statement has also made allowances for legal work involved in matters like transferring the freehold of the completed car park to the Felsted Community Trust and land to neighbours for enlarged gardens as proposed for the submitted scheme as discussed, although does not take into account any additional costs relating to the making of a Traffic Regulation Order along Braintree Road as required by ECC Highways in their highways

consultation response dated 10 January 2022. Furthermore, the requirement to make an additional s106 contribution payment towards requested EY+C and primary school education (see ECC Education consultation response above) where this has additionally not been factored in would not make the scheme viable either where pertinently in this case the scheme involves the construction of a needed primary school car park.

- 10.45 Notwithstanding the findings and conclusions of the submitted Financial Viability Statement, it has been considered necessary by the District Council to 'test' the robustness of the report, particularly given the comments expressed by the Council's Housing Enabling Officer querying why no affordable housing provision has been included for the site scheme where this would otherwise normally be expected, albeit less than the normal 40% policy compliant requirement were there a recognised local need for a school car park, and also querying the size of the car park. Furthermore, such an exercise is seen as being consistent in the District Council's approach with the financial viability assessment carried out by both the applicant and the District Council for Land at Station Road, Felsted (Bury Farm) representing the other allocated local infrastructure scheme for Felsted within the Felsted Neighbourhood Plan (FNP FEL/HN3 - surgery site with enabling housing).
- 10.46 The applicant's submitted Financial Viability Statement has been appraised by ECC Viability whereby they have advised in their full report issued on 1 March 2022 that there are some areas of the submitted statement that they disagree with in terms of calculations and estimates. However, they have further advised that the scheme would barely meet the 15% developer's profit margin policy as allowed for by the NPPF even taking into account cost 'corrections' and that this is with no affordable housing. This, they comment, would make it a risk for the developer and are of the considered opinion that any affordable housing would make the scheme unviable, even though they disagree that the scheme would make an overall loss. The same position would therefore be true at reduced (say 30%) affordable housing provision and were other s106 financial contributions, e.g. the requested education contributions, be applied where ECC Viability have acknowledged this and also other relevant influencing factors which would reduce viability further, such as the present shortage of materials, labour costs, rising interest rates and rising inflation.
- 10.47 ECC Education have since informed the District Council in light of the ECC Viability report findings and conclusions that they are willing to forego the requested developer contribution of £37,299 index linked to mitigate the proposed impact of the proposed development on EY&C provision and the requested developer contribution of £124,330 index linked to mitigate its impact on local primary school provision. However, they have advised the Council that this agreed waiver of education contributions for the scheme in this justified instance would be on the strict proviso that ECC Education are not made responsible in the future for any costs associated with the future maintenance of the proposed school car park.
- 10.48 In light of all of the above, there is no policy justification for the inclusion of any affordable housing for this 100% market led housing enabling scheme under Policy H9 of the adopted LP or under FNP Policies FEL/HN1 and FEL/HN7.
- J Drainage (NPPF, Policies GEN2, GEN3, GEN6 – ULP, FEL/INF1, FEL/HN2 (vii) - FNP)**

- 10.49 The site lies within Flood Zone 1 as shown on the Environment Agency's flood risk map meaning that the site is at the lowest risk of fluvial flooding. The application is accompanied by a Flood Risk Assessment and Drainage Strategy (GH Bullard & Associates) which has assessed the risk of flooding at the site and also the most appropriate ways of effectively discharging surface water from the proposed development. A SuDS drainage scheme has been incorporated into the development in accordance with government sustainable drainage principles whereby the scheme would involve the use of a series of linking swales and drains running either side of the proposed spine road for the housing development leading to a shallow split level surface water attenuation area to be created at the northern end of the site as shown on submitted site layout plan ref; 1198.01. An additional swale would run along the south-western boundary of the school car park. Surface water run-off from the development would be attenuated, with a controlled discharge of surface water to the existing watercourse.
- 10.50 The submitted FRA and drainage strategy demonstrates how a suitably designed and attenuated SuDS scheme would work for the scale of development proposed at the site and includes plans and calculations showing how this could be achieved. The submitted strategy concludes that the risk of flooding to the site has been adequately considered and therefore development of the site with the proposed drainage system would not pose an unacceptable flood risk either to occupants of the development site or to others off site.
- 10.51 The LLFA has examined the submitted FRA and drainage strategy who have advised in their consultation response (re-issued 18 February 2022) that having reviewed the amended Flood Risk Assessment and the associated documents which accompany the planning application that it does not have any drainage objections to the granting of planning permission based upon the drainage information received subject to advisory comments. The drainage scheme would require a suitable management and maintenance agreement whereby appropriate arrangements can be secured for this either via planning conditions or via a section 106 agreement.
- 10.52 In light of the above, the proposal complies with relevant NPPF advice relating to flood risk and drainage, Policies GEN2, GEN3 and GEN6 of the adopted LP and FNP Policies FEL/HN2 (vii) and FEL/INF1.
- K Impact upon protected / priority species (GEN7 – ULP), FNP Policies FEL/HN8, FEL/HN2 (ix))**
- 10.53 The site comprises a semi-improved grassland field subject to a management cycle, principally in equine and hay meadow use. Tree lines/hedgerows are situated on/in proximity to the development site boundaries, with opportunities for retention, enhancement and additional planting as part of the development proposal.
- 10.54 A Preliminary Ecological Appraisal (PEA) (T4 Ecology Ltd) accompanies the application which has scoped for the existence of natural habitats for protected / priority species at the application site. The field survey found that no trees with bat roosting potential would be affected by the development, although it is possible that bats may forage and commute in the area given the presence of boundary hedgerows/tree lines. However, given that the overall principle of boundary hedgerows and tree lines would be maintained and enhanced as part of the development proposal the survey report concludes that it is reasonable to

conclude that development would not have an adverse impact upon such behaviours. No active or inactive badger setts were found, with no evidence of badger activity Identified.

- 10.55 The survey report concludes that the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided the specific mitigatory guidance and enhancement recommendations identified within the survey report are fully adhered to, including the preparation of a Biodiversity Management Plan (BMP) secured by way of an appropriately worded condition which could secure the full range of enhancements and appropriate management techniques to be employed.
- 10.56 Place Services have been consulted on the application who have advised in their consultation response that they do not have any ecology objections to the proposal based upon the information contained within the submitted PEA and its recommendations subject to securing biodiversity mitigation and enhancement measures by condition and also a financial contribution being sought towards visitor management measures at the Blackwater Estuary SPA and Ramsar site in line with the Essex coast RAMS for impacts from residential development within the ZOI specified in combination with other plans and projects given that the site lies within this RAMS ZOI. This tariff payment can be collected via a S106 agreement whereby the applicant has agreed to pay this financial contribution.
- 10.57 In light of the above, the proposal complies with Policy GEN7 of the adopted LP and FNP Policies FEL/HN8, FEL/HN2 (ix).

## **11. CONCLUSION**

- 11.1 The submitted application for a school car park for Felsted Primary School with enabling housing as a key local infrastructure project evidenced on local need as identified within the made Felsted Neighbourhood Plan (Land at Braintree Road - Sunnybrook Farm - FNP FEL/HN2) is considered acceptable both in principle and in matters of detail against national planning policy and against both adopted Local Plan policy and made Neighbourhood Plan policy for the reasons as set out in this report.
- 11.2 It is therefore recommended that the application be approved subject to appropriate planning conditions and the applicant entering into a Section 106 Agreement.

## **12. EQUALITIES**

Equality Act 2010

- 12.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and

persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.