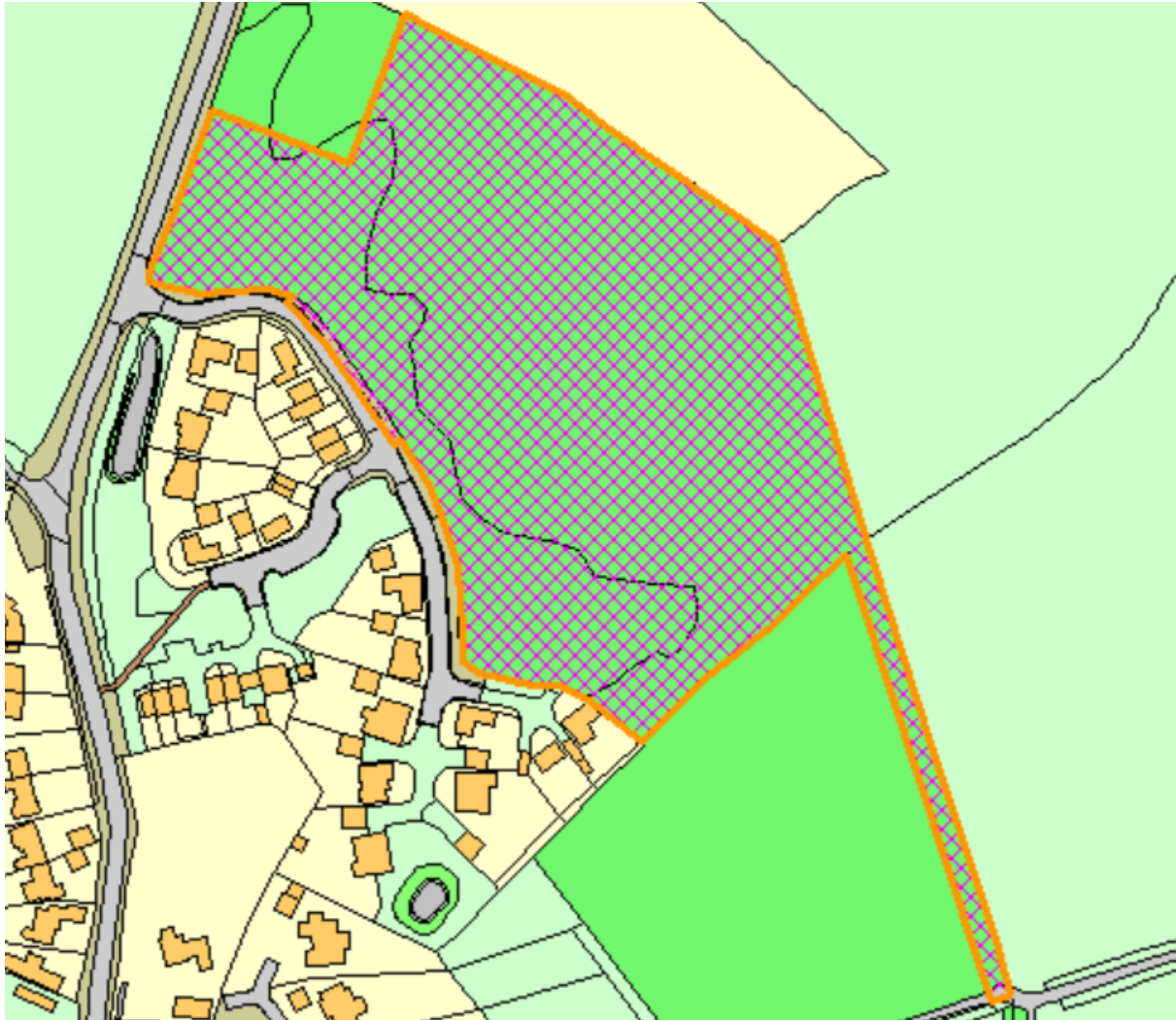




ITEM NUMBER:	5
PLANNING COMMITTEE DATE:	22 February 2023
REFERENCE NUMBER:	UTT/22/3178/DFO
LOCATION:	Land East And North Of Clifford Smith Drive Felsted

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council. Date: 08 February 2023

PROPOSAL: Details following outline application UTT/19/2118/OP for the erection of up to 41 no. dwellings - details of appearance, landscaping, layout and scale. Application to discharge conditions 7 and 8 (Surface Water Drainage), 11 (access arrangements), 12 (pedestrian link), 17 (Reptile Mitigation Strategy), 18 (CEMP Biodiversity), 19 (Biodiversity Enhancement Strategy) and 22 (Energy Statement)

APPLICANT: Mulberry Homes

AGENT: Laura Dudley-Smith

EXPIRY DATE: 24.02.2023

EOT Expiry Date

CASE OFFICER: Mrs Madeleine Jones

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

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** This scheme is for 41 residential housing units and follows grant of outline planning permission reference UTT/19/2118/OP for the erection of up to 41 no. dwellings with all matters reserved except access along with associated works
- 1.2** The reserved matters to be considered are therefore only appearance, layout, landscaping and scale which are considered below
- 1.3** The proposal includes 40% affordable housing

2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Completion of a Deed of Variation to the s106 agreed at outline
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

3. **SITE LOCATION AND DESCRIPTION:**

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

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

4. PROPOSAL

- 4.1** This application relates to the Approval of Reserved Matters, following the grant of outline planning permission for the erection of upto 41 dwellings, under Outline Approval reference UTT/19/2118/OP

- 4.2** Access was considered under the application UTT/19/2118/OP and therefore only appearance, landscaping, scale and layout are for consideration as reserved matters. A new access road would be provided which would join onto the spine road serving the adjacent development

- 4.3** The table below shows the proposed housing mix

4.4

Plot	Housing type	Garden size m ²	Parking Provision	Affordable
1	3	186	4	
2	5	190	4	
3	3	103	2	Y
4	2	51	2	Y
5	2	51	2	Y
6	1	86	2	Y
7	1	205shared	1	Y
8	1		1	Y
9	2	94	2	Y
10	2	74	2	Y
11	2	74	2	Y
12	2	86	2	y
13	3	190	3	
14	3	287	3	
15	3	256	3	
16	4	280	4	
17	4	261	4	
18	4	494	4	
19	4	306	4	
20	4	522	4	
21	4	375	4	
22	4	121	4	
23	4	204	4	
24	4	231	4	
25	4	109	4	
26	4	265	4	
27	4	282	4	
28	4	186	4	
29	3	101	2	Y

30	3	110	2	Y
31	3	116	2	Y
32	3	119	2	Y
33	3	110	2	Y
34	3	103	2	y
35	4	122	3	
36	3	113	3	
37	3	162	3	
38	4	104	3	
39	4	229	3	
40	4	189	4	
41	4	158	4	
Visitor Parking			10	

4.5 All dwellings have on plot parking and the plans show 10 additional parking spaces

4.6 All dwellings have private amenity space that accords with the recommended sizes within the Essex Design Guide for the size of the dwelling.

4.7 **The following documents have been submitted in support of the application:**

Planning Statement
Reptile Mitigation Strategy
Design and Access Statement
Ecological walkover survey
Great crested Newt Licence
Completed Suds Checklist

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/19/2118/OP	Outline application with all matters reserved except for access for the erection of up to 41 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping	Approved with conditions
DUN/0302/61 -	Site for residential development. Refused	Refused

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

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1 This application has been the subject of pre- application (UTT/22/2133/PA) The issues discussed were layout (design), housing mix, ecology, highways (parking), impact on Heritage Assets, Suds and s106 requirements (including Deed of Variation).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions

8.2 Local Flood Authority

- 8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the discharge of condition 7 & 8 of UTT/19/2118/OP
The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

9. Felsted Parish Council COMMENTS

- 9.1 Felsted Parish Council believes that these proposals provide a positive impact on the environment within the constraints of the planning permission which has already been granted. It particularly

welcomes the plans for planting which will enhance the biodiversity within the development

- 9.2** As you are aware an ecologist survey was conducted regarding the lizards on your new site (Clifford Smith Drive) last year by another developer. The Nature Area in Felsted (behind Station Road) was found to be a suitable site for the transfer of the reptiles.
The Nature Area in Felsted is managed by a Working Group consisting of both Parish Councillors and local residents / volunteers. The Working Group agreed to the transfer and a fee for this (albeit unspecified) was agreed with the previous developer. Please be advised that the Working Group have agreed to continue to support the transfer of the lizards and have agreed to waive the fee.
Please note that, if possible, some members of the Working Group would like to be present when the lizards are relocated.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

- 10.1.1** The affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 41 units. This amounts to 16 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
The application includes 16 affordable properties 11 of which are for affordable rent and 5 for shared ownership. There is a good mix of affordable properties proposed within the application and each of the properties meet the Nationally Described Space Standards (NDSS).
It is encouraging to note that each of the properties are to have an Air Source Heat Pump and an EV charging point.
I suggest that the floor plan of the 1-bedroom wheelchair accessible bungalow (plot 6) is amended to include a wet room or level access shower rather than a bath.
The mix of the market properties could be enhanced by including a couple of 2-bedroom houses

10.2 Anglian Water

- 10.2.1** No comments

10.3 Place Services (Conservation and Heritage)

- 10.3.1** This application relates to land located to the south and east of Grade II listed Weavers (List entry number 1146732), and forms part of the setting of the listed building. Weavers is a timber framed and 0plastered cottage of one storey plus attics which has been dated to the seventeenth century or earlier, with later additions and alterations including a twentieth century rear extension. Grade II listed Felmoor Farmhouse (List entry number 1146724) which has been dated to the sixteenth/seventeenth century is located at some distance to the west of the development site, across a

piece of open farmland. The current application relating to UTT/19/2118/OP follows an earlier outline application for 30 dwellings (UTT/18/0874/OP) which was allowed at appeal. The Planning Statement incorporating Heritage Statement submitted with UTT/19/2118/OP assessed there to be less than substantial harm to the significance of the listed building (Weavers) arising from the proposed development, and I agree with this assessment based on the contribution the current undeveloped rural setting makes to significance.

- 10.3.2** In the Inspector's decision notice relating to the application for 30 dwellings on this site dated 27 March 2019, he observed the following: The appeal site lies to the south of the property and given the boundary treatment and vegetation along the boundary of Weavers and Braintree Road and along the southern boundary with the appeal site, views of Weavers from the appeal site are largely screened. Furthermore, since layout is a matter for future consideration and as suggested by the indicative site plan, the proposed dwellings could be set out on the site such that the effect of the proposed development on the setting of the listed building would preserve its significance.
- 10.3.3** The new development will extend the existing modern housing development of Clifford Smith Drive north and eastwards, thus urbanising the setting of Weavers and associated buildings to the southeast, with the exception of an area directly fronting Braintree Road which is proposed to consist of retained scrubland to the north, with an attenuation basin and associated soft landscaping to the south. All 40 of the dwellings proposed with the current application are of two storeys, some with single storey garages.
- 10.3.4** Plots 7-11, 8, 10, 11, 12, 13, 14, 16 and 17 at the northern boundary of the development site are those in closest proximity to the listed building, with some separation provided by the rear gardens of the new houses. Existing mature vegetation and proposed tree planting will provide some screening, but it is regrettable that no visual impact assessment has been made of the inter-visibility between the listed building and the new houses to and from this part of the development site. I note that the indicative layout submitted with UTT/19/2118/OP included three bungalows at Plots 12 to 14. Single storey dwellings on the north of the site would theoretically reduce the visual impact on the setting of the listed building, although would not mitigate the other urbanising effects of light spill and increased activity levels.
- 10.3.5** With regards to the proposed design of the new dwellings, these appear to be appropriate to the character and appearance of the area with traditional roof forms and fenestration. With regards to materials, I note that the new dwellings are proposed to be finished in either one of two types of red brick, with any rendered or black weatherboarded finishes reserved for front elevations. In the interests of local character and the use of high-quality materials, timber rather than fibre cement weatherboarding should be specified. Red or grey clay tile roofs have

been specified and whilst red clay tiles are in keeping with local character, natural slate should be employed in favour of the proposed grey clay 'Antique slate' tiles, as a suitably high-quality material. Details of the materials to be used for doors and windows has not as yet been specified and, in line with pre-application advice from this office, they should be timber or aluminium framed which could be dealt through a suitable condition. I also note the proposed use of timber post and rail fencing to the northern and eastern site boundary which I consider to be an appropriate treatment in this context.

- 10.3.6** However, the pre-application advice from this office was that close boarded fencing to garden boundaries should be avoided as it is not in keeping with the rural character of the area. The proposed use of powder coated chain link fencing on other parts of the development is also regrettable in this context, although I appreciate this will be screened by new hedging where employed on the eastern boundary. I am also unclear regarding the proposed type of powder coated estate railings to be used, but this could be dealt with through an appropriate materials samples condition. I am able to support the proposed landscaping plan with all rear gardens laid to grass and the minimal use of hard landscaping throughout the development.

10.5 Place Services (Ecology)

- 10.5.1** No objection subject to securing biodiversity mitigation and enhancement measures

10.6 Essex Police

- 10.6.1** UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime"

- 10.6.2** Whilst there are no apparent concerns with the layout however in relation to the boundary treatments to plots 7-23, we have some concerns. Plots 7-18 appear to rely on 1.1m post and rail fencing to a ditch at the rear which without seeing the ditch in all seasons appears to provide no security to the rear of the properties or protect to prevent a child's access to the ditch. Plots 19-23 has hedging which security will depend on density with the addition of a 1.8m chain link fence, chain link fencing is not a secure fence. Plots 24-27 chain link fencing again. We would also be interested in the purpose of the gated area behind plots 21 & 23. To comment further we would require the finer detail such as the proposed lighting, and physical security measures.

10.7 NATS

- 10.7.1** No objections.

10.8 UDC Urban Design officer

10.8.1 No objection raised. On balance, the well-designed elements of this scheme outweigh any potential points for improvement

10.9 BAA Safeguarding

10.9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection to this development.

10.9.2 Informatives:

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:

<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

10.9.3 It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military)

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 76 notifications letters were sent to nearby properties.

11.1.1 Object – one representation.

- 11.1.2**
- Cramped layout
 - Highway safety
 - Impact on wildlife

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a)The provisions of the development plan, so far as material to the application,;

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area – Delete or keep this paragraph when it is relevant i.e

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (Made December 2022)
Great Chesterford and Little Chesterford Neighbourhood plan (Made 2nd Feb 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

13.2.1 S7 – The countryside Policy
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN5 –Light Pollution Policy
GEN6 - Infrastructure Provision Policy
GEN7 - Nature Conservation Policy

GEN8 - Vehicle Parking Standards Policy
H9 - Affordable Housing,
H10 - Housing Mix Policy
ENV2 - Development affecting Listed Buildings Policy
ENV3 - Open Space and Trees,
ULP Policy ENV7 - County Wildlife Site
ULP Policy ENV13 – Exposure to poor air quality

13.3 Felsted Neighbourhood Plan (made 25th February 2020)

13.3.1 FEL:HN6: Supplementary Dwellings
FEL:HN7: Housing Mix
FEL:ICH 1 High Quality Design
FEL:CW3 footpaths, Bridleway and cycleways

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 **A) Principle of Development**
B) Design, scale, landscaping, appearance, impact on neighbour's amenity and impact on adjacent listed building
C) Affordable Housing, Housing mix
D) Biodiversity
E) Climate Change
F) Highway safety and access
G) Drainage

14.3 A) Principle of development

14.3.1 This scheme is for 41 dwellings and follows an outline application reference UTT/19/2118/OP. as such the principle of the development has already been accepted. There are no further relevant changes in planning policy since that date that would reverse that decision.

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

14.4 B) Design, scale, landscaping, appearance, impact on neighbour's amenity and impact on adjacent listed building.

- 14.4.1** Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design. The development should comply with building for a Healthy Life, Essex Design guide and The Felsted Neighbourhood Plan Policies as above.
- 14.4.2** The site layout submitted is similar to the layout submitted at outline stage and is considered to be appropriate for the site. The proposal has been the subject of pre- application advice, which included the Urban Design officer, specialist Heritage officers and the Lead Local Flood Authority. The submitted application reflects that advice.
- 14.4.3** The properties comprise a mix detached, and link detached properties. A mix of materials is proposed consisting of render, brick, and boarding. The design, appearance, scale, and external materials of the proposed dwellings reflect the Essex vernacular as detailed in the Essex Design Guide.
- 14.4.4** The proposed would be similar in design and scale to those of the adjacent residential developments. They would be predominantly two storey dwellings with one bungalow.
- 14.4.5** The proposed dwellings have been positioned and designed so that there would not be any material detrimental impact by way of overlooking, overshadowing or overbearing impact to neighbour's amenity.
- 14.4.6** All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2-bedroom properties 50 sqm+. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide
- 14.4.7** Whilst the principle of the proposed development has been established, consideration must still be afforded to the setting of the adjacent heritage assets, to avoid/minimise any additional harm to their setting from the proposed development as outlined in Section 16(2) & 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ULP Policy ENV2, NPPF). Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them. This states that: Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely impair the special characteristics of a listed building will not be permitted.
- 14.4.8** The application site is located to the east of the B1417, to the north of the site is the Grade II listed building Weavers (list entry number: 1146732). Across the B1417 to the west is the Grade II listed Felmoor Farmhouse

(list entry number: 1146724) and Pump to west of House, also Grade II listed (list entry number: 1112895).

- 14.4.9** Rear gardens have been placed along the north and north eastern boundary to provide a greater degree of separation between the development and the Listed building to the north of the site.
- 14.4.10** Specialist conservation advice is that with regards to materials, they state that the new dwellings are proposed to be finished in either one of two types of red brick, with any rendered or black weatherboarded finishes reserved for front elevations. In the interests of local character and the use of high-quality materials, timber rather than fibre cement weatherboarding should be specified. Red or grey clay tile roofs have been specified and whilst red clay tiles are in keeping with local character, natural slate should be employed in favour of the proposed grey clay 'Antique slate' tiles, as a suitably high-quality material.
- 14.4.11** Conservation officers advised that close boarded fencing to the northern and eastern site boundaries should be timber post and rail fencing rather than close boarded fencing.
- 14.4.12** The Urban Design officer has no objections to the proposal.
- 14.4.13** The proposal also includes an area of Public Open Space (POS) including a Local Area of Play (LAP) and adult outdoor gym equipment
- 14.4.14** The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of ULP Policies GEN2 and GEN4

14.5 C) Affordable Housing, Housing Mix

- 14.5.1** Policy H9 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.
- 14.5.2** Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.
- 14.5.3** Felsted /HN7 housing mix policy states that new housing development will be supported where it provides two bedroom or three bedroom accommodation suitable for young families or homes suitable for older people, other types of accommodation identified in the latest assessment of local housing needs and or affordable housing.
- 14.5.4** The housing mix and parking provision of the individual plots for this application is as per the table above in section 4.4

- 14.5.5** The proposal includes the provision of 40% affordable housing which equates to 16 affordable housing units
- 14.5.6** Following advice from the housing officer, the bungalow on plot 6 has been revised to include a wetroom and ensure full M4(3) compliance.
- 14.5.7** The housing mix and provision of affordable housing is considered to be acceptable.

14.6 D) Biodiversity

- 14.6.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured

- 14.6.2** An ecology survey and assessment was submitted with the outline application and a number of conditions were attached to the outline application.

An updated ecological survey has been submitted and a letter of support from Felsted Parish council indicates they are happy to receive the translocated reptiles from the proposed site.

Evidence of the site's registration under Natural England's Great Crested Newt District Level Licensing has also been submitted.

A payment towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has been secured by a s106 agreement.

Although hedgerows are not being planted in the north-west of site, they are being provided elsewhere on site, in line with the Preliminary Ecological Appraisal (T4 Ecology Ltd., March 2018), secured by a condition at the outline stage (UTT/19/2118/OP).

Specialist Ecological advice is that they have no objections subject to securing biodiversity mitigation and enhancement measures.

The proposal complies with Uttlesford Local Plan Policy GEN7

14.7 E) Climate Change

- 14.7.1** Since the outline application, the Council have adopted an Interim Climate Change Planning Policy.

Each property will be fitted with an electric vehicle charging point.

The proposed development would minimise heat loss and incorporate efficient heating and lighting systems. The properties would also have air source heat pumps.

14.8 F) Highway safety and access

14.8.1 Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.

14.8.2 The Council has adopted both Essex County Council's Parking Standards – Design and Good Practice (September 2009) as well as the Uttlesford Local Residential Parking Standards (December 2012),

14.8.3 Local Plan Policy GEN8 – Vehicle Parking Standards requires parking provision for C3 (dwellings) use is: A minimum of 2 spaces (3 spaces for 4+bedrooms) per dwelling and 0.25 spaces per dwelling for visitor parking.

14.8.4 Cycle provision - If no garage or secure area is provided within the curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents.

14.8.5 Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface) The minimum internal dimensions for garages is 7m x 3m (if they are to count towards a parking space)

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

14.9 G) Drainage

14.9.1 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years). The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

15.1 ADDITIONAL DUTIES

15.1.1 Public Sector Equalities Duties

15.1.2 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.

15.1.3 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.

15.1.4 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

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

16. CONCLUSION

16.1 The proposal complies with relevant planning policies

17.1 DEED OF VARIATION AND CONDITIONS

17.1.1 1. Removal of mortgagee in possession clause
2. Change to early Years and Childcare Contribution from £19,924 to £17,422

17.2 Conditions

1 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with

the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 2** Prior to commencement Where the approved development is to proceed, further supplementary ecological walkover surveys for Badger shall be undertaken to inform the preparation and implementation of corresponding ecological measures required. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

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 Uttlesford Local plan Policy GEN7

- 3** Before development commences details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Uttlesford Local Plan Policies GEN2 and ENV2

- 4** Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 5** Dwellings shall not be occupied or play area open for use until such time as their associated cycle parking indicated on the approved plans, has been provided.

REASON: To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies

as adopted as County Council Supplementary Guidance in February 2011.

- 6** At an agreed phase in the development a shared footway/cycleway from opposite plot 2 to Clifford Smith Drive as shown in principle in drawing number 22027/BDC/C/XX/XX/EL/0110 P02 (but with a minimum of width of 3m) and a footway from opposite plot 24 to the pedestrian link required by condition 13 UTT/19/2118/OP(link to public right of way 15 (Felsted)), with a minimum of width of 2m shall be provided.

REASON: To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 7** Prior to first occupation two uncontrolled crossings of Clifford-Smith Drive shown in principle in drawing number 22027/BDC/C/XX/XX/EL/0110 P02 to be provided.

REASON: To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Appendices

Appendices for UTT/22/3178/DFO

Essex Highways:

Recommendation

Application No. UTT/22/3178/DFO

Applicant Mulberry Homes c/o Agent - Savills Parkview House Victoria Road South
Site Location Land East And North Of Clifford Smith Drive Watch House Green
Felsted

Proposal Details following outline application UTT/19/2118/OP for the erection of up to 41 no. dwellings - details of appearance, landscaping, layout and scale.

Application to discharge conditions 7 and 8 (Surface Water Drainage), 11 (access arrangements), 12 (pedestrian link), 17 (Reptile Mitigation Strategy), 18 (CEMP Biodiversity), 19 (Biodiversity Enhancement Strategy) and 22 (Energy Statement)

Note

This application was subject to a pre-app process and the applicant responded to the highway authority comments. Pedestrian links have been made to the public right of way network and into the adjacent development.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

1. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Dwellings shall not be occupied or play area open for use until such time as their associated cycle parking indicated on the approved plans, has been provided.
Reason: To ensure appropriate bicycle parking is provided In accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. At an agreed phase in the development a shared footway/cycleway from opposite plot 2 to Clifford Smith Drive as shown in principle in drawing number 22027/BDC/C/XX/XX/EL/0110 P02 (but with a minimum of width of 3m) and a footway from opposite plot 24 to the pedestrian link required by condition 13 UTT/19/2118/OP(link to public right of way 15 (Felsted)), with a minimum of width of 2m shall be provided. Reason: To provide safe and convenient walking and cycle access in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to first occupation two uncontrolled crossings of Clifford-Smith Drive shown in principle in drawing number 22027/BDC/C/XX/XX/EL/0110 P02 to be provided.

Reason: To provide safe and convenient walking and cycle access in accordance with

Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informatives:

(i) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.

(ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

(iii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

(iv) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.

(v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(vi) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way 15 (Felsted) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

(vii) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

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pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
Internet: www.essex.gov.uk
Email: Katherine.wilkinson@essex.gov.uk

Development and Flood Risk

Consultation Response – UTT/22/3178/DFO - Land East And North Of Clifford
Smith Drive Watch House Green Felsted

Thank you for your email received on 25 November 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS

schemes for major developments. We have been statutory consultee on surface water

since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply

with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the discharge of condition 7 & 8 of UTT/19/2118/OP based on the following:

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Yours sincerely,

Alison Vaughan

Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.