



**ITEM NUMBER:**

**10**

**PLANNING COMMITTEE DATE:**

**25 October 2023**

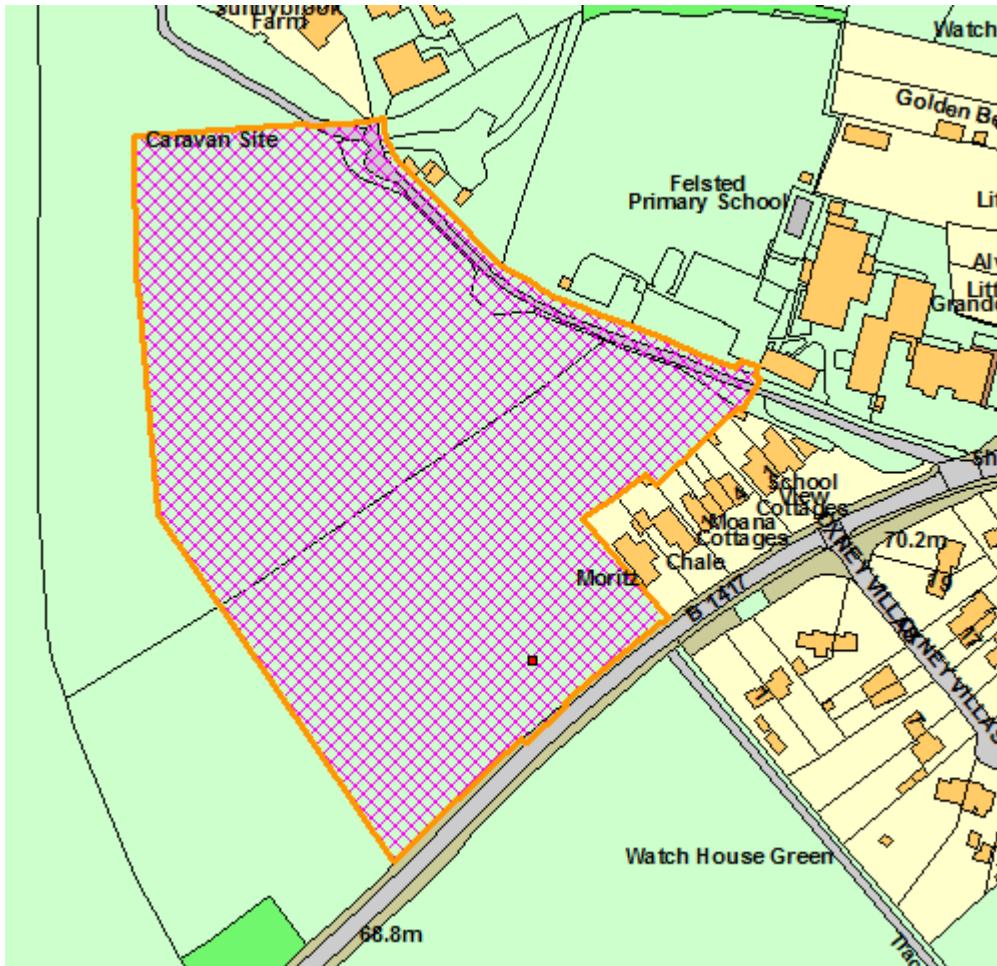
**REFERENCE NUMBER:**

**UTT/23/1412/FUL**

**LOCATION:**

**Sunnybrook Farm, Braintree  
Road, Felsted,**

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council - Date: 19<sup>th</sup> January 2023

**PROPOSAL:** S73 application to vary condition 2 (approved plans of UTT/23/0364/NMA following approval of UTT/20/1882/FUL (construction of 24 dwellings and school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping)

**APPLICANT:** Troy Homes

**AGENT:** Phase 2 Planning

**EXPIRY DATE:** 1 September 2023

**EOT Expiry Date** 31 October 2023

**CASE OFFICER:** Tom Gabriel

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major application

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**1. EXECUTIVE SUMMARY**

- 1.1** The scheme seeks planning permission for a residential development of 24 units (Use Class C3) and a school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping.
- 1.2** The amended layout and design of the proposed development is acceptable in all regards and will provide a high-quality form of accommodation for its future residents without harm the character and appearance of the area, or to amenity or highway safety.

**2. RECOMMENDATION**

That the Strategic 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 s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

**And**

If the freehold owner shall fail to enter into such an agreement, the Strategic Director of 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 northern 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.

### **4. PROPOSED DEVELOPMENT**

4.1 This S73 planning application is to vary condition 2 (approved plans) of UTT/23/0364/NMA following approval of UTT/20/1882/FUL for the construction of 24 no. dwellings and a school related community car park served via a new access from Braintree Road, complete with related infrastructure and landscaping.

4.2 The application differs from the approved scheme on the site in the following ways;

- change to the mix of dwellings from 8 x 2 bed; 11 x 3 bed and 5 x 4 bed to 16 x 2 bed; 3 x 3 bed and 5 x 4 bed.
- removal of the substation and a parking space;
- removal of the studio garages and their replacement with detached double garages on plots 12 – 15;
- visitor spaces to the north of site consolidated;
- plots 17-20 moved forward to increase garden sizes and parking court removed;
- garages to Plots 5, 6, 13, 14, 15 and 16 moved forward increasing garden sizes.
- dwellings parallel to western boundary repositioned to accommodate relocated garages;
- minor repositioning of Plots 1-4 and 21-24 to increase space between dwellings to enable widening of parking spaces as per M4(2) requirements;
- visitor parking space relocated to parallel bays adjacent to Plots 4 and 21;
- plot 6 double garage changed into single garage, removed two private drive spaces and repositioned; and
- repositioning of plots 7-15 to maintain space between dwellings

**4.3** The application is accompanied by the following reports to inform the proposal:

- Covering letter
- Decision notices of UTT/20/1882/FUL and UTT/23/0364/NMA
- Pre- application meeting notes
- Application form
- Plans and elevations of all house types
- Car park area plan 5
- Single garage plans and elevations
- Street scene plan
- Location plan

**4.4** A copy of the reports for applications UTT/20/1882/FUL and UTT/23/0364/NMA are attached as Appendix 1 to this committee report.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

**5.1** 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.

**6. RELEVANT SITE HISTORY**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/20/1882/FUL	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	Conditional permission
UTT/23/0363/NMA	Non material amendment to UTT/20/1882/FUL - Additional condition stating 'The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and drawing number detailed below submitted therewith, unless the local planning authority otherwise agrees in writing'	Conditional permission
UTT/23/1946/DOC	Application to part discharge condition 18 (written scheme of investigation) of UTT/20/1882/FUL	Discharged in part

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this proposal.

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority (from UTT/20/1882/FUL)**

8.1.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective, subject to highway conditions.

### **8.2 Lead Local Flood Authority (from UTT/20/1882/FUL)**

8.2.1 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.

8.2.2 Having reviewed the proposed modifications to the scheme, we consider that they will have no impact on drainage of the site. Consequently, we do not wish to comment in this instance.

## **9. PARISH COUNCIL COMMENTS**

9.1 No comment.

## **10. CONSULTEE RESPONSES**

### **10.1 Anglian Water (from UTT/20/1882/FUL)**

#### **10.1.1 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".

#### **10.1.2** 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.

#### **10.1.3** 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.

#### **10.1.4** 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.

#### **10.1.5** 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.

## **10.2 UDC Environmental Health**

The Environmental Protection Team have no objection to the proposed variation of condition 2.

## **10.2 Essex Police**

**10.2.1** UDC Local Plan Policy GEN2 - Design (d) states "It helps reduce the potential for crime". Whilst there are no apparent concerns with the layout, to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

## **10.3 Manchester Airports Group**

**10.3.1** The Safeguarding Authority for Stansted Airport has no aerodrome safeguarding objections to the proposal.

## **10.4 UDC Housing**

**10.4.1** Both FVAs for the site concluded that no affordable housing provision can reasonably be provided upon the site and so I have no further comments/ observations to make regarding the application

## **10.5 Landscaping (from UTT/19/1789/FUL)**

**10.5.1** I do not have any landscaping objections to the proposed scheme of landscaping as submitted on the revised Planting Plan other than I would wish to see the proposed planting of birch substituted with field maple.

## **10.6 ECC Ecology (from UTT/20/1882/FUL)**

**10.6.1** 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.

## **10.7 Education (from UTT/20/1882/FUL)**



- 10.7.1** 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.
- 10.7.2** 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.
- 10.7.3** 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.
- 10.7.4** Secondary Education: A developer contribution is not sought for this development.
- 10.7.5** 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.
- 10.7.6** 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.
- 10.8** **Place Services (Archaeology)** (from UTT/20/1882/FUL)

- 10.8.1 The Historic Environment Advisor has identified the application as having potential for surviving archaeological deposits.
- 10.8.2 The following recommendation is in line with the National Planning Policy Framework:
- 10.8.3 Recommendation: A Programme of Trial Trenching followed by Open Area Excavation.

## 11. **REPRESENTATIONS**

- 11.1 Neighbours were notified of the application by letter and the application was advertised by means of a site notice and a press notice.
  - 11.1.1 No responses have been received.

## 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.

- 12.1.1 Section 73 of the Town and Country Planning Act (as amended) refers to the determination of applications to develop land without compliance with conditions previously attached:

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

(2A) See also section 100ZA, which makes provision about restrictions on the power to impose conditions under subsection (2) on a grant of planning permission in relation to land in England.

(3) Special provision may be made with respect to such applications—

(a) by regulations under section 62 as regards the form and content of the application, and

(b) by a development order as regards the procedure to be followed in connection with the application.

**(4)** This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.

**(5)** Planning permission must not be granted under this section for the development of land in England to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—

(a) a development must be started;

(b) an application for approval of reserved matters (within the meaning of section 92) must be made.

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.

## **12.2 The Development Plan**

- 12.2.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Planning Policy for Travellers Sites (2015)  
Felsted Neighbourhood Plan (made February 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 July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon neighbourhood Plan (made December 2022)

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2023)

## **13.2 Uttlesford District Plan 2005**

- 13.2.1** S7 – The Countryside
- ENV4 – Ancient Monuments and Sites of Archaeological Importance
- ENV5 – Protection of Agricultural Land
- ENV15 – Renewable Energy
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix
- LC3 – Community Facilities
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards

## **13.3 Felsted Neighbourhood Plan (made 25th February 2020)**

- 13.3.1** 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

## **13.4 Other Material Considerations:**

- 13.4.1** Essex Design Guide
- Essex County Council Parking Standard (2009)
- Uttlesford District Council Parking Standards (2013)
- Accessible Homes and Play Space
- Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of the 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**
- B) Proposed access and parking arrangements**

- C) Scale of development**
- D) Layout**
- E) Appearance**
- F) Proposed landscaping measures**
- G) Impact on residential amenity**
- H) Affordable housing considerations**
- I) Drainage**
- J) Impact upon protected / priority species**

**14.2 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**

**14.2.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states planning applications must be determined in accordance with the planning policies in the Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework (NPPF) are also a material planning consideration, particularly where the policies in the Development Plan are considered to be out of date. The NPPF provides the statutory guidance for determining planning applications at a national level. The Development Plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 18 years old and pre-dates the NPPF (2023).

**14.2.2** The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out objectives for achieving this aim, including the need to deliver a sufficient supply of homes in the right place at the right time to support the government's objective of significantly boosting the supply of homes. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.

**14.2.3** Paragraph 11d of the NPPF states where there are no relevant Development Plan policies, or the policies which are the most important for determining the application are out of date (including applications involving the provision of housing where the Local Planning Authority cannot demonstrate a five year housing land supply), the Local Planning Authority should grant planning permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

**14.2.4** The principle of the development has been established through the grant of the previous permissions on the site (ref. UTT/20/1882/FUL and UTT/23/0364/ NMA). The issues to consider in this application are whether the proposed amendments to the approved schemes on the site are

sufficiently different to warrant a different outcome to the application. The differences between the schemes are listed above under the 'Proposed Development'.

**14.2.5** The proposed amendments to the approved schemes on the site are, within the context of the overall development, limited. The amendments would not have a material impact on the character and appearance of the development as a whole and would not detract from it. They would not have any greater impact upon the surrounding countryside, in accordance with Policy S7 of the Local Plan. The sustainability considerations surrounding the proposed development would not alter as a result of the amendments to the development on the site. There would be no greater flood risk arising from the development as a result of the proposed amendments to it, either.

### **14.3 B) Proposed access and parking arrangements**

**14.3.1** Applicants and developers are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can be easily and safely accommodated within the existing highway network (Policy GEN1). Policy GEN8 of the Local Plan refers to the Council's adopted Car Parking Standards.

**14.3.2** The amended development would use the same access arrangements to which the Highway Authority raised no objection at the time of the previous application. The amendments to the split of the housing across the development (eight more two bed and eight less three bed dwellings) would not be significant and would not result in a greater demand for parking on the site. This would also result in a reduction in the number of vehicles using the highway network.

**14.3.3** No objections are therefore raised to the amended scheme with regard to Policies GEN1 or GEN8 of the Local Plan or Policy FEL/HN2 of the Felsted Neighbourhood Plan.

### **14.4 C) Scale of development**

**14.4.1** Policy GEN2 of the Local Plan and the NPPF require new development, including its scale and design, to be in keeping with the surrounding buildings.

**14.4.2** The scale of development would not materially alter as a result of the proposed amendments to the development on the site. The scheme would remain at 24 dwellings and while there would be a change to the number of two and three bedroom dwellings on the site, this would not have a material impact upon the scale of the development overall.

**14.4.3** No objections are therefore raised to the proposed amendments to the approved scheme on the site in terms of its scale.

## **14.5 D) Layout**

**14.5.1** Policy GEN2 of the Local Plan and the NPPF require new development to be compatible with the scale and layout of the surrounding buildings.

**14.5.2** As with the approved scheme on the site, the proposed housing layout would incorporate a gently curving spine road which would form the dominant layout feature for the scheme. The layout of the dwellings in the development would remain largely as previously approved and accordingly, the proposal would be compatible with the surrounding area, in accordance with the quoted policy and guidance.

## **14.6 E) Appearance**

**14.6.1** Policy GEN2 of the Local Plan, Policy FEL/ICH1 and the NPPF require development to be of a suitable appearance for and to be compatible with its surroundings.

**14.6.2** The appearance of the dwellings in the current application are not materially different to those in the approved schemes on the site. The scheme therefore accords with the above policies and guidance.

## **14.7 F) Proposed landscaping measures**

**14.7.1** The proposed amended scheme would result in the re-siting of the dwellings on plots 17- 20 slightly forward in their plots, to allow for larger rear gardens for them. However, within the overall development, the provision of landscaping would be as in the approved scheme on the site and no objections are raised with regard to landscaping.

## **14.8 G) Impact on residential amenity**

**14.8.1** Policies GEN2 and GEN4 of the Local Plan and the NPPF require dwellings to have an acceptable impact upon the amenities of the occupiers of the neighbouring and surrounding dwellings and within new development schemes, upon each other.

**14.8.2** The siting and layout of the proposed dwellings in the amended scheme would not be materially different from the approved development on the site and there would be no new material overlooking or loss of privacy arising in the scheme.

**14.8.3** The proposed development therefore complies with the above policies and guidance.

## **14.9 H) Housing Mix**

**14.9.1** Policy H10 of the Local Plan states developments on sites of 0.1 hectares or more or 3 dwellings or more will be required to include a significant

proportion of market housing comprising smaller dwellings. Policy FEL/HN7 of the Felsted Neighbourhood Plan states 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 that can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs; or
- other types of accommodation identified in the latest assessment of local housing needs; and/or
- affordable housing.

**14.9.2** Part (viii) of Policy FEL/HN2 re iterates these requirements.

**14.9.3** The mix of dwellings proposed in this application has been amended by a reduction in the number of three-bedroom units by eight and a corresponding increase in the number of two-bedroom units. This amended mix accords with Policies FEL/HN2 and FEL/HN7 of the Felsted Neighbourhood Plan which require a significant proportion of two- and three-bedroom accommodation suitable for young families and for older people. It is considered that this reflects the housing needs set out in the Council's latest Strategic Housing Market Assessment too.

**14.9.4** The range of dwellings would be between two and four bedrooms, with the mix including houses and bungalows, as follows.

Dwelling type	No of dwellings	% of housing mix
2 bed house	12	50
2 bed bungalow	4	16.67
3 bed house	3	12.5
4 bed house	5	20.83
Total	24	100

**14.9.5** It is considered that this mix of dwellings generally reflects the mix of dwellings as required by Policy FEL/HN7 of the Neighbourhood Plan and Policy H10 of the Local Plan.

#### **14.10 I) Affordable housing considerations**

**14.10.1** The application UTT/20/1882/FUL was submitted without any affordable housing element as the applicant stated that the ability to provide such housing was severely hampered by the costs of the development. It was also stated that the provision of a significant amount of affordable housing already in the parish of Felsted in recent years is such that the Parish Council would not expect to see affordable housing provision in the development at Sunnybrook Farm. As no affordable housing was required at the time of the previous scheme on the site and there have no been any



material alterations to the policy framework surrounding the application in the intervening period in this regard, it is considered reasonable not to require any at this time.

- 14.10.2** UDC Housing have stated that as the viability assessments for the site concluded that no affordable housing provision can reasonably be provided upon the site, they have no comments/ observations to make.

**14.11 J) Drainage**

- 14.11.1** The amendments to the approved scheme on the site would have no implications for drainage to be provided on the site. The development is considered to be acceptable from a drainage point of view, subject to the implementation of the drainage scheme, as previously proposed by condition.

**14.12 K) Impact upon protected / priority species**

- 14.12.1** The amendments to the approved scheme on the site would have no implications for protected or priority species. The biodiversity enhancements as required by condition in the previous application may be applied to the new development scheme too.

**15. ADDITIONAL DUTIES**

**15.1 Public Sector Equalities Duties**

- 15.1.1** 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.

- 15.1.2** 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.

- 15.1.3** 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 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.

**16.2** It is therefore recommended that the application be approved subject to appropriate planning conditions and the applicant entering into a Section 106 Agreement.

## **17. S106 / CONDITIONS**

**17.1** Heads of terms:

- 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.

## **17.2 Conditions**

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of the original planning permission UTT/20/1882/FUL, 15 August 2025.

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 Local Planning Authority.

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 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).

- 6** 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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 7** 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.

(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).

- 8** 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).

- 9** 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).

- 10** 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).

- 11** 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).

- 12** The school/community car park shall be laid out in accordance with the layout details as shown on the submitted drawing ref; SBKFM-SCN-XX-XX-DR-A-01.002-A3 Rev P09 dated 3 July 2023 entitled "Detailed Development Layout", 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).

- 13** 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).

- 14** 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).

- 15** 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).

- 16** 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).

- 17** 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".

- 18** 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).

- 19** 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).

- 20** 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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).



**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 Local Planning Authority to discharge its duties under the s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and 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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species) in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).