

**UTT/18/1011/OP**  
**(Major)**

**PROPOSAL:** Outline application, with appearance, landscaping and scale reserved, for the construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping

**LOCATION:** Land West of Maranello, Watch house Green, Felsted, Essex.

**APPLICANT:** Mr J Braha

**AGENT:** Mrs S Stephenson

**EXPIRY DATE:** 20<sup>th</sup> July 2018. Extension of time 8<sup>th</sup> August 2018

**CASE OFFICER:** Mrs M Jones

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**1. NOTATION**

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

**2. DESCRIPTION OF SITE**

- 2.1 The application site is located to the north west of Watch House Green, and north east of the village of Felsted.
- 2.2 The site is part of the garden of the adjacent dwelling Maranello and is irregular in shape. It is approximately 1.5 hectares in total. The land gentle slopes from north to the south western corner. The garden is split into two distinct areas: a formal area immediately to the south of the house, which includes lawns and formal planting areas; and another side garden to the west of the house that is set as lawn. These two areas are separated by a row of pine trees.
- 2.3 There are residential dwellings to the east of the site running in a linear pattern along the B1417. There is a close boarded fence to this boundary. To the north of the site is an existing driveway (which is also a public right of way) which provides access to Felmoor Farm and a day care nursery. This access leads onto the Braintree Road. Beyond the access track is open countryside. Mature trees line the existing access road.
- 2.4 A landscape buffer runs along the western and southern boundaries. Beyond the western boundary is open countryside.

**3. PROPOSAL**

- 3.1 Outline application with appearance, landscaping and scale reserved for the erection of 28 new dwellings, formation of new vehicular access, local play area , parking and landscaping.
- 3.2 The layout shows a mix of 2 x 1 bed, 9 x 2 bed, 11 x 3 bed and 6 x 4 bed.The

indicative mix shows a mix of flats, bungalows, semi-detached and detached properties

- 3.3 Forty percent affordable housing is proposed and this is shown indicatively to be 2 x 1 bed and 9 x 2 bed. Two of the affordable housing would be provided as bungalows and two of the units would be flats.
- 3.4 All dwellings have on plot parking and the indicative plans show 7 additional visitor parking spaces.
- 3.5 All dwellings have in excess of 100m<sup>2</sup> private amenity space.
- 3.6 The Affordable housing would be split into Affordable rent and Affordable Shared Ownership.
- 3.7 An area of public open space in the form of a LAP is included in the proposals adjacent to plot 20.
- 3.8 A new access road would be provided with a new junction serving the farm and nursery off of the new development access drive. A pedestrian footpath would be created from the development linking to the pavement on the western side of the B1417.
- 3.9 Revised plans have been received relocating the existing access to Maranello further away from the B1417 junction.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.  
And  
Human Rights Act considerations:  
There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

#### **5. APPLICANT'S CASE**

- 5.1 The application is supported with the following accompanying documents: Arboricultural Impact Assessment Report, a completed Biodiversity Checklist questionnaire, a Design and Access Statement, an ecological Assessment, A Flood Risk Assessment, a Landscape and Visual Appraisal, a Planning Statement, a Statement of community involvement, A Suds report, a Transport Statement, a utilities Assessment, and a cumulative impact assessment.

#### **6. RELEVANT SITE HISTORY**

- 6.1 DUN/0237/68: site for 3 dwellings – refused.
- 6.2 DUN/0488/65: Site for 3 dwellings - refused
- 6.3 UTT/0393/75: Erection of stable block. tack room and store – Conditional approval

- 6.4 UTT/0833/01/FUL: Erection of 1.8m high boundary wall and gates – Conditionally Approved.
- 6.5 UTT/1308/02/FUL: Detached single storey building to form games room and covered swimming pool – Conditionally approved.
- 6.6 UTT/1637/00/FUL: -Change of use from pasture land/field to residential. Conditionally approved.
- 6.7 UTT/1802/03/FUL: - Change of use of field to garden. – Conditionally approved.

## **7. POLICIES**

### **Uttlesford Local Plan (2005)**

- 7.1
- S7 – Countryside
  - GEN1 – Access
  - GEN2 – Design
  - GEN3 – Flood Protection
  - GEN6 – Infrastructure Provision to Support Development
  - GEN7 – Nature Conservation
  - GEN8 – Vehicle Parking Standards
  - ENV7 – County Wildlife Site
  - H9 – Affordable Housing
  - H10 – Housing Mix
  - GEN4 – Good Neighbourliness
  - ENV13 – Exposure to poor air quality
  - ENV2- Development affecting Listed Buildings

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

- 7.2
- Accessible Homes and Playspace
  - Uttlesford Local Parking Standards

### **National Policies**

- 7.3
- National Planning Policy Framework

## **8. PARISH/TOWN COUNCIL COMMENTS**

- 8.1
1. The site is outside the settlement development envelope and therefore contrary to UDCs Policy S7. The proposed affordable housing is not exception housing, permitted in countryside, to be reserved in perpetuity for occupation by residents with an existing connection with the village.
  2. The site was classified grade E in the SHLAA, and considered unsuitable, as development on the site would not contribute to sustainable patterns of development.
  3. The development would constitute backfill, in a hamlet with an almost exclusively linear housing pattern.
  4. Felsted has been identified as a Type A village in the emerging Local Plan; the proposed development would equal or exceed the entire expected new housing requirement for the village up to 2033.
  5. The development will add to the pressure on the villages infrastructure: the Primary School is already full in all Years but one the villages GP Surgery is

straining to provide acceptable waiting times for appointments the proposal would potentially add a further 90-120 patients.

6. There are already problems of water supply pressure in the area, which will be exacerbated by the proposed size of the development.

7. The proposed access to the development is close to a blind corner on the B1417 Braintree Road. The potential addition of a further 50-60 vehicles using this raises concerns over road safety.

8. The proposed access would be shared with the adjacent daycare nursery at Felmoor Farm. UDCs Planning Committee has recently refused permission for a comparable development adjacent to Henham Primary School on application UTT/17/3197/FUL, the design of which was considered to compromise the safety of other road users contrary to Local Plan Policy GEN1(c).

## **9. CONSULTATIONS**

### **MAG London Stansted Airport**

- 9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome Safeguarding criteria. We have no safeguarding objections to the proposed development.

### **Essex County Council Development and Flood Risk Officer**

- 9.2 No objections subject to conditions.

### **Essex County Council Ecology**

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

#### **Summary**

I have reviewed the Ecological Assessment (Ethos Environmental Planning, April 2018) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species.

I am satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

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

The mitigation and enhancement measures identified in the Ecological Assessment (Ethos Environmental Planning, April 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority species.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the proposed measures will contribute to this aim.

### **Essex County Council Archaeology**

- 9.4 Recommendation: An Archaeological Programme of Trial Trenching followed by Open Area Excavation, to be secured by conditions.  
The Historic Environment Record indicates that the proposed development lies

within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west.

The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

### **Historic England**

- 9.5 No comment

### **Essex County Council Highways**

- 9.6 The Highway Authority is satisfied with the proposal, subject to conditions; however, the existing access to Maranello should be relocated away from the B1417 junction/junction radii to a suitable position along the proposed access road, to reduce conflict at the junction.
- 9.7 An assessment of the application was undertaken with reference to the National Planning Policy Framework 2012 and in particular paragraph 32, the following aspects were considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. A site visit was undertaken and the Transport Statement assessed. In the course of assessing the application some changes were required of the layout to improve highway safety. It is considered that impact on the capacity of the local network will be minimal and proposed realignment of road will remove some of the conflict on the existing right of way.
- 9.8 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.
- 9.9 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the measures being attached to any approval.

### **Essex County Council Economic Growth and Development**

- 9.10 I have assessed the application on the basis of 26 houses. Assuming that all of the units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 2.34 early years and childcare (EY & C ) places, 7.80 primary school and 5.20 secondary school places. The developer contribution figures are calculations only. Final payments will be based on the actual unit mix and the inclusion of indexation.

The proposed development is located within the Felsted and Stebbing Ward. According to Essex County Council's childcare sufficiency data, published in July 2017, there are 20 unfilled places recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows sufficient places to meet the demand from this proposal. A developer contribution will not be sought to mitigate its impact on local EY & C provision.

9.11 Primary Education

This development would sit within the priority admissions area of Felsted Primary School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 260 pupils on roll. The school is full in most year groups, including reception, even taking temporary accommodation into account. Viability work is being commissioned to look at its long term accommodation needs. This development would add to that need and thereby, the requirement of a developer contribution is directly related to this proposal. Based on the demand generated by this proposal as set out above, a developer contribution of £119,192, index linked to April 2018, is sought to mitigate its impact on local primary school provision.

The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution would thus be fairly and reasonably related in scale and kind to the development and thereby, Community Infrastructure Levy regulation 122 compliant. Five obligations naming the project alluded to above have not been entered into at this time and any section 106 agreement in favour of primary school place is, therefore, also regulation 123 compliant.

9.12 Secondary Education:

The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is below the threshold set out in the Developers Guide for seeking secondary school contributions.

9.13 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 and direct walking and cycling routes to local schools are available. In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on primary education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

### **Environmental Health**

9.14 Environmental Health have no objections to the applications but would encourage on site provision of measures to facilitate non car travel and use of low emission vehicles in the interests of air quality in nearby towns and well being. The following conditions are suggested

9.15 • Cycle / Powered Two wheeler parking shall be provided at each dwelling. The parking shall be secure, convenient, covered and provided prior to occupation.

- 9.16 • Electric vehicle charging points shall be installed at each garage or covered car port. These shall be provided, fully wired and connected, ready to use before first occupation
- 9.17 Impact on air quality is closely related to highway capacity in terms of creating congestion, and geography of the local road network in terms of dispersion of emissions.
- 9.18 Additional traffic at the times of school opening and closing will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives require. Users of the facilities can minimise the impact by adopting non car travel
- 9.19 This department's knowledge from air quality monitoring throughout the district suggests that the objectives are unlikely to be breached in the location of the proposal or local school, and for that reason air quality is not currently monitored in Felsted.
- 9.20 However, additional emissions generated by the development should still be minimised, and traffic generated will impact on towns and other congested areas within the district, where air quality is an issue. The inclusion of conditions to encourage access by means other than by car, which will also benefit well-being, and infrastructure for low emission vehicles are recommended.

### **Anglian Water**

- 9.21 **Section 1 – Assets Affected**  
Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.
- 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 the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- Section 3 – Foul Sewerage Network**  
The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- Section 4 – Surface Water Disposal**  
From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.
- 9.22 Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.  
No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.  
Reason:  
To prevent environmental and amenity problems arising from flooding

### **Housing Enabling Officer**

- 9.23 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 units.
- 9.24 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 28 (net) units. This amounts to 11 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 9.25 It is also the Councils' policy to require all units delivered to the Lifetimes Home Standard with 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 1 bungalow across the site delivered as an open market property.
- 9.26 The mix and tenure split of the properties are given below; this mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces.

9.27		1 bed	2 bed	3 bed	4 bed	Totals
	Total affordable units	1	5	4	1	11
	Affordable Rent	0	4	4	0	8
	Shared Ownership	1	1	0	1	3

- 9.28 I confirm the mix is acceptable, providing some of the 2 bed houses are for affordable rent. The bungalows can be a mix of affordable rent and shared ownership.

### **UK Power Networks**

- 9.29 Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

### **Essex Police**

- 9.30 It appears from the documents attached to this application that the boundaries will consist of natural hedging we would recommend if this is the case that these should be of a defensive nature i.e. spiky species grown to a height and width that would deter entry.  
UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime"  
We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.  
From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.



## **Landscape Officer**

- 9.31 Some 60+ individual trees and a group of field maple/hazel/blackthorn are proposed to be felled. The individual trees to be felled are 22 pine, 11 beech, 5 cypress, 4 cedar, 1 willow, 4 cherry, 3 ash, 3 sycamore, 2 birch, 1 robinia, 2 oak, and 2 maple. None of these trees are considered to be outstanding specimens. The proposed protective measure in respect of trees to be retained are considered satisfactory. As part of any approval the submission of a fully detailed landscape scheme should be conditioned.

## **10. REPRESENTATIONS**

- 10.1 This application was publicised by sending letters to nearby neighbours, displaying of a site notice and advertising it within the local newspaper. 22 Letters of representation have been received. Expiry date: 1<sup>st</sup> June 2018
- 10.2 17 letters of objection, including a letter representing Watch House Residents Group, have been received raising the following issues:
- 10.3
- Inadequate infrastructure
  - Local primary school is oversubscribed
  - GP surgery is full
  - The affordable housing would be available for people who live elsewhere in Essex and therefore would not benefit the local community
  - Brownfield sites should be used for new housing
  - Pollution
  - Impact on ecology
  - Incompatible with the current linear pattern of housing in Watch House Green
  - Outside Development Limits
  - Village already overdeveloped
  - Visual impact from Flitch Way
  - Traffic and Highway safety issues
  - Impact on setting of adjacent Listed Buildings.
  - Provides no benefit to the community
  - Noise pollution
  - Drainage
  - Sewage
  - Developers are taking advantage of the lack of 5 year building plan
  - Cumulative impact of this development and other recently approved applications in Watch House Green –
  - There have been numerous accidents along this road
  - Lack of pedestrian access
  - Lack of local employment
  - Bus service is not regular or reliable
  - Flooding
  - Impact of construction traffic on pedestrians
  - Low water pressure
  - The proposal is entirely an opportunistic venture hoping to exploit the current climate on planning.
  - The hamlet would double in size. This would alter the fundamental nature

of the hamlet and further erode the qualities which have made it a pleasant place to live

- Unsustainable development
- There is no statutory planning basis for the dwellings and no support from a neighbourhood plan.
- Why not just build 11 affordable homes
- Traffic congestion
- The proposed access is a public right of way – creating highway issues for dog walkers and pedestrians.
- Overdevelopment
- Impact on view from my back garden
- Out of character with hamlet
- Impact on enjoyment and quality of life
- The proposed development would constitute at least the whole of the anticipated housing requirement for the village up to 2033. This does not constitute sustainable development.
- The application does not refer to the neighbourhood plan and has not addressed the key concerns detailed within this including sustainable development, traffic and provision of local public services. All of these will be under further pressure of the proposed development.
- Parking issues – traffic congestion
- A larger septic tank is undesirable
- A mini roundabout at the junction with the B1417 should be provided and double yellow parking restrictions applied to the proposed access road.
- It is necessary to ensure at least 3 car spaces are provided for each property. Uttlesford should adopt a policy for all residential developments to have parking spaces provided on the plots of at least the equivalent of 2 cars per bedroom.
- A 5m wide grass area along and to the NE of the proposed access road into site from the B1417 Braintree Road should be provided in order not to lose the rural nature of the area and to encourage walking in the vicinity. This should run from the B1417 to beyond where the proposed access road turns left outside the proposed plot numbered 28 on Site Plan;

10.4 Five representations are in support of the proposal:

- The development is well designed and respectful of the surrounding environment with excellent screening minimising any impact on neighbours.
- It provides modest family homes that young adults can aspire to own without having to leave their home village and /or downsizing potential for the elderly.
- Provides affordable social housing which is desperately needed.
- Will make a positive impact on the Watch House traffic/parking situation
- The proximity to the primary school and nursery lends itself to children walking to and from school
- The development makes better use of the land currently occupied by only one family
- Felsted is a sustainable location and will be enhanced by this development
- The new road would benefit me personally. At the moment I have to avoid going out in busy periods as the traffic is sometimes gridlocked at the entrance to Felmoor Farm and Whipper- snappers.
- A new two way traffic entrance and exit road will alleviate the congestion to Whipper Snappers and improve highway safety.

## 11. APPRAISAL

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

- A The principle of development of this site for residential purposes (NPPF, ULP Policies S7);
- B Design (Layout and Parking) (ULP policies GEN2 and GEN8)
- C The access to the site would be appropriate (ULP Policy GEN1);
- D Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- E There would be a detrimental impact on protected species (ULP Policy GEN7);
- F Flood Risk and drainage (ULP Policy GEN3; NPPF)
- G Other material planning considerations.

### **A The principle of development of this site for residential purposes (NPPF, ULP Policies S7);**

- 11.1 This scheme is for 28 residential units of which 11 would be affordable and the remainder would be market housing. In policy terms the site is located outside the development limits for Felsted as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the Countryside and subject to all national and local policies.
- 11.2 The site is therefore subject to the provisions of policy S7. Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. This policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal relates to a form of development which is inappropriate in a rural area and which does not need to take place there. The proposal is therefore contrary to Policy S7. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.
- 11.3 S70 (2) of the Town and Country Planning Act 1990 states that "in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF reiterates this requirement and paragraph 3 confirms that the NPPF is a material planning consideration.
- 11.4 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be

- considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. . In this regard, the most recent housing trajectory identifies that the Council has a 3.7 or 4.2 year land supply depending on the scenario used to calculate the supply. The Council considers that it is a 5% buffer authority and that there has not been a persistent under-supply of housing delivery.
- 11.5 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 6 - 15 of the NPPF.
  - 11.6 The NPPF emphasises that sustainability has three dimensions (Paragraph 7); an economic role (contributing to building a strong economy), a social role (providing housing and accessible local services) and an environmental role (contributing to protecting and enhancing our natural, built and historic environment).
  - 11.7 Economic: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.
  - 11.8 Social: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed in the district, including provision of (40% affordable housing) eleven affordable housing units, public open space and two bungalows. Felsted has access to bus services to other nearby towns and centres of employment. The proposal would also have a negative impact by putting more strain on the local infrastructure and demand for school places and local surgeries. The site is well served by bus routes, providing access between Watch House Green/Felsted and Great Dunmow, Chelmsford, Braintree, Stansted Airport and Colchester to further facilities.  
This would have some weight in favour of the positive contribution the proposal could make in these regards.
  - 11.9 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment. The NPPF recognises the intrinsic character and beauty of the countryside. At present Felsted Parish forms a group of hamlets which are each separated by open countryside. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.
  - 11.10 The site forms part of the garden of Maranello, and is enclosed by mature landscaping. As stated above the site forms an L shape that wraps around the western and southern sides of Maranello with the eastern boundary backing onto residential dwellings and is currently the garden of Maranello. These two areas are separated by a row of pine trees. The site includes all of the side garden and the southern half of the formal gardens. There are trees, hedgerow/shrubs to the southern and western boundaries. The northern boundary forms the northern edge of Watch House Green on this side of Braintree road.

- 11.11 Access to the development would be via a new driveway from the B1417 Braintree Road. The existing access is lined with mature trees. This access would partly utilise an existing access track to Felmoor Farm. The new access would help mitigate against highway issues.
- 11.12 The presence of mature vegetation would prevent a harmful intrusion into the open countryside and any harm to the particular character of the countryside surrounding the site. The retention of the boundary tree line and hedging and new landscape proposals would help minimise the impact of the development on the character of the area, as would the low density of the scheme. The Council's Landscape officer has been consulted and he advises that the veteran oak trees in the hedgerow adjacent to the access road which are of landscape importance should be retained. A full arboricultural impact assessment report has been submitted with the application. A material consideration is that the trees on the site are not subject to tree preservation orders and therefore could be felled without any permission. The development results in the removal of seven trees and other trees are recommended for removal due to their poor condition and or to enable reasonable garden use. The access road is within the root protection area of a large oak tree and other trees nearby. All other trees will be retained and protected by tree protection fencing during construction; this can be achieved by a suitable condition. Landscaping is a reserved matter and therefore can be considered at reserved matters stage.
- 11.13 The introduction of built form in this location would result in some harm to the openness and character of the rural area as the development would be visible from beyond the western boundary and northern boundary and is therefore contrary to the aims of policy S7. In view of the boundary screening it is considered that the visual impact would be reduced and that the development would not be significantly detrimental to the openness of the countryside. The development of this site for residential purposes would not be unduly out of character with the area.
- 11.14 Representations have been received in respect of potential harm in respect of air pollution. Impact on air quality is closely related to highway capacity in terms of creating congestion, and geography of the local road network in terms of dispersion of emissions. The site is not in an area currently monitored for air quality (AQMA) and Environmental Health officers have been consulted, who confirm that they are not concerned in respect of air quality issues and that they have no objections to the proposal.
- 11.15 Additional traffic at the times of school opening and closing will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives require. Users of the facilities can minimise the impact by adopting non car travel.
- 11.16 Environmental Health officer's knowledge from air quality monitoring throughout the district suggests that the objectives are unlikely to be breached in the location of the proposal or local school, and for that reason air quality is not currently monitored in Felsted.  
However, additional emissions generated by the development should still be minimised, and traffic generated will impact on towns and other congested areas within the district, where air quality is an issue. The inclusion of conditions to encourage access by means other than by car, which will also benefit well-being, and infrastructure for low emission vehicles are recommended . The proposal would comply with ULP policy ENV13.

- 11.17 Representations have also been received in respect of the development on the character and setting of nearby Listed Buildings. Policy ENV2 states: that development proposals that adversely affect the setting of a listed building will not be permitted. The nearest listed buildings are Felmoor Farm and Weavers which are both grade II Listed Buildings are 80m and 240m respectively from the application sites boundaries. The existing traffic and predicted increase in traffic using the road network would not have any tangible impact on the setting of the two nearby listed buildings. In view of the separation distance there would be limited visual impact on the setting of the listed buildings.
- 11.18 To the immediate east of the development site lie the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large green running along the northern boundary of the site leading towards Moor's Farm to the north west. As such the site lies within a potentially sensitive area of heritage assets. Specialist archaeological advice is that an archaeological programme of trial trenching followed by an open area excavation is carried out. This can be achieved by appropriate conditions.
- 11.19 It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. The site is on relatively sustainable and therefore, in balancing planning merits, taking into account the benefits of the proposal it is considered that the principle of the development is acceptable.

**B Design (Layout and Parking) (ULP policies GEN2 and GEN8)**

- 11.20 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. Since the adoption of the above policy, The Strategic Housing Market Housing report September 2015 has been adopted. This identified that the market housing needs for Uttlesford have changed. 5% of the dwellings shall be bungalows.

This states:

Market Housing Needs for Uttlesford

Flats	1 bed	140	1.44%
	2 bed	80	0.8%
House	2 bed	690	7.1%
	3 bed	4290	44.2%
	4 bed	3110	32.0%
	5+ bed	1410	14.5%

The supplementary Planning Document Accessible Homes and playspaces also requires that developments of 10 and over should provide bungalows.

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

Plot	No of	Affordable	Garden Sizes	Parking
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	bedrooms		M/SQ	Provision
1	3		110	3
2	3		164	3
3	3	Y	115	2
4	3	y	137	2
5	4		193	3
6	4		251	3
7	4		242	3
8	2	y	113	2
9	2	y	113	2
10	2 Bung	Y	161	2
11	2 Bung	Y	199	2
12	2	Y	148	2
13	2	Y	129	2
14	2	Y	146	2
15	1 Flat	Y	230	1
16	1 Flat	Y	182	1
17	3		105	2
18	3		155	2
19	3		132	2
20	3		101	2
21	4		241	3
22	4		178	3
23	3		111	2
24	3		148	2
25	3		105	2
26	3		183	2
27	3		155	2
28	4		357	3
Visitor parking				7

- 11.21 The housing mix is broadly consistent with Strategic Housing Market Housing report
- 11.22 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+. The gardens shown in the indicative plans indicate that they could accord with the requirements of the Essex Design Guide. Each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 11.23 The housing density for the scheme is 18 dph.
- 11.24 The proposed properties are a mixture of one, two, three, and four bedroom dwellings. The adopted Essex County Council parking standards require the provision for one parking space for a one bed roomed dwelling, two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.
- 11.25 In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to

Lifetime Homes Standards. In new housing developments of 20 dwellings or more, the council will require 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 and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations it states:

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

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

The plans would comply with the above amended building regulations

11.26 The existing issues i.e parking related to the school are not issues for the applicant to mitigate against and any obstructive or dangerous parking would be an enforcement issue.

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

11.28 A further benefit of the scheme is that the proposal also indicates the provision of a LAP. The applicant has indicated that they are prepared to enter into a S106 legal agreement in order to secure the provision and ongoing maintenance of the proposed open space

**C The access to the site would be appropriate (ULP Policy GEN1);**

11.29 The application includes the formation of a new vehicular access road and following advice from the Highways authority revised plans have been received for the existing access into Maranello to be relocated further away from the B1417 junction. This would reduce traffic conflict at the junction. The public right of way, footpath 7, connects Braintree Road to the Flitch Way runs along the northern side of the existing access road. This right of way would be retained. The Highways authority now has no objections to the proposal subject to conditions

**D Affordable Housing, Education Contributions (ULP policies H9, GEN6)**

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



The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal.

- 11.31 The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing:  
Affordable housing provision (rounded up to the nearest whole number)
- 40% on sites of 15 or more dwellings or sites of 0.5ha or more;
- 11.32 The site area is 1.5 hectares and as such a provision of 40% affordable housing is required. The proposal now includes 11 affordable units (including two bungalows) The housing enabling officer has confirmed that the proposed mix of affordable housing is acceptable. The affordable housing is integrated across the development and therefore is tenure blind.
- 11.33 The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to provide the affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of policy H9.
- Education Contributions:
- 11.34 The proposed development is located within the Felsted and Stebbing Ward. According to Essex County Council's childcare sufficiency data, published in July 2017, there are 20 unfilled places recorded. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The data shows sufficient places to meet the demand from this proposal
- 11.35 A developer contribution will not be sought to mitigate its impact on local EY & C provision.  
Primary Education
- 11.36 This development would sit within the priority admissions area of Felsted Primary School. The school has just 120 places in permanent accommodation and currently uses temporary class bases to provide for the 260 pupils on roll. The school is full in most year groups, including reception, even taking temporary accommodation into account. Viability work is being commissioned to look at its long term accommodation needs. This development would add to that need and thereby, the requirement of a developer contribution is directly related to this proposal. Based on the demand generated by this proposal as set out above, a developer contribution of £119,192, index linked to April 2018, is sought to mitigate its impact on local primary school provision.  
The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built.  
Secondary Education:
- 11.37 The local secondary school serving this area is Helena Romanes. Although there will be a need to expand provision to meet longer term growth, this site is below the threshold set out in the Developers Guide for seeking secondary school contributions.  
The developer has indicated that they are prepared to enter into a Section 106 legal agreement to make a payment of contributions towards education provision. The proposal therefore subject to compliance with the s106 agreement requirements would comply with policy GEN6.

**E            There would be a detrimental impact on protected species (ULP Policy GEN7);**

11.38       Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

11.39       An ecological Assessment report has been submitted with the application. The boundary hedgerows were assessed as being the key ecological feature and this is reflected by their retention and protection within the development proposals. The report includes recommendations to mitigate the impacts of development on bats, amphibians and breeding birds and includes a number of enhancement measures.

The proposals include the retention of key trees and hedgerows and the creation of new open space and natural swales and habitats which will provide a net gain in biodiversity on the site. The provision of open space will also play a role in mitigating any recreational impacts on ecological receptors by providing amenities to meet the needs of new residents.

As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

**F            Flood Risk and drainage (ULP Policy GEN3; NPPF)**

11.40       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 have been considered by the Local Lead Flood Authority who originally raised a holding objection to the proposals. Additional information has been submitted. The LLFA now have no objection to the proposal subject to conditions. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

**G            Other material planning considerations. (Including cumulative impacts)**

11.41       Reference has been made within the representations received that the proposal is not consistent to the Felsted Neighbouring Plan, however this plan has not been made and therefore carries little planning weight at the current time

11.42       The NPPF paragraph 134 states that where a proposal will lead to less than significant harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance it is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal and the affordable housing provision proposed outweighs the limited harm to the Listed buildings and their setting.

11.43       Several of the representations have been in respect of the cumulative impact the proposal would have. There is a pending application UTT/18/0784/OP – Land East Of Clifford Smith Drive, on the opposite side of Braintree Road which is for outline application with all matters reserved except for access for the erection of

30 dwellings and an application for 25 dwellings was approved in 2013 under UTT/13/0989/OP also on the east side of Braintree Road, which has now been completed.

- 11.44 The applicants have sent in a response relating to the cumulative impact of the development and in respect of highway impacts a scoping was carried out with ECC in which it was agreed that no specific junction capacity assessment work was necessary on the local highway network. The junction access arrangement to the site from the B1417 is to be improved as part of the development, which would be expected to increase capacity at the access junction and also improve highway safety. The addition of the cumulative traffic effects of the Clifford Smith Drive development do not alter the conclusion that the local highway network is expected to operate with sufficient capacity. In light of the above it is considered that there are no significant cumulative highway impacts. It is considered that there are no significant landscape impacts from the combined developments.
- 11.45 GeoSmart have considered the cumulative effects of surface water drainage from the application proposal for up to 28 dwellings in view of summary comments received on another application, subsequently submitted for 30 dwellings in Watch House Green (Land N&E of Clifford Smith Drive, Watch House Green: application ref: UTT/18/0784/OP).
- 11.46 The proposals for UTT/18/1011/OP would be SUDS compliant with surface water proposed to discharge at the 1 in 1 year return period rate of run-off (greenfield rate of 5 l/s), therefore providing an improvement to the existing drainage regime, water quality and amenity, with less of an impact on the downstream system than currently occurs. Conditions are recommended by Essex CC within response letter ref: SUDS-002643 to ensure such compliance. Conditions require investigation to confirm if the underlying geology is considered conducive to infiltration and if not, surface water will be discharged into the surrounding drainage ditch network. Therefore there will be less net additional impact on the ditches receiving surface water runoff and no flooding issues created. The drainage strategy does not propose at this stage to use the Anglian Water public sewer network to discharge surface water flows, as this would require pumping up gradient, which is not considered to be sustainable. It is considered that there are no significant cumulative drainage issues.
- 11.47 With regard to the impact on local infrastructure, it is relevant to note that the planning system makes provision to mitigate the impacts of development on services such as education and health that can be secured via the formation of a S106 agreement.
- 11.48 In regard of Education, Essex County Council were consulted as part of both applications and have responded requesting a financial contribution to mitigate the impacts of the development upon the nearby primary school in both cases. Based on the indicative accommodation mix, Essex CC has advised that the contributions sought would be £119,112 (Application UTT/18/1011/OP and £114,606 (Application UTT/18/0874/OP)) totalling £233,718 index linked to April 2018. There are therefore positive cumulative impacts with regard to two applications in respect of education.
- 11.49 In respect of health a letter has been submitted from a GP at the local doctor's surgery, John Tasker House Surgery, which confirms that the Felsted Surgery has the capacity to accommodate any new patients generated from both proposed

developments. He also advises that it is intended to operate a new larger and full-time surgery on another site within Felsted. Accordingly, it is considered that there are no significant cumulative health issues.

## **12. CONCLUSION**

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

- A** It is considered that the weight to be given to the requirement to provide a 5 year land supply and the housing provision which could be delivered by the proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policy S7. Therefore, in balancing planning merits, it is considered that planning permission should be granted for the development.
- B** The layout of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and the proposals comply with policies GEN2 and GEN8. The housing mix for the development is considered acceptable (ULP policy H10)
- C** The new access road and the relocation of the access to Maranello are considered to be acceptable and to comply with ULP policy Gen1.
- D** The affordable housing mix and tenure split for the development is considered to be acceptable and complies with policy H9 and GEN6.  
The contribution in respect of education £119,112 can be secured by a s106 agreement.
- E** The application provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species. As such the proposals comply with policy GEN7 and section 11 of the NPPF.
- F** The proposal would not give rise to flooding issues and complies with policy GEN3. The leading local flood authority have no objections subject to conditions.
- G** Reference has been made within the representations received that the proposal is not consistent to the Felsted Neighbouring Plan, however this plan has not been made and therefore carries little planning weight at the current time. The proposal would not have any material detrimental impact on the setting and character of nearby Listed Buildings.

### **RECOMMENDATION – APPROVAL WITH CONDITIONS SUBJECT TO A S106 LEGAL OBLIGATION.**

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 4th September 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Finance, in which case he shall be authorised to conclude such an obligation to secure the following:
  - (i) Provision of 40% affordable housing
  - (ii) Provision of open space (LAP)
  - (iii) Maintenance of SuDS
  - (iv) Management company in relation to SUDS and public open space.
  - (v) Payment of contributions towards Education Provision
  - (vi) Pay the Council's reasonable legal costs
  - (vii) Pay the monitoring fee
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:

- (i) No provision of affordable housing
- (ii) No provision of open space (LAP)
- (iii) No maintenance of SuDS
- (iv) No provision of Management company in relation to SUDS and public open space,
- (v) non-payment of contribution towards education provision.

## Conditions

1. Approval of the details of scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- ☐ Limiting discharge rates to Greenfield 1 in 1 for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
- ☐ Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- ☐ Final modelling and calculations for all areas of the drainage system.
- ☐ The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- ☐ Detailed engineering drawings of each component of the drainage scheme.

- ☐ A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- ☐ A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: ☐ To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site in accordance with ULP policy GEN3

- 5 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON :To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with ULP policy GEN3

- 6 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON:To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with ULP policy GEN3

- 7 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ethos Environmental Planning, April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP policy GEN7

- 8 Prior to commencement, a Biodiversity Enhancement Strategy containing the details and locations of the reasonable enhancement measures proposed within the Ecological Assessment (Ethos Environmental Planning, April 2018) shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF and in accordance with ULP policy GEN7

- 9 Prior to first occupation of the dwellings 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 (through the provision of appropriate lighting contour plans and technical specifications) 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 prior consent from the local planning authority.”

REASON: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP policy GEN7

- 10 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority prior to reserved matters applications being submitted.

REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office in accordance with ULP policy ENV4

- 11 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work

REASON: The Historic Environment Record indicates that the proposed

- development lies within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office in accordance with ULP policy ENV4
- 12 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
- REASON: The Historic Environment Record indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office in accordance with ULP policy ENV4
- 13 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the 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 indicates that the proposed development lies within a potentially sensitive area of heritage assets. To the immediate east of the development site lies the remains of a medieval settlement recently identified in excavations (EHER 49073). To the west of the site lies an extensive spread of cropmark evidence (aerial photographic interpretation) which shows a sequence of enclosures and field systems, indicative of an extensively farmed landscape. Cartographic evidence shows a large Green running along the northern boundary of the site leading towards Moor's Farm to the north west. The archaeological work would comprise initial trial trenching to identify the extent and depth of archaeological deposits followed by open area excavation if archaeological deposits are identified. All archaeological work should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office in accordance with ULP policy ENV4
- 14 Prior to occupation of any dwelling, the provision of an access formed at right



angles to Braintree Road (B1417), as shown in principle on drawing no. 17/18/02 Rev C (dated Sept 17) to include but not limited to: minimum 5.5 metre carriageway width with a 2 metre wide footway to the south to tie into the existing footway network and clear to ground visibility splays with dimensions of 2.4 metres by a minimum of 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall retained free of any obstruction at all times.

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

- 15 Prior to occupation of the development the existing access to Marancello at the road junction of Braintree Road shall be relocated to take access off the access road, as shown in principle on drawing no. 17/18/02 Rev C (dated Sept 17). The existing access shall be permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing, prior to occupation of the proposed development.

REASON: To remove traffic conflict in the interests of highway safety in accordance with Uttlesford Local Plan policy GEN1..

- 16 Prior to occupation of any dwelling, the provision of the junction to the existing lane shall be constructed and provided with clear to ground visibility splays as shown on as shown on drawing no. 175120-001 Rev A (dated 13/02/2018). Such vehicular visibility splays shall retained free of any obstruction at all times.

REASON: To ensure appropriate access to the existing lane provided and adequate inter-visibility between vehicles using the road junction and the access road the interest of highway safety safety in accordance with Uttlesford Local Plan policy GEN1..

- 17 No dwelling shall be occupied until the associated parking and size 3 turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Uttlesford Local Plan policy GEN1.

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

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

- 19 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 the subsequent SPD on Accessible Homes and Playspace

- 20 No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with ULP policy GEN1..

- 21 Any gates provided at any vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with ULP policy GEN1.

- 22 Electric vehicle charging points shall be installed per house. These shall be provided, fully wired and connected ready to use prior to occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport safety in accordance with ULP policy GEN1.

- 23 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding in accordance with ULP policy GEN3

- 24 Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

i) details of siting and timing of all construction activities to avoid harm to all nature conservation features

j) location of service runs

k) 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 ULP policy GEN2

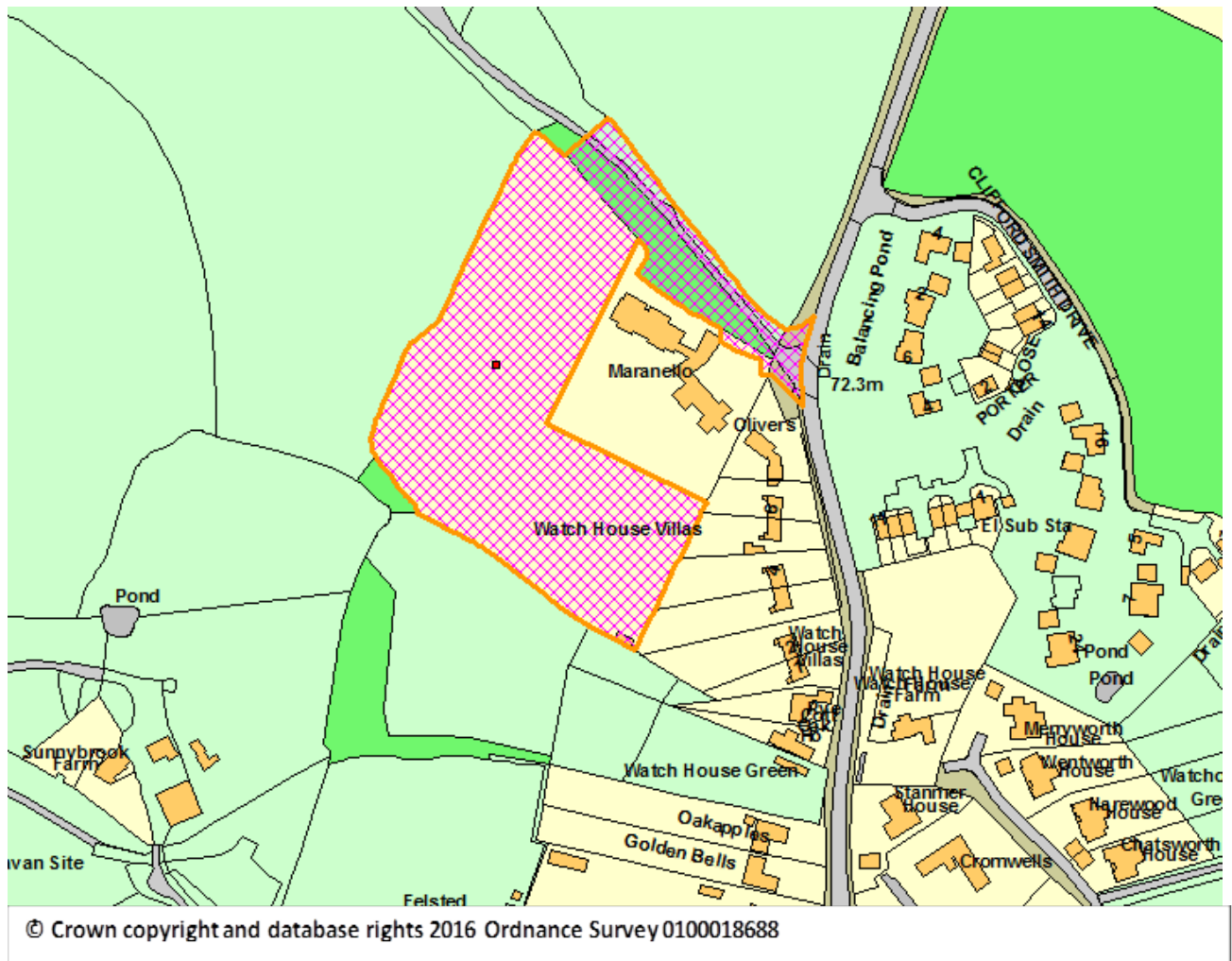
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All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding 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 ULP policy GEN2

Application No. UTT/18/1011/OP

Address: Land West of Maranello, Watch House Green, Felsted.



Organisation: Uttlesford District Council

Department: Planning

Date: 23 July 2018