

UTT/ 18/0784/OP (FELSTED)

PROPOSAL: Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping

LOCATION: Land East And North Of Clifford Smith Drive, Watch House Green
Felsted

APPLICANT: Mr D. Payne

AGENT: Mr C Loon

EXPIRY DATE: 25TH June 2018. Extension of time 8th August 2018

CASE OFFICER: Mrs Madeleine Jones

1. NOTATION

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

2. DESCRIPTION OF SITE

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

mounds.

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

- 2.9 The land is mainly grade 3 agricultural land.

3. PROPOSAL

- 3.1 Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping.
- 3.2 The indicative layout shows a mix of dwellings and it is proposed that they would be a range of dwellings from 1 bedroomed bungalow to five bedroomed houses. The indicative proposed mix is 3 x 5 bed, 6 x 4 bed, 12x3 bed, 7x 2 bed and 2 x 1 bed. Of these 40% would be affordable housing and would include one bungalow. The proposed density of the site is 10.5 dwellings per hectare.
- 3.3 It is proposed that three areas of the site would form public open space, one adjacent to the front boundary, one to the south eastern corner and one to the north eastern corner.
- 3.4 The drawings indicate a new footpath at the north eastern corner of the site which would provide a link to the existing FP 15.
- 3.5 An area adjacent to the site, beyond the hedging to the south eastern boundary is proposed for additional ecology mitigation.
- 3.6 The new vehicular access would be created off Clifford Smith Drive to the south of the site.
- 3.7 It is also intended that adult outdoor exercise equipment would be made available on the site

4. APPLICANT'S CASE

- 4.1 The applicants case is supported by a Design and Access Statement, a Planning statement, a completed biodiversity questionnaire, a flood risk assessment, a Great Crested Newt and Reptile Survey Report, Community Consultation Report, A Transport Statement, A landscape and Visual Appraisal, a Preliminary Ecological Appraisal, a Phase 1 Geo-environmental Desk Study Report (contamination) and a cumulative impact assessment.

5. RELEVANT SITE HISTORY

- 5.1 DUN/0302/61 - Site for residential development. Refused
- 5.2 UTT/0892/90 - Construction of outside leisure facilities including lake for angling etc, 4 no tennis courts, bowling green, Approved with conditions.
- 5.3 UTT/0981/91 - Erection for indoor bowling facilities with ancillary parking and removal of four redundant farm buildings. Refused.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- 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
- ENV13 - Exposure to poor air quality.
- ENV8- Other elements of importance for nature conservation.
- SPD Accessible Homes and Playspace.
- Uttlesford Local Residential Parking Standards.
- The Essex Design Guide
- Parking Standards Design and Good Practice.

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 The site is outside the settlement development envelope and therefore contrary to UDCs Policy S7. Unlike the Clifford Smith Drive development, the new proposal does not include exception affordable housing, to be reserved in perpetuity for occupation by residents with an existing connection with the village.
1. The development would constitute backfill, in a hamlet with an almost exclusively linear housing pattern.
 2. 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.
 3. 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.
 4. There are already problems of water supply pressure in the area, which will be exacerbated by the proposed size of the development.
 5. Access to the estate is close to a blind corner on the B1417 Braintree Road. The potential addition of a further 60 vehicles using this raises concerns over road safety.
 6. The mitigation ponds for the existing Clifford Smith Drive development are ecologically dead.
- Further reports on the problems here should be obtained before the present application is considered.

8. CONSULTATIONS

ENVIRONMENTAL HEALTH

- 8.1 No objections to proposals. A condition requiring a Construction Environmental Management Plan is recommended.

ESSEX COUNTY COUNCIL HIGHWAYS

- 8.2 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.
From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

ANGLIAN WATER

- 8.3 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.

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. 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 re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

Not applicable.

ESSEX COUNTY COUNCIL - EDUCATION

- 8.4 I have assessed the application on the basis of 30 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 2.70 early years and childcare (EY & C) places, 9.00 primary school and 6.00 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 17 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.
Primary Education
- 8.5 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 £114,606.00 index linked to April 2018, is sought to mitigate its impact on local primary school provision. This equates to £12,734 per place.
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.
Secondary Education:
- 8.6 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 unlikely to be one of the five most significant developments. Due to CIL regulation 123 a developer contribution towards secondary school places is not sought on this occasion. 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
- 8.7 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.

CRIME PREVENTATION

- 8.8 We would like to see the developer seek to achieve a Secured by Design award in respect of this proposed development. From experience pre-planning consultation is always preferable in order that security, environmental, and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application. A Secured by Design award would also provide evidence of Approved Document "Q" compliance.

HOUSING ENABLING OFFICER

- 8.9 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 or more units and 20% on schemes 11-14 units.
- 8.10 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 30 (net) units. This amounts to 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 8.11 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 2 bungalows across the site delivered as 1 affordable unit and 1 for open market.
- 8.12 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.

8.13

	1 bed	2 bed	3 bed	1 bed bungalow	Totals
Total affordable unitsd	3	6	2	1	12
Affordable Rent	1	4	2	1	8
Shared ownership	2	2			4

AERODROME SAFEGUARDING

- 8.14 The Safeguarding Authority for Stansted Airport has assessed this proposal and potential to conflict aerodrome Safeguarding criteria and have no objections.

UK POWER NETWORK

- 8.15 Should the excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact UK Power Network to obtain a copy of the primary route drawings and associated cross sections.

NATS SAFEGUARDING

- 8.16 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

ARCHAEOLOGY

- 8.17 Recommendation: archaeological programme of trial trenching followed by preservation in situ, or open area excavation, to be secured by conditions.

ECOLOGY PLACE SERVICES

- 8.18 Following a holding objection due to insufficient ecological information, further information has been submitted. They are now satisfied that there is sufficient ecological information available for determination
- 8.19 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. The revised layout will now create 0.63 hectares of common lizard habitat on site which will be ecologically linked to 0.32ha mitigation area for great crested newt adjacent to the pre-existing mitigation area (application UTT/13/0989/OP).
This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 8.20 The mitigation measures identified in the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly common lizards and great crested newts.
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 enhancements in the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, March 2018) will contribute to this aim.
- 8.21 Permission should be subject to conditions.

Lead Local Flood Authority

- 8.22 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

9. REPRESENTATIONS

- 9.1 Neighbours were notified of the application by letter and site notices were displayed at the front of the site. The application has been advertised in the local press. 27 representations have been received. Expiry date: 7th May 2018
- 9.2 The following concerns have been raised:
- The proposal would increase the boundary of the village which would impact on the scale and size of the village and would set a precedent for more movement if agreed.
 - Ecology, wildlife and flora, bats, deer, barn owls, badgers, frogs, hares, reptiles and birds.
 - Inadequate amenities

- Local school is full. Any financial inducement to Felsted Primary School would be irrelevant. The response from Essex County Council that the primary school could expect 9 extra places to arise from these houses seems to be contradictory to simple mathematics and using common sense. With potentially 30 families moving into the area, then the aggregated number of children per housing using ECC's numbers is 0.3. This number seems particularly low and I believe that in reality it would be higher. This would likely be one of those examples, when reality does not meet the projection and the school would be pushed beyond breaking point with local families missing out on local provision of education, and those currently within it could suffer as a result.
- Local doctor's surgery is full. Where would the additional 100 potential patients be treated?
- Flood risk and drainage issues
- Traffic congestion at Felsted primary school junction.
- Highway Safety.
- This planning application is at odds to the Uttlesford housing plan which looks to create housing in areas where there is sustainable local services.
- Inadequate infrastructure.
- Out of keeping with the character of the area
- There is no need for these new homes. The commitment to our local area by proposed development north of the A120 more than covers our areas contribution
- Any carrot offered by the developers in respect of affordable homes is meaningless in the light of the affordable home element of the new town to the north of the A120.
- Impact on character of the area
- The soon to be published village plan is a serious piece which maps out the future of the area in a careful way. Ad hoc and opportunistic developments such as this proposal play no part in this considered piece of work and should therefore be rejected.
- The site is outside development limits for the village.
- Lack of infrastructure in areas such as water pressure, drainage etc. Developers should realise that any mitigation goes beyond simple financial contribution and a responsibility to ensure that work is carried out prior to the construction of houses, not after, when their aims have been met and their interests are elsewhere.
- This is not sustainable development, rather opportunistic and ultimately only for the benefit of the land owners whose aims are return on investment, and care little for the opportunities they destroy.
- Cumulative impact
- Loss of view.
- Irreversible changes to the village identity and further development will be an insult to those local residents who have worked hard to maintain its history, identity and sense of community.
- I do not find the overhead power cables unsightly or unattractive; in fact one is amazed by the wide variety of birds that perch there.
- UDC housing strategy 2016-21 implies that they will be supporting parish councils to bring forward rural housing schemes to meet the needs of their local communities, yet no evidence has been provided that supports this development is needed for local residents. Cllr Redfern's introduction to the same strategy puts forward UDC's commitment to rural location" This council will continue to contribute to the Rural Community Council for Essex (RCCE) to help parish councils plan for exception sites which are so important in

keeping our village communities vibrant and giving local people the opportunity to live where they have roots and personal connections” again I show my objection to this development and recommend that the planning department give this site exception status of which the parish has all responsibility for decisions relating to this site.

- The quality of life of existing residents will be reduced through the additional noise, traffic and building works associated with the proposed development.
- The proposal would devalue the new homes.
- There has been numerous accidents over the last 5 years along this stretch of road, in fact so many over the bridge by Weavers Farm that the parish council funded road signs to be placed in an attempt to reduce the number of accidents.
- There is little employment locally so the majority of residents commute further afield for work. There are two bus routes that service Felsted, the 133 that runs between Colchester and Stansted and the number 16 that goes to Chelmsford. But to say these are regular and reliable is simply not true. They run an hourly service during peak times only. The service is not an option for many of those needing to get to and from work.
- There was a stretch of 300m of ancient hedgerow which was removed to make way for the development of Olsted Grange, even though on the original application it was stated that this hedgerow should remain. How can we be reassured that the existing hedgerows would be kept. A vast number of trees were taken down for the Olsted Grange development and if this is proposed development was to go ahead the same sort of number would be taken away , including young oak trees and fruit trees.
- Affordable housing – what assurances would be given that the affordable housing would be for local people?
- Flooding. Any sort of heavy rainfall leaves part of the B1471 constantly flooded.
- Impact of construction traffic.
- Light pollution.
- Severe and irreversible biodiversity loss.
- Litter from the builders.
- The hamlet of Watch House Green cannot sustain this level of development.
- Overdevelopment
- The play area should be suitable for a wider range of children should be agreed formally prior to any approval
- Each small development like this closes the gap between hamlets and is another step closer to turning Felsted from a village to a town. Granting permission also paves the way for other developments which all contributes to altering the character of our beautiful village
- Issues relating to ecology relating to planning application UTT/13/0989/OP not being completed.

One representation has been received in support

- 9.3
- I believe a well constructed house and design together with professional landscaping would much improve the parcel of land. I find it difficult to deny others the same opportunity to live in a new house in a splendid area.

10. APPRAISAL

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

- A The development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, GEN2, GEN3, H9, ENV2,H10);
- B The access to the site would be appropriate (ULP Policy GEN1);
- C There would be a detrimental impact on protected species (ULP Policy GEN7);
- D Affordable Housing, Education Contributions (ULP policies H9, GEN6)
- E Flood Risk and drainage (ULP Policy GEN3; NPPF)
- F Other material planning considerations.

A The development of this site for residential purposes is appropriate (NPPF, ULP Policies S7, GEN2, GEN3, H9, H10);

- 10.1 This scheme is for up to 30 residential units of which 12 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 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.

- 10.6 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).
- 10.7 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.
- 10.8 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) twelve affordable housing units, public open space and one bungalow and adult outdoor exercise facilities . 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 and outdoor exercise facilities. Felsted has access to bus services to other nearby towns and centres of employment. The local primary school is within easy walking distance from the site, although 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. 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(including the Maranello proposal UTT/18/1011/OP. 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. This would have some weight in favour of the positive contribution the proposal could make in these regards.
- 10.9 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. There is a new development of residential housing to the south west of the site and a Grade II listed building to the north beyond hedging and landscaping. The indicative layout shows rear garden to properties backing onto the boundary with Weavers Farm. Opposite the site is open countryside and to the east of the site is further open countryside. The front of the site is screened from the road by mature landscaping. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. Appearance, landscaping, layout and scale are all matters to be reserved should outline planning permission be granted. The indicative drawings indicate a range and scale of dwellings which would appear to be appropriate in this location. The landscaping concept would provide for a green approach to the village and development set back into the site with a hedgerow to the highway frontage. Existing hedging to the front, north and east of the site would remain. Trees to the south western boundary with Clifford Smith Drive would also remain. New planting would compensate for any young trees needing to be removed

for the access. The overhead power lines would be relocated underground. There would be impact on ecology, however this is discussed further below. Additionally the proposal would link to existing pedestrian footpaths and rights of way.

10.10 The Historic Environment Record indicates that the proposed development lies within a potentially highly sensitive area of heritage assets. Archaeological excavation in the adjacent housing development found the remains of Saxon and medieval occupation. The archaeological investigation identified a series of linear features, pits and post holes indicative of settlement edge development with finds of Saxon, medieval and post medieval date. The presence of Late Saxon material is rare in Essex and this with the presence of medieval finds and features suggest this may be the remains of a manor site. . 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.

10.11 A further material consideration is that the site is an allocated site (Policy FEL2) within the Regulation 19 Local Plan, although this have very limited weight at this point in time.

10.12 This application is an outline application with all matters , except access, reserved. Therefore there are no specific details in relation to dwelling types. Policy H10 has a requirement for sites of 0.1 hectares and above to include a significant 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 Accesible Homes and playspaces also requires that developments of 10 and over should provide bungalows.

10.13 The indicative drawings submitted and information within the Design and Access Statment show a mix of housing which would be broadly consistent with the Strategic Housing Market Housing report consisiting of a mix of 1,2,3,4 and 5 bedroomed properties.

10.14 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 indicative plans show two bungalows. The above requirement can be secured by a suitable condition.

- 10.15 All of the units would have private amenity spaces. The Essex Design Guide recommends that dwellings of 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.
- 10.16 The indicative plans show that there would be sufficient space for the required parking provision to be provide for the size of dwellings proposed, however insufficient visitor parking spaces are shown. In order to comply with the adopted parking standards, 7 visitor parking spaces would be required.
- 10.17 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 relatively sustainable and is allocated within the Regulation 19 Local Plan, 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 The access to the site would be appropriate (ULP Policy GEN1);

- 10.18 The proposed development would utilise the access and spine road that already serves the recently approved, residential development located to the south of the site. The development would result in an increase in the number of vehicle movements using the access road and local network. This intensification has the potential to have a detrimental impact on the amenity of the occupiers of the dwellings that are located adjacent to the spine road, close to the access with Braintree Road and also local residents.
- 10.19 The new access would involve the removal of trees, however, additional planting would be carried out to mitigate against their loss.
- 10.20 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 a law enforcement issue.

- 10.21 In order to facilitate walking or cycling journeys new footpath links are proposed from the site to enable pedestrians to use the footpath on the western side of the Braintree Road. This would enable safe access to the school and bus stop and also to the wider village facilities.
- 10.22 A new rural footpath link is also proposed from the site to the sites North east corner where it would join up to footpath FP15. This link would allow the new and existing residents to access the footpath without the need to access the footpath at the existing point further along Braintree Road.
- 10.23 In response to representations received, the applicants have sent in a response relating to the cumulative impact of the development in respect of highway impact and state that given the capacity assessment undertaken at the Braintree Road junction indicated ample residual capacity, the cumulative traffic generated by this application and the pending application utt/18/1011/OP can be accommodated well within the capacity of the existing junction.
- 10.24 Essex County Council Highways have been consulted and have no objections to the proposal subject to conditions.
- 10.25 The proposal would meet the aims of GEN1.

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

- 10.26 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.
- 10.27 A Preliminary Ecological Appraisal report was submitted with the application, however the report recommends further surveys for great crested newts and common lizards. The report discusses the 'existing ecology area' (approx. 1ha) this will also be surveyed and is available for mitigation along with an additional 0.32ha. However the red line boundary area and this ecology area were used as the mitigation habitat for these species for the application UTT/13/0989/OP under licence number 2015-7487-EPS-MIT. The survey and assessment report would therefore need to include detailed calculations for mitigation and compensation for loss of this habitat to be provided prior to determination. As such further information was sought.
- 10.28 A Great Crested Newt and Reptile Survey report was subsequently submitted, however as mentioned above the area referred to as the ecology/mitigation area was previously used as mitigation habitat for impacts to great crested newt and common lizard populations from application UTT/13/0989/OP under licence number 2015-7487-EPS-MIT. This area has not been managed appropriately for these species and ecology advice was that it is not appropriate to now re-use this area as mitigation for the impacts associated with this scheme.

The Great Crested Newt Mitigation Guidelines (English Nature) state that habitat loss is a long-term impact and the greater the predicted impact, the greater the level of mitigation will be required. There should be no net loss of sites, and in fact where significant impacts are predicted there will be an expectation that compensation will provide an enhanced habitat (in terms of quality or area) compared with that to be

lost.

- 10.29 A revised layout was submitted which would now create 0.63 hectares of common lizard habitat on site which will be ecologically linked to 0.32ha mitigation area for great crested newt adjacent to the pre-existing mitigation area (application UTT/13/0989/OP). Essex County Council ecologists now have no objections to the proposal subject to the mitigation measures identified in the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 being secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly common lizards and great crested newts. As all the land is within the applicants ownership for onsite and off site improvements to habitats this can be secured by appropriate conditions.
- 10.30 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.

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

- 10.31 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. 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;
- The site area is 2.8 hectares and as such a provision of 40% affordable housing is required. The proposal would include 12 affordable units (including one bungalow)
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. The site is not classified as an exception site and as such any affordable housing delivered by the development would have to go to meeting the general housing need of the district..
- 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
- 10.32 Education Contributions:
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.
Primary Education
- 10.33 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 beds. 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 £114,606.00 index linked to April 2018, is sought to mitigate its impact on local primary school provision. This equates to £12,734 per place

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:

- 10.34 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 unlikely to be one of the five most significant developments. Due to CIL regulation 123 a developer contribution towards secondary school places is not sought on this occasion.
- 10.35 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 Flood Risk and drainage (ULP Policy GEN3; NPPF)

- 10.36 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.
- 10.37 The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. The Lead Local Flood Authority have no objection to the proposal subject to conditions. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

F Other Material Planning Considerations

- 10.38 Several of the representations have been in respect of the cumulative impact the proposal would have. There is a pending application UTT/18/1011/OP –, on the opposite side of Braintree Road which is for outline application with all matters reserved except for access for the erection of 28 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.
- 10.39 Concerns have been raised in representations about the increased pressure the development would put on the local surgery and the local primary school. The ECC Education Department has considered the proposals and would require a financial contribution towards the provision of additional school places should the development proceed. This could be secured by the way of a S106 Agreement if planning permission was to be granted.
- 10.40 The Parish Councils comments have been noted, however it is considered that (as explained earlier) greater weight should be given to the lack of five year land supply of deliverable sites for residential development. In such circumstances the NPPF specifies 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”.

- 10.41 The applicant's transport consultant, offers the following comment regarding application UTT/18/1011/OP and cumulative highway impacts with application UTT/18/0784/OP :
- The proposed 28 unit development would generate an additional 17 movements in the AM peak and 19 in the PM peak based on their assessment. The cumulative trip generation that could be associated with both developments would be an additional 48 movements in the AM peak and 45 movements in the PM peak. Given the capacity assessment undertaken at the Braintree Road junction indicates ample residual capacity, the cumulative traffic generated by both proposals can be accommodated well within the capacity of the existing junction without any significant queuing or delay. Additionally, application UTT/18/1011/OP carried out a scoping opinion with Essex County Council Highways department as part of their application in which it was agreed that no specific junction capacity assessment work was necessary on the local highway network. There are accordingly no significant cumulative highway impacts.
- 10.42 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
- 10.43 Foul Drainage
- The applicants have carried out a 'pre-development enquiry' and Anglian Water confirm that their network (effectively the pipes between the site and the WRC) has capacity to accept the foul water flows from the development. Anglian Water have indicated they will upgrade the WRC to accept the proposed flows and so have effectively reserved provision for this, following the pre-development enquiry which has made them aware of the proposed development.
- Regarding UTT/18/1011/OP, the relevant report (Landvest Utilities Assessment – para 2.10) indicates that a Klargestor system will be used to treat foul waste but conversely the application form indicates that the main sewer will be used for this purpose. If a Klargestor system is used, there would be no foul waste flowing to the WRC and therefore no additional impact upon the network or the WRC itself. If the main sewer is proposed, then Anglian Water have advised that their network would have capacity to accept the foul flows.. Whilst application UTT/18/1011/OP does not contain a pre-development enquiry from Anglian Water , the application has attracted a consultation response and Anglian Water indicate that if the WRC needs to be upgraded to cater for the foul flows from UTT/18/1011, they would do this. It is their legal responsibility and hence not a planning issue.
- 10.43 Water pressure has been raised as an issue in local representations. However, the applicants have confirmed with Affinity Water, which has a main running along Braintree Road and also along Clifford Smith Drive, that they would boost pressure where required. Accordingly, it is submitted that there are no significant cumulative drainage and water infrastructure issues.
- 10.44 The planning system makes provision to mitigate the impacts of development upon local infrastructure, for example education and health facilities.
- Essex CC are aware of both applications and have made assessments. In both cases they have sought a financial contribution to mitigate the impacts of the development upon the nearby primary school. Based on the indicative accommodation mix, Essex CC has advised that the contributions sought would be £114,606 (Application UTT/18/0874/OP) and £119,112 (Application UTT/18/1011/OP) totalling £233,718 index linked to April 2018. This is a significant

sum and should allow some elements of permanent accommodation to be provided the school. There are several demountable classrooms at this school and the contributions (possibly with any others which 'may' be secured from other developments in the future) should not only mitigate impacts but also enhance the quality of educational provision. Because of the limited number of developments in the catchment area which could trigger a need for educational financial contributions, there is infrequent potential to realise privately funded improvements to the primary local school. There are positive cumulative impacts against the above background.

- 10.47 The local GP surgery in Felsted is a branch surgery of John Tasker House in Gt. Dunmow. No significant cumulative effects therefore arise under local health care. 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.

11. 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, affordable housing and open space, 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 also an allocated site within the Regulation 19 Local Plan. Therefore, in balancing planning merits, it is considered that principle of development is acceptable
- B** The proposal would comply with the aims of GEN1
- C** The application now provides sufficient information and evidence to demonstrate that the proposals (subject to conditions) would not adversely affect protected species, namely reptiles and great crested newts. As such the proposals comply with Policy GEN7 and section 11 of the NPPF.
- 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 £114,606 can be secured by a s106 agreement.
- E** There would be no material detrimental cumulative impact caused to warrant refusal of the proposal.

RECOMMENDATION – APPROVAL WITH CONDITIONS subject to a S106 Legal Obligation

- 1. 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 and outside adult exercise equipment**
 - (iii) Maintenance of SuDS**
 - (iv) Management company in relation to SUDS and public open space and outside exercise equipment.**

- (v) **Payment of contributions towards Education Provision**
 - (vi) **Pay the Council's reasonable legal costs**
 - (vii) **Pay the monitoring fee**
2. **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**
3. **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 or exercise equipment**
 - (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 the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
- REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 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 shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
- REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and 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 shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
- REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and 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 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
- REASON: In view of the historic importance of the site, in accordance with Utilesford District Local Plan Policy Local plan policy ENV4.

- 5 A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed.
Reason: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4.

- 6 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: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Uttlesford District Council Local Plan policy ENV4.

- 7 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: In view of the historic importance of the site, in accordance with Uttlesford District Local Plan Policy Local plan policy ENV4.

- 8 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 the Greenfield 1 in 1 for all storm events up to and 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 policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

- 10 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved. REASON: The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed. In accordance with policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005
- 11 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 policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005
- 12 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 policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005
- 13 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
- 14 Prior to occupation of any dwelling, the provision of an access formed at right angles to Clifford Smith Drive, as shown in principle on drawing no. DR1 (dated 06/03/2018), to include but not limited to: minimum 5.5 metre carriageway width with two 2 metre wide footways (around each radii) extending along Clifford Smith Drive to suitable

dropped kerb pedestrian crossing points across Clifford Smith Drive, and a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be 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 any of the proposed dwellings, a pedestrian link to connect the proposed development to public footpath no. 15 (Felsted) shall be provided. Details of the pedestrian link, including a suitable surface, shall be submitted to the Local Planning Authority, in consultation with the Highway Authority, and approved prior to occupation of any dwelling.

REASON: In the interest of highway safety and accessibility. In accordance with Uttlesford Local Plan Policy GEN1.

- 17 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 Uttlesford Local Plan Policy GEN1.

- 18 Prior to commencement, all ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 s17 Crime & Disorder Act 1998, and Uttlesford Local Plan Policy GEN7.

- 19 Prior to occupation, all ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (T4 Ecology Ltd, March 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes retaining hedgerows for bats, permeable boundaries for hedgehogs, the installation of bat and bird boxes.

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 s17 Crime & Disorder Act 1998 and paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7.

- 20 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 (through the provision of appropriate lighting contour plans, Isolux drawings 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 paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7.

- 21 The proposed development that may harm great crested newts shall not in any circumstances commence unless the local planning authority has been provided with either:

- ☐ a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- ☐ a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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 paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7.

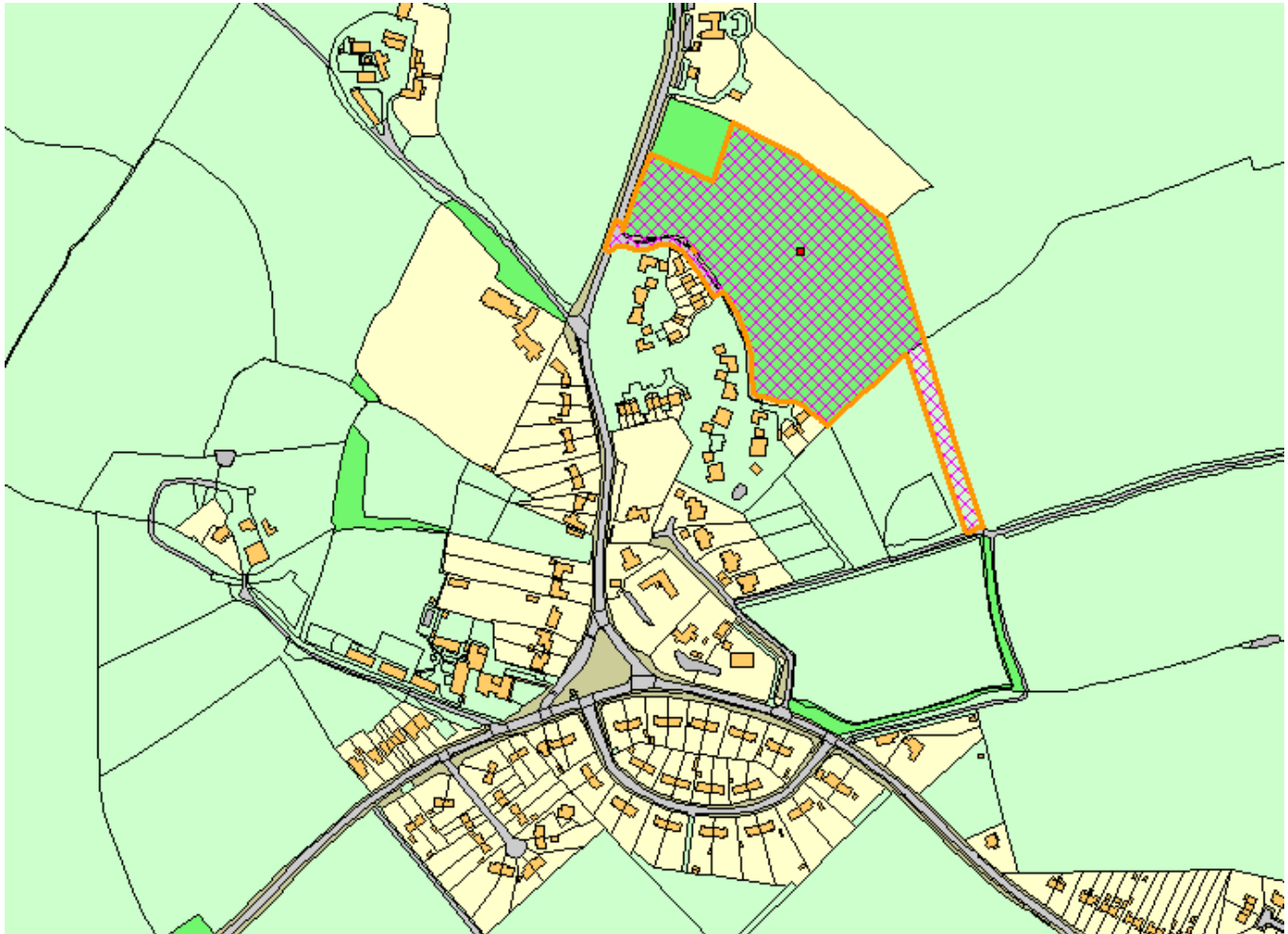
- 22 Prior to occupation a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior *to the occupation* of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed (common lizard and great crested newt habitat).
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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 paragraph 118 of the NPPF and in accordance with Uttlesford Local Plan Policy GEN7.

Application: UTT/ 18/0784/OP

Address: Land East And North Of Clifford Smith Drive, Watch House Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 16 July 2018