

UTT/ 18/2400/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

Mr D. Payne

AGENT: Mr C Loon

EXPIRY DATE: 27th November 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 of 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 beds, 6 x 4 beds, 12x3 beds, 7x 2 beds and 2 x 1 beds. 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

3.8 ENVIRONMENTAL IMPACT ASSESSMENT:

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

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.

4.2 Further information has been submitted to address the previous reasons of refusal.

4.3 The main reason for refusal re UTT/18/0784/OP was that the development 'would adversely affect the rural character of the area', contrary to Policy S7. It would be useful to re-iterate the residential land uses adjacent the site which helps define character and that Clifford Smith Drive was approved by the LPA in a rural area

where Policy S7 applied. The impact on the local landscape character is also an important part of the 'rural character' consideration and paras 3.39 & 4.40 of the original Planning Statement August 2018 summarise key points in this respect which may be useful to cite. The site assessment and landscape appraisal would indicate that there would be no significant harm upon landscape character. If the Committee were to maintain refusal on character grounds the LPA would have to substantiate significant and demonstrable harm on character at appeal but it is not clear what evidence would support such negative judgement.

- 4.4 Whilst the revised application proposal has not altered, as part of the tilted planning balance consideration should be given to the "increased" policy support from NPPF2 (only the original NPPF was considered at the 1 Aug Committee) as per the policies set out at Chapter 5 of the Planning Statement, August 2018 e.g. NPPF2 paras 11, 59, 68, 73, 78 & 118(d). In particular I would highlight the support given to small/medium scale housing which can make an important contribution to housing supply and deliver quickly (para 68), the policy for locating housing in rural areas (para 78) and the policy for effective use of land (noting the site is merely scrubland in/adjacent a settlement) especially where it helps meet identified needs for housing (para 118d).
- 4.5 Following the end of the consultation period for the first Reg 19 Local Plan, it is clear that there has been little in the way of objection to the site's allocation (ref: FEL2) for approximately 30 dwellings, such that this emerging Plan has accrued a little more weight since the refusal on 1 August. I understand the council are intending to submit the Reg 22 Local Plan to Government by 24 Jan 2019. The direction of travel of this Plan is material and Members have to carefully consider whether the LPA will be deemed unreasonable at appeal in trying to defend refusal of this housing site, which its own emerging Local Plan has allocated. The LPA has carried out rigorous assessments to help justify the site as being sustainable and appropriate at this countryside location – implicitly housing is deemed acceptable to the local character. The SLAA Update (May 2018) indicates that the site (ref: 17FEL15) is highly ranked (Classification B), is suitable for development and "would reflect the recent development to the south", again addressing the 'rural character' issue. The Committee's refusal is effectively refusing the council's own assessments.
- 4.6 I am also informed that the Felsted N/Plan has been delayed due to a need to assess it under the HRA and that it would not reach potential adoption stage until Spring 2019 at the earliest. However, once the N/Plan is in place, the ability to achieve affordable housing and education infrastructure contributions will be extremely limited because its two housing allocations have to deliver a doctors surgery and large car park which will no doubt affect the viability of making affordable housing or education infrastructure provision. My clients scheme will deliver affordable housing (I understand there is still some unsatisfied local need, as part of UDC's wider affordable housing needs) and deliver a large financial contribution to help the primary school which has demountable classrooms (see para 4.14-4.19 of the Planning Statement August 2018). Hopefully the committee will see the benefits of such provision (with the s106 addressing reasons 2 and 3 of the previous refusal) in addition to all the other benefits of the application.

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.
- 5.4 UTT/18/0784/OP - Outline application with all matters reserved, except for access, for the erection of up to 30 no. dwellings served via new access from Clifford Smith Drive, complete with related infrastructure, open space and landscaping. Refused by committee against planning officer's recommendation for conditional approval. Appeal pending

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.
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record.

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 While recognising that this site is now included in the Regulation 19 Revised Draft of the Local Plan, Felsted PC remains firm in its opposition to this specific application. It is inappropriate for the reasons previously stated. It is also contrary to the emerging Felsted Neighbourhood Plan, which recognises the potential suitability of this site for exception housing.

8. CONSULTATIONS

ESSEX WILDLIFE TRUST

- 8.1 We have examined the ecological reports, including the Addendum to the GCN and Reptile Survey report, and the Revised Indicative Layout plan. Following consideration of the mitigation proposals we are satisfied that these are in accordance with reptile mitigation guidelines. We therefore have no objection subject to the proviso that the mitigation proposals

are secured by conditions as recommended in Place Services response dated 29 June 2018.

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.

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.
- Early Years and Childcare
The proposed development is located within the Felsted Ward. According to Essex County Council's childcare sufficiency data, published in 2018, there are zero 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. In the area, the data shows insufficient places to meet the demand from this proposal. An additional 2.7 places would be provided at an estimated total cost of £47,039 at April 2018 prices. So, based on the demand generated by this proposal as set out above, a developer, index linked to April 2018, is sought to mitigate its impact on local Early Years and Childcare 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 267 pupils on roll (May 2018). Having taken a couple of @bulge groups@, the school now has a Planned Admission Number of 30 pupils per year. The school is, as in previous years, fully subscribed for this September's intake. Viability work is being commissioned to look at the school's permanent accommodation need. This development would add to that need and, thereby, the requirement of a developer contribution is directly related to this proposal. So, based on the demand generated by this proposal as set out above, a developer contribution of £137,529, 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.
- 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 childcare and 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.

NATS SAFEGUARDING

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

ARCHAEOLOGY

- 8.10 Recommendation: archaeological programme of trial trenching followed by open area excavation, to be secured by conditions.

ECOLOGY PLACE SERVICES

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

I have reviewed the Addendum to Great Crested Newt and Reptile Survey Report (Hybrid Ecology) dated 26th June 2018 and Revised Indicative Layout Plan – Drawing No. SP005-PL-05 Revision B (March 2018) supplied by the applicant, relating to the proportionate mitigation for reptiles and amphibians.

- 8.12 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.
- 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.
- 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.

LEAD LOCAL FLOOD AUTHORITY

- 8.13 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. 15 representations have been received. Expiry date: 9TH October 2018

9.2 The following concerns have been raised:

- Lack of infrastructure
- 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. Loading more families and cars through this stretch of road with the present arrangements is surely not a holistic approach to planning and development. Simply stating that the sum total of the above is "an enforcement issue" is unhelpful in the least. If there are other options which might improve matters - for instance the option tabled within the draft Neighbourhood Plan, to provide for a drop off car park as a planning gain from another proposed housing development, then these should be properly evaluated prior to more development being placed at this location.
- Ecology, wildlife and flora, bats, deer, barn owls, badgers, frogs, hares, butterflies, invertebrates, amphibians, reptiles and birds. UDC has actually been advised by local residents that bats, brown hare, bullfinches, song thrush, house sparrows are present - all of which are NERC Section 41 species. Also seen and heard have been barn owls, tawny owls, skylark, kestrels, buzzards, green woodpecker, and red kites. Barn owls (instantly recognizable), are included in the representations by several local residents, and although not Section 41 species are Essex Biodiversity Action Plan species. A vast number of trees I would say at least a hundred were taken down for the Olsted Grange development and if this proposed development was to go ahead the same sort of number would be taken away, including young oak trees and fruit trees. ECC has advised UDC that the proposals will "contribute to" the aim of providing for a net gain for biodiversity. This is tantamount to acknowledging that a net loss will occur.
- This is to all intents and purposes the second phase of development of a 6.2ha site. UDC has failed to enforce the conditions requiring the housebuilder to complete the ecological compensation associated with the first phase of Clifford Smith Drive. The cumulative impacts of the first and second phases have not been assessed by ECC in providing their advice to UDC. Why not? ECC and UDC have been given a 'Map' by the developer which states that there is no onward habitat connectivity for GCN northwards through the site and have not responded to evidence provided to the contrary that there is indeed such connectivity (UDC failed to upload the consultation response to UTT/18/0784/OP to the planning portal). It is unclear to what extent ECC's advice that the compensation for GCN and reptiles is based on the implied arguments from this map and this could be material as regards the quantum of compensatory habitat to be provided.
- None of the builders is obliged to build green roofs, or install recycled grey water systems, bat boxes, ponds etc. The development will be identical to all the others: Orange brick boxes with acres of parking space and very little green space. With all those new children, dogs, cats and cars coming into its area, how is a frog or toad supposed to survive?
- Inadequate amenities
- The road traffic jam every morning for the school is noisy and the crossing point is dangerous. This development will do nothing but make that worse too

and when they build it, with the construction traffic above it could mean a 20 minute queue to get to home after my shift.

- The Parish Council Neighbourhood Plan leaflet says there is a different proposal which would provide houses to solve this problem so we should not allow houses at Clifford Smith Drive until this is voted on.
- Felsted Primary School is only a small village school catering for children of pre-school up to the age of 11. The main building is a listed building and cannot be extended, within the grounds of the school a number of portable classrooms were put up some 20 years ago. These buildings were only meant to be temporary classrooms to accommodate the baby boom of the early 1990s.

These temporary classrooms have since become permanent and have been added to over recent years. The school is full and oversubscribed as are many of the other primary schools such as Stebbing, Ford End and Dunmow. If this proposed application goes ahead we could be looking at an increase of around 60 school places that would need to be found. Where would these children go?

- Local doctor's surgery is full. Where would the additional 120 potential patients be treated?
- Flood risk and drainage issues
- Traffic congestion at Felsted primary school junction. Adding a further 60 cars to that area is madness.
- Highway Safety. Loading more families and cars through this stretch of road with the present arrangements is surely not a holistic approach to planning and development. Simply stating that the sum total of the above is "an enforcement issue" is unhelpful in the least. If there are other options which might improve matters - for instance the option tabled within the draft Neighbourhood Plan, to provide for a drop off car park as a planning gain from another proposed housing development, then these should be properly evaluated prior to more development being placed at this location.
- 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
- 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 have 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? Affordable to whom, there were 7 affordable properties set aside on Olsted Grange for local people, yet not one local person was given any of these properties. Again it was supposed to benefit local people who could not afford to live in this area, yet the housing association appeared to ignore this. The only people to benefit from this development were the developers. What assurances would we be given that
- this would not occur again if this proposed development was to be granted.
- Flooding. Any sort of heavy rainfall leaves part of the B1471 constantly flooded.
- Impact of construction traffic.
- If this application was to succeed it would make a total increase of 55 homes built in the last two years. With another application imminent for a further 28 homes opposite this proposed site that would make 83 houses how can this not have a huge impact on our community and the daily lives of all those who live in Watch House Green.
- 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.
- New houses should be on one of the empty fields in Felsted.
- Loss of natural amenity to local residents.
- UDC has failed to enforce the conditions requiring the housebuilder to complete the ecological compensation associated with the first phase of Clifford Smith Drive. The cumulative impacts of the first and second phases have not been assessed by ECC in providing their advice to UDC.
- Felsted Primary School is full.
- The NHP for Felsted is in its final stages and in this draft phase has drawn praise from your planning department. Critical to the plan is the option of providing a 'kiss and drop' facility to the west of the Primary School in order to ease the twice daily congestion around the Green. Cars are parked dangerously close to, and even on, the junctions; the narrower parts of the roadway and stretching in all four directions producing impasse and bad temper. Sooner or later a child will be hurt. To provide the kiss and drop facility and some extra parking for staff and visitors, there will be some associated housing which will fulfil the requirements of the housing numbers. To grant planning permission for the above development will mean that this scheme, which will bring real benefits to the residents of Felsted, will be abandoned. The hard won NHP will be severely damaged.
- This developer and the national house builder have shown a very poor history of adhering to the conditions of the first development in Clifford Smith Drive. They have failed to produce the ecological safeguards required in the environmental determination. They have stated that the log piles, bunds, suitable ponds, bat boxes have been stolen or tampered with. This is blatantly not the case. There is no evidence that they were ever installed or completed properly (i.e. the ponds) in the first place, and indeed the maintenance of the natural site has been so poor that not even the mitigation fencing was removed thus entirely inhibiting any free movement of species.
- When the members of the local planning committee visited this site and Maranello in August 2018, several instinctively understood that the arrangement was dangerous. There is no evidence that anyone from ECC Highways has actually visited the site at its peak period prior to giving their advice (i.e. the advice is based on supposed sightlines from the CAD drawings when the reality on the ground is less straightforward).
- Pollution
- This plot of land is not typical of the government guidelines for new build developments because of its lack of infra-structure and it is not close to a railway station, which is one of their criteria.
- We do not understand why this application would be accepted when the first one was refused. Surely going through this process again is a waste of public money. Should this not be dealt with by way of appeal rather than a new

application for the same development?

- The suggestion has been made that an "agreement or covenant" exists which allows access to the proposed development from Clifford Smith Drive. At no stage of our purchase of our property was such an "agreement or covenant" pointed out to us nor have we had sight of any such document.
- The village is made up of small residential roads not residential roads being access to further residential roads.
- Felsted and its surrounding parts have been extremely generous in the level of developments that has been granted over the last few years and I feel it has made its fair share of sacrifices to support the housing crises and gone above and beyond any recommendations of governments housing pledge, and for this I am personally grateful. I believe any further developments will create irreversible changes to the village identity and will be an insult to those local residents who have worked hard to maintain its history, identity and sense of community
- Unlike the developer 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 and the wildlife it attracts.
- 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 Julie Redfern's introduction to the same strategy puts forwards 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.
- Cars travelling south on the B1417 speed right up to the 30mph limit which is set on the corner to the south of Clifford Smith Drive. For people trying to cross the road, the cars emerge with little warning around the bend and often at high speed. You can't see them because of the said vegetation, trees and parked vehicles and you can't hear them in the morning rush because of the traffic jam. For their part, speeding drivers can find families trying to cross the road between parked vehicles, and oncoming traffic forced onto the wrong side of the road by the parked cars. Children crossing are particularly vulnerable as the vegetation is much denser at their eye height.
- The present pedestrian crossing point is dangerous, and particularly so at the times the school and Felmoor Nursery are in operation (i.e. when it's most likely to be used). It has obstructed views from parked cars, trees, and through 2/3s of the year, the high vegetation from the wildlife and tree planting approved by UDC as mitigation for Clifford Smith Drive.
- South of the crossing point, the road is winding, narrow and darker given tall trees on either side. Poor parking on the pavement can require pedestrians to enter the road. At peak times cars park all along the west side of the road in a continuous line from the school to the entrance to the nursery. Frustrated drivers (including buses and HGVs) sometimes ride up onto the pavements into the gaps left opposite driveways, when trying to fight their way through.
- Developers continue to take advantage of the lack of planning policy by Uttlesford, and this in the face of an upcoming neighbourhood plan by Felsted. What message would this send? If this is approved it will in an instant invalidate the work by a community of people who seek to collectively shape

our future.

- This proposed development on the grounds that it is not in line with the development proposals for Felsted in the Neighbourhood Plan which are the result of wide consultation with the people of Felsted and take due consideration for housing provision required by the government. Any development in the village beyond that set out in the plan is beyond what the village can sustain.

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. This application follows refusal of UTT/18/0784/OP which was refused for 1) The proposal would adversely affect the rural character of the area, in conflict with Policy S7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework., 2) The application does not include a mechanism to secure suitable affordable housing provision, in conflict with Policy H9 of the Uttlesford Local Plan (adopted 2005), 3) The application does not include a mechanism to secure suitable contributions towards education in conflict with Policy GEN6 of the Uttlesford Local Plan (adopted 2005). The second two reasons for refusal would be overcome by the s106 agreement which the developer has indicated that they are prepared to enter. They have agreed to make a payment of contributions towards education and provide 40% affordable housing. Further information has been submitted by the applicant in respect on reason one and a further consideration is that since the previous decision the NPPF has been updated (July 2018) (Please see below under other material considerations for further appraisal)

10.2 The site is 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.
- 10.4 Paragraph 11 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 3.4 or 4.45 year land supply depending on the scenario used to calculate the supply.
- 10.5 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 14 of the NPPF.
- 10.6 The NPPF emphasises that sustainability has three dimensions (Paragraph 8); 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, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating 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 supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with assessable services and open spaces that reflect current and future needs and support communities 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 the proposal. 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, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. 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. There would be no material detrimental cumulative impact caused to warrant refusal of the proposal.
- 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 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.

- 10.13 The indicative drawings submitted and information within the Design and Access Statement show a mix of housing which would be broadly consistent with the Strategic Housing Market Housing report consisting 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 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.

- 10.16 The indicative plans show that there would be sufficient space for the required parking provision to be provided for the size of dwellings proposed and adequate visitor parking spaces. 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. The Felsted Neighbourhood Plan is in the early stages and is not currently made. It is not considered that if this proposal is approved, that the sites identified within the Neighbourhood Plan could not also come forward with the associated benefits that they would provide.

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 militate 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 Essex County Council Highways have been consulted and have no objections to the proposal subject to conditions.
- 10.24 The proposal would meet the aims of GEN1.

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

- 10.25 Policy GEN7 and paragraph 175 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.

- 10.26 The site has the potential to impact on biodiversity and accordingly Essex County Council Ecologists have been consulted. They have no objections to the proposal subject to securing biodiversity mitigation and enhancement measures. As all the land is within the applicant's ownership for onsite and offsite improvements to habitats this can be secured by appropriate conditions.
- 10.27 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, subject to appropriate conditions, and accords with ULP policy GEN7.

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

- 10.28 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 previously 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

- 10.29 Education:
Essex County Council has assessed the application and state that for Essex County Council to meet its statutory duties in respect of Early Years and Childcare provision 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. In the area, the data shows insufficient places to meet the demand from this proposal. An additional 2.7 places would be provided at an estimated total cost of £47,039 at April 2018 prices. So, based on the demand generated by this proposal as set out above, a developer, index linked to April 2018, is sought to mitigate its impact on local Early Years and Childcare provision.
- 10.30 In respect of Primary Education provision 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 267 pupils on roll (May 2018). The school now has a Planned Admission Number of 30 pupils per year. The school is, as in previous years, fully subscribed for this September's intake. Based on the demand generated by this proposal as set out above, a developer contribution of £137,529, 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.

- 10.31 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
- 10.32 The developer contribution figures are calculations only. Final payments will be based on the actual unit mix and the inclusion of indexation.
- 10.33 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)

- 10.34 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.
- 10.35 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 has no objection to the proposal subject to conditions. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.
- 10.36 Anglian Water indicates that if the WRC needs to be upgraded to cater for the foul flows from the proposal it is their legal responsibility and hence not a planning issue.
- 10.37 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.

F Other Material Planning Considerations

- 10.38 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".
- 10.39 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

- 10.40 As part of the Felsted Neighbourhood Plan consultation, a response has been received from Natural England identifying the site as being within a recreational Zone of Influence (Zols) of the Blackwater Estuary SPA and Ramsar site which is a coastal European designated site. Under the provisions of the Habitats Regulations, it is anticipated that new residential development within these Zols constitutes a likely significant effect on the sensitive interest features of the above designated site through increased recreational pressure, either when considered alone or in combination. The Essex Coast RAMS is a large scale strategic project which involves a number of Essex authorities working together to help mitigate these effects. Natural England is still in the process of refining the residential IRZs for the above designated sites to align with Essex Coast RAMS project. . They have stated that in the interim period before the RAMS is adopted, a financial contribution should be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)). The NPPF paragraph 176 states that proposed Ramsar sites should be given the same protection as habitats sites. There is however, no current mechanism in place within Uttlesford, to secure suitable contributions towards this and no current or draft plan policy to reasonably request contributions for the proposed development.
- 10.41 In respect of the first reason for refusal, the applicant has submitted further information especially relating to the updated NPPF (July 2018). Paragraph 68 states Small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should including other criteria, support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes.
- Paragraphs 11 states that decisions should apply a presumption in favour of sustainable development. This site has been assessed through the SLAA site ref 17FEL15 and ranked as classification B are being suitable for development and allocated within the Reg 19 Local Plan. Classification B states: "These are sites that are considered deliverable/developable within the plan period but do not currently have planning permission. These sites are largely free from major physical and infrastructure constraints. The sites are broadly in line with National Planning Policy considerations and the development strategy of the emerging local plan." It is intended by the Council to still include the site within the Reg 19 Local Plan to the Government in January 2019.
- Paragraph 13 of the NPPF states that the application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies, as such the proposed Reg 14 Neighbourhood Plan is contrary to the aims of the NPPS. Paragraph 13. The Neighbourhood plan has still got to be amended following consultation and then resubmitted to the LPA. The LPA will then need to re-consult and the plan then be considered by the Inspectorate. It is considered that at this moment in time the Reg 19 plan should be given greater weight.

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. The benefits, of needed housing, 12 affordable housing units and financial contributions in respect of education £164,567 (index linked), are considered to outweigh any harm, which is considered to be limited, to the character of the countryside. Taking into account the aims of the revised NPPF, 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. As such the proposals comply with Policy GEN7 and section 175 of the NPPF.
- D** The 40 % of affordable housing and the 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 for £47,038 in respect of Early Years and Childcare provision and £137,528 to mitigate its impact on local primary school provision, a total of £164,567.00 (index linked) which can be secured by an s106 agreement.
- E** The Neighbourhood Plan does not support the emerging local plan; however, the proposal is broadly constant with the policies and aims of the updated NPPF.

The applicant has agreed to the pre- commencement conditions as per the new legislation that came into play in October.

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 22nd January 2019 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. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

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

JUSTIFICATION: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. It is in close proximity east of a medieval moated site (EHER 9562) which was previously excavated uncovering Saxon and prehistoric occupation within its vicinity. The nearby green (EHER 18073) and moated site would have formed the focus of the settlement during the medieval period and there is the potential for medieval occupation within the proposed development area. This is also evident from the listed medieval buildings to the north and south of the site.

- 5 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.

JUSTIFICATION: The Historic Environment Record indicates that the proposed development lies within a sensitive area of heritage assets. It is in close proximity east of a medieval moated site (EHER 9562) which was previously excavated uncovering Saxon and prehistoric occupation within its vicinity. The nearby green (EHER 18073) and moated site would have formed the focus of the settlement during the medieval period and there is the potential for medieval occupation within the proposed development area. This is also evident from the listed medieval buildings to the north and south of the site.

- 6 The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority), which 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.

- 7 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 demonstrate compliance with the NSTS and ECC'S Sustainable Drainage Systems design guide include but not be limited to:

Limiting discharge rates from the site to the previously calculated greenfield runoff rate from the development of 2.64l/s as stated within the report.

Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.

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 years plus climate change event. Provide details of pre- and post-100 year, 6 hour runoff volume.

Final modelling and calculations for all areas of the drainage system. Please note that discrepancies were observed within the calculations provided at outline design as follows for which clarification is required:

- The drainage areas did not equate to the 0.9ha + climate change allowance as indicated within the report. Please ensure that the road hardstanding area is also included in this calculation.

- The maximum control within the summary of results of the Cascade Analysis does not exhibit limiting flow rates to 2.64l/s as stated within the report.

- Evidence that adequate attenuation storage applied with appropriate controlled

runoff rates has been provided to ensure a half drain time of 24 hours for the critical event is provided, or enough volume is provided to contain a 1 in 10 year rainfall event within the storage within 24 hours of the 100 year rainfall event.

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

JUSTIFICATION: The drainage scheme could result in the proposal not being achievable.

8 No works shall take place until outstanding information relating to the Maintenance Plan is provided as follows:

Please provide details on how management company services for the maintenance of shared drainage features shall be funded and managed for the lifetime of the development.

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.

9 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

10 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

- 11 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 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.

- 12 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.

- 13 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.

- 14 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.

JUSTIFICATION: Once commenced, protected and priority species could be harmed without the appropriate mitigation taking place.

- 15 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, and 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 in accordance with Uttlesford Local Plan Policy GEN7.

- 17 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) in accordance with Uttlesford Local Plan Policy GEN7.

- 18 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.
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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) in accordance with Uttlesford Local Plan Policy GEN7.

- 19 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) in accordance with Uttlesford Local Plan Policy GEN7.