

**PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 1 FEBRUARY 2006**

APPL NO: **UTT/1889/05/REN**  
PARISH: **LINDELL**  
DEVELOPMENT: Proposed renewal of temporary planning permission for change of use part of barn to agricultural workers dwelling to permanent use  
  
APPLICANT: D R Stokes  
LOCATION: Templars Farm  
D.C. CTTE: 11 January 2006  
REMARKS: Deferred  
**RECOMMENDATION: Not on schedule**  
*Case Officer: Mr Y Falana 01799 510464*  
Expiry Date: 12/01/2006

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APPL NO: **UTT/1971/05/FUL**  
PARISH: **STANSTED**  
DEVELOPMENT: Eight two-bedroom terrace dwellings and a pair of semi-detached dwellings. Carriageway widening, provision of footpath and vehicle turning area  
  
APPLICANT: Newell Properties Development  
LOCATION: Land west of 8 Water Lane  
D.C. CTTE: 11 January 2006 (see report copy attached)  
REMARKS: Deferred for Site Visit  
**RECOMMENDATION: Approve**  
*Case Officer: Mr T Morton 01799 510654*  
Expiry Date: 25/01/2006  
13 week date: 04/03/2006

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## UTT/1971/05/FUL - STANSTED

Eight two-bedroom terrace dwellings and a pair of semi-detached dwellings. Carriageway widening, provision of footpath and vehicle turning area.

Location: Land west of 8 Water Lane. GR/TL 512-247.

Applicant: Newell Properties Development

Agent: Smart Planning Ltd.

Case Officer: *Mr T Morton 01799 510654*

Expiry Date: 25/01/2006

13 week date: 04/03/2006

ODPM classification: MAJOR

**NOTATION:** Inside Development Limit,

**DESCRIPTION OF SITE:** This is the former site of the town gasholder, but is not now used for any active purpose, and has become colonised by self-sown tress and scrub. It sits beside the Stansted Brook on land that rises up to Water Lane, and has access from Water Lane. This lane is narrow, but serves a number of existing residential properties and lock up garages, and a commercial building. The lane is surfaced up to the beginning of the site, but is then unsurfaced.

Across the river, the ground rises to a row of houses in Sunnyside that back onto the river.

**DESCRIPTION OF PROPOSAL:** The application proposes a row of 8 two-bedroom houses and a pair of two-bedroom houses, with the widening of the lane, and provision of a new turning head.

**APPLICANT'S CASE:** The application is accompanied by a flood risk assessment and soil site investigation. These are discussed further in the appraisal section of this report. A planning statement has also been submitted which describes the site and surroundings, and refers to a TPO made by Essex County Council (TPO/9/53/25, which affects a large Birch tree on adjacent land outside the boundaries of this site. This tree would not be affected by the development. Within the site two Willow and two Sycamore trees close to the river can be retained, but not of good form and would be set within gardens where they would not have a high public amenity value.

The prevailing form of development of the locality is described as terraced and semidetached set fairly close to the road, and the width of Water Lane is noted as not entirely conducive to convenient and amenable traffic movements. The development has thus been designed to dedicate land to widen the carriageway and enable two vehicles to pass along the entire frontage, also allowing vehicles to turn into the new terraced properties. The town house terrace form is placed fairly close to the lane in a characterful manner, and lends itself to cycle storage. The site is quite able to accommodate this form of development given that it lies lower than Woodfield Close to the north, and falls away from 1-8 Water Lane. The aspect southwards is over the railway line. The houses would step down with the grading of Water Lane. A new turning area is provided to enable service vehicle and visitors to turn around easily. The mix of housing proposed is consistent with Policy H10 Housing Mix and the preference for small dwellings stated there.

**CONSULTATIONS:** Thames Water: Waste Comments -

Thames Water must recommend that the applicant consults with the Thames Water Development Control Department on telephone number 01923 898072 who will determine the ability of the local sewers to dispose of foul and surface water. If investigations find that

insufficient capacity is available, Thames Water will provide the additional capacity as soon as is practicable. To ensure Thames Water has sufficient lead-in time to provide such additional services we would like the following condition to be imposed –

"Development shall not commence until details of on site drainage works have been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed" or in the case of off-site drainage works a Section 106 Agreement be recommended for the development. Thames Water would then recommend the following clause be included – "Not to commence the development or any part thereof unless and until a) details of off site foul and surface water drainage have been approved in writing by the Planning Authority in consultation with the Sewerage Undertaker and b) arrangements have been made to satisfaction of the Planning Authority, in consultation with the Sewerage Undertaker for the provision of adequate foul and surface water drainage for the whole of the development. Such drainage should be secured where appropriate by means of a public sewer requisition pursuant to sections 98 to 101 of the Water Industry Act 1991."

Reason - To ensure that the foul and / or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

Surface Water Drainage –

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, watercourses or surface water sewer. It must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control and encourages its appropriate application where it is to the overall benefit of our customers. Hence, in the disposal of surface water, Thames Water will recommend that the Applicant a) Looks to ensure that new connections to the public sewerage system do not pose an unacceptable threat of surcharge, flooding or pollution b) check the proposals are in line with advice from the DETR which encourages, wherever practicable, disposal on site without recourse to the public sewerage system - for example in the form of soakaways or infiltration areas on free draining soils c) looks to ensure the separation of foul and surface water sewerage on all new developments.

Where disposal of surface water is other than to a public sewer, then the applicant should ensure that approval for the discharge has been obtained from the appropriate authorities.

Environment Agency: Objection 1: The flood risk information submitted in support of the application is not acceptable to the Environment Agency for the following reasons:

The submitted Flood Risk Assessment states that a floodplain compensation scheme is required to mitigate flooding for the 100yr flood event with an allowance for climate change. However, no details have been submitted to demonstrate how this is to be achieved.

This site is located in Flood Zone 3, which is the high-risk zone and is defined for mapping purposes by the Agency's Flood Zones.

Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

Resolution 1: The applicant should update the Flood Risk Assessment to include floodplain compensation proposals.

Objection 2: The proposals include development in close proximity to the Stansted Brook. This will prejudice flood defence interests and adversely affect the character of the watercourse, and restrict necessary access to the watercourse for the Environment Agency to carry out its functions.

Resolution 2: After discussing the site with the Flood Defence Inspector for the area, I have been informed that a 5m buffer between the watercourse and the property boundaries is required for maintenance purposes. Please note that this may not be the same as Fisheries and Biodiversity requirements.

(Note to Local Planning Authority : Under the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any works in, over, under or within 8m of a main river, or 16m landward of a main tidal river flood defence structure, irrespective of any planning permission granted. It is likely that such consent will be withheld in this case).

**PARISH COUNCIL COMMENTS:** To be reported (due 6 January 2006).

**REPRESENTATIONS:** This application has been advertised and 14 representations have been received. Period expired 28 December 2005.

The letters raise a number of issues in common, the narrow nature of the lane and its use as a footpath, particularly by children, the risk of the site flooding, or of development causing the flooding of other adjacent land, the contamination risk from the site, disputes about the actual site boundary, and overlooking of properties in Sunnyside affects their outlook. Loss of existing vegetation, disturbance from construction, effect on house values.

**COMMENTS ON REPRESENTATIONS:** The concerns are noted. The lane already serves many properties, even though part of it is surfaced, and it is therefore difficult to say that it is not adequate. The section to the front of the site would be considerably improved, which offers a general benefit. The houses in Sunnyside are the other side of the Brook, and their back gardens face this site. The relationship would be back garden to back garden with a spacing fairly typical of opposing rows of houses in towns, this would not be a justifiable reason for refusal. The Council has no records of legal site boundaries, the applicant has declared ownership of the site.

**PLANNING CONSIDERATIONS:** The main issues are

- 1) principle of development (ULP Policy S1);
- 2) design detail (ULP Policy GEN2);
- 3) highways and parking (ULP Policy GEN8);
- 4) effect upon wildlife (ULP Policy GEN7)
- 5) flood risk (ULP Policy GEN3)
- 6) contamination
- 7) drainage provision.

**Other material planning considerations.**

- 1) The site is within the Development Limit of Stansted where Policy S1 accepts development if compatible with the character of the settlement. Stansted has a very tight urban character with narrow lanes and properties placed close to the carriageway, to give a very strong character and form to the town. The proposal is thus considered to be consistent with the character of Stansted. The proposed density, of 10 houses on a site of 0.401 hectares is 25 dwellings per hectare, not a particularly high figure.

- 2) The terrace has a regular repeated rhythm which will give it a strong unity of design, but with interest added by stepping the terrace down to follow the slope of the land, and setting the houses back in pairs to break the overall mass. The terrace form relates well to the existing terrace at 1-8 Water Lane, and to the overall character of Stansted. The semidetached pair is of a differing design, and is placed where they will form a focal point along the curve of the lane. This will all help to create interesting streetscape.
- 3) The limitations of the lane are noted, however it appears to work well enough to serve the needs of the occupiers of the premises presently here. The development will improve the section of the lane that it fronts, by providing a widened and surfaced carriageway, with a turning head that will be a general benefit. Parking provision is on the basis of two spaces per dwelling, which meets the guideline standard for this size of house.
- 4) The site is currently overgrown and free from human disturbance.
- 5) The comment of the Environment Agency are noted. The Flood Risk Assessment models the river flows and site levels and concludes that the new buildings will be constructed with a minimum floor level of 300mm above the 1 in 100 year event flood level. The proposal may partially impinge upon the active fluvial plane and this compensation on an area-for area basis is shown. A safe route for escape to adjacent areas unaffected by flood events is available. The Environment Agency requirement could be conditioned for a more detailed survey prior to commencement. The buffer strip requirement could not be the subject of a planning condition. Loss of that area as an amenity space for residents would be an issue in planning terms. Existing gardens in the area come right to the waters edge and it not understood why the situation should be different for new ones.
- 6) The contaminated soils survey concludes that the site has contamination underground of metals and tars from the former gasworks use. The report recommends location of underground pipes and tanks and all pumpable liquids, with any pipes left sealed. The site may not be best suited to domestic housing and allotments and may be best suited for light industrial use. It would appear that considerable work would be required to remove or treat the contaminated ground. The applicant suggests a condition to require a second phase of investigation.
- 7) The comments submitted by Thames Water indicate that the current sewer provision is not considered to be adequate, and works would be required. It is not clear whether these would be on-site and therefore could be secured by condition, or off-site in which case a Section106 Agreement is preferable. A Grampian style condition could be used as an alternative mechanism.

**CONCLUSIONS:** In design and layout terms the proposal fits in with the grain of Stansted, and achieves a satisfactory size of amenity areas, and parking provision. The widening of the lane addresses concerns about access and turning, an improved the lane for all users. The Flood risk appears to have been addressed. The ground contamination issue is less well studied, and there is evidently a problem to be solved, but the applicant requested consent with the contamination to be covered by a condition required more detailed study and a remediation plan to be agreed. Unless the Environment Agency objects to this approach, this is considered acceptable.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.2.1. Time limit for commencement of development.
2. C.5.2. Details of materials to be submitted agreed and implemented.
3. C.3.1. To be implemented in accordance with approved plans.

4. .C.6.2. Excluding all rights of permitted development within the curtilage of a dwelling house without further permission
5. Before commencement of development, a full survey shall be carried out of the site to establish the nature, distribution and quantity of contaminated material in the soil, and the risk that they pose to the terrestrial and water environment. The study shall include a remediation strategy to make the site fit for the approved use. The study and remediation strategy shall be approved in writing by the Local Planning Authority before commencement of development and shall be implemented in all respects as agreed.  
REASON: To address soil contamination safely, and to prevent pollution.
6. The houses to be constructed shall have a ground floor level a minimum of 300mm above the modeled flood levels contained in section 5 of the Floods Risk Assessment submitted with the application.  
REASON: To minimise the flood risk to the new dwellings hereby approved.
7. The garages and parking spaces approved in the development shall be retained for the purposes of the parking of vehicles only and shall not be used or converted for any other purpose.  
REASON: To ensure the retention of the off street parking provision included in the design to avoid obstruction of the highway.
8. The applicant shall submit an updated Flood Risk Assessment prior to commencement of development to include floodplain compensation proposals. The submission shall be approved in writing by the Local Planning Authority before commencement and shall be implemented as approved.  
REASON: to protect the site and surroundings from flood events.
9. No development shall commence until details of energy-efficient construction materials and processes, including measures for long-term energy and water efficient use of the building, have been submitted to and approved in writing by the local planning authority. These measures should promote the use of renewable resources and involve sustainable drainage, heating and power systems. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form.  
REASON: In the interests of sustainability.

*Background papers: see application file.*

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## UTT/1816/05/OP - LITTLE DUNMOW

Proposed extension to Oakwood Park addition of up to 162 dwellings to those approved under APP/C/1570/A/96/273656, UTT/0023/03/OP, UTT/0537/05/OP, associated site reclamation works, open space, highways, engineering and infrastructure works and landscaping

Location: Land adjacent to 27-63 Station Road & Land at former sugar beet works & Sewerage Treatment Works. GR/TL 670-200

Applicant: Enodis Plc & Enodis Property

Agent: G L Hearn

Case Officer: Mr J Pine 01799 510460

Expiry Date: 02/01/2006

ODPM classification: MAJOR

**NOTATION:** The NW part of the application site lies within Oakwood Park Development Limit to which Oakwood Park Local Policy 1 of the adopted Uttlesford Local Plan (ULP) relates. The remaining land NW of Stebbing Brook and all of the land SE of the Brook lies beyond the Development Limit and also that of Felsted Village. Felsted Fen is designated as a non-statutory County Wildlife Site.

**DESCRIPTION OF SITE:** Oakwood Park is located about 3.5km E/SE of Great Dunmow and 1km W/NW of the centre of Felsted, just south of the Flitch Way Country Park, which runs along the route of the former railway from Braintree to Bishops Stortford. To the N/NW of the River Chelmer and Stebbing Brook are areas of completed housing and current house building, landscaping and areas of remediated and unremediated ground, the latter currently being used for soil storage. To the SE of Stebbing Brook and east of the River Chelmer lie the Sewage Treatment Works (STW), former settlement lagoons, bund material, and a nature reserve site. There is also an area of sloping former agricultural land W/SW of existing houses in Station Road, the southernmost part of which is being used for topsoil storage.

The administrative boundary with Chelmsford Borough Council runs along the River Chelmer.

The application site is of an irregular shape. It consists of all the land to the SE of Stebbing Brook (excluding one small compound operated by the Environment Agency). To the NW of Stebbing Brook, the site consists of most of the remediated and unremediated ground and the landscaped margin along Station Road, and includes all the land within the Oakwood Park Development Limit forming part of the Phase 6 housing.

**DESCRIPTION OF PROPOSALS:** This is an outline application, with all matters reserved for subsequent approval. 162 dwellings would be erected as an extension to Phase 6, bringing the total number of dwellings permitted in outline at Oakwood Park to 1,000. About 77 of the extra dwellings would be on 1.8 ha of reclaimed land N of Stebbing Brook (Phase 6A), and about 85 on 2.8 ha of former agricultural land rear of 27–41 Station Road (Phase 6B). All 162 dwellings would be beyond Development Limits. To accommodate the extra dwellings (which would include 40% affordable), changes would be required to the approved Masterplan. Accordingly, a draft new Masterplan has been submitted for approval, which also envisages the upgrading of the STW and consequent relaxation of the *cordon sanitaire* (see below). Some further community benefits are also proposed.

In addition to the 162 extra dwellings, the other changes and / or further community benefits would be as follows:

- The community hall / pavilion and playing fields would be displaced by Phase 6A. The tongue of open space extending N to the village green would be remodelled at its southern end.
- The Locally Equipped Area for Play (LEAP) would be relocated from S of the original location for the village hall to a position within the tongue of open space.
- The Neighbourhood Equipped Area for Play (NEAP) would be relocated from N of the original location of the playing fields to a position on the W side of Station Road N of the new access that would be formed to serve the new dwellings behind Station Road.
- The playing fields would be relocated to the SE to part of the former agricultural land behind 35-63 Station Road and the STW. The area of the playing fields would be enlarged from 2.35 ha to 3.5 ha.
- The community hall / pavilion would be relocated to the rear of 57-63 Station Road, containing 2 badminton courts, changing rooms with kitchen and storage areas.
- An additional community building including a multi-use room for such events as pre-school groups and committee meetings would be provided on land N of Stebbing Brook close to the extra dwellings.
- The path south of 35 Station Road would be upgraded, also for use as an emergency route.
- A new road serving the new dwellings behind Station Road, the community hall / pavilion and playing fields would be constructed between the proposed new STW and 63 Station Road.
- Removal of the existing STW structures and replacement with public open space, including additional pedestrian links across Stebbing Brook to the playing fields. In total, informal recreation areas would increase from about 18 ha to 22.5 ha.

**APPLICANT'S CASE:** A number of documents have been submitted by the applicant's agent and consultants. These are:

Planning Statement by G L Hearn

Draft new Masterplan by Novell Tullett

Landscape Report by Novell Tullett

Ecological Appraisal by Novell Tullett, containing an appraisal, desk study and development impact assessment of the proposed nature reserve, and an appraisal of the STW

Felsted Proposed Nature Reserve: Sustainable Drainage Scheme (SUDS) Assessment by Novell Tullett

Flood Risk Assessment by Millard

Transport Assessment by Millard

Sustainability Assessment by Millard

All these documents can be inspected at the District Council's Great Dunmow and Saffron Walden offices. Copies of the conclusions to each (where available) are attached at the end of report, as well as the new landscape strategy from the Masterplan.

In addition, a Consultation Statement has been submitted by PPS, which is an independent public affairs company that specialises in community consultations relating to planning applications. A copy of the Executive Summary is attached at the end of report.



**RELEVANT HISTORY:** Outline planning permission for reclamation of despoiled land, demolition of redundant structures and erection of 650 dwellings was granted on appeal in 1998. Further outline planning permission to increase dwelling numbers to 810 was granted in 2004, following which an amended Masterplan was also approved later on in the year. In 2005 outline planning permission was again granted, this time to increase the dwelling numbers to 838. Under this last outline planning permission, Phase 6 would consist of 98 dwellings, and would take in all the residentially allocated land under Oakwood Park Local Policy 1 that is included within the established *cordon sanitaire*. The *cordon sanitaire* prevents building within 300m of the western boundary of the STW, but would be relaxed upon agreement between the developer and Anglian Water to replace or remove the STW. Phase 6 would commence once the *cordon sanitaire* has been lifted.

Various sets of reserved matters (relating to Phases 1-5) and variations to conditions have been approved since 1998. A public inquiry took place on 17 & 18 January 2006 into 2 disapprovals of reserved matters for details of the local centre, in which there is a further housing element.

About 390 dwellings are currently occupied. Phases 1 and 2 (total about 300) are complete. Phases 3 and 4 (total 240) are currently under construction, and Phase 5A (97) has recently commenced construction. Under the terms of the 1998 S106 Agreement, the community hall / pavilion and car park, sports pitches, LEAP and NEAP have to be laid out and be ready for use by the occupation of the 501<sup>st</sup> dwelling. School site provision is tied to Phase 4, and it is envisaged that it will open in September 2007. Local centre site provision is also tied to Phase 4.

3 phases of landscaping have also been completed, mainly around the N, E and W edges of the Park. The 4<sup>th</sup> Phase (around the sports pitches and proposed nature reserve) is required by the 501<sup>st</sup> dwelling occupation. The final area of landscaping of the village green area is due by the 600<sup>th</sup> occupation, with the transferring of the land or its leasing at no cost by the 625<sup>th</sup> occupation.

Temporary use of agricultural land (rear of 35–63 Station Road) for the storage of dried topsoil recovered from adjoining settlement lagoons was allowed on appeal on 19/1/2000. A number of conditions were imposed, including discontinuance and restoration to its former condition by 1/4/2007. This date has been extended by renewal until 1/4/2009. This temporary use is now taking place. (*Note: the application site address was given as 35-63 Station Road, but the red edged plan included the land rear of 27-35 as well*).

An application for a Certificate of Lawfulness of Proposed Use or Development of Land (CLOPUD) has been submitted by Anglian Water to Essex County Council. This is to confirm whether the new STW can be constructed as permitted development. This application has not yet been determined.

The advanced issues relating to this application were reported to Members on 14 December, and the points raised are covered in this report. Members visited the site on 11 January.

On 21 December 2005, the applicant submitted a request for a scoping opinion as to whether formal Environmental Impact Assessment (EIA) of the proposals is required. The Council adopted its opinion on 18 January, concluding that formal EIA was not required.

**CONSULTATIONS:** ECC Highways & Transportation: *Strategic Development Control comments:* Recommends refusal on 3 grounds relating to highway safety, accessibility and sustainability:

- 1) conflict and interference from the new junction with the free flow of traffic along

Station Road,

2) insufficient evidence that the highway access arrangements, traffic generation from the proposed development, impact on the highway network and the proposed mitigation works would be acceptable in terms of highway safety, capacity and accessibility, and

3) relocation of community hall / pavilion not sustainable due to reliance on the private car from the remaining development.

*Estate Layout comments:* Community Centre is now a car or bike ride away. 9 parking spaces totally inadequate to cater for the needs of local residents. The primary vehicle access required to serve the open space and sports ground should also be via the Oakwood Park development as originally envisaged. The development proposed via the new access from Station Road should be treated as a completely separate application and laid out in accordance with the Design Guide.

ECC Archaeology: The area overlooking the river would be a prime site for occupation from the Neolithic period through to the present day. It is disappointing that the historic environment has been completely ignored in this new application. In accordance with advice in PPG16, the applicant should conduct a field evaluation to establish the nature and complexity of the surviving archaeological deposits. This should be undertaken prior to a planning decision being made. This evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for preservation in situ and/or the need for further investigation. *Note: The County Archaeologist has subsequently confirmed that his comments relate only to the site of Phase 6B, which was not included in the original assessment.*

ECC Schools' Service: A further increase in primary school capacity will be required (49 places). Whilst the provided primary school site will allow capacity to be increased, funding for additional building works will need to come from a developer contribution.

Despite plans to increase its capacity, Helena Romanes School is still forecast to be oversubscribed. A further 32 secondary school places are required. A contribution of £831,723 is requested in line with the adopted SPG to secure those places. The proposals will also require additional school transport to be provided to Helena Romanes. A contribution of £96,096 is requested to provide this transport for 5 years, which is the number of compulsory secondary school years.

Two further issues are impact on Safer Routes to Schools and the addition of housing to the new primary schools' boundary. Whilst the location of community facilities has been reconsidered, pedestrian and cycle routes do not appear to have been revised or upgraded. The area in front of the school is of particular concern and I would be interested to learn how the applicant proposes to minimise and calm traffic in this area and encourage as many pupils as possible to walk to school. Also concerned about overlooking of the primary school from the new housing to the east. Need to see boundary treatment and planting to prevent this.

Police Architectural Liaison Officer: In principle, no objections subject to not giving rise to increased opportunities for crime and anti-social behaviour. Ask that the extra homes and public buildings are all subjected to "Secured by Design" certification.

Chelmsford Borough Council: Not received.

Environment Agency: There may be potential risks to either surface water or groundwater associated with the past uses of the application site as a sugar beet factory and a STW, but the necessary information regarding the presence or absence of such risks has not been provided. The information should include at least a desk study, conceptual model and preliminary risk assessment for the application site. Object until information is provided that the risk of pollution to controlled waters has been fully comprehended and addressed through appropriate measures as this is not currently the case. Also object if no flood risk assessment has been submitted, as the proposals may present a significant flood risk from the generation of surface water run-off.

Anglian Water: No objections subject to details of foul and surface water drainage being submitted to and approved before work on site commences.

English Nature: Not likely to affect a Site of Special Scientific Interest. The presence of protected species is a material consideration (PPS9 Paras 15-16). If protected species are suspected or present on a proposed development site, an ecological survey by an appropriately qualified consultant should be provided by the applicant prior to a planning application being determined. Advise consultation with the County Wildlife Trust. Will impact Felsted Fen – applicant needs to compile a long term habitat enhancement and management proposal. Recognises the opportunity to enhance the Fen’s biodiversity value through the creation of the proposed SUDS scheme.

Needs to review the survey reports in order to understand the full impact on notable species. Any mitigation measures should be the subject of a planning condition.

Essex Wildlife Trust: Welcome the intention to raise water levels in the naturally wetter, lower parts of the Fen and wish to see a Sustainable Drainage System implemented. This would raise water levels and control speed and quality of run off from adjacent development. Are satisfied that the reports are comprehensive and accurate. Concerned that part of the proposed cricket pitch will involve the removal of scrub directly affecting the Fen. Can the open space layout be revised to avoid this impact? Are also concerned at the proximity of the housing behind Station Road to the County Wildlife Site. A buffer zone/strip at least 10m wide should be included to reduce harm. Seek clarification that the existing ditch and scrub/trees on the eastern boundary of the Fen will be retained.

A Construction Environment Management Plan (CEMP) is needed for the management of the Proposed Nature Reserve (PNR). The recommendations contained in the SUDS scheme should be incorporated into the CEMP. The proposed habitat improvements to this and the new wetland should produce a net gain for biodiversity and offer a diverse and natural open greenspace benefiting the residents of Oakwood Park

If the proposal is to meet sustainable development targets, as a minimum it must demonstrate no net loss for biodiversity. There is the potential for the PNR to offer a more diverse and therefore richer wildlife resource on the fringes of the development. However, the PNR will require managing, public access controlled and sensitive areas protected through new scrub planting. Planning conditions or S106 Agreement required.

UDC Environmental Services: No objections

UDC Landscaping Advice: One important aspect of the originally approved Masterplan is that it retains the continuity of the River Chelmer / Stebbing Brook Valley (particularly on its southern side) by constraining new housing to within the VDL of Oakwood Park.

Furthermore, the buffer from Felsted village provided by the former agricultural land rear of Station Road assists in the public appreciation of the Proposed Nature Reserve and Felsted Fen as areas of undisturbed open space. The continuity of the valley and the public appreciation of the open space would be diminished by the migration of the community facilities and by the encroachment of the 85 dwellings to the edge of the Fen.

UDC Housing Enabling Officer: Would wish to be involved with the choice of RSL. Happy with 40% affordable – which site would they be on? Housing needs would need to be looked at re size of properties.

**PARISH COUNCILS’ COMMENTS:** Little Dunmow: Strongly object. Overdevelopment of an already overdeveloped site. Objected previously to increased density on Phase 6.

- Will be a significant increase in traffic, exacerbating existing parking problems and access for emergency vehicles.
- Additional houses will put a strain on existing community facilities, due to the lack of facilities provided so far.
- How will it affect the S106 obligation to provide the playing field / village hall when 501 dwellings have been occupied? Already there are problems with children playing where they shouldn’t.

- Unacceptable relocation of the playing field / village hall, making it much less accessible to the majority of residents. Community facilities should be at the heart of the development.
- SWT replacement does not depend on accepting this application. It is necessary for the already approved Phase 6.

Should Phase 6 not be completed, the developers should be obliged to landscape the area. Oakwood Park is not considered to be a good development.

Felsted: Extension into Felsted ignores the ULP. Contravenes conditions imposed by the Inspector on the planning permission for the depositing of soil, namely restoration and prior formation of bunds. (*This is being investigated as a separate referral*). Statement in Para 1.2 of the Sustainability Appraisal is false – Oakwood Park is in Lt Dunmow with Stebbing Brook as the S boundary.

**REPRESENTATIONS:** This application has been advertised and 58 letters of objection and 1 neutral letter have been received. Notification period expired 15/12/05. The following is a summary of the points raised in the letters.

#### *Planning Policy/Layout*

Development of a Greenfield, backland site. Unhealthy precedent.  
 Does not conform to the Oakwood Park inset of the adopted Uttlesford Local Plan, or the Masterplan. Would be an extension to Felsted village. Totally violates the pretence that Oakwood Park was an extension of Lt Dunmow and not part of Felsted.  
 Spreading into Felsted would trigger further growth. Breaches Felsted VDL. Station Road houses would be some distance from the main development.  
 Considerable care was taken with the design and layout of Oakwood Park.  
 Further housing developments must be within existing urban areas with good bus/train links.  
 Locals will not accept further landscape destruction to meet the requirements of ODPM.  
 Housing should now be built elsewhere before the two villages become one.  
 Previously, Enodis told Felsted PC they would not develop S of Stebbing Brook.  
 Previous increases in housing numbers only allowed within the Development Limit.  
 New distinct communities needed rather than unplanned urban sprawl.  
 Airport related housing need is a myth. Cost would be prohibitive to most airport workers.  
 Land has been allocated elsewhere to meet forecast housing needs to 2011.  
 Further development would exacerbate the demographic contrast between Oakwood Park and Felsted / Little Dunmow.  
 Garden land permissions for Greenways etc were subject to no building conditions.  
 There is no shortage of brownfield sites in the area – builders are not building fast enough on the allocated land. Alternative site at High Wood.  
 Developers have twice previously been granted planning permission to expand the Park.  
 Unclear over extent of housing behind Station Road – is it up to number 35 or 41?

#### *Access & Traffic*

Oakwood Park has already dramatically increased the traffic through Felsted. Often gridlocked at school drop off and pick up times. Traffic noise and fumes are a problem now. What will be the effect when all the houses are fully occupied? Public safety implications.  
 Siting of access road at bottom of Station Road gardens, with an extra 200 cars. Threat to security. Already have a busy road at the front.  
 Parking already difficult in Felsted. Problem of on-street parking in Oakwood Park.  
 New access onto Station Road is on a dangerous fast stretch of road. Already there are more accidents on the road running N from the development.  
 Transport assessment does not reflect residents' observations.  
 Undertaking given barring construction traffic from Felsted is not being enforced.  
 Footpath not wide enough to function as an emergency route.

### *Provision of Infrastructure*

Increased intake at Felsted Primary School is destroying standards. Stebbing Primary School is underused.

No current play area space within Oakwood Park – already causing anti-social behaviour. Local services within Felsted already stretched to breaking point.

Stansted bus service is insufficient.

Felsted has a busy rural GP surgery. These proposals would make effective management of patients increasingly difficult.

Playing fields and pavilion duplicate existing underused facilities. Residents at the far end of the Park will be forced to drive to the playing fields. Less accessible to children without parental supervision. Danger to children from ponds.

Supervision of children better if the playing fields are within the Park.

Why have no facilities yet been built within the Park?

No employment opportunities on the site, so residents will have to travel elsewhere. With the closure of Riddleys Brewery at Hartford End, local opportunities are even more limited.

No community centre within the new Station Road houses.

Original position of the sports field is perfectly adequate.

Will the developer ensure the sewage system is not disrupted?

Difficult to envisage how the proposed playing fields would be viable on a sloping site.

Must be some green space within the primary school compound. Pathways should be tarmac, not shingle.

There are regional precedents for developers to walk away from commitments when they have exhausted the potential for profit.

### *Environmental*

Existing development is a scar by day and is lit up at night.

Government has announced that it is seeking to reduce carbon emissions.

More destruction of wildlife in the field and Chelmer Valley.

Loss of dark sky at night will affect owls and bats.

Trees will be felled – replacements will take a long time to mature.

Noise from new pavilion would be unacceptable – the existing one behind the Memorial Hall is constantly targeted by petty criminals.

Will ruin open farmland views.

Both Stebbing Brook and the Chelmer are subject to flooding. Independent survey should be carried out.

How can 85 dwellings on a Greenfield site not affect wildlife?

Cordon Sanitaire not yet lifted.

The comment that the land r/o Station Road is of lesser landscape quality was only in respect of the appeal for soil storage.

Impact of noise and appearance from the soil storage operation will be temporary – that from the houses permanent.

New houses will be more visible because of the sloping land.

Existing screening r/o Station Road not effective in winter.

### *Amendments*

If planning permission is granted, the access road and sports pavilion should be relocated to the western (lower) side of the field.

### *Enodis Consultation*

Asked only general questions – wasn't specific to their plans.

Was not a full and proper effort to consult. No knowledge of the exhibition. Queries over what happened to the hand-delivered newsletters.

Received the newsletter a week after the event.

How did the recruitment for the focus group take place?

Leaflets not delivered to Station Road houses.

*Other*

Urge refusal and that the site be returned to agriculture once the stored soil has been removed. Original planning permission for soil storage requires restoration.  
Underhand manner in which the site has been acquired by storing soil on it.  
Application made for profit – not local benefit. Recreational facilities are a sweetener – they are not necessary and will lead to vandalism and unruly behaviour. Some are required under the original agreement in any case.  
Will lose the friendly small village atmosphere.  
Further houses not needed on economic grounds. Will just add to car commuting.  
Oakwood Park houses are not selling well and some people are already moving out due to lack of infrastructure. This indicates lack of demand. Other development opportunities are not advancing as quickly as might otherwise be expected because of market conditions.  
Economic conditions are dictating a slowing up of demand, not lack of sites. No sequential testing of other sites has been carried out.  
Only the District Council will benefit from more tax receipts.  
If approved, there should be acceleration in the provision of community infrastructure.  
Why should one of Uttlesford's most precious villages be ruined because one fat cat developer cannot manage their finances?  
Few airport employees live at Oakwood Park as they cannot afford the house prices.  
Need to see the full facts of the applicant's case.  
Will increase risk of crime.  
Is a poor place for affordable housing for the wider area.

**PLANNING CONSIDERATIONS: The main Development Plan issues are whether:**

**1) The location of the new dwellings would accord with the strategic sequential principles set out in the approved Essex and Southend-on-Sea Replacement Structure Plan (ERSP Policy H2).**

The principles set out in Policy H2 require the maximum amount of housing provision to be firstly within existing large urban areas (settlements over 20,000 population) or secondly in the form of planned peripheral development on the edge of existing large urban areas. In the absence of these (such as in Uttlesford) provision should thirdly be in the form of expanded settlements identified in adopted local plans, or fourthly small-scale housing provision in small towns and villages at a scale consistent with local community needs as identified in adopted local plans. Policy H2 guards against significant incremental expansion of housing in small towns and villages where the absence of local employment opportunities, facilities and services is likely to result largely in car commuting to urban centres, and where travel needs are unlikely to be well served by a choice of means of transport. Sporadic development in the countryside is not permissible under Policy H2.

Phase 6A would constitute development of brownfield land, the main preference set out in PPG3 (Housing). However, it would not be on land defined in the ULP and fails Policy H2 in respect of the third category of provision. It would also be inappropriate for other reasons set out later in this report.

Phase 6B would adjoin Felsted village and would be physically separate from the built-up part of Oakwood Park. It is considered that it would fail Policy H2 as there is no evidence that it would be consistent with local community needs, it would not be on land defined in the ULP and there are limited local employment opportunities. It would also be inappropriate for other reasons set out later in this report. Felsted is not identified as a Key Rural Settlement in the UALP where some limited employment or residential development is proposed. Phase 6B is proposed where it is because it would be on land controlled by the applicant,

not because of sequential testing.

**2) The new housing would be in a sustainable location (ERSP Policies CS4&5).**

Phases 6A and 6B would be in a no more or no less sustainable location than Phases 1-5 in terms of access to public transport, which consists of the hourly service 133 from Stansted Airport to Braintree and the 16 service (four journeys a week) from Wethersfield to Chelmsford. The applicant's existing subsidies for these are both due to expire in 2006. The applicant is willing to extend these subsidies for a further 2 years if planning permission is granted. Obviously this offer is welcome, but does not disguise the fact that Oakwood Park is and will continue to be a car based development, although it is accepted that some increase in bus patronage would likely result. Issues relating to traffic generation are considered later in this report.

A number of representations from existing Oakwood Park residents refer to problems of on-street parking adversely affecting their living conditions. These representations are being considered by the applicant. The comments of residents about the lack of facilities on Oakwood Park are appreciated, but the applicant is keeping to the obligations concerning the timing of their provision, and this provision would not be affected by these current proposals.

**3) The form of the new residential development would be appropriate (ERSP Policy H4 and ULP Policy GEN2).**

The revised Masterplan contains details of the proposed locations of Phases 6A and 6B, and on figures M6a and b there are illustrative details of the housing layouts. Phase 6A would consist of a mix of lower density detached and semi-detached houses and higher density terraces with a strong emphasis on the street scene with rear parking courts. Reflecting the character of Phases 1 – 5, Phase 6A would be appropriate in this respect.

Phase 6B would be of a similar character, but would read as an isolated settlement physically separate from Phases 1 – 6A and not in context with houses in Station Road.

**4) There would be a material detrimental effect on residents of Station Road (ULP Policies GEN2 *Design*, GEN4 *Good Neighbourliness* and GEN5 *Light Pollution*).**

The detached houses to the NE of Phase 6B have relatively deep gardens and benefit from considerable existing boundary screening. It is thought unlikely that residents of those houses should suffer material loss of amenity from the new houses.

Of more concern is the effect on the residents of the semi-detached houses further N, which have shallower gardens and less effective rear boundary screening, commonly low hedges and fences interspersed with some taller shrubs and trees. Apart from traffic along Station Road, these residents currently enjoy an undisturbed outlook, and under the approved Masterplan would benefit from a considerable buffer from Oakland Park formed by the former agricultural land, which is part of the Chelmer Valley. This outlook would be materially affected by the cumulative impact from:

- i) the comings and goings along the new access road,
- ii) any lighting of the new access road that would be required,
- iii) the use of the playing fields, community hall and parking areas, and
- iv) the slowing and turning manoeuvres at the new point of access onto Station Road.

The cumulative impact would be more marked if residents of Oakwood Park chose to drive to the more remote playing fields and community hall / pavilion rather than walk or cycle, which officers think would be more likely. It is accepted that the impact would be mitigated

to a degree by site levels and (in time) by landscaping, but the impact would still be marked in comparison to the living conditions currently experienced by Station Road residents, and would be a considerable imposition upon them. The fact that a development can be landscaped is not a good reason to permit it if it is inappropriate in policy terms.

A further consideration is the effect on Station Road residents of any increased use of the 90m long footpath S of 35 Station Road that would result from Phase 6B. The path would be part of a direct walk either into the village centre or to catch one of the bus services. The path is unlit but has for the most part a reasonably hard surface and is most likely currently used by dog walkers. The applicant has control over the westernmost 30m section of the path, which would be upgraded. Screening along the side boundaries of the gardens to both the houses that abut the footpath is variable. It is considered that increase in the use of the footpath would be detrimental to the amenity of the residents of those two houses.

**5) There would be a material detrimental effect upon existing landscape character, nature conservation or archaeology (ERSP Policies NR1, 5 and 6, HC5&6 and ULP Policies S7, GEN7 and ENV4 & 7).**

#### ***Landscape Character***

The applicant's landscape assessment concludes that Phase 6A would not result in a significant adverse landscape or visual impact. Officers agree, as in itself Phase 6A would constitute only a moderate increase in the size of the existing built-up section of the Park. However, there are knock-on effects caused by the forced relocation of other facilities onto land further to the south, which would affect the public appreciation of the Proposed Nature Reserve and Felsted Fen as areas of undisturbed public open space. Similarly, the proximity of Phase 6B to Felsted Fen would also detract from the public appreciation of the open space.

The semi-detached and detached houses on the western side of Station Road have a prominent but isolated edge-of-village location, which is a significant part of the character of this approach into Felsted. Their prominence and isolation is enhanced by facing open fields across the main road and by the sloping nature of the former agricultural land to the rear, which is part of the Chelmer Valley. Their isolation from Oakwood Park and the STW is further achieved by the tongue of former agricultural land fronting Station Road between the STW access road and the northernmost of the pairs of semi-detached houses. In the view of officers, a detrimental impact on the rural nature of the village approach would result from the construction of the new access road onto Station Road across the tongue of land, including any associated signs, road markings and lighting (acknowledging that the existing village gateway feature has an effect). The detrimental impact would be cumulatively increased by the revised location of the NEAP (which would be remote from the dwellings it serves) and by the revised location of the community hall / pavilion and car park close to the northern limit of the Station Road housing. It is accepted that these would be constructed at a lower level than the Station Road housing, but the impact would still be significant due to the openness of the approach.

#### ***Nature Conservation***

English Nature and the Essex Wildlife Trust both consider that the incorporation of a Sustainable Drainage System adjacent to Felsted Fen would be a positive approach to the treatment of run-off from Phase 6B. Overall, biodiversity gains to both the Fen and the Proposed Nature Reserve are anticipated, subject to the imposition of appropriate conditions including the preparation of a CEMP. The EWT has expressed concern about the loss of a small section of scrub forming part of the 2003 approved landscape strategy that would be required to lay out the cricket pitch in its revised location. The loss of this piece of scrub does not outweigh the overall benefits of the proposals to nature conservation. The provision of a buffer zone/strip at the eastern edge of the Fen can be made the subject of a



condition, although this would not allay the concerns of officers over the impact of Phase 6B and the community facilities on the undisturbed open space proposed the approved Masterplan.

### **Archaeology**

On-site evaluation was undertaken in 1995 and 1998 on part of the land now comprising Phase 1 just south of the Flitch Way Country Park. The County Archaeologist had accepted that the level of ground disturbance caused by the sugar processing activities gave no reasonable prospect of survival of deposits across much of the originally proposed housing sites. Phase 6B does not involve disturbed land, and in the view of the County Archaeologist should be subject to a prior field evaluation as it is a freshly proposed housing site. The lack of such an evaluation is contrary to advice in PPG 16.

### **6) The proposed revisions to the Masterplan required to accommodate the new dwellings would be acceptable (ERSP Policies H3 and C5, ULP Policies S2, S7 and Oakwood Park Local Policy 1).**

ULP Policy S7 states *inter alia* that the countryside will be preserved for its own sake. Officers have identified a number of reasons earlier in this section why these proposals fail in that respect, especially the displacement of community facilities required by Phase 6A and the location of housing in Phase 6B. The applicant states in the conclusion to the Planning Statement that the *“land proposed for development is the least environmentally sensitive in the locality, being a lesser landscape quality designation than the surrounding area”*. Officers do not accept that this is any justification for inappropriate development, as it is an argument that could be repeated often in the countryside.

### **7) The provision of affordable housing would be appropriate (ERSP Policy H5, ULP Policies H9 and H11).**

40% affordable housing (total of 64) would be provided as required by ULP Policy H9, but only on the basis that an element of previously undeveloped land is included within the development area. This condition is not significant however, as the proposals are submitted on an “all or nothing” basis. It is not clear at this stage where within Phase 6 the affordable housing would be located, as the wording of ULP Policy H11 would preclude them from Phase 6B as 100% provision is required on exception sites and the development would not be appropriate to the character of the settlement. Nonetheless, if planning permission is granted in view of the circumstances of this case, officers are confident that they would be able to successfully negotiate appropriate locations with the applicant.

### **8) Highway dangers would be created (ERSP Policies T1, 7, 8 & 11 and ULP Policy GEN1), and whether the relocation of the community hall / pavilion would be sustainable (ERSP Policy T3).**

It is considered that the slowing and turning of vehicles using the new junction serving Phase 6B and the relocated community facilities would lead to conflict and interference with through traffic on Station Road, introducing a further possible point of traffic conflict detrimental to highway safety. Essex County Council has also indicated that it is not satisfied that the access arrangements, highway impact and proposed mitigation works would be acceptable in terms of highway safety, capacity and accessibility.

It is considered that the relocation of the community hall / pavilion 400m S/SE from its originally approved position would not be in the interests of sustainability, as it would increase reliance on the use of the private car to reach it from the main area of housing on the Park.

**9) Flood risk would be caused (ULP Policy GEN3).**

The applicant's flood risk assessment indicates that the proposals would not result in flood risk from 1:100 events, including taking into account the effect of climate change. The Environment Agency has yet to formally confirm that it concurs with this assessment, but it is anticipated that it will. On the assumption that it does, conditions can be imposed requiring details of surface and foul water drainage to be submitted in order to avoid the risk of pollution.

**10) Adequate provision would be made for school infrastructure (ERSP Policies BE5 and H4 and ULP Oakwood Park Local Policy 1).**

The requirements of ECC Schools' Service for a contribution towards the provision of additional places and for school transport have been passed to the applicant. The applicant's response is awaited.

**A further issue is the weight to be attached to the applicant's financial viability case re the existing Phase 6 and the contribution that the 162 extra dwellings could make to District housing completion rates.**

The applicant has offered the use of an independent mediator to verify the financial case relating to the need for the extra housing to cover the cost of moving the STW. Members declined this offer at the meeting on 14 December 2005 because they felt that the financial circumstances had been covered in the recent appeal decisions. The applicant has requested that Members reconsider their decision, which would require deferral of the application. If Members are minded to grant planning permission, deferral for that reason would be necessary.

Officers do not consider that deferral is necessary if Members are minded to refuse planning permission, as they can make their decision on the assumption that refusal will result in Phase 6 not going ahead at all – i.e. that the 98 houses already permitted under Phase 6 (including 31 affordable) will not be built; and judge the case accordingly. If planning permission is refused and an appeal is lodged, there is an opportunity to agree matters not in dispute in a Statement of Common Ground.

The applicant has provided an assessment of housing completion rates within the District with reference to both Structure and Local Plan housing targets. The assessment gives an average actual completion rate for 2000-2005 of only 267 dwellings/year, opposed to the 460 that is required to meet the overall allocation of 5,052 dwellings by 2011. To provide the remaining dwellings by 2011, an average completion rate of 619.5 dwellings/year is required.

Officers acknowledge that housing completion rates have been slower than anticipated, but this is not because insufficient land has been allocated. The slow building rates must also be viewed in context with other factors which reduce their significance, such as lower airport employment forecasts due mainly to the impact of low cost carriers and the onset of technology increasing the throughput of passengers per employee.

Apart from Oakwood Park, Woodlands Park (Great Dunmow) is experiencing a completion rate of only 54 dwellings / year and no houses have yet been built on the allocated land at either Rochford Nurseries (Stansted/Birchanger) or Priors Green (Takeley), where S106 Agreements took a time to be signed. However, both the latter now have outline planning permissions for 1415 dwellings in total. Bridgeworks have commenced at Rochford Nurseries, where 315 dwellings have now received reserved matters approval, and 200 dwellings have similarly been approved in detail at Priors Green. There is now some optimism that completion rates should pick up by 2011.

Officers do not therefore consider that there is any proven urgency to grant planning permission for additional dwellings beyond existing Development Limits. The applicant has not given a timescale for the replacement of the STW, so it is unclear in any case when houses on any expanded Phase 6 would be available for occupation.

The Council will be reviewing its housing allocations as part of the Local Development Framework (LDF). The review can take into account the loss of housing if Phase 6 is not constructed at all. The Local Development Scheme, setting out the timetable for the preparation of the LDF came into effect in April 2005. The first Development Plan Document (DPD) to be prepared will be the Core Strategy. The Issues and Options consultation for this is scheduled to take place in May/June with consultation on preferred options later this year. Following submission in March 2007, it is anticipated that the Core Strategy will be adopted in March 2008. Development Control and Site Specific DPDs will follow with consultation on issues and options and preferred options in 2007, submission in 2008 and adoption in 2009.

**CONCLUSIONS:** Officers share some concern at the slow housing completion rate within the District that is currently being experienced. They do not consider, however, that circumstances are such that release of further land for residential development is warranted, given the detrimental impacts that these proposals would bring about.

#### **RECOMMENDATION: REFUSAL REASONS AND DISAPPROVE NEW MASTERPLAN**

1. The erection of about 85 dwellings on land rear of Station Road would be contrary to the approved Masterplan for Oakwood Park, constituting an inappropriate extension of Felsted village into the countryside, not preserving the countryside for its own sake and having a detrimental impact on the public appreciation of the Proposed Nature Reserve and Felsted Fen as areas of undisturbed public open space. Accordingly, the proposals would be sequentially inappropriate, contrary to Essex and Southend-on-Sea Replacement Structure Plan (ERSP) Policies H2 and NR6 and Uttlesford Local Plan (ULP) Policy GEN2 and S7.
2. The erection of about 77 dwellings on land to the north of Stebbing Brook would be contrary to the approved Masterplan for Oakwood Park, because it would result in the relocation of community facilities to land south of the Brook, having a detrimental impact on the public appreciation of the Proposed Nature Reserve and Felsted Fen as areas of undisturbed public open space. Accordingly, the proposals would be sequentially inappropriate, contrary to ERSP Policies H2 and NR6 and ULP Policy GEN2 and S7.
3. The semi-detached and detached houses on the western side of Station Road have a prominent but isolated edge-of-village location, which is a significant part of the character of the village approach on the edge of the Chelmer Valley slope. A detrimental impact on the rural nature of this village approach would result from the construction of the new access road onto Station Road, including any associated signs, road markings and lighting. The detrimental impact would be cumulatively increased by the revised locations of the NEAP, the community hall / pavilion and car park close to the northern limit of the Station Road housing and onto part of the Chelmer Valley slope. Accordingly, the proposals would be contrary to ERSP Policy NR1 and ULP Policies S7 and GEN5.
4. Apart from traffic along Station Road, residents of those houses that would be adjacent to the new road and relocated community facilities enjoy an undisturbed outlook, and under the approved Masterplan would benefit from a considerable buffer from Oakland Park formed by the former agricultural land. This outlook would be materially affected by the cumulative impact from: i) the comings and goings along the new access road, ii) any lighting of the new access road that would be required, iii) the use of the playing fields, community hall / pavilion and parking areas, and iv) the slowing and turning manoeuvres at the new point of access onto Station Road. In addition, residents of the

houses whose rear gardens abut the direct footpath access onto Station Road would suffer loss of amenity resulting from overlooking and extra disturbance from the increased comings and goings along the footpath. Accordingly, the proposals would be contrary to ULP Policies GEN2, 4 & 5.

5. A field evaluation to establish the nature and complexity of any surviving archaeological deposits from the Neolithic period onwards on the Phase 6B land has not been carried out by the applicant and as recommended in PPG16 (Archaeology). As a result, there is insufficient evidence to judge whether the proposals would have a detrimental impact on any architectural richness contained within the site. Accordingly, the proposals would be contrary to ERSP Policies HC5 & 6 and ULP Policy ENV4.
6. The proposals would lead to the creation of a new junction on a stretch of classified highway where the principle function is that of carrying traffic freely and safely between centres of population. The slowing and turning of vehicles associated with the use of the junction would lead to conflict and interference with the passage of through vehicles to the detriment of that principle function and introduce a further point of possible traffic conflict detrimental to highway safety. Accordingly, the proposals would be contrary to ERSP Policies T7, 8 & 11 and ULP Policy GEN1.
7. There is insufficient evidence to demonstrate that the proposed highway access arrangements, traffic generation, impact on the highway network and mitigation works would be acceptable in terms of highway safety, capacity and accessibility. Accordingly, the proposals would be contrary to ERSP Policies T3, 7, 8 & 11 and ULP Policy GEN1.
8. The proposed relocation of the community hall / pavilion and the playing fields to a position approximately 400m S/SE from that in the currently approved Masterplan would increase reliance on the use of the private car for access to them from existing housing in Oakwood Park. Accordingly, the proposals would be contrary to ERSP Policies T1 & 3.

*Background papers: see application file.*

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## **UTT/1884/05/DFO - SAFFRON WALDEN**

Erect changing rooms, layout football pitch, multi use games area and parking spaces, amended proposal pursuant to outline planning permission UTT/0790/03/REN

Location: Land to east of Bell College, Peaslands Road. GR/TL 543-376.

Applicant & Agent: Countryside Properties Ltd.

Case Officer: *Mr T Morton 01799 510654*

Expiry Date: 11/01/2006

ODPM classification: MAJOR

**NOTATION:** Policy SW2 Residential Development / Inside Development Limit.

**DESCRIPTION OF SITE:** The site consists of the playing fields of Bell College located to the east of the college buildings and surrounded on the north, east and south sides by residential properties. Hedges mainly bound the site, and on the east side the course of the The Slade forms the natural boundary.

**DESCRIPTION OF PROPOSAL:** Application is made for a revised layout of the sports facilities associated as planning gain with an approved residential development of the land.

**APPLICANT'S CASE:** The Section 106 Agreement pursuant to outline planning consent UTT/0790/03/REN requires the provision of a senior sized football pitch, multi use games area, changing rooms and an associated 31 space car park. Two Reserved Matters applications have been approved; one for 66 residential units and one for 55 units, each proposes an identical layout and location for the sports facilities. Since the grant of those consents a neighbour has claimed possessory title to a small part of the application site on which the sports facilities would be laid out. This is shown on drawing N00151/P/101/D. The claim will be determined next year at a Lands Tribunal court, and the Company expects it to be settled in its favour. However, in the unlikely event that the Company loses the possessory title action, then the land concerned will fall outside its control and implementation of the sports facilities in their currently approved layout could be thwarted.

This application therefore seeks approval to an alternative layout, but in all other respects the remainder of the development would not alter from that approved. The sizes of the pitches and changing rooms remains as approved and the 31 parking spaces can also be provided without difficulty. The senior sized football pitch will remain at the approved 95m x 60m and to NPFA standards. In effect the facilities have simply been shuffled around to exclude the disputed land from the development. In the event that the Company's defence of the title claim is unsuccessful then that land would remain undeveloped unless the new owner chooses to submit a separate application for alternative use in the future.

The Company only intends to implement the layout proposed in this application in the event that the Lands Tribunal case is lost. Should, as expected, the Company be successful in retaining the land subject of dispute, then the earlier approved scheme of 55 units and the sports facilities would be implemented (UTT/2128/04/DFO).

**RELEVANT HISTORY:** UTT/0790/03/REN Renewal of permission for development of part of playing fields to residential and public open space. Approved 16 November 2004.  
UTT/2128/04/DFO Erection of 55 units, provision of playing fields multi use games area and associated development. Approved 12 May 2005  
UTT/2087/04/DFO Erection of 66 residential units, public open space multi use games area and associated development. Approved 12 May 2005.

Members will recall that an amendment to the S106 regarding phasing of the development was approved on 14<sup>th</sup> December 2005.

**CONSULTATIONS:** Head of Environmental Services: Outside floodlighting should be sympathetically placed and oriented to avoid excessive nuisance to neighbouring residential properties.

**TOWN COUNCIL COMMENTS:** Consultation period expires 17 December 2005.

**REPRESENTATIONS:** This application has been advertised and three representations have been received. Period expired 21 December 2005.

Two of the respondents raise a question over the provision of a footpath from the approved housing development through to Thaxted Road, pointing out that the path cannot be provided, as the land which the route of the path would take is not owned by the applicant. The third respondent has raised a question about the boundary of the site adjacent to The Slade.

**COMMENTS ON REPRESENTATIONS:** The points raised are noted. This application does not relate to the housing development which is already approved. The boundary with The Slade is shown along the centre line of the riverbed.

**PLANNING CONSIDERATIONS: The main issues are**

- 1) residential development (ULP Policy SW2);
- 2) protection of sports fields and recreational facilities (ULP Policy LC1);
- 3) amenity of residential occupiers (ULP Policy GEN2) and
- 4) other material planning considerations.

1) The site is allocated in the Local Plan for residential development, and this has been confirmed by the grant of outline and reserved matters consent for housing schemes.

2) The Agreement under section 106, based upon policy, seeks to ensure a provision of recreational facilities for the benefit of the community. The approved layout meets the desired standards, and the situation that has arisen with the disputed ownership of a small area of land has occasioned a review of the layout. The submitted design in this application still provides the required facilities to the same standard by rotating the orientation of the changing room and multi games area. Overall the revised layout is no worse than the approved layout, merely different. The amendment raises no new issues.

3) The impact of this scheme upon amenity, compared to the approved version, is unlikely to be materially different, and the new design introduces no new issues. Though the site is bounded by residential properties, there is some separation created by the boundary hedging, which will be largely retained.

4) No other issues are considered to arise

**CONCLUSIONS:** The alteration to the layout of the sports facilities is considered to be acceptable, subject to the same conditions as applied to the consent for the original scheme.

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with a programme agreed with the local planning authority. These details shall include:
  - a) Details of the finished levels and contours

- b) Means of enclosure
- c) Details of the car-parking layout associated with the sports pavilion and dwellings
- d) Hard surface materials
- e) Planting matrix including specification of species, sizes, number and percentage of mix

REASON: The landscaping of the site is required in order to soften the impact of the residential development in the street scene.

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.  
REASON: The landscaping of the site is required in order to soften the impact of the residential development in the street scene.
3. Details of any floodlighting for the multi-use games area shall be submitted to and approved in writing by the local planning authority before the use of that area commences. The development shall be carried out in accordance with the approved details, and there shall be no subsequent alteration to the lighting without the prior written consent of the local planning authority.  
REASON: To protect the amenity of the residents of adjoining dwellings.
4. The floodlighting of the multi-use games area shall not be illuminated for any purpose other than between 0800 hours and 2130 hours on Monday to Saturday and at no time, unless previously agreed in writing by the local planning authority, on Sundays, Bank or Public Holidays.  
REASON: To protect the amenity of the residents of adjoining dwellings.
5. The sports pavilion shall not be open to the public other than between the following times:
  - a) 0800 and 2200 hours on Monday to Friday
  - b) 0800 and 2100 hours on Saturday
  - c) 0800 and 1800 hours on Sunday
 and at no time, unless previously agreed in writing by the local planning authority, on Bank or Public Holidays.  
REASON: To protect the amenity of the residents of adjoining dwellings.
6. The football pitch hereby permitted on the application site shall not be used for formal play other than between 0830 and 2100 hours on Monday to Saturday, and between 0900 and 1800 hours on Sunday.  
REASON: To protect the amenity of the residents of adjoining dwellings.
7. The sport pavilion shall be used only for purposes ancillary to the sport activities undertaken on the approved pitch and multi-use games area and for no other purpose (including any other purposes in Class D2 of the Schedule to the Town and Country Planning (use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless approved in writing by the local planning authority.  
REASON: To protect the amenity of the residents of adjoining dwellings.
8. No work relating to the construction of the development hereby approved, including works of preparation prior to operations, shall take place other than between 0800 and 1800 hours Monday to Friday, and between 0800 and 1300 hours on Saturday, unless otherwise agreed in writing by the local planning authority.  
REASON: To protect the amenity of the residents of adjoining dwellings.
9. Details of measures to prevent spoil/mud from vehicles leaving the site during the construction works being deposited on the public highway shall be submitted to and approved by the local planning authority in writing, and shall be implemented before

the development commences. Such measures shall be retained for the duration of the construction period.

REASON: In the interests of highway safety.

10. No works of construction shall take place which relate to the construction, laying out and landscaping of the playing field or multi-use games area unless a system for dust suppression has been submitted to and approved by the local planning authority in writing. The dust suppression system shall be implemented before that part of the development commences and shall be retained for the duration of the construction period.

REASON: To protect the amenity of the residents of adjoining dwellings.

*Background papers: see application file.*

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## UTT/1876/05/OP - SAFFRON WALDEN

Erection of B1 units and increase to number of live/work units previously approved under UTT/1382/01/FUL

Location: High Bank, Hill View & Kilncourt Thaxted Road. GR/TL 549-373.

Applicant: Mr P Gamby

Agent: Richard Turner

Case Officer: Ms H Lock 01799 510486

13 weeks expiry date: 15/02/2006

ODPM classification: MAJOR

**NOTATION:** Policy SW5 – Thaxted Road Employment Site. Class B Road.

**DESCRIPTION OF SITE:** This is an elevated site which sits above the service road parallel to the B184 Thaxted Road, north of the Civic Amenity site. Construction works are currently under way on a complex of live-work units in replacement of commercial buildings. Work has commenced on the two frontage blocks. The site also includes the area of two fire-damaged houses, Highview & Hillbank, to the south.

**DESCRIPTION OF PROPOSAL:** This is an outline application with all matters reserved for subsequent approval. Planning permission exists on this site for 60 live-work units and the proposal is to increase the number to 90. The indicative plan shows that the footprint of the blocks would not change from the approved layout. Access from Thaxted Road would be as approved.

The access road would pass through the site and would terminate at a new block of two-storey Class B1 units on the site of the fire-damaged houses. Car parking would be in front of the building. It is intended that these units would either act as extra accommodation for occupiers of the live-work units as their businesses grow, or could be let as separate businesses.

**APPLICANT'S CASE:** The current approval provides for much larger units which are not attractive to 'start-up' businesses or purchasers interested in combining business and residential space. The result of this we believe could provide the basis of the very problem that the Council is seeking to avoid. To elaborate, the smaller units provide excellent opportunities for young people to take their first steps in business, truly combining a starter home with a starter business and are sufficiently attractive to maintain a resale value. The larger units, if constructed, would be difficult to sell in the first place and if sold would not maintain a good sales value, because of low demand leading to pressure to seek change of use consent.

The conclusion therefore must be that the development of small units would have more chance of succeeding than would a development of larger units. Add to this the fact that the ninety units would occupy exactly the same footprint and mass as the current approval, the proposed increase in actual numbers becomes less and less relevant. In order to allay fears of the Committee, suggest a condition that development shall be phased such that no more than 35% of the live/work units shall be under construction above ground slab level at any time and that no more than 60 units may be occupied until the B1 units have been constructed to a watertight shell. This would prevent more than 60 units being constructed unless the employment building is in place, and ensure no more than the current 60 units are constructed without there being satisfactory proven demand.

The numbers in reality are not relevant because if the development eventually proves to be all B1 there could be a much greater number of commercial units.

**RELEVANT HISTORY:** Erection of 8 blocks for Class B1 business live-work purposes, and creation of new vehicular access – approved July 2003. Amended application to create 76 units withdrawn January 2004. Erection of 97 live/work units and new access refused October 2004 and appeal lodged. Application to vary the timing of the highway works approved by DC Committee on 11.1.06.

Application for 10 dwellings on the site of Hillview & Highbank refused April 2005.

**CONSULTATIONS:** UDC Building Surveying: no adverse comments  
ECC Schools Service: Since the precise number of dwellings or the types of unit does not form part of this application, I am unable to quantify the developer contribution required at this stage. Request that a section 106 agreement be drawn up including ECCs standard formula education clauses, as published in appendix 1 of our 'Developer Contribution Guidelines'.

Anglia Water: request conditions relating to submission of drainage details.

Environment Agency: Objection until a flood risk assessment is submitted. The application does not sufficiently cover flood risk. The proposed development lies within Flood Zone 1, the low risk zone. Whilst the site is outside the floodplain, development in this category can generate significant volumes of surface water. The impact and risks posed by this will vary according to both the type of development and the characteristics of the catchments. A flood risk assessment will be required.

TOPS: no response received – due 3 December (have requested an extension of time)

Environmental Services: have some concerns about this site and its past use and would wish to see a condition included that required the standard desk top study, site investigation, remediation strategy and verification. application UTT/1382/01/FUL did not include such a condition as it was before the contaminated land regime came into effect.

**TOWN COUNCIL COMMENTS:** To be reported.

**REPRESENTATIONS:** This application has been advertised and 2 representations have been received. Period expired 23 December 2005.

Objection – construction is already underway and the new building already dwarfs the local area. Have previously registered concerns over live/work units in this area and other applications on adjoining sites have been refused. Trust UDC will continue to resist this. Area is designated for employment uses and the live/work label runs a very real risk of being unenforceable and effectively permitting residential use.

Saffron Walden Friends of the Earth: objection – Hillview & Highbank is designated for employment and it makes sense to include it in any business development that is approved for the Southgate House site. The current proposal is no better than those already refused, although the height would be 2-storey with fewer units and less visual intrusion. It is too late to prevent this kind of development. Still cannot understand how 60 units with 24 for live-work are now expanded into a majority of live-work units in 3 & 4 storey blocks. Has become a residential development outside development limits. Development is quite unsustainable. Will be no facilities for those living there, no green space, no play areas. Poor and restricted live/work layout. The Hillbank/Highview building should be used both for business use and community purposes, including additional storage space, caretakers flat, shop, and cycle store. Should include green amenity area, clothes drying, refuse store, etc. Developer should contribute to transport to schools. An additional 30 units would constitute overdevelopment and add to the unsustainable nature of the whole project. Local Plan does not include policy on Live-work (have provided details of East Herts. Policy).

**COMMENTS ON REPRESENTATIONS:** The principle of live/work units has already been accepted on this site. The merits of the increase in number of units is addressed below.

**PLANNING CONSIDERATIONS:** The main issues are whether the increase in Class B1 live-work units would

- 1) be out of scale with the surrounding development and adversely affect the character and appearance of the area (ERSP Policies BIW4, ULP Policies GEN2, GEN4, GEN5),
- 2) adversely affect the highway access and parking arrangements (ERSP Policies T8, T3 T12, ULP Policies GEN1 & GEN9) and
- 3) Other material considerations.

1) The principle of live-work units as a contributor to the Council's employment strategy has already been accepted on this site, and permission exists for a scheme of 60 units. A scheme to increase to 97 units was refused by the DC Committee in October 2004 on the basis that the high density scheme would be overdevelopment of this prominent site on the edge of the settlement, out of character with the development pattern of Saffron Walden. It was considered that the domestic and commercial traffic associated with 97 units would have an adverse impact on the town centre.

The difference between this and the refused scheme is the unit numbers (now 90 as opposed to 97), and the inclusion of the area occupied by Hillview & Highbank for pure business units (previously to accommodate more of the live-work units).

In terms of footprint and size of building blocks, the submitted information states that the footprint would be unchanged. Conditions could prevent any increased height of the buildings. The changes in layout would be:

<b>Approved Scheme (60 units)</b>	<b>Proposed Scheme (90 units)</b>
Block A – 14 units	No change
Block B – 14 units	No change
Block C – 3 units (all 3-bed)	No change
Block D – 6 units (all 3-bed)	12 units (6 extra)
Block E – 3 units (all 3-bed)	No change
Block F – 7 units (all 3-bed)	24 units (17 extra)
Block G – 6 units (all 3-bed)	8 units (2 extra)
Block H – 8 units (4 x 3-bed, 4 x 2-bed)	12 units (4 extra)
<b>Total Units = 60</b>	<b>Total Proposed = 90</b>

The increase in numbers would not affect the frontage blocks, and would increase the number of smaller units by subdividing the approved larger units. The approved scheme is primarily 3-bedroom accommodation, and this proposal would provide a better mix throughout the development, whilst also contributing to smaller unit accommodation for starter businesses.

The approved scheme comprises 60 units on a site of 1.35 hectares. As this includes work units it is not appropriate to look at this scheme in terms of residential density. Given that the mass and footprint of the resultant buildings would not change compared to the approved scheme, it is not considered that the increased number of units would have any material impact on the character and appearance of the area, and could not be regarded as overdevelopment of this site.

The scheme does not provide for amenity space, but this is no different to the approved version. There would be landscaped areas throughout the development.

The refused scheme was for live-work units across the whole of the site. In contrast, this proposal includes a significant element of pure Class B1 business units in the south-eastern part of the site. These units would be flexibly designed to provide expansion workspace for the live-work units, or if vacant could be let to non-resident businesses, as with any other employment estate. Conditions would be imposed to ensure a phasing of the development, so that the business units would have to be available prior to the construction of the increased number of live-work units. The provision of business units on this part of the site would accord wholly with the employment allocation, but would also enable occupants of live-work units to remain on site whilst their business develop and expand.

The proposed development, although intensive, will provide valuable employment opportunities whilst at the same time significantly improving the visual character of this part of Saffron Walden and resulting in a much improved entrance vista to the historic market town from Thaxted.

The site is visible from open countryside to the north and east and it is inevitable that the proposal will also be visible once constructed but appropriate landscaping can help to minimize such impacts. The area covered by Policy SW5 extends further east than the application site onto existing fields, so it has already been established that this site will be developed in the future. There is a steep sloping field between the site and existing houses on Linton Close, Eastby Close and Rylstone Way, which acts as a buffer between the site and existing residential dwellings. This is not to be developed as part of this scheme and lies outside development limits.

2) The site accesses onto the B184, which is the main access route from Saffron Walden to Great Dunmow. There is an existing parallel lay-by adjacent to the application site, which has two access points, one outside the former Southgate house and the other opposite the recycling centre. The application approved in 2003 (UTT/1382/01/FUL) addressed the issue of highway access onto the B184, and at the last Development Control Committee meeting Members agreed the phasing of highway improvements (the creation of a ghost-island right turn into the site and the removal of the lay-by and widening of the road. The works also include improved pedestrian and cycling facilities from the site to the roundabout with Peaslands Road).

These works would now take place prior to the occupation of any of the units, but the increased numbers would not generate any requirement for further improvements above those already identified.

There has been no response to this application from the highway authority. However, in 2004 a traffic impact assessment based on the then proposed 97 units was submitted with the refused application. At that time, the highway authority raised no objection to the proposal, and were satisfied that the proposed works could accommodate the level of traffic to be generated by the 97 units. In view of the reduced numbers of live-work units, and the level of traffic likely to be generated by 1,420 sqm of additional business space (some of which is likely to be occupied by on-site users), it is considered that there would be no material impact on highway safety from this development.

In terms of parking provision on the site, there would be 97 parking spaces proposed, so just over 1 space per unit. There is however sufficient space within the development to increase parking without adversely affecting the character and appearance the development (the approved version already being quite car-dominated within the development). In view of the live/work nature of the application and reduction in trip generation, the level of parking would

appear to be adequate for this type of development, particularly given that many of the units would now be 1-bedroom.

The separate business units would include 27 parking spaces, significantly below the 41 spaces required to meet the Council's standards for business use. Although many of the occupants are likely to be resident on the adjacent development, this cannot be guaranteed, and therefore it is recommended that conditions be imposed requiring a reduction in floorspace in order to meet the Council's standards of 1 space per 35 sqm of floorspace. For example, the omission of one of the projecting wings would reduce the floorspace by approximately 264sqm. This would free up more space for parking, but also reduce the parking requirement to 33 spaces – these extra 6 could be accommodated with a reduction in footprint.

Conditions would require the provision of cycle and motorbike space.

3) Concern has been expressed that there is no proven demand for this type of accommodation and, should the use fail, there is concern that it would be changed to residential. The issue of demand is a difficult one to prove or disprove, but the 2003 consent contained numerous conditions to try and prevent abuse of the planning system to seek residential development off the back of the B1 element. Live/work challenges the current land use classification system and there are examples where local authorities have tried to prescribe ultra-vires conditions to try and restrict the occupation of units should the business element fail. The use of conditions in the 2003 consent was the result of extensive negotiation and consideration of other similar schemes across the country and it seeks to encourage B1 use without threatening to make people homeless should their business venture fail. There is always an element of risk with any such condition, but preventing people from getting a mortgage by implementing restrictive conditions goes against the guidance in Circular 11/95, which states that "conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted". Similar conditions to the 2003 consent would be considered reasonable in this instance.

The 2003 scheme does not include any requirement for measures for remedying ground contamination. The requirement for the submission of such details has been identified with changing environmental legislation since that time, and is a change in circumstances which warrants the inclusion of a condition for the remainder of the site.

The objection of the Environment Agency is noted. However, it raised no objection to the 2004 refused application, and given that the site coverage would not be increasing above the approved scheme it is not considered justifiable to refuse the application. The site is not within a flood plain and the flood risk relates to surface water issues. However, a condition is recommended that further flood mitigation measures are submitted and approved before works commences on any other block.

This is an outline application, and details of the layout and unit size have not yet been provided. However, the extra units are likely to be one-bedroom, and could be conditioned as such. The schools service request a contribution for school places, but this would not be required for single bedroom units. Subject to the condition limiting the increased unit numbers to one-bedroom accommodation, the extra school funding is not necessary.

**CONCLUSIONS:** The principle of live-work development has been accepted at this site. The increased number of smaller units, combined with the provision of separate expansion business units would not be out of scale with the character and appearance of the area. The form of the development would be indistinguishable from the approved 2003 scheme, as the changes would be internal.

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

1. C.1.1. Submission of reserved matter: 1.
2. C.1.2. Submission of reserved matters 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.3.1. To be implemented in accordance with approved plans.
6. C.4.2. Implementation of landscaping.
7. C.6.8. Excluding Permitted Development extensions or alterations to industrial [warehouse] premises.
8. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
9. No business shall be carried out within the units hereby permitted and their associated curtilages other than by an occupant of the same unit.  
REASON: To retain employment uses on the site.
10. No unit or combination of units in common ownership formed within the buildings hereby permitted shall be used or occupied other than: (i) for a purpose or purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 or; (ii) as a mixed use within Classes B1 and C3 of the Town and Country Planning (Use Classes) Order 1987 for the person or persons carrying on or previously having carried on such use or/and any widow, widower or dependants of such person or persons or as a residence for the officers or employees of a company or association carrying on such use and/or widow, widower or dependant of such officer or employees.  
REASON: To retain employment uses on the site.
11. C.9.3. No change from light industrial to storage.
12. With the exception of Blocks A + B, no further development shall take place until, a scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing by the local planning authority. Subsequently, the scheme shall be implemented as approved prior to the first occupation of any of the units hereby permitted.  
REASON: To prevent pollution.
13. With the exception of Blocks A + B, no further development shall take place until the ghosted island junction and other off-site highway works have been completed, details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The works shall be carried out in accordance with the approved works.  
REASON: In the interests of highway safety.
14. The carriageway of the proposed estate road and the footpath shown on drawing 211/01/10B attached to planning permission UTT/1382/01/FUL shall be laid out and constructed up to and including at least base course level prior to the occupation of any of the buildings hereby permitted and shall thereafter be retained in good repair until the final surface is laid. The final surface of the carriageway of the proposed estate road and footpath shall be laid in accordance with a phasing scheme, which shall be submitted to and approved in writing by the local planning authority at least one month prior to the occupation of any of the units hereby permitted. The phasing scheme shall make provision for all final surfacing to be undertaken no later than three months after the completion of the development, or occupation of the last constructed unit, whichever is the sooner.  
REASON: In the interests of highway safety.
15. No live-work unit hereby permitted shall be occupied until details have been submitted of the provision of additional parking spaces throughout the development. The car parking spaces, including those shown on the approved plan, shall be hard surfaced and laid out prior to the occupation of any of the units hereby permitted.

Such spaces shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: In the interests of highway safety.

16. With the exception of Blocks A + B, no further development shall take place until details of the measures to be taken to provide disabled access and facilities for people with disabilities, including parking for each of the units shall be submitted to and agreed in writing with the local planning authority. The agreed measures shall be fully implemented prior to the units first being brought into use.  
REASON: To secure adequate access facilities for the disabled
17. Prior to any of the units being first occupied, details of the on-site lighting including security lighting shall be submitted to and agreed in writing with the local planning authority. The lighting shall be implemented solely in accordance with the agreed details.  
REASON: To safeguard the visual amenities of the area.
18. With the exception of Blocks A + B, no further development shall take place until details of bicycle and motorcycle spaces have been submitted to and agreed in writing with the local planning authority. The agreed measures shall be fully implemented prior to the units first being brought into use and the spaces shall thereafter be retained and maintained for the purposes of parking bicycles and motorcycles.  
REASON: To secure adequate cycle and motorcycle parking provision.
19. No development shall take place on the construction of units C to H, as marked on drawing no. 576/001 until such time that a phasing scheme for the construction of all the units has been submitted to and approved in writing by the local planning authority. The phasing scheme shall ensure that no works relating to the construction of the sixty-second unit on the site shall take place until the 2-storey Class B1 business units hatched green on the approved drawing no.576/001 have been constructed, fitted out internally, and made available for use. Each phase of the development shall be constructed in accordance with the phasing plan unless otherwise first submitted to and approved in writing by the local planning authority.  
REASON: To ensure that the business units are provided prior to the increase in unit numbers on the site, in the interest of ensuring expansion space is available for occupants of the live-work units, and as part of the Council's employment strategy.
20. No development shall take place on the construction of units C to H, as marked on drawing no. 576/001 until such time that a phasing scheme for the construction of all the units has been submitted to and approved in writing by the local planning authority. The phasing scheme shall ensure that no works relating to the construction of the sixty-second unit on the site shall take place until the 2-storey Class B1 business units hatched green on the approved drawing no.576/001 have been constructed, fitted out internally, and made available for use. Each phase of the development shall be constructed in accordance with the phasing plan unless otherwise first submitted to and approved in writing by the local planning authority.  
REASON: To ensure that the business units are provided prior to the increase in unit numbers on the site, in the interest of ensuring expansion space is available for occupants of the live-work units, and as part of the Council's employment strategy.
21. C.8.23. Environmental Standards.
22. The reserved matters to be submitted relating to siting, design and external appearance of the live-work blocks shall relate to buildings with no greater footprint and height than those buildings approved under planning permission UTT/1382/01/FUL.  
REASON: The mass of the development already approved is considered to be the maximum acceptable on this site without adversely affecting the character and appearance of the area. The increased number of units is therefore only considered acceptable provided it does not increase the built form on the site.

23. The footprint of the Class B1 business unit building shown on drawing no. 576/001 is indicative only. The reserved matters to be submitted relating to the siting, design and external appearance of that building shall show a reduced footprint and floorspace of the building to ensure that the site can accommodate parking to a standard of 1 space per 35sqm floorspace. The height of the building shall not exceed two-storeys with standard ceiling height.  
REASON: To meet the Council's parking standards in the interests of highway safety.
24. No development on Blocks C - H and the business block shall commence until details of refuse storage facilities on site to serve the development have been submitted to and approved in writing by the local planning authority. These details shall include provision to serve Blocks A and B. All refuse facilities that are approved shall be provided on site prior to the occupation of any of the live-work units, and shall thereafter be retained as approved.  
REASON: In the interests of usual amenity.
25. No development shall commence on Blocks C - H and the business units until details of energy-efficient construction materials and processes, including measures for long-term energy and water efficient use of the buildings, have been submitted to and approved in writing by the local planning authority. These measures should promote the use of renewable resources and involve sustainable drainage, heating and power systems. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form.  
REASON: In the interests of sustainability.
26. Each of the additional thirty live-work units hereby permitted shall contain no more than one bedroom.  
REASON: Units containing more than one bedroom accommodation would attract a requirement for further contribution towards school places.
27. This permission shall be subject to all conditions and legal agreements relating to planning permission UTT/1382/01/FUL dated 21 July 2003.  
REASON: To ensure that the necessary social, amenity and infrastructure requirements generated by the development and provided.
28. No development shall take place on Blocks C - H and the business block until a flood risk assessment in relation to surface water and details of mitigation measures have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved mitigating measures. Subsequently, the measures introduced shall not be changed without the prior written consent of the local planning authority.  
REASON: The nature of the development could give rise to significant volumes of surface water and insufficient details are contained within the application to address this issue, to prevent localised flooding.
29. No development shall commence on Blocks C - H and the business units until a scheme for the provision and implementation of pollution control has been submitted to and agreed in writing by the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times as may be specified in the approved scheme.  
REASON: The site overlies a major aquifer and insufficient detail has been submitted with the application to address the measures for pollution control.

*Background papers: see application file.*

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