

**UTT/0365/09/OP (FLITCH GREEN / FELSTED)**

**PROPOSAL:** Erection of 168 no. dwellings, parkland and landscaping

**LOCATION:** Flitch Green

**APPLICANT:** Enodis Property Developments Ltd

**AGENT:** Miss J Bean (GL Hearn)

**GRID REFERENCE:** 666-207

**EXPIRY DATE:** 24/06/2009

**CASE OFFICER:** Consultant (Alison Hutchinson)

**APPLICATION TYPE:** MAJOR

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**1 NOTATION**

1.1 ULP: Part within Settlement Boundary / Oakwood Park Local Policy 1 Area and part outside.

**2 DESCRIPTION OF SITE**

The site includes the currently undeveloped land to the north of the Stebbing Brook and to the east of the Primary School and recently constructed Community Building and includes the car park for that building. The site extends up to the banks of the Stebbing Brook and extends over the Brook to the south to include the land at the rear of the properties on Station Road which is linked by a strip of land and a bridge over the Brook.

**3 PROPOSAL**

Amended outline application with all matters reserved (i.e. leaving layout, scale, appearance, access and landscaping for later consideration) now proposes the erection of 168 dwellings with parkland of which 98 previously had consent as part of Phase 6. The 70 additional dwellings would take the total at Oakwood Park/Flitch Green to 928. The land proposed for housing lies substantially within the Cordon Sanitaire (a protective exclusion zone) which surrounds the Sewage Treatment Works (STW). Revised illustrative layouts have been submitted which show an indicative housing layout.

The application also includes the provision of an area of open space, a Multi Use Game Area (MUGA) and a skate park on land adjacent to the community building, together with the creation of parkland on land to the south of the Stebbing Brook, adjacent to the existing houses along Station Road. A car park is provided and access is to be achieved via a pedestrian/cycle bridge across the Brook.

A separate application for the development of other land to the south of the Stebbing Brook for sports pitches and a nature reserve is also before this committee for consideration (Application Ref: UTT/0190/09/FUL).

A further separate application for the development of 2 retail units, a D1/D2 unit (non residential institutions/assembly and leisure) and 7 residential units with car parking, access and associated works on land which is currently identified for the public

house, is also before this committee for consideration (UTT/1403/10/OP).

#### **4 APPLICANT'S CASE**

The applicant considers that there are 6 principal issues in the consideration of this application. These and the applicants' case on each are set out below.

**Impact upon Countryside:** The majority of the 168 units are proposed on land which falls within the Development Boundary of Oakwood Park Settlement (now Flitch Green) as defined by the Local Plan and therefore comply in principle with the adopted Development Plan. The only exception is 2.4 hectares of proposed housing which lies outside the Development Limits but on the northern side of the Stebbing Brook. This area was identified for the creation of Sports Pitches in the approved Masterplan and the Development Limits reflected the Masterplan. The Applicant states there is little intrinsic value to this area of countryside which is entirely different from the surrounding area to the south of the Brook. It is brownfield and the development brings benefits by contributing to the five-year supply of housing in the District and providing an additional 3.2 hectares of open space to that shown on the approved Masterplan together with a green link from Flitch Green and Felsted.

**Contribution to Housing Land Supply:** The applicant refers to the requirement of the former PPS3 that local planning authorities should identify sufficient specific deliverable sites in order to provide a continuous supply of housing for five year and that in situations whereby performance is outside of housing and brownfield trajectories, they should take appropriate management action in their handling of planning applications to address this. (This requirement is repeated in the National Planning Policy Framework (NPPF)).

**Use of Previously Developed (Brownfield) Land:** The former PPS3 and policies in the Local Plan require that brownfield land is prioritised in the selection of new sites for housing. The application site represents the in-filling of available brownfield land. Various appeal decisions are referred to including one at Elsenham which was located outside development limits but was allowed because of the lack of five year supply and the fact that it was brownfield land. The applicants confirm there is a reasonable prospect of the current application site being development within 5 years and provide a timetable for development.

**Affordable Housing:** The applicants have agreed to provide 40% affordable housing.

**Sustainability:** The policies of the former PPS's and the Local Plan all support and emphasise the importance of sustainable development. The Local Plan confirms that the sites identified for the construction of housing, including the Flitch Green settlement, have already been assessed as to their viability and it is considered to be a sustainable location for housing development. The development has a minimal impact upon existing landscaping and trees and utilises brownfield land of little ecological value. The development includes the provision of parkland aimed at improving the aesthetic appearance of the area and the development. The proposed development strives to make the most of renewable energy technology and the development aims to achieve Level 3 in criteria set by the Code for Sustainable Homes. It also incorporates an increase in the overall quantity of open space which is combined with the 'wetting up' of Felsted Fen.

**Impact upon Residential Amenity:** There is no impact upon the properties on Station Road. No housing is proposed south of the Stebbing Brook and there will be a landscaped buffer between the two communities. The design of the development will reflect the design principles outlined in the Essex Design Guide in terms of density and spacing of properties. The retail units and the doctor's surgery (now D1/D2 unit) have now been excluded from the application and are to be provided in a more central location.

The Masterplan: The proposal involves a number of variations to the approved Masterplan which include the following: as amended it now has 70 more residential units; housing south of Tanton Road on the former sports pitch/open space land; relocation of the village centre; removal of the north-south green ribbon through the development which incorporated the village centre/village green. These variations would be reflected in a revised Masterplan following the grant of planning permission. The previous Masterplans were also changed to reflect variations to the original planning permission.

In addition to the above, the applicants have submitted a design and access statement and have submitted revised documents addressing Flood Risk, Transport and Travel, Landscape, Water Conservation Ecology, Utilities, Earthworks, Noise Impact and Code for Sustainable Homes. A statement setting out the applicants' consultations on the proposal is also submitted. The applicants have also confirmed that the Phase 1 Ecology survey is now out of date and are in the process of updating the survey.

## **5 RELEVANT SITE HISTORY**

UTT/0302/96/OP - Reclamation of despoiled land and demolition of redundant structures and redevelopment for residential purposes with associated local shopping, employment and recreational facilities, with associated works. Granted on appeal in 1998. The provision of the community facilities and the playing fields are regulated by a Section 106 tied to this permission.

UTT/0767/01/OP - reclamation of despoiled land and redevelopment for up to 655 dwellings being a net addition of up to 170 dwellings to those previously approved together with community facilities, school, and open space. Appeal dismissed by the Secretary of State solely on the lack of sufficient affordable housing.

UTT/0023/03/OP - reclamation of despoiled land and redevelopment for up to 216 dwellings (being a net addition of up to 160 dwellings following appeal decision) public house, associated highway, engineering works and landscaping. Increased the level of affordable housing in line with the Council's policy and therefore approved in 2004.

UTT/1816/05/OP - development of site for residential development and sports pitches. The Secretary of State dismissed the appeal in May 2007 and a High Court Challenged brought by the appellants was dismissed in October 2008. The findings of the Inspector and Secretary of State are dealt with in more detail under 'Appraisal'.

UTT/1110/07/FUL - Erection of 42 flats, 4 houses, 2 retail units, doctor's surgery, public house, and related parking on land identified in the Masterplan as the Village Centre. This received a resolution to grant permission subject to a S106 Agreement, to secure the provision of the dwellings as affordable housing, in December 2007. The agreement remains unsigned because of the liquidation of the applicant company (Colonnade).

## **6 POLICIES**

### **National Policies**

- The National Planning Policy Framework (NPPF)

### **East of England Plan 2006**

- Policy SS1 Achieving sustainable development
- Policy H1 Regional housing provision 2001 to 2021
- Policy H2 Affordable Housing
- Policy T8 Local Roads

- Policy T9 Walking, cycling and other non-motorised transport
- Policy ENV1 Green infrastructure
- Policy ENV7 Quality in the Built Environment

### **Essex Replacement Structure Plan 2001**

- Policy: NA

### **Uttlesford District Local Plan 2005**

- Policy S2 Development Limits/ Policy Area for Oakwood Park & Priors Green
- Policy S7 The Countryside
- Policy GEN1 Access
- Policy GEN2 Design
- Policy GEN6 Infrastructure provision to support development
- Policy GEN7 Nature Conservation
- Policy GEN8 Vehicle Parking Standards
- Policy ENV3 Open Spaces and trees
- Policy H1 Housing Development
- Policy H9 Affordable Housing
- Policy H10 Housing mix
- Policy LC1 Loss of sports fields and recreational facilities
- Policy LC2 Access to leisure and cultural facilities
- Policy LC3 Community facilities
- Policy LC4 Provision of outdoor sports and recreational facilities beyond development limits
- Oakwood Park Local Policy 1/Masterplan (2004)

### **Supplementary Planning Documents**

- Accessible homes and play space (Nov 2005)
- Energy Efficiency and Renewable Energy (October 2007)
- Urban Place Supplement to the Essex Design guide (March 2007)

## **7 PARISHCOUNCILS' COMMENTS**

**Fritch Green Parish Council** – no comments received to original scheme (prior to its formation).

Re-consultation on amended 220 dwelling scheme: Strongly object to the applications on grounds that it is a substantial and unacceptable increase to the original proposals which proposed the additional and final number of dwellings to complete the development to be 98. The original proposal by Enodis to increase the number was dismissed by the Secretary of State on the grounds that the proposal would have an unacceptable impact on character and appearance of the local area and new proposals would have exactly this effect. In addition, the local infrastructure of highways and local amenities cannot sustain the substantial uplift in the latest application.

*Re-consultation on current scheme for 168 units* –.Opposed to the application because it is predicated on the assumption that Fritch Green's planned Playing Field will be re-site in open countryside in Felsted. The current plans are a variation on ones already refused by Uttlesford District Council and again propose to build additional housing on the site originally allocated to the village green and sports

pitches within Flitch Green.

These plans represent a substantial and unacceptable increase to the original proposals which proposed the additional and final number of dwellings to complete the development to be 98. The original proposal was dismissed on appeal on the grounds that the proposal would have an unacceptable impact upon the character and appearance of the local area and the new proposal would have exactly this affect.

The current school infrastructure is already unable to cater for all the residents on the development and many children must attend school in neighbouring parishes. Many of those schools are now also oversubscribed. The planning application makes no provision for expansion of schooling facilities. Doctors' surgeries in both Felsted and Great Dunmow are also overstretched and would struggle to accommodate additional patients from the new development. There are no plans to provide a doctor's surgery specifically for Flitch Green. In addition, the local infrastructure of highways cannot sustain the substantial uplift in properties from the original proposal.

The Parish Council requests that the application is refused and that Enodis should resubmit a design that is smaller and more in keeping with the original Masterplan.

**Felsted Parish Council** – Vehemently opposed to the applications on the grounds that any further expansion of Flitch Green beyond the boundaries agreed in the most recent Master Plan has been rejected through the Local Planning process, tested and rejected in Planning Application and rejected on appeal by the Secretary of State, a decision successfully defended by the Secretary in the High Court.

*Re-consultation on current scheme for 168 units*—remain opposed to application because it would facilitate the merging of the two communities, also because of its impact upon traffic flows through Felsted and the capacity of the amenities and facilities in Felsted. Traffic has already increased through Felsted and the Doctors surgeries in Felsted and Great Dunmow are overstretched and would struggle to accommodate additional patients. The primary schools in both Flitch Green and Felsted are already oversubscribed.

**Little Dunmow Parish Council** - Comments on amended 220 dwelling scheme: Object to the applications on the grounds that the scale of the overall development proposed at Flitch Green is out of keeping with its countryside location; lack of road and rail infrastructure to support further additional development and the impact that the increased traffic is having on Station Road towards the B1286 and congestion in Felsted is well documented in terms of volume and speed; the Parish of Little Dunmow has suffered from extensive development over recent years, predominantly as a result of Flitch Green and equates to 445%.

Uttlesford's Local Plan specifies the desirable relationship between the houses in a development and the facilities provided for the resulting community. The proposed siting of the retail units and surgery is wholly inappropriate, being peripheral rather than central in relation to the community they are intended to serve. The new proposals would reduce the required 'broad landscaped swathe' beside Stebbing Brook to about 12.5m, the distance between the Brook and the nearest proposed building.

The Adopted Local Plan actively discourages development which causes the coalescence of separate communities. Felsted is characterised by its numerous distinct hamlets, separated by open countryside. Planning policy hitherto has recognised this in preserving these spaces. It is unacceptable to now permit the expansion of semi-urban development, which is not part of the Parish, into one of

these open spaces.

The proposed sports facilities should be provided within the Flitch Green Parish as has been agreed in previously approved version of the Master Plan. The sites now proposed are poorly related to the Flitch Green settlement, being remote from most of its community.

## 8 CONSULTATIONS

Highways Authority (Essex County Council): No objections subject to conditions relating to the submission of details relating to new roads. The Local Highway Authority also requires contributions towards the Passenger Transport Services. Traffic Regulation Orders and towards possible repairs arising from damage by Construction traffic.

Environment Agency: No objections subject to three conditions concerning control of the flow of water into local water courses.

Re-consultation on amended 220 dwelling scheme: No objection subject to conditions being attached relating to contamination, pollution control and in relation to submission of details relating to sustainable design.

Re-consultation on current scheme for 168 units – No further comments.

Water Authority (Anglian Water): The development site is within the recommended 350 metre cordon sanitaire of the Sewage Treatment Works. Anglian Water takes all reasonably practicable steps to prevent odour arising from the works, but requires that there should be no development within 350 metres of the STW which is potentially sensitive to odour or other nuisance arising from the location of the works. This may lead to an unacceptable level of amenity for future occupiers or prejudice the ability of Anglian Water to carry out future operational changes to the works.

In addition to the above consultation response, Savills have also submitted a formal objection on behalf of Anglian Water in respect of the 220 scheme. Their letter is appended to this report. In summary, Savills maintain that the grant of planning permission would increase the risk of an odour impact and so reduce the amenity of the development. There is a current legal agreement in place which prevents housing development on most of the site. The applicants do not demonstrate why the development of housing within the 350m cordon sanitaire is acceptable or how it can be achieved bearing in mind the legal agreement preventing such development. There have been no discussions between Anglian Water and the applicants in the context of these applications.

Natural England: The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of Circular 06/2005.

Re-consultation on amended 220 dwelling scheme: Confirms previous advice on implications on protected species.

Re-consultation on amended 168 dwelling scheme: The proposal does not appear to affect any statutory protected sites or landscapes or have significant impacts on the conservation of soils. Natural England have therefore been involved to offer advice on protected species and advises that the ecological survey is now 2-3 years old and therefore not an up to date survey. A further survey is therefore required and if not provided, the application should be refused.

Education Authority (Essex County Council - School Organisation and Planning):

There will be a need to provide additional Early Years and Childcare provision and Primary School places. Secondary provision could also be deficient if the majority of the dwellings built are family houses. Formally request that the need for additional education places is included in any Section 106 Agreement entered into to mitigate the impacts of this proposal.

Re-consultation on current scheme for 168 units –The Education Authority is now satisfied that there will be sufficient secondary school places and Early Years and Childcare provision to serve the proposed dwellings but will require contributions by way of a Section 106 Agreement to provide additional primary school places and to provide secondary school transport.

Uttlesford Building Surveyors: The (202) scheme does not show adequate access and facilities for the fire service in numerous areas as highlighted. There is no cognisance of Lifetime Homes and Wheelchair housing in the planning applications. With at least 5% of the dwellings this will amend the floorplate. Would advocate single storey housing for wheelchair housing together with detailed requirements for mews dwellings, doctor's surgery and retail units to ensure accessibility

Re-consultation on current scheme for 168 units – similar comments as above in requiring compliance with the Supplementary Planning Guidance on Lifetime Homes and will also need to meet the required number of dwellings to meet the Wheelchair Housing Standard.

## **9 REPRESENTATIONS**

The applications were originally publicised by neighbour letters, site notice and newspaper advertisement. During the life of the applications they have been revised and further site notices have been erected to publicise these changes. The applications have been advertised and a total of 12 letters of objection were received in respect of the earlier schemes for 260 and 202 dwellings. Following the reduction of the number of dwellings to 168 a further 227 letters, many from the same households.

The earlier objections raised concerns about the fact that residents had purchased houses on the understanding that the facilities would be provided in the position shown in the Masterplan. Residents have lived there for a number of years with no shops or doctors provided or facilities delivered on time or within a reasonable timeframe.

Residents were opposed to the earlier proposals to locate the new shops and doctors' surgery next to the school and the loss of the community hall car park. The facilities should be built on the more central Colonnade site. The need for the playing fields were seen as a focal point of the new village and concerns were expressed at the location of the playing fields which are not within easy walking distance for the majority of residents; their location would put young children at risk if they were to play unsupervised; danger to children of using the bridge; the distance disadvantages the elderly and disabled and there are potential problems of vandalism and antisocial behaviour.

Objections were also raised that too many houses are proposed with inadequate gardens and insufficient parking and that no social housing should be provided.

The head teacher of Flitch Green Primary School wrote on behalf of the staff and Governors about concerns with the proposals, particularly to the location of the then

proposed bus turning circle outside the school.

The re-consultations on the amended 168 dwelling schemes resulted in further representations from households in Flitch Green, Little Dunmow and Felsted. Of these, 165 submitted a uniform letter that raised the following points:

- The original Masterplan concept was a self-contained village;
- It proposed 650 houses with tree lined boulevards allowing residents to walk to a traditional village green and facilities consisting of shops, pub, community hall, NEAP and LEAP;
- 693 houses have now been built and only a community centre and a half size LEAP have been provided;
- No sports facilities or play areas are provided;
- The current plans are a variation of ones that were refused previously and
- The developer is proposing to build sports pitches in Felsted Parish.

In addition to the above, the remaining 49 letters raised similar points and the overwhelming concern continues to be the current and ongoing lack of delivery of the facilities that were intended to serve Flitch Green and the problems that this creates, together with scepticism as to whether the applicants will deliver the current proposals. Objections also relate to the fact that the proposals are not in accordance with the Masterplan.

Residents consider that the additional proposed houses should not be permitted as the current local infrastructure cannot cope or at least, that they should not be allowed to be built or occupied until the facilities are provided.

There was also some confusion amongst residents as to what the revisions entailed and concern at the length of time that the applications had taken to process.

Concerns were also raised at the ongoing problems of unmade roads and footpaths and the general lack of finish and facilities.

Residents in Felsted are concerned that the proposals will result in the merging of the two settlements and will also generate extra pressures in the amenities within Felsted.

In addition to the above, a petition with 457 signatures objecting to the application has been submitted. The summary of the main objections accompanying the petition raises objections to the deviation from the Masterplan: the unsuitable location for the sports facilities and insufficient infrastructure.

## **10 APPRAISAL**

The main issues to consider in the determination of the application are whether the proposals overcome the Secretary of State's, and her Inspector's, objections and concerns to the previous appeal proposal dismissed on 14 May 2007 and:

- A) The principle and form of the development (RSS Policy SS1, the approved MasterPlan, ULP Policies S2, S7, H9 and Oakwood Park Local Policy 1);
- B) The adequacy of the proposed community facilities (RSS Policies ENV1, ENV7 & ULP Policies Local Policy Oakwood Park 1, GEN2, GEN6, LC2, LC3, LC4);
- C) Highway and access implications. (RSS Policy T8, T9 & ULP Policy GEN8)
- D) Any other material planning considerations.



**A) The Principle and Form of the Development (RSS Policy SS1, the approved Master Plan, ULP Policies S2, S7, H9 and Oakwood Park Local Policy 1)**

The previous (appeal) proposal sought to increase the numbers of dwellings at Oakwood Park/Flitch Green by 162 of which 77 were to be located on the reclaimed land approved to be laid out as playing fields northwest of Stebbing Brook and about 85 were to be located to the south of the Brook on land to the rear of 27-63 Station Road. The playing fields were also to be located to the south of the Brook and linked to the rest of Oakwood Park/Flitch Green by a new road bridge across the Stebbing Brook. A nature reserve was to be located south of the Brook and the application site included the Sewage Treatment Works (STW).

The appeal was dismissed primarily on the grounds that the development did not accord with the Development Plan in that it proposed housing beyond the defined settlement limits of Oakwood Park/Flitch Green and Felsted; that it would have an unacceptable impact upon the character and appearance of the local area; that it would harm the amenities of residents on Station Road and that the access from Station Road would compromise highway safety. An alternative proposed vehicular access from Oakwood Park/Flitch Green would have been acceptable in highway terms but would have an increased impact on the rural environment.

The current application is similar in some ways to the previous appeal proposal in that it also seeks to increase the number of dwellings at Flitch Green; it results in the sports facilities being located to the south of the Stebbing Brook (subject to a separate application – UTT/0190/09/FUL) and it also proposes 40% affordable housing. However, the current application differs from the appeal proposal in several important ways:

- i. The current application has been reduced to 168 dwellings representing a smaller increase in the number of dwellings at Flitch Green to 70 compared with 162 for the previous appeal proposal.
- ii. No dwellings would be located to the south of the Stebbing Brook.
- iii. Virtually all the dwellings would be located within the Cordon Sanitaire for the Sewage Treatment Works. The STW is excluded from the current application site.
- iv. No enabling arguments are being advanced for the current proposal.
- v. An area of parkland is proposed at the rear of the residential properties on Station Road.
- vi. The Playing Fields are excluded from the application and are subject to a separate application also before this Committee for consideration.

In view of the differences in the scheme it is necessary to examine whether they are of sufficient merit to overcome the Secretary of State's objections to the previous scheme to a point where planning permission could be granted.

The applicants have reduced the total number of dwellings for which planning permission is sought from 250 to 230, then 205 and now to 168. This has been as a result of discussions relating to the indicative plans and the previously proposed extensive use of mews-style housing which is uncharacteristic in the area. The revised figures still include the 98 dwellings within Phase 6 for which planning permission was granted in the past but which has now lapsed. The application therefore proposes an increase of 70 dwellings over and above previous approvals and would take the total number for the new settlement of Flitch Green to 928. A large proportion of the dwellings would be located within the identified settlement boundary shown on the Oakwood Park Inset Map and therefore, their development is in accordance with Local Policy 1.

However, some 57 dwellings, representing two thirds of the proposed dwellings,

would be located outside the defined settlement boundary of Flitch Green on land to the north of the Stebbing Brook. This land, between the settlement limits of Flitch Green and the Stebbing Brook, was also formerly part of the Felsted Sugar Beet Works and therefore may be regarded as brownfield land. Much of this part of the site has not yet been remediated and some of the topsoil from the rest of the development is stored on parts of the site. Oakwood Park Local Policy 1 makes provision for landscaping beyond the development boundaries and the approved 2004 Masterplan shows this area being developed as playing fields and sports pitches for the new settlement with the community building nearby. The playing fields/cricket pitches are shown to be linked by a green corridor to the village centre to the north.

The proposed housing would, in effect, displace the playing fields and the green corridor, linking the two areas of community facilities, is lost within the illustrative layout so that the main areas of landscaping and open space are largely peripheral to the housing areas.

The current application does not include the 75 houses formerly proposed adjacent to Felsted and within open countryside on a greenfield site. This was a major concern to the Inspector and the Secretary of State in the 2007 appeal decision who concluded that there is little in the housing policies of the Local Plan that would lend support to the expansion of Felsted. This therefore, formed one of the main reasons for the dismissal of the appeal. The Inspector accepted that the land to the north of Stebbing Brook was brownfield land but considered that it was also beyond the defined settlement limits of Flitch Green and would not be in accordance with the housing areas identified in the approved masterplan or referred to in ULP Oakwood Park Local Policy 1. The policy background has not changed and therefore, the current proposals are also contrary to Local Policy 1 and Policy S2 which require development to take place within the defined boundaries.

The applicants have argued that the proposed development makes more efficient use of brownfield land and will contribute to making up the shortfall in Uttlesford's 5-year housing supply. They also quote various recent appeal decisions where permission has been granted, largely because of the respective local authority's lack of a 5 year supply. As such they argue that it represents a special reason to justify the development of housing on land defined as countryside.

The issue of Uttlesford's 5 year supply was also debated at the previous appeal and the Secretary of State agreed with the Inspector that it was reasonable to conclude that Uttlesford had less than a five year supply of deliverable housing sites in the District. The Secretary of State considered that weight should be given to that factor in determining the appeal but that there was still a need to consider whether the development was acceptable in planning terms.

It is a fact that the current Secretary of State and the Inspectorate continue to allow some appeals on sites that extend settlements into the countryside where Local Planning Authorities have not been able to demonstrate a five year deliverable supply of housing and contrary to other policies of the respective Development Plans. These appeals highlight the emphasis that the current Government places on bringing forward sufficient housing development in compliance with the requirements of the now superseded PPS3 and the NPPF.

The previous appeal was determined during the period when only two of the four main housing allocation sites within the District were actively being built. Since that time, both Rochford Nurseries/Foresthall Park and Priors Green/Takeley have come on stream and the number of housing completions has increased over the period from 2007 to 2010 but appears to have slowed more recently. Woodlands Park has continued at its previous slow rate whilst Oakwood Park/Flitch Green has been

developed at a steady rate but this is slowing largely because of the remaining development land being located within the Cordon Sanitaire. The Council has moved from a short period of an excess of a 5 year supply of housing land in 2009 to a shortfall within the District as demonstrated by the most recent Housing Trajectory and Statement of 5-Year Supply and Housing Supply Report at December 2011. This states that the District can only demonstrate an 81% supply equating to 4.1 years.

The historical shortfall on completions referred to by the applicants has continued and the District is therefore in a similar position in terms of 5 year supply that it was at the time of the previous appeal. The applicants have referred to the recent decision at Elsenham where the Inspector granted planning permission for 190 dwellings on a brownfield site outside settlement limits, on the basis that Uttlesford could not demonstrate a 5-year supply.

The applicants argue that there are similarities between the Elsenham case and the current applications and that the Flitch Green site should be considered favourably in the context of PPS3/NPPF in that it could contribute to Uttlesford's five year housing supply. Furthermore, the site is a brownfield one and therefore one which is favoured over Greenfield sites.

Since the submission of the revised details, the Government has published the National Planning Policy Framework (NPPF) which supersedes all the PPG's and PPS's including PPS3. The NPPF continues the advice contained in PPS3 by encouraging the effective use of land by reusing land that has been previously developed (brownfield Land), provided that it is not of high environmental value. Furthermore it also continues to require Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%. In view of this advice, the Council still demonstrates a shortfall in housing land and one which has been made larger when the required buffer is taken into account.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

It is clear from the above that in relation to the requirements of the East of England Plan the Council cannot demonstrate a 5-year supply of housing. This was demonstrated in the Elsenham appeal referred to above and to the more recent Woodlands Park appeal where the Inspector considered that the slow delivery at the site would not contribute to the Council's five year supply. The Council has set a locally derived housing target. It is the Council's intention to prepare a Local Plan based on a locally derived housing target of 5070 (2013-2028) with an annual completion rate of 338. The Council is progressing with the Local Development Framework (LDF) but is still at an early stage with submission of the Plan expected in March 2013.

At this stage however, the assessment of five year supply relates to the RSS requirement and the Council has accepted that it does not have a five year supply when assessed against that target. The applicants have maintained that the housing is deliverable and these houses would be able to assist the District's deliverable five year supply as required by the NPPF and the Regional Strategy. It is accepted therefore that the proposed housing would assist the overall supply of housing and

would be located on one of the few brownfield sites within the District that can be brought forward for housing. Both these matters should be given weight in the determination of these applications but they also have to be balanced against whether the proposals are acceptable in planning terms, in accordance with other requirements of the NPPF.

The applicants have also confirmed that, as with the previous appeal proposal, the current applications will provide 40% affordable housing. This represents some 67 dwellings and is in accordance with ULP Policy H9. The issue of affordable housing was given extensive consideration at the last appeal and the Secretary of State accepted the Inspector's assessment that there was an urgent requirement for the provision of a substantial number of affordable dwellings in Uttlesford. At that time it was anticipated that there would be a backlog of affordable housing of some 3,200 units by 2011 and that the 96 proposed at that appeal would make an important contribution to the supply. In view of this the Secretary of State gave significant weight to the provision of affordable housing in the appeal.

The appeal took place in 2007 and the information provided to the Inquiry on affordable housing within the District was based upon the Housing Needs Survey 2004 and the update of 2005. The Council has now published its Strategic Housing Market Assessment (SHMA) which analyses the entire local housing market within Uttlesford and its partner authorities. The SHMA provides a more up to date picture of the level of need and supply of affordable housing. This identifies a need of some 5,600 intermediate affordable and social rented housing by 2026, which would necessitate some 300 dwellings per year. This compares to a previous draft Affordable Housing Strategy prepared in August 2009 for consultation purposes that indicated an estimated annual need of 744 affordable homes. Whilst the SHMA provides a more evidenced based study to inform the Development Framework and policies of the District Council, it nevertheless highlights that the delivery rate remains low and there continues to be a pressing need for affordable homes within the District and a continuing backlog in their provision.

As was the case at the appeal, the situation within the District remains 'pressing' and the affordable units that would be provided by these applications would make an important contribution to the supply of these units. The Council is currently falling short of its corporate target of providing at least 100 affordable units per year. It is therefore acknowledged that this aspect of the application should be given considerable weight in the determination of this application.

As highlighted above, virtually all of the proposed housing proposed in these applications would be located on land which is covered by the Cordon Sanitaire for the Sewage Treatment Works. This land is subject to a legal Agreement which prevents development taking place within the Cordon Sanitaire other than as set out in the Agreement. This effectively prevents the housing being provided until the Cordon Sanitaire is either removed through the upgrading of the STW or the Agreement is amended. Unlike the appeal proposal, the STW site is not included within the current application sites and no information has been provided as to when, or if, the STW will be upgraded.

The applicants have advised that the site can be developed and have provided a possible timetable for development:

2012 -	-	Outline consent granted for application
2012 – Winter	-	Site Marketed
2013 – Summer -	-	Reserved matters approval
2014 -	-	Start on site

2015 - 2017 - 168 houses delivered including affordable units  
(based upon the previous delivery rates of approx. 90 per year over last 9  
years)

The above timetable assumes that development can take place and that the Cordon Sanitaire will be lifted. There has been considerable uncertainty during the course of the application about the actual deliverability of the dwellings on this site because of the Cordon Sanitaire and the applicants have recently written to clarify matters. They have stated that there have been a number of meetings with Anglian Water and they have entered into a confidentiality agreement with Anglian Water. These discussions will be concluded once the planning decision is issued.

The uncertainty of the delivery of the housing is not in itself sufficient to warrant the refusal of planning permission. Case law has confirmed that planning permission can still be granted when there is uncertainty about the delivery of the development. Furthermore, earlier planning permissions granted by the Council included land within the Cordon Sanitaire and some 66 of the 95 houses in Phase 6 are located within the Cordon Sanitaire. No objections have been received from Environmental Health and there is no objection in principle to the development of these houses should Anglian Water and the applicants reach agreement on the lifting of the cordon sanitaire.

The applications originally proposed 2 retail units and a D1/D2 unit on the car park for the community building at Flitch Green. These have been omitted in a recent revision to the application and are now the subject of a separate application on land identified for the public house adjacent to the village centre. The current applications propose a new area of car parking to serve the sports pitches to the south of the Brook. This is to be located to the north and east of the community building.

**B) The adequacy of the proposed community facilities (RSS Policies ENV1, ENV7 & ULP Policies Local Policy Oakwood Park 1, GEN2, GEN6, LC2, LC3, LC4);**

The NPPF requires that planning policies and decisions should promote high quality inclusive design and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. They should establish a strong sense of place and optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of the developments) and support local facilities and transport networks. The NPPF also promotes access to high quality open space and opportunities for sport and recreation. ULP Oakwood Park Local Policy 1 requires that the development at Oakwood Park should provide for a local centre and that development should be implemented in accordance with the Masterplan.

Although the application is in outline only and the submitted plans are indicative, the previous suggested housing layout presented a somewhat uniform layout but was an improvement on previous schemes which appeared cramped and out of character with this rural setting. The most recent amendment significantly reduces the numbers of houses proposed and allows a more open design. Furthermore, the reduction in the number of dwellings has allowed an area of open space to be created next to the community building which can be used for casual use/play. This area has been introduced to address criticisms and concerns that the development of the playing fields to the south of Stebbing Brook would not encourage casual use and would not be safe for children to play as there is no surveillance. In addition, following suggestions by the Parish Council, the applicants have relocated the MUGA so that it is at the side of the Community Building to allow natural surveillance. They have also introduced a skate park on part of the open space.

The major areas of open space to be provided for the inhabitants of Flitch Green are

now intended to be located to the south of the Brook and only accessible from the settlement they are intended to serve via a pedestrian/cycle bridge across the Brook. The community building which has already been built and which contains changing facilities will also be divorced from the playing fields by the Brook. Earlier proposals showed housing adjacent to the Community Building and concerns were expressed about the proximity of housing and the potential impact on residential amenity arising from the future activity and use of the Hall which could serve to restrict the ability of the Hall to cater fully for the needs of the residents of the settlement. Housing has now been moved further away and should not impinge on the operation of the community building.

The Masterplan shows the sports field adjacent to the community building. The relationship between the two would provide an important feature for the settlement as it would allow this area to be the focus of social and sporting events which are capable of bringing together the community and which are characteristic of village life. Furthermore, as envisaged in the Masterplan, the village green would be overlooked by adjacent housing and the community building and would provide a safe and secure environment for informal play by children as well as for formal games and sports.

The proposed area of open space adjacent to the community building would introduce some green space within the community and would partly compensate for the loss of the green corridor, proposed in the Masterplan to link the village 'green' adjacent to the shops, to the playing fields. The 'green' remains and is already in place but it and the corridor were the only areas of green space proposed to be located within the settlement. Virtually all the rest, including the playing fields were peripheral and outside the development limits. It is considered that the upgrading of the required NEAP to a MUGA will allow greater use and will be used more intensively by the young. The introduction of the skate park will also concentrate activity in the area adjacent to the community building whilst the parkland and the playing fields to the south of the Stebbing Brook, would provide a wider range of recreational and sporting activities than was originally envisaged in the Masterplan. Nevertheless, the areas of open space at Flitch Green are now peripheral to the settlement.

Some 690 dwellings have been constructed and occupied at Flitch Green to date with little in the way of community facilities being provided to help the settlement become more sustainable. This is a principal concern and one of the main objections to the development by the residents who fear that additional dwellings will be allowed in advance of the facilities being provided. At present, the new settlement of Flitch Green has no substantial green areas serving the settlement and only small areas of incidental open space and Local Areas of Play (LAP's), two of which are not yet constructed and would be included within the proposed housing area. It is considered that none of the dwellings should be occupied until all the facilities are provided and are available for use. This would need to be conditioned and part of the Section 106 agreement.

It is considered that the most recent changes to the indicative plan by the provision of a large area of open space next to the Community Building together with the MUGA and the skate park will help to compensate for the relocation of the playing fields/sports pitches south of the Stebbing Brook and would avoid the total separation of all of the main recreational areas from the community building. A pavilion is proposed with the new sports pitches which will provide storage and changing accommodation and the community building would therefore provide additional, rather than the main, changing facilities. A car park is proposed adjacent to the MUGA which will provide the car parking for the sports field.

Access to the playing fields will be via a bridge across the Stebbing Brook. This is to

be a joint pedestrian/cycle bridge which is suitable for wheelchair access and will be constructed up to adoptable standard. This bridge is also included within the application for the playing fields (UTT/0190/09/FUL).

In addition to the above, the current application proposes that an area of parkland is created to the south of the Stebbing Brook, located between the proposed new playing fields and the houses on Station Road, Felsted. This parkland, intended to be amenity land for Flitch Green, would also be accessed by the cycle/pedestrian path and bridge across the Brook and would have footpath links to Station Road. The parkland would abut the playing fields and the nature reserve to the south, proposed under the UTT/0190/09/FUL. When calculated with these areas, the proposed parkland would create a significantly larger area of open space than was originally proposed by both the masterplan and the original grant of planning permission for Flitch Green. Whilst this parkland is divorced from Flitch Green, the settlement it is primarily intended to serve, the applicants have advised that it is only 2.5 minutes' walk from the community building and 8 minutes from Phase 2b. The parkland represents an additional facility over and above that proposed in the previous appeal and the issue of landscaping of this site and its relationship with Flitch Green did not arise in the 2007 appeal as the site was proposed for housing.

The most recent neighbour consultations have raised concerns about the development, primarily about the current lack of facilities and that the playing fields are to be located south of Stebbing Brook and therefore are not so conveniently located for use by Flitch Green residents as those proposed in the Masterplan. Concerns are also raised that they are to be located in Felsted Parish and therefore, have the potential to link the two settlements. The land is within a different parish (Felsted) but it is not considered that the parish boundary is a matter which should prevent planning permission being granted. The application indicates that the current ground levels would be increased through the importation of the fill presently stored on the land proposed for housing to the north. The area proposed for the parkland is currently used for storing soil from the Flitch Green development and it is anticipated that this would remain. Some contouring is proposed but the final levels would be the subject of the reserved matters application. The fill would be imported via a temporary crossing over the Stebbing Brook.

Oakwood Park Local Policy 1 makes provision for substantial landscaping beyond the development boundaries to complement the layout and arrangement of buildings and to create a broad landscaping swathe beside the River Chelmer and Stebbing Brook. The parkland is not required under Oakwood Park Local Policy 1 but it would contribute to the wider landscaped setting of the settlement as well as Felsted. The parkland will incorporate woodland, tree planting and hedgerows which will provide a natural and visual separation between the two settlements as well as enhancing the wider setting of Flitch Green.

Policy LC4 of the Local Plan allows outdoor sport and recreational facilities to be located beyond development limits and the parkland is therefore considered to be in accordance with this policy. It is not considered that the use of the land would give rise to any issues of unacceptable impact upon the amenities of the residents of Station Road although the parkland would be available for use by members of the public. With regard to the buffer between Felsted and Flitch Green, the Secretary of State's concerns related primarily to the then proposed road and large pavilion. These are not carried forward into the current proposals.

The development will increase the population at Flitch Green and the Local Education Authority consider that this will give rise to a need to provide additional school places at the new junior school and therefore require a contribution in accordance with their policy. This is a matter which would need to be included within a Section 106 Agreement.

**C) Highway and access implications. (RSS Policy T8, T9 & ULP Policy GEN8)**

The development as proposed utilises the existing distributor roads for Flitch Green and the Highway Authority has raised no objections to the proposals subject to conditions. The applications originally showed a bus turning circle on the land to the north west of the school to allow bus penetration into Flitch Green. However, this has now been removed in the recent amendments following the Highway Authority's confirmation that it did not require bus penetration into Flitch Green as the bus stops on the main road would be sufficient.

**D) Other material planning considerations**

The latest change to the illustrative layout has demonstrated that an acceptable housing layout could be achieved. This would be at a lower overall density than has been proposed on the rest of the settlement and will avoid the need for garage courts within this part of the development. The area of open space will contribute to a more spacious environment in the southern part of Flitch Green.

In addition to the details referred to above, the applicants have submitted extensive information on Flood Risk, Water Conservation and Ecology, Utilities, Earthworks, Noise impact and Code for Sustainable Homes. For the most part the information provided in these studies and reports are acceptable. The Environment Agency (EA) originally objected to the Flood Risk Assessment but additional information has been provided to the EA to address the issues and its objection has been withdrawn. The applicants are currently reviewing the information provided within the Ecology Reports and this is to be submitted prior to the committee meeting.

**11 CONCLUSION**

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

The application has overcome the major objections that resulted in the Secretary of State's dismissal of the last appeal in that they do not propose new housing development on land to the south of Stebbing Brook. However, it still involves housing development beyond the development limits of Flitch Green as defined on the ULP Oakwood Park Inset Map and the resulting displacement of the playing fields and sports pitches to the south of the Stebbing Brook.

The application involves residential development on one of the few brownfield sites within the District. Furthermore, the development would provide 40% affordable housing and would be in accordance with the requirements of ULP Policy H9. Both of these matters are in accordance with Government Policy and should be given considerable weight in the determination of these applications.

The development would contribute to the Council's 5-year deliverable housing supply. The Council cannot demonstrate a deliverable five year supply and the provision of the additional housing would therefore contribute to this supply. Recent government guidance now places strong emphasis on Council's demonstrating a deliverable five year supply of housing but that development should also be considered against the planning merits of the case.

In this instance, the scheme would bring about a departure to that proposed in the approved Masterplan for Oakwood Park and the approved Design Guide. The design set out in the Approved 2004 Masterplan reflects the traditional Essex village with a central core of shops and a peripheral cricket pitch/sports field/open space adjacent to the Community building which was envisaged to provide a focus for activities and events in the village. The current design presents a departure from that design and



places the new sports provision and the majority of the useable open space for the inhabitants in a location which is more remote and divorced from the settlement it is intended to cater for. However, following discussions with the applicants, this has partly been mitigated by the inclusion of an area of open space adjacent to the community hall which will allow casual use and play, especially for the younger sections of the community. Furthermore, the location of the playing fields and open parkland, in open countryside and slightly separate from the settlement it is intended to serve, is not unusual and would not prevent the facilities from being used.

The development would bring about additional housing on a brownfield site together with badly needed affordable housing. The housing if provided, could also contribute to the District's deliverable 5 year supply. The development would also bring about a considerable benefit in terms of nature conservation and enhancement and would ensure the provision of sports facilities that are badly needed in this settlement which has been developed over the years with few facilities.

The grant of planning permission will allow the final stages of Flitch Green to be completed. The settlement would be provided with an enhanced level of recreational facilities and open space in a location which is still easily accessible to the inhabitants.

#### **RECOMMENDATION –CONDITIONAL APPROVAL WITH AMENDMENTS TO SECTION 106 AGREEMENT.**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph II unless by 19 October 2012 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive-Legal, in which case he shall be authorised to conclude such agreement to secure the following:
  - (i) Pro-rata uplift in the community payment for education of £501,631 to provide additional primary school places and £175,500 to provide secondary school transport.
  - (ii) Provision of 40% affordable housing.
  - (iii) The construction and provision for use of the open space, parkland, MUGA, skate park and LAP's together with the sports fields, pavilion, access bridge and car parking approved under UTT/0190/09/FUL, before the occupation of any of the dwellings approved under UTT/0365/09/OP
  - (iv) The transfer and future maintenance of the community facilities contained in (iii) above.
  - (v) Highway Contribution of £50,000 towards any remediation highway works following the completion of construction.
  - (vi) Pay Council's reasonable costs.
- (II) In the event of such an amended agreement being made, the Assistant Director of Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.
- (III) If the freehold owner shall fail to enter into such an Agreement, the Assistant Director of Planning and Building Control shall be authorised to refuse permission for the following reasons:
  - (i) No uplifted community payment.
  - (ii) No provision of affordable housing.
  - (iii) Lack of open space/sports facilities to serve the community of Flitch Green.

## CONDITIONS

1. Approval of the details of the layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.  
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.  
  
(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.  
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. No development shall take place until a Master Plan setting out a comprehensive scheme for the development of the site has been prepared by the Applicant and approved in writing by the Local Planning Authority. The Master Plan shall include details of any timing or phasing of construction for the site. Development shall be carried out in accordance with the approved Master Plan subject to any amendments or modifications which may from time to time be approved in writing by the Local Planning Authority.  
REASON: To ensure a satisfactory form of development in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005).
4. No dwelling shall be occupied until the areas of public open space to be identified on the masterplan required by Condition 4 have been constructed and are made ready for use.  
REASON: To ensure a satisfactory form of development and in the interests of the amenities of the residents of the area in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005) and the Council's Supplementary Planning Guidance – Accessible Homes and Playspace.
5. Within 3 months of the date of this permission, full details of the design of the multi-use games area (MUGA) and skate area will be submitted to the Local Planning Authority. The approved design will be implemented in accordance with the approved plans within 6 months of the date of the condition being discharged.  
REASON: To ensure a satisfactory form of development and in the interests of the amenities of the residents of the area in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005) and the Council's Supplementary Planning Guidance – Accessible Homes and Playspace.
6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

i proposed finished levels or contours;

ii means of enclosure;

- iii car parking layouts;
- iv other vehicle and pedestrian access and circulation areas;
- v hard surfacing materials
- vi minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- vii. proposed and existing functional services above and below ground (e.g. drainage power,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is brought into use and any dwelling is occupied or in accordance with the programme agreed with the local planning authority.  
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
8. No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading, levelling and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.  
REASON: In the interests of the appearance of the site and area in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
9. A schedule of maintenance of the trees until successfully established is to be submitted to and agreed in writing with the local planning authority prior to occupation of the development. The schedule shall include provision for replacement planting should establishment fail and be implemented in accordance with the approved details.  
REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).
10. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.  
REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).
11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas,

other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.  
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

12. No development shall take place until a fully detailed programmed of works, with a timetable, relating to nature conservation and management has been submitted to and approved in writing by the Local Planning Authority. Subsequently, the works and management shall be carried out in accordance with the approved programme or modifications which may from time to time be approved in writing by the Local Planning Authority. This should include a Construction Environmental Management Plan (CEMP) which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the protection and enhancement of nature conservation interests at the site in accordance with Policies GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

13. No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to the site at any time on Sundays or Public Holidays, or before 8.00am or after 6.00pm on Monday to Friday or before 8.00am or after 1.00pm on Saturdays. All building or construction materials shall be stored within the site and no materials deposited on the public highway.

REASON: In the interests of the amenity of the area in accordance with Policies GEN2, GEN4 and GEN7 of the Uttlesford Local Plan (adopted 2005).

14. The dwellings shall achieve Level 3 of the 'Code for Sustainable Homes'. No dwelling shall be occupied until the final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In the interests of the promotion of sustainable forms of development and construction and to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy adopted October 2007.

15. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

16. Before development of the dwellings commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection

facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.

REASON: To meet the requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)..

17. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use.  
REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in the adopted SPD Accessible Homes and Playspace adopted November 2005.
18. No building shall be occupied until works for the drainage/ sewage disposal works have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.  
REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 Uttlesford Local Plan (adopted 2005).
19. Any trees proposed within the highway must be agreed in writing with the Highway Authority and such trees shall be sited clear of all underground services and visibility sight splays and must be laid out to complement the street lighting scheme. All proposed tree planting must be supported by a commuted sum, to be agreed with the Highway Authority, to cover the cost of future maintenance.  
REASON: In the interests of highway safety and the appearance of the site and the area in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).
20. Prior to the opening for use of each section of road, street lighting shall be installed for use in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety and the appearance of the site and the area in accordance with Policies GEN1 of the Uttlesford Local Plan (adopted 2005).
21. Prior to the commencement of development details of the provision of suitable temporary construction access arrangements, including appropriate visibility splays and access, temporary traffic management/signage and wheel cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas, turning, off-loading and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved for the duration of the construction phase.  
REASON: In the interests of highway safety and efficiency in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
22. Prior to the commencement of development details of how and when Condition Surveys are to be undertaken of any adopted estate roads that coincide with the site access route, including the junction of Tanton Road with Station Road shall be submitted to and approved in writing by the Local Planning Authority. Surveys to be undertaken by the developer/contractor with the Highway Authority present, to ensure any damage occurring to the existing roads as a result of construction traffic during development be made good by the developer, to be undertaken at the following stages:
  - i. A "Before" survey before to the commencement of the development

- ii. An "After" survey following the completion of the construction stage of the development

The measures shall subsequently be implemented as approved.

REASON: To avoid permanent damage to the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

**Note:** This is to be supported by a £50,000 bond for use in connection with the remedial measures required following completion of development.

23. Prior to the commencement of development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

24. Prior to the commencement of development, details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

25. The parking provision for cars, cycles and powered two wheelers should accord with the requirements of the Parking Standards Design and Good Practice guide dated September 2009 unless a reduced figure is agreed by the Local Planning Authority. Details to be submitted to and approved in writing by the Local Planning Authority and subsequently implemented as approved.

REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

26. All vehicular hardstandings shall have minimum dimensions of 2.9metres x 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

27. All vehicular hard standings which are bounded by walls or other construction shall have minimum dimensions of 3.9 metres x 5.5 metres.

REASON: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety area in accordance with Policies GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005)..

28. The aisle width of the parking area for the sports pitches shall have a 6 metre minimum width.

REASON: To ensure adequate space for manoeuvring in the interest of highway safety area in accordance with Policies GEN52 and GEN8 of the Uttlesford Local Plan (adopted 2005).

29. Details pertaining to the accommodation of the Definitive Route of Public Footpath 59 shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented as approved. Such details to include waymarking and signage.

REASON: In the interests of the safety of all users of the Public Right of Way in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005)..

30. Details of bus stop upgrades to include flag, pole, timetable board and real time information to the three bus stops on Station Road in the vicinity of the site to be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved before first occupation of the development.

REASON: In the interests of promoting sustainable transport in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005)..

31. The details of a 3m wide, surfaced, footway/cycleway to adoptable standards to provide a connection between Station Road and the Community Hall at Oakwood Park via the sports pitches shall be submitted to and approved in writing by the Local Planning Authority. The connection from Station Road to be located between no. 63 and the Sewerage Treatment Works. The measures shall subsequently be implemented as approved before first occupation of the development.

REASON: In the interests of sustainability and accessibility in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

32. The details of a package of directional/routing signs clearly directing people to the community centre/sports pitch parking from Station Road along Tanton Road, as well as signs at the junction with Barnard Road and the sewage treatment works indicating access should be taken via Tanton Road, to be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved before first occupation of the development.

REASON: In the interests of sustainability and accessibility in accordance with Policies GEN1 and GEN2 of the Uttlesford Local Plan (adopted 2005).

33. The discharge rate from network 1 within the surface water sewer system should remain at 110 l/s.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with PPS25 paragraph F6.

34. The discharge rate from network 2 within the surface water sewer system should remain at 75 l/s.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with PPS25 paragraph F6.

35. Prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

1. A preliminary risk assessment which has identified:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving

full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the date that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: to ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with the approved details in the interests of protection of Controlled Waters in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

36. Prior to the occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON: to ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with the approved details in the interests of protection of Controlled Waters in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

37. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

REASON: to ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with the approved details in the interests of protection of Controlled Waters in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

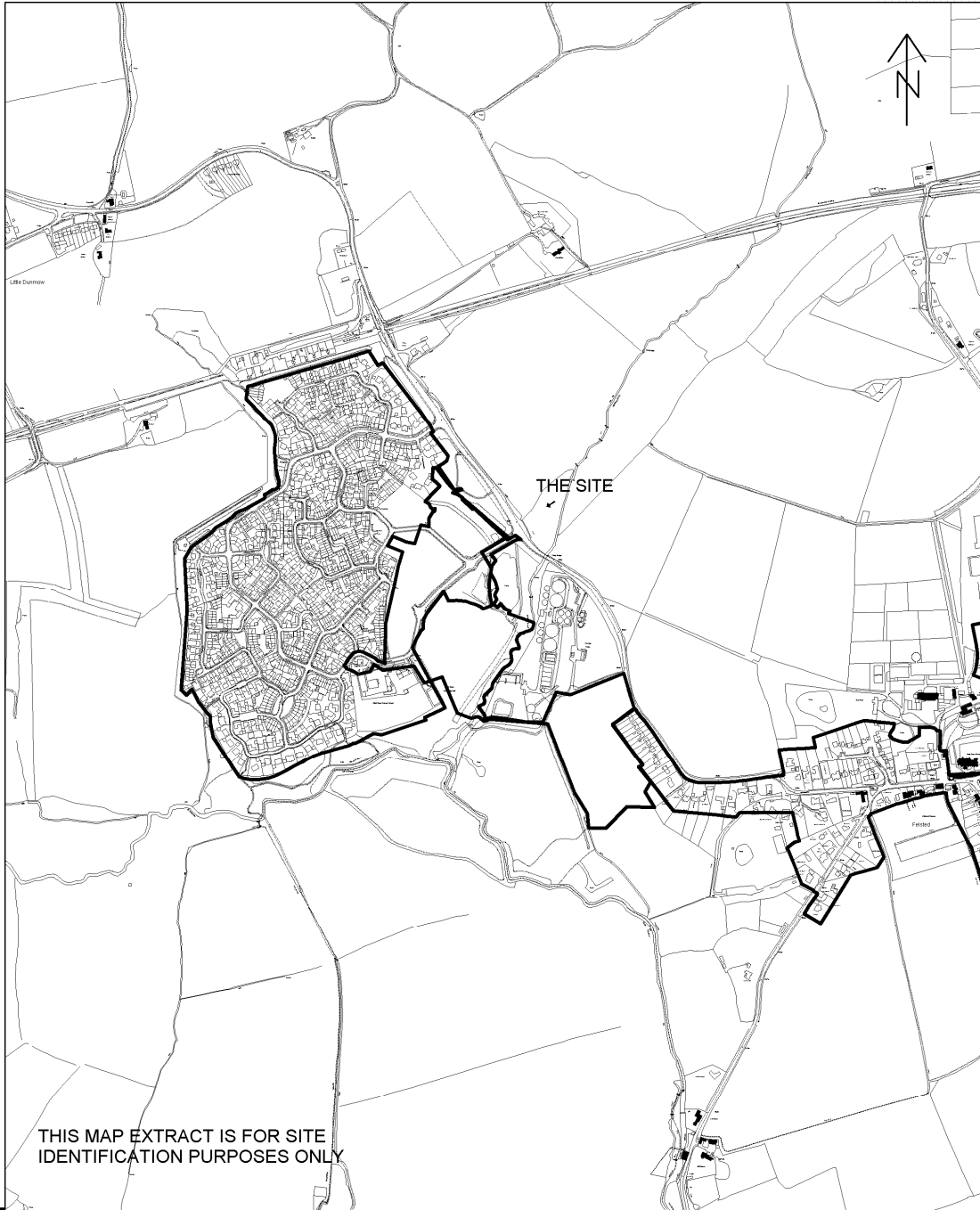
38. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: to ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with the approved details in the interests of protection of Controlled Waters in accordance with Policies ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

39. Prior to the commencement of development, a scheme of pollution control measures shall be submitted to, and agreed in writing with, the local planning authority and implemented as approved.

REASON: To avoid soil and silt run off and other pollution incidents during the construction phase in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).





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