

UTT/0190/09/FUL - FLITCH GREEN / FELSTED

PROPOSAL: Construction of two sports pitches, cricket square, nature reserve, access bridge, sports pavilion and associated landscaping and other works

LOCATION: Flitch Green

APPLICANT: Enodis Ltd and Enodis Property Developments Ltd

AGENT: Ms J Bean, G L Hearn

GRID REFERENCE: 669-203

EXPIRY DATE: 18/06/2009

CASE OFFICER: Consultant (Alison Hutchinson)

APPLICATION TYPE: MAJOR

1 NOTATION

1.1 ULP: Outside Settlement Boundary / Policy Area boundary of Oakwood Park Local Policy 1

2 DESCRIPTION OF SITE

2.1 The site occupies open land to the south of the Stebbing Brook and includes a field at the rear of a row of houses on the south west side of Station Road, Felsted. The site also includes a small area of land to the north of Stebbing Brook at the rear of the newly constructed Community Building and adjacent to the school playing field.

3 DESCRIPTION OF PROPOSAL:

3.1 Amended proposals for the construction of senior and junior football pitches and a cricket square, nature reserve, a 3.0metre wide access bridge, sports pavilion, and associated car parking, landscaping and other works.

4 APPLICANT'S CASE

4.1 The proposed new nature reserve is located predominantly to the west and south of the sports pitches, a small section to the west of the proposed car park and includes part of the Felsted Fen and the Stebbing Brook. The majority of the nature reserve will not have public access but a number of footpaths are within close proximity of the reserve.

4.2 The sports pitches are constructed to the south of Stebbing Brook on former sugar beet works land. The pitches are therefore accessible to the rest of the settlement and to Station Road via an access bridge for pedestrians and cyclists from Flitch Green. The proposed pitches are sufficient for both senior and junior play with the junior pitch being capable of being used for either Under 16/15 or U11/12. Uttlesford District Council and Sport England had required two under 15/16 pitches but the current revised provision of an adult pitch and a flexible junior pitch follows a direct request from the Parish Council.

The cricket square is proposed in between the two sports pitches and is orientate north/south to prevent glare from the sun.

The construction of the pitches will necessitate an adjustment to the level of the existing land resulting in an increase in the height of the northern part of the land to the south of Stebbing Brook by approximately 0.5m.

The pitches are considered to be well positioned within the site and accessible via a number of pedestrian footpaths.

The design of the pavilion has been amended and it now provides changing facilities and storage area in addition to those contained in the community building. It has also been repositioned closer to Flitch Green and is only 50m from the proposed car parking north of the Brook.

Access will be via the bridge across the Brook which has been designed to enable easy access by disabled persons resulting in leisure facilities that are accessible and available to all.

The applicants have confirmed that subject to the Committee being minded to grant planning permission by the end of April, construction of the playing fields could start within 3 months and the playing fields would then be available for use by June 2013.

5 RELEVANT SITE HISTORY

- 5.1 The land currently proposed for the sports pitches was included in the following applications:
- 5.2 UTT/0302/96/00 - 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. A Section 106 tied to this permission regulates the provision of the playing fields and the community facilities.
- 5.3 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 Challenge 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 the Planning Issues.
- 5.4 The site of the proposed nature reserve was also included in the following applications.
- 5.5 UTT/0903/98/FUL - temporary use of land for the storage of soil reclaimed from settlement lagoons on the adjoining sugar beet works for the duration of the development of the housing scheme on land to the rear of 35-63 Station Road, Felsted, allowed on appeal in 2000.
- 5.6 UTT/2152/04/REN - Renewal of UTT/0903/98/FUL to allow the continued storage of soil for a further period up to 1 April 2009.

6 POLICIES

6.1 National Policies

The National Planning Policy Framework (NPPF)

6.2 East of England Plan 2006

Policy SS1 Achieving sustainable development
Policy T8 Local Roads

Policy T9 Walking, cycling and other non-motorised transport
Policy ENV1 Green Infrastructure
Policy ENV3 Biodiversity and Earth Heritage

6.3 Essex Replacement Structure Plan 2001

Policy: NA

6.4 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 LC2 Access to leisure and cultural facilities
Policy LC3 Community Facilities
Policy LC4 provision of Outdoor Sport and Recreational Facilities beyond
Development Limits
Oakwood Park Local Policy 1/Masterplan (2004)

6.5 Supplementary Planning Documents

Accessible homes and play space (Nov 2005)
Energy Efficiency and Renewable Energy (October 2007)

7 PARISH COUNCIL COMMENTS:

7.1 Fritch Green Parish Council- No comments received on original application.

7.2 *Re-consultation following amendments to the scheme:* Object to the proposal. The proposals are a dramatic shift from the original application to create the sports pitches and cricket square in the current boundaries of Fritch Green to the north of the brook. Whilst some of the associated facilities are an improvement to the original plan, the parish council has concerns about the new proposed location of not just the sports pitches but also the MUGA. In addition the plans show two junior pitches and the Parish Council considers it is essential that an adult playing pitch is also available to the residents.

7.3 *Re-consultation following recent amendments to the scheme:* Strongly oppose the application on the grounds that it would represent a dramatic shift from the original application to create the sports pitches and cricket square within the current boundaries of Fritch Green to the north of the brook. The developer is proposing to build the sports facilities outside the master plan site of Fritch Green in the neighbouring parish of Felsted which is not overlooked by either passing traffic or residents and presents significant safety concerns for children.

7.4 The Parish Council continues to assert that the sports pitches and facilities should be constructed within its own parish and that this proposal would facilitate the detrimental merging together of the communities of Fritch Green and Felsted.

- 7.5 The Parish Council considers that UDC Local Plan Policy S7 applies to this site in open countryside and asserts that the development is inappropriate. The development does not satisfy the criteria in Policy LC3 of the Local Plan for the following reasons; there is no need for the facility in Felsted but it is required in Flitch Green; the earlier site is still available and the need can be met within the boundaries of Flitch Green; it is not well related to Flitch Green being nearly a mile by road from the furthest point in Flitch Green.
- 7.6 Furthermore, if classified as 'permitted development' the construction of the playing fields would significantly erode the separation between the two communities and make the eventual coalescence of the two built up areas more likely.
- 7.7 The Parish Council believes that the development of the proposed site would increase the need for on-street parking for teams visiting the proposed Playing Field and would generate additional traffic on Station Road and Tanton Road. Both parking and traffic would be unacceptable on the grounds of safety and amenity.
- 7.8 Felsted Parish Council – Vehemently opposed to the application 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.
- 7.9 The proposed playing field site, in Felsted, is remote from its community, and has inadequate access. It is not a development needed by the Felsted community, yet is proposed to be sited within, but outside the development limits of Felsted Parish.
- 7.10 In addition, the sports field is not overlooked, presenting a potential risk to the security of those using the field.
- 7.11 The Adopted Local Plan actively discourages development that 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.
- 7.12 The proposed sports facilities should be provided within the Flitch Green Parish as has been agreed in previously approved version of the Master Plan.
- 7.13 *Re-consultation following recent amendments to the scheme:* Vehemently opposed to any development which would facilitate the merging together of the communities of Flitch Green and Felsted. The development is inappropriate and does not comply with Policy LC3 of the Local Plan for the following reasons; there is no need for the facility in Felsted but it is required in Flitch Green; the earlier site is still available and the need can be met within the boundaries of Flitch Green; it is not well related to Flitch Green being nearly a mile by road from the furthest point in Flitch Green.
- 7.14 Furthermore, if classified as 'permitted development' the construction of the playing fields would significantly erode the separation between the two

communities and make the eventual coalescence of the two built up areas more likely.

- 7.15 The proposal for playing fields to be constructed on Felsted country has already been considered and dismissed on appeal. The gap between the two communities and the protection of the separate identities was recognised by the Inspector and both the Inspector and the Secretary of State considered that the appeal proposals did not protect or enhance the character of the countryside and that the playing fields would not be conveniently located for Oakwood Park residents who would be likely to be deterred from walking or cycling and may well travel by car.

8 CONSULTATIONS

- 8.1 Environment Agency has no objections subject to implementation of compensatory storage scheme shown on drawing 02/109.
- 8.2 Anglian Water has made site-specific comments regarding connection to water supply and drainage.
- 8.3 Natural England Initial consultation -Minded to object to the application and to recommend that the local planning authority withhold planning permission until sufficient survey information has been submitted to demonstrate whether or not the development would have an adverse effect on legally protected species.
- 8.4 Following submission of surveys: Confirms that the proposals may have the potential to affect species protected under European or UK legislation and refers to their standard advice on protected species.
- 8.5 Sport England responded in a non-statutory capacity in respect of earlier scheme and on the assumption that the principle and location of the sports pitches were established. Sport England welcomed the principle of providing two football pitches but considered that the new pitches should be designed to meet local needs so that existing provision is not duplicated. Raised concerns about the layout and orientation of the football pitches and cricket green. Also raised concerns about the ground conditions and about the pavilion and the lack of proximity of the Community hall. Recommended that some disabled access parking is provided closer to the pitch
- 8.6 The all weather pitch (MUGA) that is part of the NEAP should be the optimum size of 40x18m. and should be fenced.
- 8.7 Issues of future maintenance should be looked at.
- 8.8 *Re-consultation following amendments to the scheme:* Sport England is generally supportive of the plans for outdoor sports facilities at Flitch Green based upon the positive improvements to the scheme. The cricket square and football pitches have been re-orientated and the boundaries of the square and pitches have been changed so that they no longer overlap. The sizes of the football pitches have been changed to respond to local needs and the pavilion has been relocated to reduce the distance from the proposed parking area and to allow it to face east. The range of facilities provided by the pavilion has been enhanced to support the facilities rather than the facilities being partly provided by the community hall. The MUGA provides a significantly

enhanced all weather sports facility that would be more responsive to local needs and car parking is now closer to the MUGA and pavilion.

- 8.9 The consultation response states that compared to the location identified in the 2004 approved Oakwood Park Masterplan, the proposed location of the playing fields would still be less desirable. There remain issues of trees, change in levels making the site less integral to Flitch Green as it would be visually and psychologically divorced from the housing development and may result in less informal use of them by the new community. The lack of surveillance of the proposed pavilion and playing field is also a concern but because of the recent amendments, Sport England has concluded that the location is not unacceptable although compared to the location in the approved Masterplan, it is still less desirable and has a number of drawbacks that would not arise if the playing fields were located as proposed in the approved Masterplan.
- 8.10 Sport England would require a condition to be imposed requiring a ground condition assessment to be submitted and the results to inform the design of the playing fields. Sport England also requires a management/maintenance plan to be submitted unless the previous planning obligations for Oakwood Park already cover this.
- 8.11 *Re-consultation on Recently amended Plans:* Sport England is supportive of the amended plans. The two key changes from the 2010 amended plans enlarge the football pitch to a senior in response to meeting local playing pitch needs and relocates a MUGA adjacent to the community hall and introduces a skate park. The rationale for moving the MUGA to increase natural surveillance is supported as this is a better location of the MUGA in view of the fact that it will be used more intensively in practice by young people than the playing pitches. Improved natural surveillance would assist with child protection as well as enhancing security of the facility. Earlier comments still apply on other matters.
- 8.12 Local Highway Authority raises no objections subject to conditions requiring the provision of suitable temporary access, the safeguarding of Footpath 59, details of parking for two wheelers and restriction of the access from Station Road to the Sewage Treatment Works for maintenance and emergency access only. The Local Highway Authority has also requested contributions towards before and after surveys of the existing roads and towards any repairs necessary after their use by construction traffic. In addition an adoptable footpath/cycle way is required to link Flitch Green through to Station Road and the upgrading of the design of the bridge over the Stebbing Brook to adoptable standards.

9 REPRESENTATIONS

- 9.1 This application was advertised and 10 letters of objection were received to the original scheme on the following grounds:
- Concern expressed that residents have purchased houses on the understanding that the facilities would be easily accessible.
 - The facilities should form the heart of the Flitch Green along with the local amenities.

- The proposed location for playing fields is inappropriate and the previously agreed location is more accessible. The playing fields are so far outside the development that it would put young children at risk if they were to play unsupervised. Likely problems of vandalism and antisocial behaviour.
- The playing fields are too far away from the residents and this and the river crossing will limit how much they are used.
- The NEAP(now a MUGA) is also hidden from public view and means that it cannot be adequately be policed and has the potential for children to be bullied.
- The bridge over the Stebbing Brook is a dangerous means of access for young children.
- The bridge is not in keeping with its surroundings and a smaller structure would be more suitable.
- The playing fields targeted at Oakwood Park residents will be in the parish of Felsted and not Flitch Green.
- There will be issues for funding allocation and responsibilities that would not arise if the playing fields were sited in Flitch Green.
- The playing fields should offer an opportunity for a village league football club but with only pedestrian access to the fields the ground may be deemed unsuitable as it does not offer emergency vehicle access.
- The pavilion does not provide changing facilities and the Community building does not have adequate facilities for two teams as there are male and female changing rooms only.
- There is a lack of car parking for visitors. Furthermore, the distance from parking disadvantages the elderly/disabled from attending sports. Also will present difficulties for teams to transport equipment to the grounds and for police monitoring.
- No need for the heavy tree planting and turning the area into an urban 'New Town' pretend park.
- It will spoil the views of residents of Station Road.
- The site is outside the area scheduled for development and the village envelope.
- Development has already been turned down at two public inquiries.
- The development will join together two separate settlements
- The approved area in Oakwood Park should be used for the playing fields.
- This is an attempt to gain more houses on an already constrained site.
- It is inappropriate development in the countryside and would have a deleterious effect on the countryside and would create noise and have an effect upon the amenity of residents.
- Question the need to site the playing fields on open fields and the relationship of a nature reserve next to a sports field.
- The sugar beet factory is long gone and the development is on Greenfield land.

9.2 *Re-consultations following amendments to the scheme:* 11 further letters of objection have been received, 2 of which reiterate earlier objections and others raise objections already referred to above. Additional objections relate to:

- The timing of the surveys for protected species was not optimal

- The previous scheme was not commercially viable without the moving of the sewage works and now this one is.
- Contrary to Local Plan Policy LC3.
- Increased risk of flooding of the facilities due to increased run-off.
- Noise pollution from the playing fields.

10 APPRAISAL

10.1 The main issues 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 scope of the development (RSS Policies SS1, ENV7 & ULP Policies Oakwood Park Local Policy 1, GEN1, GEN2, LC2, and LC4 and PPS17.);
- B** Effect upon the character of the countryside and biodiversity (RSS Policy ENV1 & ULP Policies S7, GEN7, ENV7)
- C** Amenity issues for nearby residents (ULP GEN4) and
- D** Other material planning considerations

10.2 The application site was included within the appeal site determined by the Secretary of State in 2007 and the current proposals include the same components of playing fields, Nature Reserve and the enhancement of Felsted Fen. However, it varies from the appeal proposal in several significant ways:

- No housing is proposed to the south of Stebbing Brook.
- The position of the playing fields is moved from the rear of the Station Road properties to a position closer to the Chelmer River.
- No vehicular access other than emergency/maintenance access is proposed to the site. A foot/cycle bridge is proposed over the Stebbing Brook to serve the development.
- The sports pavilion is considerably smaller and positioned away from Station Road.
- The Sewage Treatment Works are excluded from the application.
- The Multi Use Games Area (MUGA) and Local Area of Play (LAP) are now located to the north of Stebbing Brook rather than the south and are included within the application for housing to the north UTT/0365/09/OP).

A) The principle and scope of the development (RSS Policies SS1, ENV7 & ULP Policies Oakwood Park Local Policy 1, GEN1, GEN2, LC2, and LC4 and PPS17.);

10.3 The playing field and sports pitches, a Local Equipped Area for Play (LEAP) and a NEAP are requirements of the original 1998 planning permission for the development of Oakwood Park and their timing and composition are set out in the Section 106 Agreement for that permission. The playing fields and sports pitches are to be in accordance with the National Playing Fields Association standards (now renamed FIT- Fields in Trust) and should have been laid out and ready for use before the occupation of the 501st dwelling. To date some 690 dwellings are occupied and none of the above facilities have been provided.

10.4 Satisfactory open space, sport and recreation facilities are also required by Criterion b) of ULP Oakwood Park Local Policy 1. Criterion c) of that policy

requires “substantial landscaping both within and beyond the development boundaries to complement the layout and arrangement of buildings and to create a broad landscaped swathe beside the River Chelmer and Stebbing Brook”. Development is also to be implemented in accordance with the Masterplan and design guidance approved by the Council.

- 10.5 The approved Masterplan shows the playing fields serving Oakwood Park, now Flitch Green, being located on land to the north of the Stebbing Brook. The playing fields would be located outside the development limits of the settlement and would be adjacent to the Community Building and School to the west, a small area of housing to the north and bordered by the River Stebbing to the south and east. A NEAP is shown to be located on the northern edge of the playing field adjacent to Tanton Road. Ponds and balancing ponds are shown on the northern side of the Brook and the spur of land extending to the south of the Stebbing Brook which is now proposed for playing fields was identified as the Nature Reserve, adjacent to the River Chelmer and Felsted Fen. A meadow divided the houses on Station Road from the Nature Reserve and did not form part of the Oakwood Park development site.
- 10.6 The current application changes the layout approved in the 2004 Masterplan and as with the appeal proposal, proposes the construction of the sports pitches to the south of the Stebbing Brook. These have been located closer to the River Chelmer and would be accessed by a pedestrian/cycle bridge across Stebbing Brook. The NEAP has been amended to a MUGA and is retained to the north of the Brook but is now proposed to be immediately to the side of the Community Building. A recent amendment has removed the MUGA from the current application and it is now part of the application for housing which is also before the Committee for determination (UTT/0365/09/OP).
- 10.7 The Community Building was designed to provide the changing rooms for the sports fields but following concerns from your officers and Sport England regarding the distance between the building and the sports pitches, the proposed small pavilion has been relocated closer to Flitch Green and redesigned to provide changing rooms as well as facilities for scoring, tea making, toilet facilities and some equipment storage. The external appearance of the pavilion has also been changed and is now shown to be clad with gabions and will have a green roof. No floodlighting is proposed for the sports pitches or along the footpaths.
- 10.8 The sports field has also been amended following discussions between the applicants, the Parish Council, Council officers and Sports England. The proposals now include senior and junior (under 16/15) football pitches, together with a cricket pitch which has been re-orientated into a north/south direction.
- 10.9 No vehicular access is proposed for the playing fields. Footpaths would link the playing fields with Felsted via Station Road whilst the pedestrian/cycle bridge across the Stebbing Brook would provide the access from Flitch Green. The applicants have been asked to provide emergency and maintenance vehicular access to the sports fields and have advised that they have rights of access from Station Road along the roadway leading to the Sewage Treatment Works. This can be used as the emergency access and

for maintenance vehicles and would need to be conditioned to ensure that such access can be achieved.

- 10.10 The original application site has also been modified to exclude the Community Building car park which was formerly intended to serve the sports facilities. Instead a new, additional 25 space car park (3 disabled) is proposed to serve the sports fields and is located to the east of the Community Building, on the northern side of the Brook. Pedestrian access from this car park will be via the cycle/footbridge.
- 10.11 The development of the playing fields to the south of Stebbing Brook is a departure from the approved Masterplan and Oakwood Park Local Policy 1. Their relocation would free up the land previously identified for this use, the NEAP and additional open space, for residential development. A separate application has been submitted to develop the land identified for playing fields in the Masterplan for housing (Ref: UTT/0365/09/OP). That application is also before this meeting of the Development Control Committee for decision.
- 10.12 ULP Policy LC4 confirms that outdoor sports and recreational facilities, including associated buildings such as changing rooms and club-houses will be permitted beyond development limits. Both the Masterplan playing fields and the current proposals are outside the development limits of Oakwood Park/Flitch Green and are in conformity with Policy LC4. It is considered therefore that a key question must be whether the application provides an acceptable or enhanced facility for the residents of the newly formed Flitch Green, the settlement for which they are designed.
- 10.13 The 2004 Masterplan shows a combined area of 2.8ha for the playing fields and the 'village green' which comprised the green corridor extending from the playing fields to the green opposite the village centre. The current proposals would provide some 2.5 hectares (ha) of playing fields only. The National Playing Fields Association (NPFA) standard for such facilities, and to which the Section 106 agreement refers, requires 1.6-1.8ha per thousand populations, equating to some 4ha for the increased number of dwellings and therefore population of Flitch Green. The current proposal would therefore fall short of the NPFA standards for the increased population of Flitch Green.
- 10.14 Sport England have not objected to the quantity of provision and have indicated that the recent amendments to the scheme have responded positively to some of their earlier concerns and they are now generally supportive of the proposals. The Multi Use Games Area (MUGA) would not normally form part of the NPFA standard for playing fields but it is considered that the proposed MUGA/all weather pitch, could form part of this provision as it will allow for formal games including five – a side football, netball or basketball. The informal areas of open space such as that provided adjacent to the Community Building, should not be calculated as part of this provision and are required to provide informal recreation, amenity and landscaping.
- 10.15 The current proposal therefore, is almost in accordance with the area required in the Masterplan but is smaller than the 3.7ha that was proposed for playing field provision in the previous appeal application. The Secretary of State and her Inspector acknowledged the larger size but commented that the appeal playing fields would be to the south of Stebbing Brook and would be located some way from Flitch Green, the community it is essentially designed to serve. She concluded that the playing fields would not be conveniently

located for use by Oakwood Park residents and that residents were likely to be deterred from walking or cycling to this facility and may well travel by car instead, outweighing the public benefit that might accrue from the location of the facilities closer to Felsted.

- 10.16 The current proposals are similarly located and raise similar concerns to the appeal proposal. However, a major concern for the Inspector and the Secretary of State in the 2007 appeal was the introduction of a new road from Station Road or, as an alternative, over the Stebbing Brook which was designed to serve the playing fields. The road would have a significant impact upon the landscape as would the large sports pavilion. The current application does not include any public road access to the development and therefore users of the playing fields would have to park their cars elsewhere and walk or cycle to the facilities. The only access would be via the cycle/foot bridge. This would effectively restrict users travelling to the playing fields by car and promote other forms of transport in accordance with Government Policy.
- 10.17 Sport England originally commented upon the lack of disabled access in the earlier scheme and that some vehicular access should be made available for the disabled. However, the local highway authority would be concerned at the Station Road access to the Sewage Treatment Works being used for any purpose other than for emergency and maintenance. In response to other concerns by the Highway Authority, the proposed footpath/cycle way from Flitch Green into the development has been amended to provide a link to Station Road and the bridge over the Stebbing Bridge has been redesigned to incorporate safety measures and has been upgraded to adoptable standard with the intention that both the footpath/cycle way and the bridge could then be adopted. The applicants have designed the scheme to preclude car access and they have also advised that the bridge has been designed to allow for wheelchair access.
- 10.18 The Secretary of State and the Inspector's remaining concern that the playing fields would be located some way from Flitch Green, the community it is intended to serve, is still valid. However, the distances are not unacceptable as the playing fields are located some 160 metres from the community building whilst the pavilion is only 115 metres away and 90 metres from the car park. Distances to the residential properties are further, but it is not considered that these are unacceptable or that they would prevent organised sport and the use of the pitches or the recreational use of the parkland and footpaths by residents in Flitch Green.
- 10.19 Sport England raise a concern about the location of the site and that it would be both visually and psychologically divorced from the settlement it is intended to serve and that it would be less integral to the Flitch Green Settlement than the site identified in the Masterplan. However, Sport England also comment that as a result of the amendments, which include the relocation of the pavilion and car park closer together, the replacement of the NEAP with a MUGA and the redesigning of the pavilion, they do not consider the location to be unacceptable and are generally supportive of the plans for the outdoor sports facilities at Flitch Green.
- 10.20 Government guidance on the provision of open space, sport and recreation is now limited following the publication of the NPPF which has superseded PPG17. The NPPF promotes good design but says little on the provision and

location of sports facilities other than confirming that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and that policies should be based upon robust and up-to-date assessments of needs for open such facilities. It is considered that the current proposals will provide high quality open spaces and opportunities for sport and recreation.

- 10.21 The playing fields are shown to be some 6 metres lower than the properties on Station Road and would be contoured with a bank around the northern edge of the field and planting within the proposed Parkland (contained in UTT/0365/09/OP). The existing public footpath would go through this parkland but there would be no other means of natural surveillance of the sports pitches or the pavilion. The properties on Station Road would have limited views of the sports field, especially when the parkland and nature reserve becomes established, and concerns have been expressed from residents and Sport England about the security of the pavilion as well as personal safety of users of the playing fields, especially children.
- 10.22 The Government's Good Practice Guide: The Planning System and Crime Prevention, confirms that surveillance of publicly accessible places reduces crime and the fear of crime. It advises that natural surveillance can reduce the incidence of vandalism and provide greater security on open areas. RSS (Regional Spatial Strategy/East of England Plan) and Local Policy also require developments to be designed to reduce the potential for crime. The revised design of the pavilion will reduce its vulnerability to vandalism but whilst footpaths extend through the site, the opportunity for overlooking and surveillance is limited and no lighting is proposed for the sports pitches or any of the footpaths and the bridge.
- 10.23 However, playing fields being divorced from the settlement they are intended to serve are not uncommon and Sport England have confirmed that the location is not unacceptable. Furthermore, Local Plan Policy LC4 confirms that the provision of outdoor sport and recreational facilities, including associated buildings such as changing rooms, will be allowed beyond development limits and therefore would allow their development in locations where there is potentially no natural surveillance. The application is in conformity with Policy LC4 and it is not considered that the lack of natural surveillance represents a valid reason for refusal in this instance.
- 10.24 Some of the concerns relate to the security and personal safety of users, especially for children and that many stem from the need to cross the Stebbing Brook to access the facilities. This has been partly addressed however, in the application for residential development to the north of the Brook (UTT/0365/09/OP) where casual open space is shown to be provided adjacent to the Community Building, together with a skate park and the MUGA. The LAPs which are suitable for younger children are all located to the north of the Brook.
- 10.25 Flitch Green and Felsted Parish Councils have alleged that the proposal is contrary to Policy LC3 as it does not meet the criteria set out in that policy. However, Policy LC3 relates to Community Facilities and whilst the playing fields and pavilion may be considered to be a community facility, it is considered that Policy LC4 remains the relevant policy against which to determine the current application as it relates specifically to the Provision of Outdoor Sport and Recreational Facilities Beyond Development Limits. As

stated previously, there is no conflict with this policy and therefore no conflict with Policy S7 on the Countryside as suggested by the Parish Councils.

- 10.26 Policy GEN2 also requires development to provide an environment which meets the reasonable needs of all potential users. The playing fields, proposed in the Masterplan to be adjacent to the community building, would allow this area to be the focus of community life and help to create a more inclusive and sustainable settlement. The amended illustrative plans for the housing development (UTT/0365/09/OP) now show an area of open space adjacent to the community building which would be capable of providing a similar, albeit smaller, facility. It is considered that divorcing the playing fields from the settlement may reduce their potential use for informal and community activities but not to a degree that would make the current location unacceptable or that would be in conflict with Policy GEN2 of the Local Plan.

B Effect upon the character of the countryside and biodiversity (RSS Policy ENV1 & ULP Policies S7, GEN7, ENV7)

- 10.27 The application includes the provision of a Nature Reserve and the improvement of Felsted Fen. The Nature Reserve is also a requirement of the Section 106 Agreement and as stated above, its location is set out in the Masterplan. The current application moves it from its Masterplan location adjacent to the River Chelmer and Stebbing Brook to a position at the rear of the houses on Station Road. Both locations show it to be adjacent to the Felsted Fen which is to remain and be improved in the current application, returning it to a wet fen. Ecological Appraisal and Protected Species Reports have been submitted which show that the proposed Nature Reserve and Felsted Fen as improved will have significant ecological value. These are currently being updated. The improved ecological value was accepted by the Inspector in the previous appeal and both he and the Secretary of State considered that significant weight should be given to the nature conservation benefits that would accrue. (Para 169) The current proposals are similar to the previous appeal proposal and are in accordance with RSS Policy ENV1 and ENV3 as well as Local Policy GEN7. It is considered that similar weight should be given to these benefits.
- 10.28 The playing fields, Nature Reserve and Felsted Fen, together with the Parkland proposed in the application for the adjoining land, will form a landscaped buffer between Felsted and Flitch Green. This area will be larger than that proposed in the Masterplan. Oakwood Park Local Policy 1 confirms the principle of locating landscaping outside the settlement boundary of Oakwood Park to complement the layout and arrangement of buildings and to create a broad swathe beside the River Chelmer.
- 10.29 The Secretary of State agreed with her Inspector that the approved scheme achieved a buffer between the two settlements far more successfully than the appeal proposal but her main concerns related primarily to the impact of the new road and the significantly larger pavilion building within this open gap. Also housing was being proposed on the land in question. The housing and the road have been omitted from the current scheme and the pavilion has been considerably reduced in size by the omission of the sports hall so that it now only provides those facilities that are appropriate for the sports pitches. The external design has also been revised so that the building is faced with gabions, which will naturalise over time, and will have a green roof. The

design and revised siting closer to the Community Building will also reduce its visual impact within the area.

- 10.30 The character of the area will be altered as the landscaped area will be larger than originally envisaged and will involve a degree of contouring to accommodate the area of formal open space. However, the majority of the area to the south of Stebbing Brook will comprise the nature reserve and the parkland along with Felsted Fen and will serve to enhance the setting of Flitch Green and provide the broad landscaped swathe beside the River Chelmer and Stebbing Brook in accordance with Oakwood Park Local Policy 1.
- 10.31 The applicants have addressed other issues and confirmed that this area will receive most of current topsoil stored to the north of the Brook. A temporary bridge will be constructed for the construction traffic to access the site and to import the topsoil from north of the Stebbing Brook. The topsoil currently stored on the application site would also be used and would be contoured to provide the levels required.

C Amenity issues for nearby residents (ULP GEN4)

- 10.32 The applicants have also submitted a noise assessment to establish noise levels from the earthwork operations and from the use of the sports pitches. The report shows that there would be a limited noise impact upon the closest residents at Station Road arising from the use of the facilities. Furthermore, as no floodlighting is proposed, there would be limited impact upon the amenities of the residents. With regard to the construction work, the Report states that the noise generated would fall within the levels of guidance set out in BS5228 2009. It is considered that conditions restricting the hours of operation could adequately control aspects of noise and disturbance within the early morning, evenings and weekends. It is considered therefore that there would be no material disturbance or nuisance to occupiers of the surrounding development.

D Other material planning considerations

- 10.33 In addition to the details referred to above, the applicants have submitted extensive information on Flood Risk, Water Conservation and Ecology, Utilities, Earthworks, and Noise impact. For the most part the information provided in these studies and reports are acceptable. However, members should be aware that the Phase 1 Ecology Survey requires updating and this is currently being undertaken. No permission could be granted until this is completed and acceptable.
- 10.34 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.

11 CONCLUSION

- 11.1 The current proposals locate the playing fields further away from the village they are intended to serve and would not be as conveniently located for use by Flitch Green residents as originally envisaged in the approved Masterplan.
- 11.2 However, the proposals for the playing fields and the Nature Reserve comply with ULP Policy LC4 which permits such facilities to be located outside

development limits and therefore in locations which may be less convenient and where there may be limited natural surveillance. Furthermore, the application includes significant benefits through the provision of a Nature Reserve and Ecological improvements in the vicinity are in accordance with RSS Policy ENV1 and ENV3 as well as Local Policy GEN7, and the provision of a greater area of open space than was originally required for this settlement. The location of the playing field to the south of the Stebbing Brook would also enable the brownfield land to the north of the Brook to be available for housing. These matters should be accorded significant weight in the determination of this application.

- 11.3 The 1998 Section 106 Agreement requires these facilities to be provided and their implementation will bring about the provision of much needed facilities at Flitch Green. The Masterplan identified that the brownfield land north of Stebbing Brook should be developed for the playing fields and sports pitches and that the brownfield land to the south of the Brook should become a Nature Reserve with Felsted Fen. Whilst these would achieve a more natural, landscaped buffer between Felsted and Oakwood Park as required by ULP Oakwood Park Local Policy 1, it is considered that the current proposal would still provide the necessary facilities for Flitch Green and the appropriate landscape buffer and is acceptable.

RECOMMENDATION – CONDITIONAL APPROVAL WITH AMENDMENTS TO SECTION 106 AGREEMENT.

The applicant be informed that the committee would be minded to:

- i) 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:
 - The construction and provision for use of the open space, including the sports fields together with the pavilion, access bridge and car parking before the occupation of any of the dwellings approved under UTT/0365/09/OP
 - The transfer and future maintenance of the open space, including the sports fields together with the pavilion, access bridge and car parking
 - The future maintenance and ownership of the proposed nature reserve
 - Highway Contribution of £50,000 towards any remediation highway works following the completion of construction.
 - 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:
 - Lack of sports facilities to serve the community of Flitch Green.

RECOMMENDATION: APPROVE

Subject to the following conditions

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. The construction of the sports pitches hereby approved, shall commence within six months of the date of this permission and construction shall follow the timetable submitted under cover of letter dated 28 March 2012.

REASON: To ensure the early provision of community facilities for Flich Green in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005)

4. Prior to the erection of the pavilion hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. No development shall take place until full details of both hard and soft landscape works shall be 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 and contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle, cycle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, including road signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power,

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).

6. 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 occupied or in accordance with a 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).

7. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the date of this permission or in agreed phases whichever is the sooner, and any plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.

REASON: 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. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any lopping or topping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837 (2005) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition 'retained tree or shrub' means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use

REASON: To ensure proper implementation of the agreed landscape details in the interest of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

9. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement and future maintenance submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

10. 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).

11. No works shall be undertaken on the land to the south of Stebbing Brook until the Felsted Fen Site of Importance for Nature Conservation has been protected through the erection of fencing in accordance with BS 5837 (2005) and the approved plans. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the area to the south of Stebbing Brook. Nothing shall be stored or placed in the fenced area in accordance with this condition and the ground levels within that area shall not be altered or any excavation made, or any tree cut down, uprooted, damaged or destroyed without the written consent of the Local Planning Authority.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005)

12. The sports pitches, hereby approved, shall not be utilised until details of a suitable access for emergency and maintenance service vehicles have been submitted to and approved in writing by the Local Planning Authority. The access shall conform to the approved details.

REASON: In the interests of the safety at and maintenance of the areas of public open space in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

13. Prior to the commencement of the development hereby permitted:

A detailed assessment of ground conditions of the proposed playing fields shall be undertaken (including drainage, topography, soil/surface quality and maintenance) to identify constraints which could affect playing field quality; and

Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be complied within in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that the site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field in accordance with Policy GEN2 and GEN6 of the Uttlesford Local Plan (adopted 2005).

14. No development to take place until details relating to the safeguarding of the section of Footpath 59 affected by the provision of the haul road and earthwork operations, have been submitted to and approved in writing by the Local Planning Authority. Such protection measures to include warning signage and fencing. The measures shall subsequently be implemented as approved and remain in place for the duration that the haul road exists.

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

15. Before development commences 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).

16. Before 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:

A "Before" survey before to the commencement of the development

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.

17. 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 Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

18. 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 way marking and signage.

REASON: In the interests of accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

19. 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).

20. The aisle width of the parking area shall have a 6 metre minimum width.

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

21. The pavilion shall not be brought into use until the bicycle parking facilities have been in accordance with the approved plans. The approved facility shall be retained at all times.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

22. The compensatory storage scheme shall be completed to the specification demonstrated in drawing number 02/109 within the submitted Flood Risk Assessment.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policy GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

23. 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).



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