

**UTT/0692/12/FUL - MANUDEN**

**PROPOSAL:** Erection of village hall/changing rooms, multi-use games area, sports pitches, car parking and 14 no. dwellings with access road off Clavering Road

**LOCATION:** Site off The Street

**APPLICANT:** Manuden Parish Council

**AGENT:** Pelham Structures Ltd

**GRID REFERENCE:** TL 487-271

**EXPIRY DATE:** 18 July 2012

**CASE OFFICER:** Maria Tourvas

**APPLICATION TYPE:** Major

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**1. NOTATION**

- 1.1 Outside development limits, adjacent to Grade II Listed Building (88 The Street), small part of contamination on site, TPO

**2. DESCRIPTION OF SITE**

- 2.1 The site is adjacent to the settlement boundary on land classed as countryside. The southern part of the site accommodates two grassed sports pitches, the existing changing room and associated buildings, a formal children's play area and a group of trees to the south-west. Dwellings border the site along part of the south and south-west boundaries; the northern part of the site comprises an agricultural field. Access is from The Street.

**3. DESCRIPTION OF PROPOSAL**

- 3.1 The application is for full planning permission for the erection of village hall/changing rooms, multi-use games area, sports pitches, car parking and 14 no. dwellings with access road off Clavering Road.
- 3.2 The proposed market dwellings are proposed to be 1 x 2 bedrooms, 4 x 3 bedrooms, 3 x 4 bedroom, and 2 x 5 bedrooms. The proposed affordable dwellings are proposed to be 2 x 3 bedroom dwellings and 2 x 2 bedroom dwellings. These are stated would be 2 social rented houses and 2 intimate houses.
- 3.3 The proposed design of the dwellings varies from plot to plot and the types of material proposed to be used are indicated to be a mixture of traditional materials. However this is subject to further approval should planning permission be granted.
- 3.4 The proposed heights of the dwellings would vary;  
Plot 1 – 7.3m (to highest part of the ridge)

Plot 2 – 8.5m  
Plot 3 – 7.4m  
Plot 4 – 8.1m  
Plot 5 – 5.2m (single storey)  
Plot 6 – 7.2m  
Plot 7 & 8 – 8.6m  
Plot 9 – 7.1m  
Plot 10 – 7.8m  
Plot 11 to 14 – 8.5m

- 3.5 2 full sized football pitches are proposed with a minimum gap of approximately 10 between each pitch and each boundary. These would be used for adult and junior football. A third smaller pitch is proposed for mini-soccer and training.
- 3.6 A MUGA is proposed for activities such as hockey, netball, tennis and 5-a-side football and it is proposed to be the only pitch that would be floodlit with 4 x 10m high lighting columns. .
- 3.7 The existing cricket pitches would remain the same just for the proposes of cricket.
- 3.8 As part of the proposed works there would be a change in grounds levels to accommodate the proposed sports pitches and leveling out the site in certain areas for recreational use other parts of the site would be made 'good'.
- 3.9 The proposed Village Hall would have a footprint area of approximately 693.55 square metres. The proposed hall would consist of a variation of elements from single storey and a main two-storey core, designed in a 'barn' style formation and appearance. The maximum height of the proposed hall would be 9.4m. The proposed materials would be a mixture of facing brick work and weatherboarding.
- 3.10 It is proposed that the hall would consist of stores, plant room, cloaks, changing rooms, office, club room, meeting room, bar, raised stage area and badminton court.

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

4.1 The following documents have been submitted with the application:

- Design and Access Statement (March 2012);
- Planning Statement (March 2012);
- Sustainable Construction Pre-application Checklist;
- Results of Public Exhibition;
- Details relating to Need of the proposed development;
- Draft Heads of Terms between Manuden Parish Council, Essex County Council and Manuden County Primary School;
- Flood Risk Assessment (January 2009);
- Foul Drainage Assessment;
- Lifetime Homes Statement Revision A;
- External Lighting Statement Revision A;
- Floodlighting Report (SJB Floodlighting Ltd, 10 November 2011);
- Preparation & Maintenance of Pitch Areas Revision A;

- Natural Turf for Sports;
  - Waste Management Plan;
  - Sustainable Statement Revision A;
  - Copy of letter to Environment Agency regarding surface water runoff;
  - Bat Survey (May 2011);
  - Hedgerow Ecological Appraisal (April 2012);
  - Walkover Ecological Survey (July 2011);
  - Additional Report on Reptile and Hedgerow Survey (June 2012);
  - Static Anaball Survey (June 2012);
  - Additional night Bat Survey (August 2012);
  - Financial breakdown
- 4.2 With regards to consultation and community involvement results following a public exhibition held by the Parish Council on the 6<sup>th</sup> and 7<sup>th</sup> January 2012, a table has been submitted as part of the application outlining the results of the exhibition.
- 4.3 It is stated within the Design and Access Statement that the site's existing boundaries include poor quality plantation to the north of the adjacent existing roadside dwellings (90-100 The Street). The agricultural land forms part of a wider open arable field. The topography of the site gently slopes down from Clavering Road to the brook which is east of the application site. There is a mixture of residential dwellings fronting The Street, which also has a mixture of materials. The development is designed to be sensitive as you approach the village edge, respecting the amenity of the neighbouring residents. The proposed community aspect would be sufficiently sited away from existing residential occupiers.
- 4.4 It is stated within the application that the site is already part used as playing fields and there is a further opportunity and sufficient land to provide and enable the proposed facilities without re-allocating to another field or part of the Village.
- 4.5 The application would facilitate in improving an existing substandard access. The proposed location of the site relates well to the Village with the potential to reinforce and enhance the landscaping.
- 4.6 The principle of the development has already been established through the resolution to grant planning permission under planning application UTT/1443/09/OP.
- 4.7 It is emphasised within the supporting statement that the application is driven by the provision of the new community hall and enhance and new sports pitches. It is stated that this would provide facilities to enable increased participation in sport and to the benefit of the long term health of residents and offering enhanced meeting facilities in comparison to the existing hall. The benefits of the proposed development have been outlined and stated that the long term viability of the scheme would be secured through the transfer of freehold to a new Village Charity, and by enabling protection of locally sourced funds for ongoing maintenance costs.
- 4.8 The size of the building has been determined by the standards required by Sport England, but also to be 'future-proof', and to ensure that the hall incorporates all necessary space to meet the long-term expectations of the

local community. This is essential that this would be a 'one-off' fund, and further capital is highly unlikely to become available for future expansion.

- 4.9 It is stated within the submission that the 2008 Housing Needs Survey identified a need for a small number of affordable housing units. It is considered that the provision of 4 affordable housing units would contribute meeting local need for small families. This is stated would facilitate in provision a viable community and creating a stable population.
- 4.10 It is outlined that the proposed development would be undertaken by a local building company employing locally based staff and contractors throughout the construction process. Materials are stated would be locally sourced where possible in order to benefit the local economy.

## **5. RELEVANT HISTORY**

- 5.1 Reference UTT/1731/00/OP established the principle of a new community and sports centre, formation of parking, new access and multi use games area on the playing field.
- 5.2 Planning permission was resolved to be granted at the 30 June 2010 Planning Committee meeting for "Outline planning application for a village hall/changing rooms, multi-use games area, sports pitches, car parking, fourteen dwellings with access road off Clavering Road, with all other matters reserved" (UTT/1443/09/OP) subjection to a Section 106 Agreement which still remains to be signed. **Please refer to Appendix A.**

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework

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

Policy SS1 - Achieving Sustainable Development  
Policy SS2 – Overall Spatial Strategy  
Policy SS4 - Towns Other than Key Centres and Rural Areas  
Policy T1 – Regional Transport Strategy Objectives and Outcomes  
Policy T2 – Changing Travel Behaviour  
Policy T3 – Managing Traffic Demand-  
Policy T7 - Transport within Rural Areas  
Policy T8 – Local Roads  
Policy T13 - Public transport accessibility  
Policy ENV1 – Green Infrastructure  
Policy ENV3 – Biodiversity and Earth Heritage  
Policy ENV7 - Quality in the Built Environment  
Policy ENG1 - Carbon Dioxide Emissions and Energy Performance  
Policy WAT4 - Flood Risk Management

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

No policies relevant.

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

Policy S7 - Countryside  
Policy GEN1 – Access  
Policy GEN2 – Design  
Policy GEN3 – Flood Protection  
Policy GEN4 – Good Neighbourliness  
Policy GEN5 – Light Pollution  
Policy GEN6 - Infrastructure Provision to Support Development  
Policy GEN7 - Nature Conservation  
Policy GEN8 – Vehicle Parking Standards  
Policy ENV2 - Development Affecting Listed Buildings  
Policy ENV3 - Open Spaces and Trees  
Policy ENV5 - Protection of Agricultural Land  
Policy ENV8 – Other Landscape Elements of Importance  
Policy ENV12 – Ground Water Protection  
Policy ENV14 – Contaminated Land  
Policy ENV15- Renewable Energy  
Policy H1 - Housing Development  
Policy H10 - Housing Mix  
Policy H11 – Affordable Housing “Exception Sites”  
Policy LC1 – Loss of Sports Fields and Recreational Facilities  
Policy LC3 – Community Facilities  
Policy LC4 – Provision of Outdoor Sport and Recreational Facilities beyond  
Settlement Boundaries

ECC Parking Standards (September 2009)

## **7. CONSULTATIONS**

### **7.1 Planning Policy:**

Draft Local Plan:

6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment

Policy S7-The Countryside  
GEN1-Access  
GEN2-Design  
GEN3-Flood Protection  
GEN5-Light Pollution  
GEN6-Infrastructure Provision  
GEN7-Nature Conservation  
GEN8-Vehicle Parking Standards  
ENV3-Open Spaces and Trees  
ENV5-Protection of Agricultural Land  
ENV8-Other landscape elements of importance for nature conservation  
Paragraphs 6.9-6.12  
Policy H10-Housing Mix  
Policy H11-Affordable Housing on “Exception Sites”  
Policy LC1-Loss of Sports Fields and Recreation Facilities  
Policy LC3-Community Facilities  
Policy LC4-Provision of Outdoor Sport and Recreational Facilities Beyond  
Development Limits

- 7.2 Village Hall/changing rooms and location of the site - There have been other possible sites which have been put forward for consideration. However, it is clear that the proposed site off the Street, Manuden is the best option for the purpose indicated. The proposals also comply with the Local plan guidance about development outside the village limits. Policy LC3 allows the development of community facilities outside the development limits subject to three criteria; the need for the facility can be demonstrated, the need cannot be met on a site within the boundaries, the site is well related to the settlement, there is positive evidence for all these factors.
- 7.3 Multi Use Games Area and Sports Pitches - The National Planning Policy Framework permits such development. Policy LC4 also permits the development.
- 7.4 The National Planning Policy Framework (NPPF) states that local planning authorities should use their evidence base to assess if there is a need for market and affordable housing. 16-34 year-olds are the age group currently needing housing in the area, the Land registry states that anyone on a modest income; such as £71,234 would have trouble being able to afford any current house in Manuden, resulting in market housing being the only option for these people to live in Manuden. There was also a Parish Housing Needs Survey for Manuden for the residents of Manuden to fill out; although the results from this document are not stated. However, without the market housing the development would not be able to commence as this is the only method of funding that the development has. The NPPF also states that "in rural areas, we need to plan housing development to reflect local needs, particularly affordable housing including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision." Therefore the market housing should be allowed.
- 7.5 Of particular relevance to this proposal, the NPPF includes a requirement to improve conditions in which people live and take leisure, and to widen the choice of high quality homes (paragraph 9). Moreover, it recognises that 'plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas'. One of the Core Planning Principles in the document is to 'promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas'. Other key parts of the document which support this proposal are set out below:
- In order to support a prosperous rural economy, local plans should 'promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship' (paragraph 28);
  - In rural areas, 'Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs' (paragraph 54);
  - Promoting healthy communities: Planning policies and decisions should aim to achieve places which promote....opportunities for meetings between members of the community...; safe and accessible developments, containing

clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services (paragraphs 69 – 70);

7.6 Sustainability checklist shows that the dwellings will be sustainable and meet to Uttlesford District Council's Sustainable Constructions Checklist, and there are high standards to be achieved. Also all materials will be locally sources promoting sustainability.

7.7 The NPPF introduces a presumption in favour of sustainable development, and the document advises that 'development that is sustainable should go ahead, without delay'. It advises that there are three dimensions to sustainable development:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

7.8 From the representation letters, the village survey, the village exhibition, Manuden's Primary Schools Head teacher's letter and Sport England's statement there is a clear need for recreation facilities in Manuden and there is evident support from the local residents for the proposal.

7.9 **ECC Ecology:** Initial comments and Holding objection on the following grounds;

- Loss of 166m of important hedgerow (under Hedgerow Regulation);
- Reptile survey connected to the hedgerow needs to be undertaken this summer and the application can not be determined until this is done;
- Further bat surveys are required as raised by Natural England and Ecology report July 2011

7.10 The current proposals would result in:

- A possible loss of a bat roost

- the substantial loss of 'important' ancient hedgerow with banks
- loss of plantation woodland and a small area of grassland

7.11 Therefore, the bat report should provide the following information:

- Consideration of the implications within the Conservation of Habitats and Species Regulations 2010 and whether a development licence will be required.
- Description of the type of roost may be present, which may require further surveys.
- State whether the proposed development will provide sufficient alternative habitat and if not make recommendations.

7.12 The surveys did not find any reptiles using the hedgerow.

7.13 Given the substantial loss of hedgerow there appears to be no discussion in the ecological reports -or reference to - alternatives to the current proposals to help avoid the loss of such a length of important hedgerow and an objection is held until this is provided.

7.14 Reptile surveys have been undertaken -as proposed by earlier ecological reports- and none have been found. The habitat is suboptimal.

7.15 Evidence of badgers using the site was found, but no sett was found.

7.16 Should planning permission be granted, the proposed creation of a new native species rich hedgerow and other new areas of habitat is welcomed. Locally native species should be used. The applicant should set out how these areas will be created and maintained in the short to long term.

7.17 The applicant has suggested that the new verge will be sown with an appropriate wildflower seed mix, which would benefit biodiversity. However, it should be ensured that the management of these verges for biodiversity would not adversely affect visibility splays and also whose responsibility it will be to manage them in the long term. If responsibility becomes ECC (Highways) then the need – and feasibility- for a sensitive management regime will need to be discussed with them.

7.18 Should a period of time elapse between granting planning permission, I recommend that you condition a further ecological assessment which may lead to repeat protected species surveys (surveys should not be more than 3 years old).

7.19 Should you be minded to grant planning permission, the following issues should be conditioned:

- The proposed mitigation within the Manuden Road Hedgerow Ecological Appraisal by Susan Deakin, must be undertaken, eg protection of existing habitats during construction
- A scheme of management for establishment of new habitats and long term management.
- An appropriate lighting scheme to ensure that bats and other wildlife are not adversely affected by the development.



- The hedgerows should not be removed during the nesting season (mid February to the end of August).
  - Should there be a delay to the start of the development a revised ecological assessment should be undertaken which may require repeat protected species surveys
- 7.20 Further surveys have since been carried out in the form of Anabat Survey, reptile and hedgerow survey and an evening bat activity survey was conducted on 1<sup>st</sup> August 2012.
- 7.21 Further comments from ECC Ecology stated: The recent bat report of 1<sup>st</sup> August for this site found no roosts within the woodland, although bats are foraging in and adjacent to the woodland and nearby gardens. It considers that the planning proposals would not have a detrimental impact upon the local bat population and a European Protected Species licence will not therefore be required.
- 7.22 **Thames Water:** No objection raised regarding sewerage infrastructure. It is the responsibility of the developer to make arrangements regarding surface water drainage. Any connection to a public sewer would require prior approval from the Thames Water.
- 7.23 **Natural England:** Proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts upon the conservation of soils nor is a EIA development. The ecological survey identified that bats could be affected by the proposed development. Standing advice should be referred to. Further surveys are stated to be required within the submitted ecological report in the form of bats and reptile surveys.
- 7.24 **Environmental Health:** Entertainment events at the village hall, including private parties can cause noise and disturbance to nearby residents. A scheme of sound insulation shall be submitted, approved and implemented into the proposed development.
- 7.25 **Veolia Water:** Application site is located within a Ground Water Protection Zone relating to North Stortford pumping station. Construction works should be undertaken in accordance with British Standards to prevent ground water pollution risk.
- 7.26 **Sport England:** Aim of Sport England policy is to prevent any further reduction in the supply of playing fields to satisfy current and future demand. This application represents a revised scheme of the previous application UTT/1443/09/OP with some differences between the previously and current scheme, however the response from SE is the same as previous response sent. The proposed development would mean a loss of some playing field to allow for the development however the scheme would make provision for community and sports facilities that would be of equivalent or better quality or better management and arrangement of playing fields in accordance with SE policy E4 Exceptions.
- 7.27 A small area to northwest of site would be lost (approximately 0.2ha) the proposed new playing fields would provide a total area of 2.6hecares in total that could be used for marking out playing pitches (excluding village hall, MUGA, car parking, roads and trees). The provision would be significantly better than that that would be lost.

- 7.28 No information has been provided regarding ground conditions soil, drainage and gradient) details to be conditioned should planning permission be granted.
- 7.29 Proposed changing rooms would be superior in size and quality in comparison to existing facilities on site, which are unsuitable for modern day requirements and expectations.
- 7.30 Happy that the development would be management by Manuden Parish Council.
- 7.31 Need to ensure continuity of use of playing field pitches whilst development is being undertaken which can be through use of a Grampian condition or S106.
- 7.32 The village hall would provide space for indoor sports of which there is no where in the village that provides this the nearest would be Stansted Mountfitchet. The proposed development would resolve any existing conflict in use of pitches for football and cricket. The MUGA would provide an all weather facility for wider sports. The school would be able to use this facility to provide their curriculum. Hours of use of floodlighting should be until 10pm on weekdays.
- 7.33 No objection subject to conditions.
- 7.34 **Essex Police Architectural Liaison:** The applicants should be encouraged to install lighting columns instead of low level lighting, as in most cases, low-level lighting posts/bollards suffer high degrees of vandalism, resulting in high ongoing maintenance costs and comprising lighting. Applicants should also be encouraged to conform to Secure By Design standards to minimize the risk of crime.
- 7.35 **ECC Education:** There is no full day care nursery in the Stort Valley ward. Pre-school is operating at full capacity and Manuden Primary school is over subscribed, forecasts show that by 2016 there would be a deficit of 8 places even without the proposed new houses. There is likely to be sufficient secondary school provision to serve the needs of the proposed development. Provision is therefore needed for early years, childcare and primary level for £14,670 (early years and child care) and £45,637 (primary level) giving a total of £60, 307 index linked to April 2012.
- 7.36 If application was refused the lack of education provision would be a ground for refusal.
- 7.37 **Environment Agency:** No objection subject to conditions relating to drainage details. In order to prevent the water environment from pollution, preventing the need for future prosecution the following good practice is advised;
- 7.38 Water prior to being discharged in the water course, surface water sewer or soakaway system all water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have capacity and details compatible with the site being drained. Roof water should not pass through the interceptor. All wash down and disinfectant waters shall be discharged to the foul sewer.

Detergents entering into the oil separators may render them ineffective.

- 7.39 No foul drainage or trade effluent or chemicals shall enter the surface water drainage system. All cleaning and washing operations shall occur in a designated area.
- 7.40 Only clean uncontaminated surface water should be discharged into any soakaway, watercourse or surface water sewer.
- 7.41 **ECC Drainage:** ECC are not yet officially SuDS Approved Body (April 2013) and therefore can not give approval to SuDS schemes therefore provide informal comments and advice. The proposed water drainage proposals could in principle be generally in line with our requirements. Consideration should be given to how exceedance flow emanating from 1 in 100 year rainfall event and above is to be managed. It is not clear from the information provided how the water from permeable paving or storage system is to be attenuated, nor how over-ground exceedance flow routes will ensure water from saturated surfaces does not have the potential to flood properties. The future management and potential adoption of some/all the SuDS should be considered and maintenance strategy agreed and put in place prior to commencement of the development. The detailed specifications of the access road should be agreed with the Highways Authority.
- 7.42 **Highways Authority:** A decision for the previous application has not been issued yet and this application is a revised scheme proposing just the one revised access into the site. No objection is raised regarding this application subject to conditions relating to the construction of the vehicle access, visibility splays, management construction traffic, details of roads and footpaths and their construction, preventing discharge of surface water onto highway, size of footpaths, travel information and marketing packs and unobstructed public footpath.
- 7.43 **Housing Enabling and Development Officer:** The need for small development of affordable housing for those with local connection was demonstrated through the Housing Needs Survey (September 2008) and the proposed housing mix of 2 x 2 bedroom and 2 x 3 bedroom properties would help meet this need. The Council's strategic housing section is aware that a Registered Provider has been involved in the scheme therefore support this application.
- 7.44 **ECC Archaeology:** No objection subject to condition for trial trenching and excavation.
- 7.45 **Climate Control Manager:** No objection subject to condition relating to Code level 3 and 10% energy efficiency.

## **8. PARISH COUNCIL COMMENTS**

- 8.1 No comments received as the applicants to the proposed scheme.

## **9. REPRESENTATIONS**

- 9.1 The neighbouring properties were notified of the application. The scheme was also advertised on site and within the local press, expiry date 24 May 2012. As a result of the consultations 115 representations were received

raising a number of points. **Please refer to Appendix B.**

## 10. APPRAISAL

- 10.1 The issues to consider in the determination of the application are:
- (A) The principle of the development (ULP Policies S7 The Countryside, ENV5 Protection of Agricultural land, H9 Affordable Housing, H10 Housing mix, H11 Affordable Housing on Exception sites, LC1 Loss of recreational facilities, LC3 Community Facilities & LC4 Provision of recreational facilities beyond Development Limits);
  - (B) The visual impact on the site and surroundings (ULP Policies GEN2 Design);
  - (C) The impact of the proposal in terms of residential amenity (ULP Policies GEN2 Design, GEN4 Good neighbourliness & GEN5 Light pollution) and SPD Accessible Homes & Playspace);
  - (D) The access and parking arrangements (ULP Policies GEN1 Access and GEN8 Vehicle Parking standards) and
  - (E) Other material planning considerations – energy efficiency and renewable energy standards, impact on protected species and loss of groups of trees (ULP Policies GEN7 & ENV3 open spaces and trees & SPD Energy Efficiency & Renewable Energy, contamination (ULP Policies ENV12 Protection of water Resources & ENV14 Contaminated Land), Flood Risk (ULP Policy GEN3 Flood Protection).
- (A) The principle of the development (ULP Policies S7 The Countryside, ENV5 Protection of Agricultural land, H9 Affordable Housing, H10 Housing mix, H11 Affordable Housing on Exception sites, LC1 Loss of recreational facilities, LC3 Community Facilities & LC4 Provision of recreational facilities beyond Development Limits);**
- 10.2 The site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. However, Policy S7 allows development appropriate to a rural area and Policy LC1 allows the loss of sports fields where replacement facilities would be provided. The proposal would result in the loss of approximately 0.2 hectares of the existing playing field in the north-west corner of the site.
- 10.3 Policy LC3 supports the principle of community facilities outside settlement boundaries provided the need for the facility can be demonstrated, the need cannot be met within the boundaries and the site is well related to a settlement.
- 10.4 A convincing case has been made to demonstrate that suitable alternative sites within the Development Limits are not available due in part to the large area of land required and the impact on the conservation area. The site borders the settlement boundary and it is therefore considered that the proposal complies with Policy LC3. The proposal would remove a parcel of land from agricultural use; however, as stated above there are no sites within the development or previously developed land suitable for the proposal and therefore meets the requirements of Policy ENV5.
- 10.5 Policy LC4 permits outdoor sports and recreational facilities including associated buildings such as changing rooms and clubhouses. The proposal includes a village/sports hall with changing and meeting rooms building. The village hall, sport and related facilities broadly comply with relevant policies

- 10.6 Policy H11 allows affordable housing adjacent to settlements as an exception where it would meet an identified need and be compatible with surroundings. The issue of need has been demonstrated by the applicant, the scale of the proposed affordable housing is limited and the site borders the settlement boundary. However, as the proposal is not exclusively affordable housing and contains a significant element of market housing the proposal cannot be treated as an exception scheme.
- 10.7 The provision of affordable housing, the village hall and the sports pitches are broadly in accordance with local plan policy. The part which is not supported by policy is the provision of ten market houses. For this reason the application – which is a total package of these various elements – could be refused for being contrary to Policy S7 – The Countryside.
- 10.8 However, before proceeding to determine the application it is necessary to consider whether material considerations justify granting permission in this instance. The applicant has explained that the need for the development has mainly arisen because the present village hall and changing facilities are inadequate, small and in need of repair, the current pitches are inadequate to cater for demand and there is no parking at the village hall restricting the practicality of using it for events. These elements of social infrastructure are supported by the development plan. The market housing would fund the village hall and sporting facilities because there are no grants or alternative sources of funding available. This has been confirmed by the Rural Community Council of Essex. There is a need for affordable housing within the village as explained elsewhere in the report. Under the method of provision chosen by the applicant the market housing would also fund the provision of the affordable housing. It is the applicant's case that the rest of the development cannot happen without the market housing element generating the funding and financial evidence through a submitted financial robust viability report which has been provided to officers to demonstrate this. This evidence has been previously independently tested by an assessor employed to advise officers and has been further amended to take account of the change in market situation in terms of the drop in property prices, rising cost of construction material plus associated professional costs (stamp duty and legal costs), also the margins that are required to satisfy banks to reduce the element of risk that is involved due to market predictions. It has been stated by the independent advisor that the applicant's financial appraisal is reasonable and that a case has been made to demonstrate the need for the market housing of the scale proposed to finance the affordable housing and community facilities. However, he advised that should the development be permitted then the viability of the scheme would need to be reviewed again after the development has been completed. If this subsequent review shows that the scheme has generated more funds than necessary the extra sum will be captured and invested in this or a related scheme.
- 10.9 The report states that the first £100,000 profit from the proposed development would go to a charity that is proposed to be set up as a 'trustee' that would manage the Village/Sports Hall. Any thing else received above this figure it is proposed that it would be split evenly between the interest parties (developer, landowner and charity). This will be a requirement in the S106 Agreement.
- 10.10 Officers accept that the existing facilities are of poor quality. Planning policy is supportive of the provision of sports and recreation facilities outside

development limits in recognition of the community benefits they bring. The village hall and the sports pitches must be viewed as a significant benefit for the community. The committee will need to weigh the enabling benefits of the market housing in realising the rest of the scheme.

- 10.11 The proposed scheme would provide a local community a public facility without the reliance on public investment and the scheme would be a community facility driven development with the benefit of affordable housing provision, sports and villages facilities.
- 10.12 With regards to the proposed mix of the dwellings Local Plan Policy H10 seeks that residential schemes provide a mixture of house sizes. As outlined in Section 3.2 above, there would be a mix of 2, 3, 4 and 5 bedroom units (3 x 2 bedrooms, 6 x 3 bedrooms, 3 x 4 bedroom, and 2 x 5 bedrooms). The scheme is therefore considered to be balanced in this respect and accord with Local Plan Policy H10.
- 10.13 With regards to the principle of the demolition of the existing outbuildings on site. The existing structures are small and are of a sufficient distance from existing residential occupiers not to be a detrimental impact upon residential amenity in terms of noise and dust in accordance with Local Plan Policies GEN2 and GEN4. However Environmental Health would also be monitoring this aspect under their separate legislation.
- 10.14 ECC Education have asked for a financial contribution towards early years, childcare and primary level for £60, 307 as there is a current shortfall in places and the proposed development would further add to this. It has been stated by the applicant that the proposed development that the proposed scheme is all ready for a community benefit that otherwise would not be provide under normal circumstances. Whilst this is noted and considered understood the proposed development would further impact upon and existing situation and would need to be mitigated. This was also considered to be the case with the previous application. In order not to impact upon the financial viability of the proposed development this can be dealt with through the head of terms of the S106 agreement and further viability assessment that would be required, in accordance with Local Plan Policy GEN6.
- 10.15 On balance the market housing is considered to be an enabling element to facilitate the provision of recreational facilities in an otherwise acceptable development which is in accordance with local plan policies. The overall benefits for the village which would result from the proposed scheme are considered to outweigh the harm of departing from the local plan in respect of the market housing.
- 10.16 No objection has been raised by Sport England and the Council's Planning Policy Team and Housing Enabling and Development Officer subject to conditions.

**(B) The visual impact on the site and surroundings (ULP Policies GEN2 Design);**

- 10.17 The generally principle of the proposed development was resolved as acceptable at the 30 June 2010 Planning Committee regarding outline planning application UTT/1443/09/OP. The previous application reserved all matters apart from the vehicular access proposed. With this full planning application all matters of the overall design of the scheme are for

consideration. The scheme now sees the relocation of the access into the site and the evolution of the scheme in terms of increased layout and footprint since the illustrative design under the previous application.

- 10.18 The proposal comprises additional sports pitches which would be compatible with the existing character and maintain the openness. The removal of the existing changing rooms and storage building is welcomed as this would improve the visual amenity of the site. The proposed multi-use games area, car parking and village hall would however have a significant impact on the character and appearance of the site due to the existing open nature. However, this impact could be restricted through landscaping and the impact needs to be balanced with the positive affect of the enhanced facilities.
- 10.19 The proposed housing would have a visual impact taking residential development beyond the settlement boundary and resulting in the loss of a group of trees on the south-west of the site. Although the proposed dwellings proposed to front The Street would continue the linear form of development, the proposed dwellings to the east would result in a further line of houses which would add greater depth to the locality than currently exists. However, given the landscaping of the site the visual impact of these dwellings would not be unduly harmful to the setting of the village particularly considering the proposed design of the dwellings. This aspect is discussed below.
- 10.20 A Design and Access Statement has been submitted as part of the application. It is stated that the proposed scheme would respect the residential and visual amenity of the existing residential occupiers due to the proposed design of the scheme and the distance away from the proposed community facilities. It is also stated that the scheme would relocate the existing vehicle movement to the pitches from narrow access between no.88 and 90 The Street which is considered to be substandard and a highway safety issue. The proposed design of the scheme would continue to maintain a sense of openness to the existing properties fronting The Street.
- 10.21 The proposed village/sports hall is considered to be relatively large, however it been designed to allow for multi functional use to make it viable and the proposed height has been dictated by the regulations for the required height of badminton courts. Sport England requirements are 6.1m internal height this is reflected in the proposed eaves heights of the hall.
- 10.22 The hall would be centrally located on the site for easy of access to the proposed facilities as well as natural surveillance of the proposed pitches. The building has been based on traditional farm building designs and mass as been reduced through the creation of pitched roofs and to provide a varied appearance.
- 10.23 The proposed design of the dwelling are varied in appearance, use of traditional materials and proportions. There are a number of open market dwellings that are considered to be relatively large however they are considered to have traditional modest appearance.
- 10.24 The proposed siting of the proposed dwellings has been orientated around the proposed access road, orientated at an angle and away from the existing dwellings and maintaining a green frontage/ screening along The Street with the existing embankment.

- 10.25 As part of the application two existing storage buildings are proposed to be demolition and removed from site which is stated would improve the visual appearance of the site.
- 10.26 The overall heights of the proposed buildings would be relatively average. The largest structure being the proposed hall which would be centrally located away from the residential properties.
- 10.27 As part of the scheme there are various surface water drainage indicative methods that are proposed including soakaways and grey water recycling. Details of surface water drainage would be conditioned should planning permission be granted.
- 10.28 Outlined within the Sustainability Statement that the proposed dwellings would be designed to achieved code level 3 for sustainable homes and 10% energy efficiency through various design methods such as solar thermal systems, ground source heat pumps, energy efficient lights etc. The village hall would be designed to BREEAM 'Very Good' standard in accordance with Local Plan Policies Low level lighting is proposed as part of the application to enable security of the scheme without resulting in light pollution and negatively impacting upon the surrounding rural environment. An illustrative plans has been submitted to demonstrated the extent of the proposed level of lighting. The MUGA pitch is the only pitch proposed to be floodlit by 4 x 10m high lighting columns. Hours of use to be controlled by condition should planning permission be granted.
- 10.29 Movement sensors are proposed to the exterior of the proposed hall.
- 10.30 Essex Police Architectural Liaison Officer has indicated that the lighting columns should be swapped for low level lightening as vandalism may occur. With regards to any lighting scheme this would need to be balance to achieve crime prevention as well as being sensitive to its rural locality and glare and light spillages from the site is minimised. The scheme is proposed to be built to Secure by Design principles, in accordance with Local Plan Policy GEN2. A condition should be imposed to agree details should planning permission be granted.

**(C) The impact of the proposal in terms of residential amenity (ULP Policies GEN2 Design, GEN4 Good neighbourliness & GEN5 Light pollution) and SPD Accessible Homes & Playspace);**

- 10.31 Part of the site currently accommodates sports pitches, changing rooms and a children's play area which would already have an impact on the residential amenities of occupiers of neighbouring properties. The proposal would however intensify the use of the land and the multi use games area would be illuminated allowing the site to be used for longer resulting in potential additional noise and disturbance. However, the multi games area would be set behind the proposed changing room building and a significant distance from the existing and proposed housing.
- 10.32 The use of the agricultural land for pitches could result in an increase in noise and disturbance; however again these would be a significant distance from the nearest residential properties. The facilities would be likely to generate additional traffic and a resultant increase in noise and disturbance. The access would be to the north whereas the existing access borders dwellings.



- 10.33 The proposed housing would have an impact on the residential amenities of the nearby dwellings fronting onto The Street through developing land currently free from built development. It is however considered that the housing could be provided without having an undue adverse impact on the residential amenities of existing properties, in consideration of proposed landscaping, orientation of the proposed properties and distances.
- 10.34 The proposal would include the provision of floodlights for the multi use games area. Policy GEN5 states that development that includes a lighting scheme will not be permitted unless the level of lighting and its period of use is the minimum necessary to achieve the purpose and glare and light spillage from the site is minimised. The Applicant states that a minimum lighting strategy would be adopted to respect the countryside location, there would be no lighting at the access or within the housing area and car park and the footpath to the village would be illuminated by low level lighting with sensor controls. Details regarding the proposed lighting, illumination and hours of use could be conditioned should planning permission be granted, also for reasons discussed in Section 10.30.
- 10.35 Supplementary Planning Guidance Accessible Homes and Playspace require new dwellings to be designed to lifetime homes standard. The proposed dwellings would be designed to Lifetime Home Standards. Unit 5 is proposed to be single storey 2 bedroom dwelling which is designed to be fully wheelchair accessible. The proposed hall would be Part M DDA compliant. This is in accordance with Local Plan Policies GEN1 and GEN2.
- 10.36 The proposed dwellings would have sufficient amenity space in accordance with Local Plan Policy GEN2 and as advised by the Essex Design Guide (adopted 2005).

**(D) The access and parking arrangements (ULP Policies GEN1 Access and GEN8 Vehicle Parking standards)**

- 10.37 The current access is substandard and sited in close proximity to housing to each side and the proposal to discontinue the use of the existing access is welcomed. Furthermore, parking is restricted to a small area of informal spaces adjacent to the children's play area. The proposed access would be taken from the west of the site and would serve the proposed recreation facilities, the housing and the 86 parking spaces.
- 10.38 Residents and visitors to the area have indicated concern about the access route to the site, with the 60mph speed limit on the road passing the site and with the overgrown vegetation on the opposite side of the road causing bad visibility to drivers, which has previously caused an accident. Additional speed surveys have been carried out and submitted as part of the application submission. As only one accident has been recorded the proposed access route together with the maintenance of the hedgerows visibility would improve from the current situation. The creation of the new vehicular access and termination of the existing unsafe arrangements would be an improved benefit resulting from the scheme. Also by retaining the existing footpath and extending this through the proposed development, this implies the promotion of sustainable travel to the site. The proposed road access would be constructed to adoptable standards.

- 10.38 With regards to the proposed dwellings even though there is a provision of garages these do not comply with the current adopted Parking Standards (2009), however other sufficient car parking in accordance with the standards. The scheme therefore accords with Local Plan Policy GEN8 and ECC Parking Standards (2009).
- 10.39 The Parking Standards seeks that 20 spaces are provided per pitch (80 spaces including MUGA) and general Class D2 Assembly and Leisure requirements is 1 space per 20 sqm (35 spaces). These are maximum standards. As the proposed scheme would provide 86 car parking spaces plus an additional area for deliveries and/or mini-bus this is considered to be acceptable considering additional impact upon the countryside that could result from further hardstanding area.
- 10.40 The Highway Authority raises no objection subject to conditions.
- (E) Other material planning considerations – energy efficiency and renewable energy standards, impact on protected species and loss of groups of trees (ULP Policies GEN7 & ENV3 open spaces and trees & SPD Energy Efficiency & Renewable Energy, contamination (ULP Policies ENV12 Protection of water Resources & ENV14 Contaminated Land), Flood Risk (ULP Policy GEN3 Flood Protection).**
- 10.41 A number of ecological surveys have been carried out in support of the application. These include an Anabat Survey, which show the level of night bat activity within the area, hedgerow and reptile surveys.
- 10.42 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. The proposal would result in the loss of an area of woodland and the applicant has stated that the majority of trees to be removed are in poor condition. An ecological appraisal of the site has indicated that the value of the area is low/moderate in the local context with no active or disused badger sets within the site, the majority of semi-mature and mature trees in the plantation are considered unsuitable for roosting bats and there is low potential for protected species of reptiles. The area does however currently provide suitable habitat for birds including Blackbird, Starling, Wood Pigeon, Blue Tit and Robin. The applicant states that the loss of plantation would be offset by the creation of a new woodland habitat, hedges and careful management of the retained parts of the plantation.
- 10.43 Natural England raises no objection to the proposals subject to further surveys which have since been carried out and submitted.
- 10.44 Further to advice received by ECC Ecology stated that the recent bat report of 1<sup>st</sup> August for this site found no roosts within the woodland, although bats are foraging in and adjacent to the woodland and nearby gardens. It considers that the planning proposals would not have a detrimental impact upon the local bat population and a European Protected Species licence will not therefore be required.
- 10.45 The surveys did not find any reptiles using the hedgerow. Reptile surveys have been undertaken -as proposed by earlier ecological reports- and none have been found. The habitat is suboptimal. Evidence of badgers using the site was found, but no sett was found.

- 10.46 On balance it is considered that the scheme could benefit wildlife long term.
- 10.47 With regards to landscaping a significant section of landscaping would remain along The Street/Clavering Road. The proposed scheme would see the loss of an area of woodland. As part of the previous planning application a report surveying the health of the woodland. It has been stated that the woodland is poor quality woodland that has not been properly managed over the years and is of poor amenity value containing no specimens of merit. This has been previously accepted in principle. The revised location of the access road would allow for improved highway safety and sight lines, a reduced length of access road, also compensated by planting dense landscaping buffer to the northern boundary, large areas of woodland copse to the north of the proposed dwellings/west of the proposed pitches. This would consist of native species which would improve ecological habitats. There would also be additional planting within the site. Tree(s) covered by Tree Preservation Orders would be protected during the course of any construction works.
- 10.48 In order to achieve the pitch areas these will need to be cut and filled to provide the recommended gradients. The preparation and maintenance of natural turf pitches would be undertaken to comply with Sport England recommendations by an appointed agronomist. Detail of landscaping would be subject to condition should planning permission be granted.
- 10.49 Policy GEN2 (d) seeks to ensure that development helps to minimise water and energy consumption. Supplementary Planning Guidance Energy Efficiency & Renewable Energy aims to reduce energy use. The Council's Energy Officer has recommended conditions and the applicant has confirmed that the proposals would comply.
- 10.50 The Environment Agency and Environmental Health raises no objections in terms of flooding, contamination and drainage subject to conditions.
- 10.51 A material change since the resolution to grant outline planning permission is the adoption of National Planning Policy Framework (March 2012). Amongst other things, this seeks a presumption in favour of sustainable development unless material considerations indicate otherwise. Also development proposals that accord with the development plan without delay. It goes on to seek high quality design and good standard of amenity for all existing and future occupants of land and buildings, promoting retention and development of local services and community facilities in villages such as meeting places and sports venues. The proposed development accords with the National Planning Policy Framework.
- 10.52 Also, Public Participation on Development Plan Document, Consultation on Proposals for Draft Local Plan, June 2012 has been released. The draft LDF is being developed in terms of draft policies and it is currently under going its' second round of consultation. This document holds some weight and it is a material consideration.

## **11. CONCLUSIONS**

- 11.1 A case has been made to justify the need for market housing to enable the provision of affordable housing and the enhanced recreation facilities which would benefit the village and wider community. Therefore the application is considered to be acceptable subject to conditions and a legal agreement.

## **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph II unless by 22 February 2013 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

1. Provision of the 4 affordable housing;
2. Restriction to prevent market homes without provision of community elements;
3. Post completion financial assessment and identification of excess funding and its retention for reinvestment in the development (or similar);
4. Payment towards early years and childcare provision as stated within Essex Developers' Contribution Guidance 2010 after the first £100, 000 of profit goes to the New Charity set up to manage the village/sport hall and pitches. Payment contribution towards education to be agreed particularly if the total end profit is below £160, 307;

### **Conditions:**

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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, unless otherwise varied by the following conditions below.

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) Prior to the erection of the development hereby approved (not including footings and foundations) 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 [for example]:-

- 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 artefacts 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.);  
ix. retained historic landscape features and proposals for restoration, where relevant.  
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).

4) 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 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).

5) 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 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).

6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.
- (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [*the date of the occupation of the building for its permitted use*], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition ( ), at such time as may be specified in writing by the local planning authority,.
- (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- (e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- (f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

(g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7) Prior to the erection of the development 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).

8) Before the commencement of development a scheme of sound insulation shall be submitted to and approved by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details, until that time the building shall not be used for entertainment purposes.

REASON: In the interest of protecting residential amenity in accordance with Policy GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

9) No development of the playing fields hereby permitted shall commence until the following documents have been submitted to and approved in writing by the local planning authority (after consultation with Sport England);

A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

Based on the results of the assessment to be carried out above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full accordance with timeframe agreed with the local planning authority (after consultation with Sport England). The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON: To ensure that the playing field is prepared to an adequate standard and is fit for purpose, in accordance with Policies GEN2, LC1, LC3 and LC4 of the Uttlesford Local Plan (adopted 2005).

10) Before the first occupation or use of any building or facility hereby approved the following shall be provided on the site and shall thereafter remain as such:  
a) The vehicle access shall be constructed at right angles to the existing carriageway. The width of the access at its junction with the highway boundary shall not be less than 5 metres and retained at that width for 15 metres within the site.

The first 15 metres of the new access road as measured from the channel of the main road is to remain straight.

- b) Clear to ground visibility splays of 2.4 metres by 110 metres are to be provided to the south of the access;
- c) The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter;
- d) All independent footpaths should be provided a minimum of 2 metres wide and lit;

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner, to provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access and to protect public safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

11) Before development commences details of the estate roads and footpaths, including layout, levels, gradients, surfacing and means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details before the first use or occupation of any building or facility hereby approved and shall thereafter remain as approved.

REASON In the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

12) The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The shared surface shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed within three months from the occupation of such dwelling.

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

13) Before development commences details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

REASON: To prevent hazards by flowing water or ice on the highway, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

14) Before the first use or occupation of any building or facility hereby approved details of the provision of a transport information and marketing scheme for sustainable transport shall be submitted to and be approved in writing by the Local Planning Authority.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11 and Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

15) The public's rights and ease of passage over public footpath no. 40, Manuden shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

16) Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

17) 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 8.30am or after 2.00pm on Saturdays. All building or construction material shall be stored within the site and no materials deposited on the public highway.

REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

18) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPG25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving ground water and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

19) Before development 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).

20) Before the development hereby permitted commences, an accessibility statement/drawing shall be submitted to and approved in writing by the local planning authority. The details submitted shall set out measures to ensure that the building is accessible to all sectors of the community. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.

REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005.

21) The existing building shall be demolished and all the materials arising from such demolition shall be completely removed from the site prior to the first occupation of any dwelling hereby approved.

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

22) No development, or preliminary groundworks, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the Local Planning Authority.

REASON: The Essex Historic Environment Record shows that the proposed development site lies immediately adjacent to a number of known sites (HER 4697, 19461). Large scale trenching has taken place for the Priors Green site which found extensive archaeological deposits of prehistoric to medieval date. The development also fronts onto the Roman road from Braughing to Colchester (HER 4697). It is likely that deposits of multi-period date will be identified in the development area.

23) All flood risk management measures identified in the approved Flood Risk Assessment shall be incorporated into the development prior to the occupation or first use of the development hereby permitted.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

24) The development as designed, specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3'. The applicant will provide the planning authority with a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work

commences on-site. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007 and in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

25) 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 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

26) The development as designed, specified and built shall achieve the equivalent of a BREEAM 'very good' rating, namely the building emissions rate (BER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L2A SBEM methodology, and will incorporate other water saving and environmental features agreed with the planning authority.

The applicant will provide the planning authority with a design SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. Within four weeks following its completion, the applicant will provide a SBEM rating of the as-built building and details of water saving and other environmental features incorporated.

REASON: In the interests of the promotion of sustainable forms of development and construction, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

27) Before development commences a timetable for the provision of the playing field hereby approved and a management plan shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate that the proposed playing field shall be available for use within 2 years of the commencement of the proposed residential development unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

REASON: To ensure that the replacement playing field is implemented within an acceptable timescale in order to ensure the continuity of playing field provision, in

accordance with Policies GEN2, GEN1, LC1, LC3 and LC4 of the Uttlesford Local Plan (adopted 2005).

28) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principle and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increase risk of flooding, both on and off the site in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

29) Before development commences (including demolition) wheel cleaning apparatus must be provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

30) Before development commences details of the floodlighting to include design, illumination and any necessary shielding and lighting design, noise control and security measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and shall thereafter remain as such unless otherwise agreed in writing by the Local Planning Authority. Once approved the floodlighting shall not be operated except between the hours of 0900 and 2200 unless otherwise agreed in writing by the Local Planning Authority.

REASON In the interests of residential and visual amenity, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

31) The community/sports centre and multi use games area uses hereby permitted shall not be carried on except between the hours of 0800 and 2300 unless otherwise agreed in writing by the Local Planning Authority.

REASON In the interests of residential and visual amenity in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

32) The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement 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).

33) If at any time during the course of construction of the development hereby approved, a species of animal or plant (which include bats and great crested newt) that is protected under the Conservation (Natural Habitats &c) Regulations 1994) is

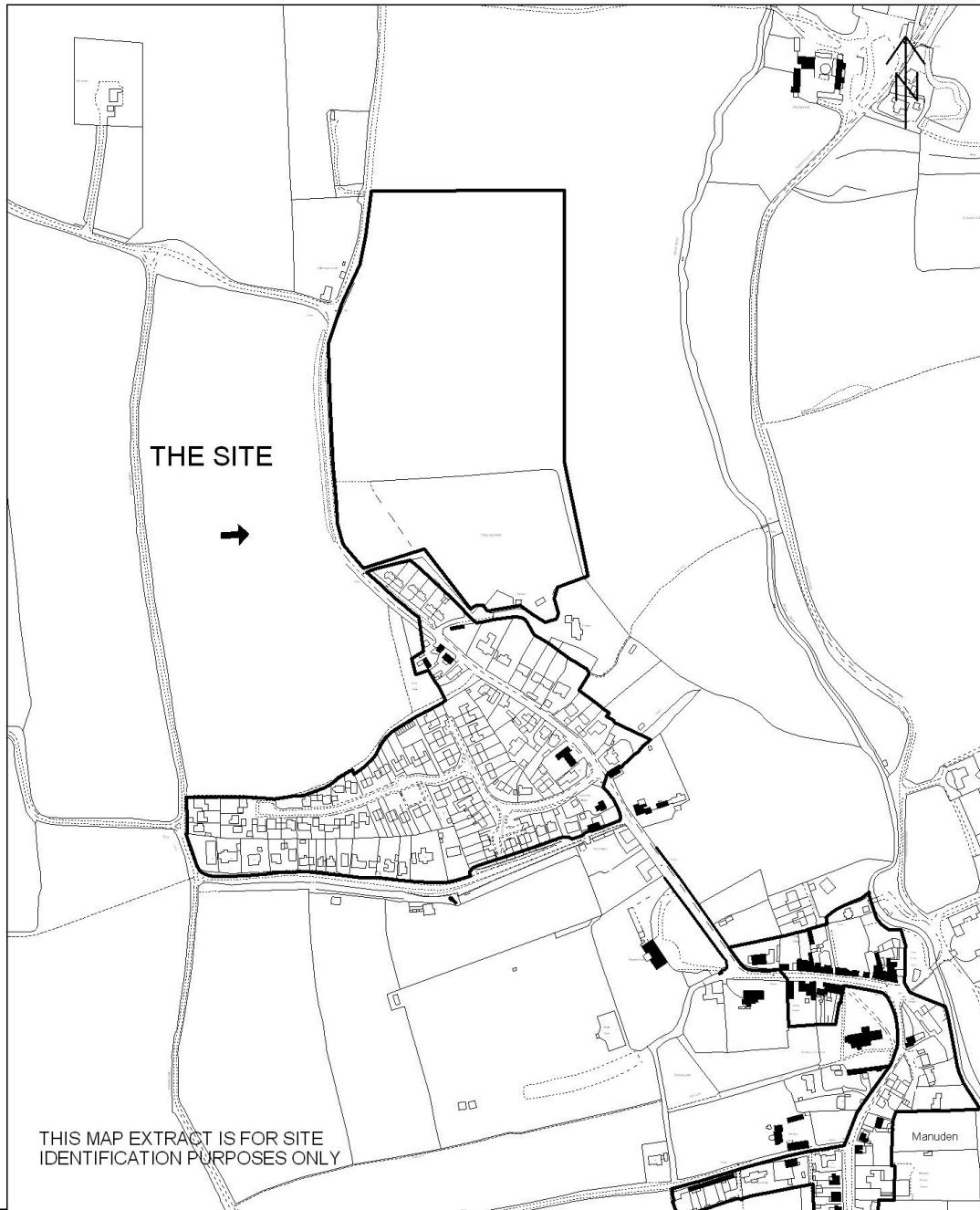
discovered, all construction or other site work shall cease until a licence to disturb any protected species has been granted by Natural England.

REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern, in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

*Protected species' are those species of plants and animals that are afforded legal protection, for example under the European Union Birds Directive and Habitats Directive (these "European Protected Species" are the highest priority for protection), or under Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981 (as amended), and the Protection of Badgers Act 1992. Developments which compromise the protection afforded European Protected Species will almost invariably require a licence from Natural England . This applies to Bats (all species) Great Crested Newt, Otter, and Dormouse.*

34) The development shall not commence until details of any proposed external lighting scheme and security measures to reduce the potential for crime have been submitted to and approved by the Local Planning Authority.

REASON: To protect the amenities of the locality by avoiding light pollution and reducing the potential for crime related activity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).



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DATE:09/08/2012

MAP REFERENCE:TL4827

SCALE:1:5000

## APPENDIX A

### UTT/1443/09/OP - MANUDEN

Outline planning application for a village hall/changing rooms, multi-use games area, sports pitches, car parking, fourteen dwellings with access road off Clavering Road, with all other matters reserved

Location: Site off The Street. GR/TL 486-271

Applicant: Dr Les Atkinson

Agent: Mr Ivan Le Gallais

Case Officer: Miss M Tourvas 01799 510510

Expiry Date: 26/02/2010

Classification: MAJOR

**NOTATION:** Outside Development Limits.

**DESCRIPTION OF SITE:** The site is adjacent to the settlement boundary on land classed as countryside. The southern part of the site accommodates two grassed sports pitches, the existing changing room and associated buildings, a formal children's play area and a group of trees to the south-west. Dwellings border the site along part of the south and south-west boundaries; the northern part of the site comprises an agricultural field. Access is from The Street.

**DESCRIPTION OF PROPOSAL:** The application is in outline and comprises the erection of a village hall/changing rooms, a multi purpose games area, sports pitches, car parking and 14 dwellings. A new access from Clavering Road would serve the development; access details have been submitted for formal consideration and all other matters are reserved. The existing children's play area and cricket pitch would be retained; the existing changing facilities and storage container would be removed. An area for pitches would be provided to the east with a general pitch area to the north. Car parking providing 52 spaces (4 disabled) would be sited to the north of the changing rooms and would be served by the new access in the north-west corner of the application site. This would also access the proposed 14 houses (4 affordable) to the south-west of the site. An area of woodland planting is proposed to the west of the changing room building and car park.

**APPLICANT'S CASE:** The statement is available in full on file and on the website. In summary:

Design & Access Statement states the southern part is leased as the existing village playing fields; the remainder is on an agricultural lease. Manuden is an active community with a longstanding aspiration to replace the outdated village hall and provide much needed improved outdoor sports facilities and proper changing rooms. Enabling development is needed to cover the funding required for the additional land, the proposal is supported by 51% of the community and community led plans are endorsed in the Local Plan.

The proposal complies with local plan policies LC3, LC4, H11 and S7, there are special reasons for development, the scheme is to provide enhanced facilities and avoiding the need for local people to travel. The enabling development is essential, the housing would only increase the village housing stock by 5% and the village is close to Bishops Stortford and Stansted. There is a commitment to a 106 agreement to cover the affordable houses and to ensure the timely provision of the community and sports facilities.

The existing village hall is outdated and is not capable of being brought up to modern standards, it has no off street parking and road safety hazards arise from vehicle and pedestrian movements. The changing rooms and toilet facilities are substandard, the existing playing fields are so limited that the village cricket team cannot use it and has to play all fixtures away, junior and mini football pitches have to overlap and vehicular access is poor with limited visibility and there is no surfaced parking.

The benefits include allowing 10 societies to meet, badminton court, short mat bowls, access and facilities for the disabled, replacement football pitches, changing rooms and showers designed to FA standards, the project has the support of the Essex FA, separate pitches for cricket, adult, junior and mini football, the avoidance of overlapping pitches to allow the cricket team to play at home, more attractive facilities for young people and the creation of a focus for community integration and social activities.

A Housing Needs Survey was carried out in September 2008 completed by 15 households; it concluded that there is a requirement for a small number of affordable houses within Manuden to meet local need. The English Rural Housing Association state that 4 dwellings (around 30%) would be appropriate and are willing to act as provider in partnership with the Parish Council. The housing would achieve approximately 30 dwellings per hectare consolidating the finger development of existing housing. The village hall would have a footprint similar to that approved in 2001. The protected oak tree would be retained, the poorly maintained tree plantation is of low ecological value and would be replaced by new indigenous planting of greater biodiversity value. Other landscaping enhancement would take place.

A minimum lighting strategy would be adopted to respect the countryside location, there would be no lighting of the access or within the housing area, the car park and footpath to the village would be low level lighting with sensor controls, the multi purpose games area would be illuminated by 4 x 10 metre retractable columns to be reduced when not in use.

Ecological Appraisal states the majority of the southern part of the site consists of close mown playing fields with the northern part under intensive arable production. The small plantation comprises mixed woodland planted in the 1940's, has not been managed and comprises poorly structured canopy layer, an over-stood and poor crop of pines, larch and other conifers and broadleaved species. The site does not contain, adjoin or include any statutory or non statutory designated site of ecological interest, no evidence of active or disused badger setts were found on the site or within the vicinity of the boundaries although a small, old latrine was noted within the plantation in the northern part of the site. It is recommended a bat survey be carried out in connection with the potential loss of the existing buildings. There are no areas of standing water suited to great crested newts and the arable/mown grass renders the site generally unsuitable for supporting reptiles/amphibians. There are minor peripheral parts of the site which have low potential for supporting herptiles due to rough grass and scrub. It is recommended that specialist amphibian survey in those peripheral parts is carried out in April to September. The plantation woodland and hedgerows provide suitable habitat for a number of bird species including blackbird, starling, blue tit and robin. Areas of potential for stag beetles or other dead wood invertebrates are in the woodland and hedgerows. There would be the loss of around 75% of the semi mature plantation woodland of low ecological value along with the major part of the semi mature line of trees dividing the play area from the fields.

The Rural Community Council of Essex confirms there is no funding available for the project. Essex County Football Association support the project stating the mini soccer, youth and adult male and female football levels are above the national average. Manuden Primary School support the project as the school's range of sporting activities is limited by the lack of accommodation and unsuitable hall.

Additional Information has been submitted providing details of the existing village hall which highlights many deficiencies, outlines the requirements of changing rooms to comply with FA standards, that demand for football pitches (two adult teams, increased interest in junior and youth football and around 100 children) cannot be met by the current pitches, refurbishment of the existing changing rooms is not an option and the access to the site would preclude any further pitches being granted provided. Alternative sites were considered, all are outside the settlement boundary and three would affect the conservation area. The current site offers the benefit of combining the playing fields with a village hall/changing rooms. An argument is put forward against paying the sought education contribution. A Tree/Woodland document was submitted along with a detailed financial breakdown of the development

**RELEVANT HISTORY:** Reference UTT/1731/00/OP established the principle of a new community and sports centre, formation of parking, new access and multi use games area on the playing field.

**CONSULTATIONS:** Highways Authority: raises no objection subject to conditions.

Sport England: raises no objection subject to conditions. It states the replacement playing field provision would be significantly better than the part of the existing playing field that would be lost in quantitative terms, the quality of the replacement playing fields would clearly be at least equivalent to the existing provision.

UDC Policy: state the site lies beyond the development limits within the countryside, any departure from Policy S7 needs to be justified. The village hall/changing rooms are subject to policy LC3 which allows community facilities but require written justification relating to need. The village boundary is tightly drawn and a large area of the village is within the conservation area, it is acknowledged that the development probably needs to go beyond the development limit and this site would be well located to the village. Policy LC4 permits multi use games area and sports pitches. County Highways would need convincing that parking would not spill out onto the highway; coach parking and facilities must be considered for all D1 and D2 uses. There is no objection to affordable housing subject to provision through an RSL. There is however a policy issue over market housing as there is no policy allowing a mix of affordable and market housing on exception sites. No written justification has been submitted explaining why market housing should be allowed contrary to policy.

UDC Environmental Services raise no objection and recommend conditions relating to the lighting design and noise control measures.

Water Authority: has no objection regarding sewerage infrastructure. With respect to surface water drainage it is recommended that the applicant should ensure storm flows are attenuated or regulated into the public network through on or off site storage.

Veolia: raise no objection. State that the development site is located within an Environment Agency defined groundwater Source Protection Zone, this is a public



water supply and accordingly recommend informatives be added to any permission.

Environment Agency: originally objected to the scheme on the grounds that the submitted Flood Risk Assessment did not comply with PPS25. Additional drainage information has been supplied and the objection has been withdrawn. The Environment Agency does not object subject to a condition and informatives.

Essex County Schools: raise no objection and state that there are sufficient secondary school places but there is unlikely to be sufficient capacity to accommodate primary and pre-school age children. Seek an education contribution through as106 agreement.

UDC Building Control: states the one dwelling would need to be meet Wheelchair Accessible Housing, the village hall will need to meet Part M of the Building Regulations and a level or ramped access would be required.

UDC Energy Officer has no objection subject to conditions.

UDC Drainage and Engineering: has no objection and recommends a condition.

Natural England: has no objection.

Essex Wildlife Trust: made no comments.

Landscape Officer: made no comments.

Ramblers Association: made no comments.

Police Architectural Liaison Officer: made no comments.

**PARISH COUNCIL COMMENTS:** Manuden Parish Council made no comments.

**REPRESENTATIONS:** The application was subject to neighbour notification and re-consultation took place advertising the application as a departure.

4 letters received raising concerns on the following grounds: seek design, siting, appearance and quality of housing to be sympathetic to neighbouring dwellings, village would be extended substantially on higher ground than the remainder of the village and would be out of context, contrary to policy, concerned about the size and scale and its potential detrimental impact on character; the housing would extend the ribbon development, the height and prominence of the proposals would affect the rural nature of the village, the proposal does not represent a 100% exceptions site and need for affordable housing should be scrutinised, could lead to subsequent applications for residential development, bats hibernate in the woods, questions the need for all the facilities, the existing village hall is at the heart of the village not at one of its extremities, cannot justify or afford the need for the facilities, concerned whether the needs and opinions of the village have been truly ascertained, there are restrictions regarding the Moat Site, Battles Hall as the farmland adjacent to the moated site can only be excavated to a ploughshares depth, the application site would come into this area, destruction of a woodland area which is the only one in the village and should be protected, increase in road use.

8 letters received objecting on the following grounds: destruction of woodland which is used for members of the community, impact on protected species including birds and bats, no need for housing, vehicle damage to field, not viable financially, could

improve the village hall without this scheme, impact on ancient monument, the scale is too great for a small village and out of proportion, will lead to commercial use, insufficient demand for such facilities, the toddler group moved due to lack of demand so the current hall is too large, will lead to increased traffic through the village which already suffers from poor walking space for pedestrians, harmful to highway safety, cars currently drive too fast, questions the need for 50 parking spaces when the facility is for villagers who could walk, detrimental impact on the character of the village, ribbon development contrary to policy, questions method of gathering support for the scheme, would affect the quality of life in this part of the village due to traffic, access is poor and dangerous and near misses have occurred, Highways refused to lower the speed limit from 60mph, the traffic survey was carried out too far from the entrance point to be relevant, cutting back hedges for visibility would not be adequate due to the height of the bank, could lead to further housing, questions the maintenance of the proposals.

58 letters of support on the following grounds: village has no facilities, village hall outdated and has no parking, outdoor space or acceptable kitchen facilities which restrict its use, the current sports changing facilities are a disgrace, the access is problematic, the thriving football club needs more space, the cricket team needs a home and the village organisations needs a suitable community hall, new hall and facilities tasteful and would allow plays, concerts etc. which cannot take place in the current hall, could be the springboard for future Olympians, cricketers and footballers and all other sportsmen, musicians, actors etc., space to erect tents for Guides etc., reduce time walking between the village hall and open space for Brownies, support more housing especially affordable housing for local people, housing much needed and would contribute to the housing needs of the district, could allow young people to stay in the village, design in keeping, the impact on the village and its surroundings have been minimised, the site could be accessed by the footpath, the housing would not have a detrimental impact on existing housing, good for the local community, will have a very positive effect on the village as a whole, would provide a central focus for the village, provide jobs for people in the village and surrounding areas, new facilities would accommodate the disabled, old and young, safe place for children and families that have grown up in the village and can stay together, somewhere better lit would be good, would provide social skills and understanding of belonging in the wider community and benefit the young, would give independence to the young, the freehold ownership of the playing fields would protect the village from further expansion, Manuden is also used by residents of Berden, there is a Facebook page dedicated to the support of moving the village forward, the group has 32 members.

**COMMENTS ON REPRESENTATIONS:** See Appraisal below.

**PLANNING CONSIDERATIONS including Design & Access statement:**

- 1) **The principle of the development (ULP Policies S7 The Countryside, ENV5 Protection of Agricultural land, H9 Affordable Housing, H10 Housing mix, H11 Affordable Housing on Exception sites, LC1 Loss of recreational facilities, LC3 Community Facilities & LC4 Provision of recreational facilities beyond Development Limits);**
- 2) **The visual impact on the site and surroundings (ULP Policies GEN2 Design);**
- 3) **The impact of the proposal in terms of residential amenity (ULP Policies GEN2 Design, GEN4 Good neighbourliness & GEN5 Light pollution) and SPD Accessible Homes & Playspace);**
- 4) **The access and parking arrangements (ULP Policies GEN1 Access and GEN8 Vehicle Parking standards) and**

**5) Other material planning considerations – energy efficiency and renewable energy standards, impact on protected species and loss of groups of trees (ULP Policies GEN7 & ENV3 open spaces and trees & SPD Energy Efficiency & Renewable Energy, contamination (ULP Policies ENV12 Protection of water Resources & ENV14 Contaminated Land), Flood Risk (ULP Policy GEN3 Flood Protection).**

1) The site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. However, Policy S7 allows development appropriate to a rural area and Policy LC1 allows the loss of sports fields where replacement facilities would be provided. The proposal would result in the loss of approximately 0.2 hectares of the existing playing field in the north-west corner of the site. Sport England stated that the new playing fields proposed to the north of the existing site would consist of approximately 2.6 hectares in total and this provision would be significantly better than the area of playing field lost in quantitative terms. The existing sports pitches are limited and the poor quality changing facilities would be replaced by enhanced facilities.

Policy LC3 supports the principle of community facilities outside settlement boundaries provided the need for the facility can be demonstrated, the need cannot be met within the boundaries and the site is well related to a settlement. A convincing case has been made to demonstrate that suitable alternative sites within the Development Limits are not available due in part to the large area of land required and the impact on the conservation area. The site borders the settlement boundary and it is therefore considered that the proposal complies with policy LC3. The proposal would remove a parcel of land from agricultural use; however, as stated above there are no sites within the development or previously developed land suitable for the proposal and therefore meets the requirements of Policy ENV5.

Policy LC4 permits outdoor sports and recreational facilities including associated buildings such as changing rooms and clubhouses. The proposal includes a village hall/pavilion/changing rooms building. The village hall, sport and related facilities broadly comply with relevant policies

Policy H11 allows affordable housing adjacent to settlements as an exception where it would meet an identified need and be compatible with surroundings. The issue of need has been demonstrated by the applicant, the scale of the proposed affordable housing is limited and the site borders the settlement boundary. However, as the proposal is not exclusively affordable housing and contains a significant element of market housing the proposal cannot be treated as an exception scheme.

The provision of affordable housing, the village hall and the sports pitches are broadly in accordance with local plan policy. The part which is not supported by policy is the provision of ten market houses. For this reason the application – which is a total package of these various elements – could be refused for being contrary to Policy S7 – The Countryside.

Before proceeding to determine the application it is necessary to consider whether material considerations justify granting permission in this instance. The applicant has explained that the need for the development has mainly arisen because the present village hall and changing facilities are inadequate, small and in need of repair, the current pitches are inadequate to cater for demand and there is no parking at the village hall restricting the practicality of using it for events. These elements of social infrastructure are supported by the development plan. The market housing would fund the village hall and sporting facilities because there are no grants or alternative

sources of funding available. This has been confirmed by the Rural Community Council of Essex. There is a need for affordable housing within the village as explained elsewhere in the report. Under the method of provision chosen by the applicant the market housing would also fund the provision of the affordable housing. It is the applicant's case that the rest of the development cannot happen without the market housing element generating the funding and financial evidence has been provided to officers to demonstrate this. This evidence has been independently tested by an assessor employed to advise officers. He states that the applicant's financial appraisal is reasonable and that a case has been made to demonstrate the need for the market housing of the scale proposed to finance the affordable housing and community facilities. However he advised that should the development be permitted then the viability of the scheme would need to be reviewed again after the development has been completed. If this subsequent review shows that the scheme has generated more funds than necessary the extra sum will be captured and invested in this or a related scheme. This will be a requirement in the S106 Agreement.

Officers accept that the existing facilities are of poor quality. Planning policy is supportive of the provision of sports and recreation facilities outside development limits in recognition of the community benefits they bring. The village hall and the sports pitches must be viewed as a significant benefit for the community. The committee will need to weigh the enabling benefits of the market housing in realising the rest of the scheme.

On balance the market housing is considered to be an enabling element to facilitate the provision of recreational facilities in an otherwise acceptable development which is in accordance with local plan policies. The overall benefits for the village which would result from the proposed scheme are considered to outweigh the harm of departing from the local plan in respect of the market housing.

No details are provided relating to the mix of market housing due to the application being outline and agreement of the mix can be required by condition.

2) The proposal comprises additional sports pitches which would be compatible with the existing character and maintain the openness. The removal of the existing changing rooms and storage building is welcomed. The proposed multi use games area, car parking and village hall would however have a significant impact on the character and appearance of the site. This impact could be restricted through landscaping and the impact needs to be balanced with the positive affect of the enhanced facilities.

The proposed housing would have a visual impact taking residential development beyond the settlement boundary and resulting in the loss of a group of trees on the south-west of the site. Although the proposed dwellings proposed to front The Street would continue the linear form of development, the proposed dwellings to the east would result in a further line of houses which would add greater depth to the locality than currently exists. However, given the landscaping of the site the visual impact of these dwellings would not be unduly harmful to the setting of the village.

3) Part of the site currently accommodates sports pitches, changing rooms and a children's play area. It therefore would already have an impact on the residential amenities of occupiers of neighbouring properties. The proposal would however intensify the use of the land and the multi use games area would be illuminated allowing the site to be used for longer resulting in potential additional noise and disturbance. However, the multi games area would be set behind the proposed

changing room building and a significant distance from the existing and proposed housing.

The use of the agricultural land for pitches could result in an increase in noise and disturbance; however again these would be a significant distance from the nearest residential properties. The facilities would be likely to generate additional traffic and a resultant increase in noise and disturbance. The access would be to the north whereas the existing access borders dwellings.

The proposed housing would have an impact on the residential amenities of the nearby dwellings fronting onto The Street through developing land currently free from built development. It is however considered that the housing could be provided without having an undue adverse impact on the residential amenities of existing properties.

The proposal would include the provision of floodlights for the multi use games area. Policy GEN5 states that development that includes a lighting scheme will not be permitted unless the level of lighting and its period of use is the minimum necessary to achieve the purpose and glare and light spillage from the site is minimised. The Applicant states that a minimum lighting strategy would be adopted to respect the countryside location, there would be no lighting at the access or within the housing area and car park and the footpath to the village would be illuminated by low level lighting with sensor controls. The multi purpose games area would be illuminated by 4 x 10 metre retractable columns to be reduced when not in use and the type, illumination and hours of use could be conditioned.

Supplementary Planning Guidance Accessible Homes and Playspace requires new dwellings to be designed to lifetime homes standard. This proposal could result in dwellings that would achieve this and as such comply with Policy GEN2 (c) and the SPD.

4) The current access is substandard and sited in close proximity to housing to each side and the proposal to discontinue the use of the existing access is welcomed. Furthermore, parking is restricted to a small area of informal spaces adjacent to the children's play area. The proposed access would be taken from the north of the site and would serve the proposed recreation facilities, the housing and the 52 parking spaces. The Highway Authority raises no objection subject to conditions.

5) Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife. The proposal would result in the loss of an area of woodland and the applicant has stated that the majority of trees to be removed are in poor condition. An ecological appraisal of the site has indicated that the value of the area is low/moderate in the local context with no active or disused badger sets within the site, the majority of semi-mature and mature trees in the plantation are considered unsuitable for roosting bats and there is low potential for protected species of reptiles. The area does however currently provide suitable habitat for birds including Blackbird, Starling, Wood Pigeon, Blue Tit and Robin. The applicant states that the loss of plantation would be offset by the creation of a new woodland habitat, hedges and careful management of the retained parts of the plantation. Natural England raises no objection to the proposals and on balance it is considered that the scheme could benefit wildlife long term.

Policy GEN2 (d) seeks to ensure that development helps to minimise water and

energy consumption. Supplementary Planning Guidance Energy Efficiency & Renewable Energy aims to reduce energy use. The Council's Energy Officer has recommended conditions and the applicant has confirmed that the proposals would comply.

The Environment Agency raises no objections in terms of flooding, contamination and drainage and recommend a condition and informatives.

**CONCLUSIONS:** A case has been made to justify the need for market housing to enable the provision of affordable housing and the enhanced recreation facilities which would benefit the village and wider community. Therefore the application is considered to be acceptable subject to conditions and a legal agreement

**RECOMMENDATION: APPROVE SUBJECT TO A S106 AGREEMENT AND THE FOLLOWING CONDITIONS**

**Heads of terms:**

- **Provision of affordable housing**
- **Restriction to prevent market homes without provision of community elements.**
- **Post completion financial assessment and identification of excess funding and its retention for reinvestment in the development (or similar)**

1. C.1.1. Submission of Reserved Matters: 1.
2. C.1.2. Submission of Reserved Matters: 2.
3. C.1.3. Time Limit for submission of Reserved Matters.
4. C.1.4. Time Limit for commencement of Development.
5. C.3.1. To be implemented in accordance with approved plans.
6. C.4.1. Scheme of landscaping to be submitted and agreed.
7. C.4.2. Implementation of landscaping.
8. C.5.2. Details of materials to be submitted agreed and implemented.
9. Before the first occupation or use of any building or facility hereby approved the following shall be provided on the site and shall thereafter remain as such: a) the vehicular access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 4.8 metres and retained at that width for 15 metres within the site with radius kerbs of 7.5 metres provided at the junction with Clavering Road. The first 15 metres of the new access road as measured from the channel of the main road is to remain straight; b) Clear to ground visibility splays of 2.4 metres by 110 metres are to be provided to the south of the access; c) The access shall be laid to a gradient not exceeding 4% for the first 6 metres from the highway boundary and not exceeding 8% thereafter; d) All independent footpaths should be provided a minimum of 2 metres wide; e) All approved parking spaces.  
REASON To ensure that vehicles can enter and leave the highway in a safe and controlled manner, to provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access and to protect public safety.
10. Notwithstanding the details submitted a plan shall be submitted to and approved in writing by the Local Planning Authority incorporating the ten overflow parking spaces shown adjacent to the carriageway within the general parking area. The revised parking shall be provided prior to the first use or occupation of any

building or facility hereby approved and shall thereafter remain available only for parking.

REASON In the interests of highway safety.

11. Before development commences details of the estate roads and footpaths, including layout, levels, gradients, surfacing and means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details before the first use or occupation of any building or facility hereby approved and shall thereafter remain as approved.  
REASON In the interests of highway safety.
12. The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The shared surface shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed within three months from the occupation of such dwelling.  
REASON To ensure roads/footways are constructed to an acceptable standard and in the interests of highway safety.
13. Before development commences details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.  
REASON To prevent hazards by flowing water or ice on the highway.
14. Before the first use or occupation of any building or facility hereby approved details of the provision of a transport information and marketing scheme for sustainable transport, to include vouchers for 12 months free bus travel within an applicable zone (covering relevant zone as set out by the local operator and Essex County Council) for each eligible member of every residential household, valid for exchange during the first six months following occupation of the individual dwelling shall be submitted to and be approved in writing by the Local Planning Authority. Details of the uptake of the vouchers shall be provided to Essex County Council's Travel Plan Team on a 6 monthly basis.  
REASON In the interests of accessibility and to promote the use of public transport, walking and cycling.
15. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented - extension.
16. C.8.15. Restriction of hours of operation.
17. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPG25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving ground water and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which

shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land.

18. C.8.30. Provision of bin storage.
19. C.28.2. Accessibility - further submission.
20. The existing building shall be demolished and all the materials arising from such demolition shall be completely removed from the site prior to the first occupation of any dwelling hereby approved.  
REASON: In the interests of visual amenity.
21. No development, or preliminary groundworks, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the Local Planning Authority.  
REASON: The Essex Historic Environment Record shows that the proposed development site lies immediately adjacent to a number of known sites (HER 4697, 19461). Large scale trenching has taken place for the Priors Green site which found extensive archaeological deposits of prehistoric to medieval date. The development also fronts onto the Roman road from Braughing to Colchester (HER 4697). It is likely that deposits of multi-period date will be identified in the development area.
22. C.29.1. Flood risk management measures.
23. C.8.29. Condition for compliance with code level 3 (five or more dwellings).
24. C.8.32. Compliance with the 10% rule (developments of five or more dwellings or greater than 1000sqm floor area).
25. Before development commences a timetable for the provision of the playing field hereby approved and a management plan shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate that the proposed playing field shall be available for use before the existing playing field is developed unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.  
REASON: To ensure that the replacement playing field is implemented within an acceptable timescale in order to ensure the continuity of playing field provision.
26. Before development commences a detailed assessment of ground conditions of the land proposed for the sports facility shall be undertaken, including drainage and topography, to identify constraints which could affect the playing field quality. Based on these results 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 with in full prior the development of the existing playing fields hereby approved unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be mitigated to ensure provision of an adequate playing field.
27. Before development commences details of the design and layout of the village hall/changing facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.  
REASON: To ensure that the facilities provide a high standard and are at least the equivalent of the facilities to be replaced.
28. Before development commences a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological



and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the first use of the facilities or the first occupation of any building hereby approved unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

- 29. Before development commences (including demolition) wheel cleaning apparatus must be provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained as approved during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety.

- 30. Before development commences details of the floodlighting to include design, illumination and any necessary shielding and lighting design, noise control and security measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and shall thereafter remain as such unless otherwise agreed in writing by the Local Planning Authority. Once approved the floodlighting shall not be operated except between the hours of 0900 and 2130 unless otherwise agreed in writing by the Local Planning Authority.

REASON In the interests of residential and visual amenity.

- 31. The community/sports centre and multi use games area uses hereby permitted shall not be carried on except between the hours of 0800 and 2300 unless otherwise agreed in writing by the Local Planning Authority.

REASON In the interests of residential and visual amenity.

- 32. C.20.1. Acceptable survey and mitigation and management plan - Implementation of scheme.

- 33. C.20.3. If Protected Species discovered get licence from Natural England.

- 34. The height, width and depth of buildings shall be no greater than those indicated in the design and access statement.

REASON: In the interests of the appearance of the development.

- 35. Before development of each phase commences details of the size of the dwellings and the mix of sizes in that phase shall be submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure an adequate mix of dwelling sizes as required by ULP Policy H10.

*Background papers: see application file.*

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## **APPENDIX B**

Following the consultations 89 letters of support, 24 letters of objection and 2 comments have been received raising the following points;

- Great opportunity, positive enhancement and benefit for village;
  - Needed facilities and community centre;
  - Allow Manuden Football Club to grow;
  - Present village hall not fit for purpose, health and safety issues;
  - Plan has been thought through;
  - Housing has been well designed and in keeping with surrounds;
  - A place for the youth to meet and be safe;
  - Lack of facilities in village, existing facility causes highway and existing poor conditions ;
  - Cricket team has struggled without a 'home' pitch;
  - Need for closer provision of community and sporting facilities without having to travel;
  - Community groups like Guides and Brownies, cricket, junior football team would benefit, Friendship Club for the over 60s;
  - Improved facilities for both children and adult sports, plus other community activities;
  - Pressure for need of additional housing which could be provided without the benefit of the community facilities that this scheme provides;
  - 30% increase is due to research to make the proposed development viable and fit for purpose;
  - Community steering group have involved the community since its formation 1998;
  - Scheme was previously supported by Planning Committee;
  - The junior football club was set up and increased membership over the last 10 years, giving children something to do;
  - The existing pitches were underused and was a feature of vandalism;
  - Lack of usable playing fields in area;
  - Provision of affordable housing for the community;
  - The scheme would reduce the level of travel to other areas to access such facilities;
  - Community benefits outweighs the provision of housing to achieve the village hall;
  - Community centre would increase the incentives for people including children to play different sports;
  - Gaining ownership of land would secure the developments future;
  - Need for housing in the village
- 
- Whilst there is need the proposed development is too large for the village/not proportionate to the population of the village;

- Scale and design of development not in keeping with its surroundings;
- Overshadowing neighbouring properties;
- Increase in traffic;
- Increase in vehicles in and out of site;
- Increase in noise;
- Highway safety; issue relating to access of site and sightlines;
- Loss of significant, ancient, classified woodlands and hedgerow;
- No long term maintenance plan;
- Open floodgates for other dwellings to be erected on green spaces;
- Manuden has no services and poor public transport;
- School would not be able to cope with the intake of children;
- Question reasoning behind need for development;
- 30% increase in size of scheme from original;
- Impact upon wildlife;
- Scheme has not been widely advertised;
- There has been no room for compromise on the scheme;
- Scheme aimed at bring people from outside the village to use the facilities to maintain it;
- Village hall should be centrally located;
- Proposed scheme would be outside development limits;
- Constant events would take place on weekends to pay for the costs of the buildings;
- Residents would be paying for the hall through council tax;
- No guarantee that the proposed affordable housing would be for people of the village;
- There are other affordable dwellings in the area 'Arms Houses' of which one remains empty;
- Proposal would destroy the village;
- Accept there is a need but consider that this could be achieved through as smaller acreage , making it easier and affordable to maintain easier and affordable to maintain;
- Concerns about drainage and affecting adjacent farm land, as well as light and noise pollution from sports activities;
- Scheme would generate anti-social behaviour particularly from people coming from other areas;
- Form a ribbon development;
- Set precedent for other development;
- Scheme should be 100% affordable;
- Should ensure no overlooking;
- Scheme would not be financially viable;
- The need is for the current facilities to be repaired;
- There should be more affordable homes to the scheme