

**UTT/14/0005/OP (FLITCH GREEN)**

(MAJOR APPLICATION)

**PROPOSAL:** Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works. 2. Detailed application with all matters considered for the construction of two football pitches, cricket square, pavilion, neighbourhood equipped play area, multi-use games area, youth shelter, car park, extending and re modelling of nature reserve, landscaping, erection of temporary bridge, erection of permanent footbridge over Stebbing Brook, earthworks and other associated works.

**LOCATION:** Land Off Tanton Road Flitch Green

**APPLICANT:** Enodis Limited and Enodis Property Development Limited

**AGENT:** Ms J Sparkes, GL Hearn

**EXPIRY DATE:** 2 May 2014

**CASE OFFICER:** A E Hutchinson

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**1. NOTATION**

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

**2. DESCRIPTION OF SITE**

2.1 The site comprises the currently undeveloped land within Flitch Green which extends both sides of Tanton Road, to the north of the Stebbing Brook and to the east of the Primary School and the Community Building and car park. This part of the application site currently contains several mounds of earth. The site extends up to the banks of the Stebbing Brook and extends over the Brook to the south to include the land at the rear of the properties on Station Road where topsoil has been stored.

**3. PROPOSAL**

3.1 The application is a hybrid application which seeks outline planning permission with all matters reserved apart from access for 98 dwellings and earthworks on the land to the north of Tanton Road and extending into a small area to the south of the road. The applicants have confirmed that the housing would be at a density of approximately 30 per hectare and would provide 40% affordable housing.

3.2 The remaining part of the site is also subject to an outline application but with all matters to be considered at this stage. The application has been amended following discussions with the applicants and the Parish Council and the amended scheme now contains the following elements:

- the construction of two football pitches;  
Senior – 64m x 100m  
Junior (U16/15) – 46 x 73m

- cricket square located between the two football pitches and orientated within Sport England guidelines to avoid glare;
- pavilion containing changing rooms for two sports teams as well as disabled changing facilities, officials changing facilities and store;
- neighbourhood equipped play area (NEAP) to include 8 pieces of play equipment;
- multi-use games area, youth shelter (MUGA) suitable for Tennis, Basketball and Netball;
- car park for 20 cars adjacent to the Station Road entrance to the site;
- extending and re modelling the nature reserve on land to the south of Stebbing Brook through the moving of earth and top soil currently stored on the land north and south of the Brook;
- landscaping;
- erection of temporary haul bridge across Stebbing Brook for earth moving;
- erection of permanent footbridge over Stebbing Brook;
- earthworks; and other associated works

3.3 There will also be the transfer of a small area of land adjacent to Flitch Green Academy to the education authority.

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

4.1 The development comprises the logical completion of the settlement of Flitch Green. UDC previously supported housing within the 'Development Limits' (a fact borne out by the expired and unimplemented 2004 planning permission granted in respect of the same land and for the 98 units). The current application also proposes the majority of residential development within the 'development limits' but as with the approved 2004 scheme, a small portion of development is proposed outside of the defined 'development limits'. In this instance 0.67ha of residential development, in contrast to 0.54ha in the 2004 scheme, is proposed outside of the defined 'development limits' but still north of Stebbing Brook.

4.2 Policy H1 of the Local Plan 2005 included an allocation of 810 dwellings at Flitch Green (Oakwood Park) but only 716 units have been built to date with a further 9 to be built as part of the extant permission for the village centre. The 98 units now being proposed have previously been granted consent (in 2004) and the draft Local Plan Flitch Green Policy 1 includes the application site as part of the draft allocation for 154 units at Flitch Green.

4.3 The Council has a historic problem of undersupply of housing but regardless of any housing sites that may now have come forward to make up this shortfall, the proposed 98 additional units represent an appropriate use of a brownfield site as well as an opportunity to provide a further buffer in respect of deliverable housing sites if no longer needed to contribute towards the 5 year supply and is in accordance with the NPPF.

4.4 Land south of the Brook will be utilised for earthworks and the remodelling/extended nature reserve both of which are considered to be appropriate uses for greenfield land in a countryside setting and accord with the objectives of the NPPF which states that development should seek to provide positive improvements in, inter alia, the natural environment as well as to people's quality of life.

4.5 The layout of the proposed development largely adheres to the layout of the approved Masterplan, in keeping with Oakwood Park Policy 1. The sports pitches are located adjacent to the community hall south of Tanton Road and the majority of additional housing is provided north of Tanton Road in keeping with the approved Masterplan.

The sports pitches have been enlarged since the previous submission to ensure compliance with latest Football Association guidance.

- 4.6 The two differences between the approved and proposed layout are the location of the small amount of additional housing south of Tanton Road, and the position of the green space. In the approved Masterplan, the housing south of Tanton Road is adjacent to the pond whereas the proposed housing is now between the community hall and Tanton Road, so that housing would provide natural surveillance for the sports facilities and community hall.
- 4.7 Green space is now proposed adjacent to the pond in the location that was utilised as part of the approved 2004 scheme for housing. The use of that land for greenspace is considered to enhance the ecological and environmental qualities of the site in that area, creating a larger area of greenspace that can be enjoyed by the residents.
- 4.8 The overall quantum of greenspace remains broadly the same as the approved Masterplan required 3.55ha and the current proposals provide 3.57ha of greenspace north of Stebbing Brook. A separate pavilion is now provided in response to the formal consultation response from Sport England dated 19.02.14.
- 4.9 A total 10.19ha of nature reserve is proposed south of Stebbing Brook i.e. over 1ha more than the 9ha identified in the approved Masterplan 2004. The provision of that quantum of nature reserve is considered to significantly enhance the environmental sustainability of the site by increasing its biodiversity thereby in keeping with para 9 of the NPPF which encourages 'net gains for nature'.
- 4.10 The landscaped areas will be enhanced and managed for wildlife specifically, instead of for human benefits/activities. The increased size of that area of land will allow a greater diversity of habitats to be created, complementing the adjacent Felsted Fen habitat.
- 4.11 The applicants consider that the proposed development exceeds the requirements of the approved Masterplan and as such meets the expectations of both Sport England and local stakeholders and is entirely appropriate.
- 4.12 It is the purpose of this hybrid planning application to ensure that the creation of the sports pitches and nature reserve can come forward ahead of the residential element of the proposal.
- 4.13 All development with the exception of the nature reserve is sited north of Stebbing Brook. There is no built development proposed south of Stebbing Brook.
- 4.14 The majority of the site is located within the cordon sanitaire surrounding the sewage treatment works. The cordon sanitaire does not prevent the grant of planning permissions and accordingly the Applicant is engaged in discussions with Anglian Water and would need to reach agreement to develop within the cordon sanitaire in order to bring forward the residential element of this proposal. UDC has previously been content to permit housing within the cordon sanitaire (the approved scheme for 98 units that has now lapsed) and recommended the previous planning application for housing (09/0365) for approval despite all housing being within the cordon sanitaire because the cordon sanitaire does not prevent the approval of housing.
- 4.15 The applicants have put forward a programme showing the implementation and deliverability of the works with the following key dates:

Sports Pitches and Community Facilities

2014 - Summer – Planning permission granted.  
2014 Autumn/Winter – Earthmoving works and creating sports pitches and nature reserve.  
2015 Winter – construction of MUGA, NEAP and Car Park  
2015 Spring – final shaping and landscaping of nature reserve; final surfacing of sports pitches; construction of Pavilion and Footbridge  
2015 End of May – Pitches levelled, seeded, NEAP, MUGA, Pavilion, Car Park and footbridge completed.  
2015 End of October – Pitches ready for use

#### Housing

2014 - Autumn – Housing site marketed and cordon sanitaire negotiated  
2015 - Spring – Reserved matters approved  
2016 - Start on site  
2016 to 2019 - 98 houses delivered including affordable

- 4.16 It was apparent during the statutory public statutory consultation that a number of local residents are concerned about the distribution of contaminated material south of Stebbing Brook as part of the construction of the proposed nature reserve. A technical note has therefore been submitted which explains the issue of potential contamination and confirms that any contaminated land, including that found within cell K10, will be removed to tip. The consultation response from the Environment Agency dated 24.03.2013 raised no objection in respect of contamination and raised no objection to the submitted report titled Ground Conditions and Remediation Strategy. The proposed development is entirely in keeping with established guidelines.

## 5. RELEVANT SITE HISTORY

- 5.1 UTT/0302/96/OP Reclamation of despoiled land and demolition of redundant structures and redevelopment for residential purposes with associated local shopping, employment and recreational facilities, with associated works. Granted on appeal in 1998. The provision of the community facilities and the playing fields are regulated by a Section 106 tied to this permission.
- 5.2 UTT/0767/01/OP reclamation of despoiled land and redevelopment for up to 655 dwellings being a net addition of up to 170 dwellings to those previously approved together with community facilities, school, and open space. Appeal dismissed by the Secretary of State solely on the lack of sufficient affordable housing.
- 5.3 UTT/0023/03/OP reclamation of despoiled land and redevelopment for up to 216 dwellings (being a net addition of up to 160 dwellings following appeal decision) public house, associated highway, engineering works and landscaping. Increased the level of affordable housing in line with the Council's policy and therefore approved in 2004.
- 5.4 UTT/1816/05/OP - development of site for residential development and sports pitches. The Secretary of State dismissed the appeal in May 2007 and a High Court Challenged brought by the appellants was dismissed in October 2008. The findings of the Inspector and Secretary of State are dealt with in more detail under 'Appraisal'.
- 5.5 UTT/1110/07/FUL - Erection of 42 flats, 4 houses, 2 retail units, doctor's surgery, public house, and related parking on land identified in the Masterplan as the Village Centre. This received a resolution to grant permission subject to a S106 Agreement, to secure the provision of the dwellings as affordable housing, in December 2007. The

agreement remains unsigned because of the liquidation of the applicant company (Colonnade).

- 5.6 UTT/0365//9/OP - 168 residential units, multi-use games area, skate park, parkland, landscaping and associated works. Refused in April 2012 and dismissed at appeal in August 2013.
- 5.7 UTT/0190/09/FUL - Construction of two sports pitches, a cricket square, access bridge over Stebbing Brook, sports pavilion and associated landscaping. Refused in April 2012 and dismissed at appeal in August 2013.
- 5.8 UTT/13/1123/FUL - Erection of 9no. residential units and 1 no. retail unit (Use Class A1) with associated parking and access at Land at Webb Road and Hallett Road. Approved 03/07/2013 (replacing UTT/1403/10/OP)

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework (NPPF)

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

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

Supplementary Planning Documents

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

### **6.3 Uttlesford District DRAFT Local Plan**

Flitch Green Policy 1 – Land at Flitch Green

## **7. PARISH/TOWN COUNCIL COMMENTS**

Flitch Green Parish Council

- 7.1 The provision of sports pitches, etc. at the village is long overdue. The Parish Council had very much hoped therefore that the applicants would, first and foremost, put forward a scheme which made full and proper provision for sporting facilities as now required within the village and only thereafter give consideration as to whether there was scope for any additional housing. Instead the applicant appears to have adopted a strategy of maximising housing numbers and restricting both the area to be used and the expense incurred by them in the provision of the sports facilities. This is simply unacceptable.
- 7.2 The Parish Council has had the benefit of reading Sport England's letter to you of the 19 February 2014. This demonstrates without doubt that the facilities proposed are inadequate. The applicants has not even troubled to undertake a full soil analysis and therefore cannot demonstrate even that the sports pitches can be provided on the intended land. This is particularly important when they appear to acknowledged themselves that much of the land is contaminated with higher than acceptable level so both zinc and arsenic.
- 7.3 However, even if the applicant could demonstrate that the land was in principle suitable and could be utilised for the provision of sports pitches then the pitches themselves are too small, the levels are inappropriate, there is no proposal to provide any changing facilities and a number of the new houses are far too close to the facility. The facility will not therefore be adequate for the residents of the village.
- 7.4 The Parish Council recognise that the applicant may claim they are providing the sports facilities originally considered necessary for the development and identified in the original S106 Agreement. However things have since moved along and the situation has changed. There is also now a need for a MUGA within the village. This has in the past been recognised by the applicant who did propose provision of a MUGA. The Parish Council and its residents are adamant that a MUGA for general recreational/sporting use is required at the village. It should therefore be provided by the applicants.
- 7.5 To further demonstrate the applicant's wish to maximise the residential development at the expense of the provision of sports facilities the Parish Council draw attention that the proposed car park for the sports pitches is on the opposite side of Tanton Road. It is completely divorced from the community hall itself and there will be a danger with children crossing the road. Furthermore, visiting players will not want to walk from the proposed car park to the community hall even if it can provide changing facilities. At the same time we note that there is some residential development to the south of Tanton Road. The applicants approach therefore is totally illogical, especially when that part of the development to the south of Tanton Road is outside the development boundary and therefore contrary to your policies.
- 7.6 The Parish Council speculate that the design or location of the new housing has been influenced by the existing cordon sanitaire. The existing sewerage treatment plant does cause some loss of amenity by way of foul odours. There is no evidence that Anglian Water is prepared to remove the cordon sanitaire. The Council should not therefore be allowing dwellings to be built within it.
- 7.7 The Parish Council also have concerns with the capacity of their primary school to take additional pupils. The school is already full to capacity. It is not clear how, if at all, the facilities can be expanded to take increased numbers. It would not in the opinion of the Parish Council, be satisfactory to say expand Felsted Primary School and then expect some children from the village to commute out for schooling. All children up to secondary school age should be able to attend their local primary school. Flich Green

is very much a discrete settlement and having regard to the social element of sustainability all must be able to attend their local primary school.

- 7.8 The Parish Council also has some concerns with regard to the proposal to remove soil to the south of the Stebbing Brook. It is not entirely clear but, on the face of it, very steep banks are proposed which may well appear as somewhat alien features in the countryside. Moreover, if this area is to become a nature reserve as always intended then there ought to be access to it from the village via a footbridge over Stebbing Brook.
- 7.9 The Parish Council wish to raise a point of general principle. The Flitch Green Settlement is not a sustainable settlement unless necessary facilities are provided within it. The provision of sporting facilities is one essential element. It includes on an objective assessment the provision of a MUGA. Planning permission can simply not therefore be granted, even in outline for any more residential development until either the sports facilities have been provided, or there is an absolute guarantee that they will be delivered.
- 7.10 The Parish Council draw attention to the discrepancy between the description of the development and the actual proposal itself. The description describes both elements of the proposal as being in outline but the documentation appears to suggest that the sports fields are in detail. Any reference to the sports fields being in outline is very misleading given the proposal, on the face of it, does not include changing facilities etc.
- 7.11 The Parish Council have some concerns in respect of the residential element being in outline only. It is important that the sports facilities are linked by the 'green tongue' with the village shop, etc. it may not be possible to achieve this through an outline planning application.
- 7.12 Finally, the Parish Council reiterate that it is extremely disappointed that the applicants seek once again to maximise the economic return to them at the expense of the facilities for local residents. This is wholly unsatisfactory and must be firmly resisted by the District Council. Furthermore, we would urge the District Council to be proactive in trying to resolve difficulties within the settlement. There is a need to have an ongoing dialogue with both the developer and the Parish Council.

#### Re-consultation

- 7.13 There have been discussions between the various parties since the Parish Council's letter of objection dated 12th March 2014 and as a consequence revised proposals have now been put forward. The Parish Council's position on the application as it currently stands is set out below.
- 7.14 The Parish Council welcomes the reintroduction of a MUGA, the improvements to the playing fields, the provision of a permanent bridge over Stebbing brook, the relocation of the car park, the agreement in principle to provide a pavilion and the substitution of the proposed wobbly tire in the play area for a zip wire.
- 7.15 It is recognized that these changes go a long way to providing the necessary sports fields and playing facilities desperately needed at Flitch Green settlement. However the Parish Council remain committed to ensuring that appropriate facilities are delivered in a timely manner.
- 7.16 They would as a consequence like the Council to consider the following points.

- 7.17 Whilst the applications may have produced further points to deal with possible contamination it is our understanding that they have not produced a soil analysis to ensure that the land is suitable for sports pitches once the correct levels have been achieved. It is essential that this is undertaken before any decision is made on the application otherwise it might prove impossible to deliver a key element of the proposal.
- 7.18 It is also considered that the pavilion is too small, wrongly located and is not being designed to a high standard. The pavilion present therefore is unacceptable. However it is the Parish Council's understanding that revised proposals are to be submitted very shortly. The Parish Council will therefore let you have a further observation as soon as any revised plans are made available.
- 7.19 The Parish Council believe that along with the pavilion there should be a storage shed to enable them to safely keep maintenance equipment and alike. Again it is understood that this is agreed in principle. Hopefully full details will be provided but if not would the Council please impose a condition requiring a submission of details of storage shed. The condition will also need to provide for it to be erected etc prior to a specified date or eventuality.
- 7.20 A major point for the Parish Council is the timing of the delivery of the sports facilities. They are required now. Further they ought under the terms of an existing Section 106 Agreement to be provided many years ago. The District Council should therefore impose a condition requiring the sports pitches to be laid, the MUGA provided and the pavilion etc all built prior to the commencement of any residential development we would remind you that at the last appeal the applicants did eventually agree that sports facilities should be provided in advance of any further residential development.

#### Felsted Parish Council

- 7.21 Felsted Parish Council welcomes the recognition that land in Felsted is a greenfield site, and is to be retained as such. The PC would welcome an opportunity to purchase this land at a nominal sum, thereby relieving the present owners of future liability for the maintenance of the nature reserve.
- 7.22 Concerning the proposed housing, FPC notes that it is not clear how the outstanding issue of the cordon sanitaire surrounding the sewage treatment plant is to be overcome.
- 7.23 The proposed NEAP is lacking in natural surveillance.
- 7.24 A further 20% increase in the occupancy of Fritch Green is likely to have an adverse impact on traffic flows through Felsted.

#### Re-consultation

- 7.25 In its earlier response to this consultation, Felsted Parish Council expressed a welcome that after many years and various attempts to develop land South of Stebbing Brook (which should have been returned to agricultural use following the storage of displaced material during the construction of Oakwood Park), Enodis are finally acknowledging that this land should remain a "green field" site.
- 7.26 The submitted plan suggests that it will be converted into a Nature Reserve. However, there are a number of questions regarding the volume and suitability of the displaced materials that it is proposed should be moved onto the site, namely the inclusion of a significant quantity of "class 10" material and the potential inclusion of what is referred



to as “Stockpile 2” which, amongst other things, is acknowledged to comprise of elevated concentrations of zinc and copper.

- 7.27 It would appear that there is no specific need or justification for the transfer of these “suspect” materials onto this acknowledged “green field” site other than for the convenience and financially beneficial disposal of these materials. Apart from the suspect nature of the proposed material to be used, the soil level around the area marked “previous Lagoon” is to be raised by 5 metres. As the existence of the former lagoon suggests, this area has previously been a storage area for rainfall, and the Parish Council is concerned that, in filling this, the new contours will further increase run-off into the Stebbing Brook and River Chelmer, with a consequent risk of further increasing the volume and endurance of flooding on both waterways.
- 7.28 The high volume of materials to be transferred and the scale of the disturbance in order to facilitate this plan, as presented, is likely to eliminate virtually all existing trace of “nature”. The subsequent and consequential “sterile” environment to be created, along with the presence of substandard ground conditions and increased risk of flooding, are hardly the ideal basis for the natural development of wildlife.
- 7.29 As stated previously, whilst Felsted Parish Council welcomes the re-establishment of land to the South of Stebbing Brook as open countryside, we urge UDC to refuse the material transfer aspect of the plan as submitted, and insist that all unsuitable materials are disposed of away from the proposed Nature Reserve.

## **8. CONSULTATIONS**

### **Essex Highways**

- 8.1 No objections.

### **Essex Archaeology**

- 8.2 No objections.

### **Essex Environment**

- 8.3 Subject to the agreement of the Environment Agency, support the surface water drainage proposals to discharge into the existing drainage infrastructure that has been designed to accommodate this forthcoming phase.

### **Essex Minerals and Waste Planning**

- 8.4 No comments.

### **Essex Education**

- 8.5 There will be a need to provide additional Primary School and Secondary School places. As a consequence additional provision will be required and the County Council requires contributions of £306,524 for Primary School provision, £310,444 for secondary school provision and £78,542 for transport costs.

### **Stansted Airport**

- 8.6 No objections

## Sport England

- 8.7 No objection to the loss of the existing temporary provision but would request the provision of appropriate phasing in order to provide continuity of sports pitch provision. Sport England have commented on the various aspects of the proposals as set out below. Sport England have also commented further the amendments to the scheme and their comments on the revisions are also contained below:
- 8.8 Location of Pitches: Welcomes the proposed location of the sports pitches which are considered to be preferable to the location to those proposed in the previous 2009 and 2010 applications.
- 8.9 Quality of Pitches: Objection in relation to the lack of any feasibility study relating to the construction of the proposed sports pitches prepared by a sports turf consultant. This could result in the sports pitches being constructed substandard and Sport England therefore request a pre-commencement condition requiring the submission of these details.
- 8.10 Sports Pitches: Layout and Dimensions: The England & Wales Cricket Board (ECB) has advised that there is potential for the cricket pitch to be used by local cricket clubs (Dunmow CC and Witham CC) who run 9 adult sides between them plus full Junior programmes with teams at all age groups from U11 to U16.
- 8.11 The dimensions of the proposed football pitches would not accord with the Football Association's recommended pitch dimensions which changed in 2013. A senior football pitch of 90 x 45.5 metres is proposed although the FA recommend that a 100 x 64 metre pitch is provided for senior (over 18) football. A youth football pitch of 83.3 x 45.5 metres proposed although the FA recommend a 73 x 46 metre pitch for the under 11/12 age group or an 82 x 50 metre pitch for the under 13/14 age group so the proposal falls between the two recommended sizes. If the sports ground was extended slightly into the area currently proposed for residential sufficient space would exist to accommodate football pitches which meet the FA's recommendations.
- 8.12 **Re-consultation** on revised Scheme: Support - The dimensions of the proposed football pitches now accord with the Football Association's recommended pitch dimensions.
- 8.13 Sports Pitches: Orientation: The preferred orientation for football and cricket pitches is north-south. The proposed north-east/south-west orientation is less desirable especially for cricket. It is requested that consideration be given to re-orientating the pitches but this could only be realistically achieved by expanding the area covered by the sports ground.
- 8.14 Ancillary Facilities: Objection to lack of dedicated ancillary facilities. The changing facilities provided in the community hall may not be suitable for meeting the needs of sports pitch users. Sport England has experience of changing facilities provided in similar community halls which are small and only suitable for supporting indoor sports and not teams of up to 20 people. Use of the changing rooms in the community hall would be expected to conflict with indoor sport use during peak periods. It is also undesirable for a cricket pitch to be served by remote changing facilities. Cricket teams use changing rooms in a different way to other sports because of the pace of the game. It is also undesirable to have the changing facilities separate from the pitches without a clear visual connection for child protection reasons. The sports pitches will require a sports equipment store and a storage building for pitch maintenance machinery, chemicals etc.

- 8.15 There is concern therefore that the sports ground will not be fit for purpose and meet the needs of users without adequate ancillary provision being made.
- 8.16 **Re-consultation** on revised Scheme: Broadly supportive of the revised proposals subject to some additional comments. Consideration should be given to providing a small kitchen and serving hatch. The sports pitches will require a store for pitch machinery maintenance, chemicals etc.
- 8.17 Ball Protection Scheme: requested that a pre-commencement condition is imposed on any planning permission in order to ensure the submission and approval of details of such mitigation measures, including boundary treatments and/or ball resistant materials to be used for the proposed development.
- 8.18 **Re-consultation** on revised Scheme: the proposals for ball stop fencing with landscaping are supported.
- 8.19 Sports Pitch Management/Maintenance: details of management/maintenance should be submitted and approved prior to first occupation of the proposed facilities.
- 8.20 Phasing: The phasing arrangements should account for new natural turf playing pitches typically taking around 18 months on average between construction works starting and the pitches being ready for use.
- 8.21 **Re-consultation** on revised Scheme: Multi Use Games Area (MUGA). The proposal to provide a MUGA in addition to a NEAP is welcomed. Suggest that the line markings and goal area for football are provided.

#### **NATs Safeguarding**

- 8.22 No Objections

#### **English Nature**

- 8.23 No objections.

#### **UDC Natural Sciences Officer**

- 8.24 No objections

#### **UDC Access and Equalities Officer**

- 8.25 The development will be required to meet the 5% Wheelchair Accessible Housing Standard and all will be required to meet the Lifetimes Homes Standard. The access to the sports fields should be meet the requirements of disabled residents and visitors.

#### **UDC Housing Enabling Officer**

- 8.26 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 98 (net) units. This amounts to 39 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers. There is a requirement for 10 x 1 bed, 20 x 2 bed, 8 x 3 bed and 1 x 4 bed units with a mix of affordable and shared ownership.

- 8.27 It is also the Councils' policy to require all units delivered to the Lifetimes Home Standard with 5% being wheelchair accessible as well as 5% of all units to be bungalows delivered as 1 and 2 bedroom units. This would amount to 2 bungalows across the site delivered as affordable units and 3 for open market.

#### **NHS Property Services Ltd**

- 8.28 Holding Objection. There is a capacity deficit in the catchment surgeries and a developer contribution of £16,800 would be required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare service arising directly as a result of the development proposal.

#### **Environment Agency**

- 8.29 No objections to the development subject to conditions. The EA has included advisory comments in relation to the details of how surface water from the residential development fits into the overall wider drainage scheme.

#### **UDC Environmental Health**

- 8.30 No objections subject to the implementation of recommendations in the Noise, Land Remediation and Air Quality Assessments.

#### **Anglian Water**

- 8.31 Anglian Water objects to the Application because of the close proximity of the development to Felsted Water Recycling Centre. Anglian Water considers there to be an unacceptable risk of loss of amenity to development within the 1.5OUs/m3 contour. Anglian Water would further advise that the existing extent of the Flich Green development is set in accordance with a legal agreement excluding residential development within 350 metres of the WRC boundary.

- 8.32 There is sufficient capacity within the system for wastewater and Foul Sewerage.

### **9. REPRESENTATIONS**

- 9.1 22 letters have been received to the original application. Two support the provision of the facilities but object to other elements of the proposal. One neither supports nor objects to the proposal but makes suggestions to the following effect:
- there is no sports pavilion, and the facilities at the community hall would not be adequate to provide storage for goal posts, nets etc, and the changing rooms would be inadequate. It would not be practical to have players in muddy football boots using the hall facilities.
  - the MUGA has been omitted from the application. It is important to provide facilities for the teenagers to give them something to do, to counter the potential for petty vandalism due to boredom.
  - the temporary bridge needs to be permanent to provide access for residents to the nature reserve. The bridge could be adapted after the work has been done to accommodate pedestrians at minimal cost.
  - the car parking provision is inadequate and should be sited nearer to the school and community hall - it could then also be used to help alleviate the parking problems at the school.
  - the strip of land on the side of Tanton road next to the proposed football pitches which is earmarked in the application for low density housing should instead be used for additional car parking. Some land should be gifted to the parish council.

## 9.2 The objections relate to the following

- Nothing has changed since the previous appeal decisions and therefore the current proposals are also unacceptable.
- The current proposals are unsustainable and contrary to the policies of the Development Plan, emerging policies of the draft District Plan and national policy within the NPPF.
- The Design and Access Statement makes no commitment to all houses meeting the Lifetime Homes Standard nor to the provision of 5% wheelchair accessible housing. Further there should be an undertaking that the proposed play area will also make provision to meet the needs of children with varying disabilities.
- object to further residential development of this area due to the lack of infrastructure and public services, the local schools and doctors are already at full capacity and the schools are oversubscribed.
- Lack of trust in the applicants to deliver the facilities now being proposed.
- The residential application should not be combined with the application for the playing fields as it gives wrong impression.
- these facilities were always part of the original master plan, and (together with additional facilities such as GPs surgery, public house etc) were required to be provided upon completion of the 501st dwelling, which occurred sometime before March 2007.
- There are currently 728 residential properties within the development, already significantly above the 650 properties stated in the original master plan. A further 98 houses would mean that the village would be 30% larger than originally planned.
- the green corridor linking the primary school/community centre to the planned village centre has now been removed in this latest application, and has been replaced with a mixture of high-density and medium density housing. This is completely against the whole thinking for providing a vibrant community.
- most of the reasons for rejection for the appeal are still relevant for this application. Many of the new houses still fall within the cordon sanitaire, and there appears to be no provision for modifying the sewage treatment works to mitigate this.
- No employment in the village and the additional housing will make it even more of a dormitory village.
- Lack of public transport within the area, resulting in the private car being the only credible option for travel. The local roads are unable to cope with existing traffic levels.
- The nature reserve is now planned to be on land south of Stebbing Brook, in other words, outside of the Flitch Green development, with no easy access to this area from Flitch Green.
- Concerns regarding the degree of contaminated material to be moved onto the Nature Reserve site. Whilst not hazardous, the material is contaminated to the extent that remedial measures will have to be put into place to cover the waste and then exclude the public from it.
- The proposal is in contravention of the conditions of the original planning permission for the storage of topsoil on land to the rear of Station Road.
- The applicants have tried to discharge conditions associated with the siting of the playing fields in the past. They currently have an appeal outstanding to temporarily locate the fields on top of the spoil heap in its current location.
- Ground contamination and the presence of hot spots.
- Loss of visual amenity as a result of the additional earth works which will only lessen over time and not become acceptable.
- Impact upon the residential amenity of properties on Station Road as a result of the extensive earth moving and contouring.

- The proposed nature reserve will endanger wildlife, spoil the view for Station Road properties and cause hindrance within the future due to the washing through of the waste material and the contaminants seeping into the water board and the river that runs along the bottom of the fields.
- Loss of farmland that has arisen as a result of the development of Flich Green and the flooding that has taken place along the River Chelmer.
- Development of the Station Road land is an attempt to join the residents of Flich Green to the residents of Felsted by another means. This land is in Felsted Parish and lies outside the limits of Flich Green. Therefore it should not be linked to any Flich Green proposed development.
- Lack of a MUGA and pavilion in the scheme.

9.3 6 additional letters were received following the re-consultations on the amendments. No new points were raised apart from an objection to the inclusion of the footbridge but there appeared to be an element of confusion in relation to the question of access for people to the nature reserve and the proposals for a 2m high fence.

## 10. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle and form of the development (ULP Policies S2, S7, H9, Oakwood Park Local Policy 1 and the approved Master Plan);
  - B The adequacy of the proposed community facilities (ULP Policies Local Policy Oakwood Park 1, GEN2, GEN6, LC2, LC3, LC4);
  - C Highway and access implications. (ULP Policy GEN8)
  - D Contamination
  - E Effect upon the character of the countryside and biodiversity (ULP Policies S7, GEN7, ENV7)
  - F Impact upon Residential Amenity (ULP GEN2, GEN4)
  - G Phasing and Implementation of the Development
  - H Other material planning considerations.
- A The principle and form of the development (ULP Policies S2, S7, H9 and Oakwood Park Local Policy 1, the approved Master Plan);**

10.1 The provision of playing field and sports pitches, a Local Equipped Area for Play (LEAP) and a Neighbourhood Equipped Area of Play (NEAP) are requirements of the original 1998 planning permission for the development of Oakwood Park and their timing and composition are set out in the Section 106 Agreement for that permission. The playing fields and sports pitches are to be in accordance with the National Playing Fields Association standards (now renamed FIT- Fields in Trust) and should have been laid out and ready for use before the occupation of the 501st dwelling. To date some 716 dwellings are built, most of which are occupied, and none of the above facilities have been provided.

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

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

- 10.3 The most recent 2004 approved Masterplan shows the playing fields serving Oakwood Park, now Flitch Green, being located on land to the north of the Stebbing Brook. They were always shown located outside the development limits of the settlement and to be adjacent to the Community Building and School to the west, a small area of housing to the north and the River Stebbing to the south. The approved Masterplan shows the NEAP located on the northern edge of the playing fields adjacent to Tanton Road and a spur of open space extending north of Tanton Road to link the playing fields with the identified village centre and public house site. Ponds and balancing ponds are shown on the northern side of the Brook with land south of the Stebbing Brook to be provided as a Nature Reserve. This would be adjacent to the River Chelmer and linking in to Felsted Fen. The Masterplan shows the meadow separating the houses on Station Road from the Nature Reserve to be outside the proposals for the Oakwood Park development and Masterplan site.
- 10.4 This application follows the dismissal of three appeals by the Secretary of State relating to the construction of housing and playing fields at Flitch Green. All three appeals proposed to significantly increase the amount of housing beyond the previously approved numbers at Flitch Green and to locate some or all on the land identified in the Masterplan for the playing fields. As a consequence, the appeal proposals sought to locate the playing fields on land to the south of the Stebbing Brook, contrary to the provisions of the approved Masterplan. The first appeal in 2007, sought also to include additional housing to the south of the Brook and the Secretary of State's decision in that appeal largely concentrated on that element. A subsequent High Court challenge was dismissed and the appeal decision remained.
- 10.5 The later 2013 appeals separated out the housing and the playing fields. No housing was proposed to the south of Stebbing Brook but virtually all the remaining land to the north of the Brook, formerly identified for the sports pitches, was proposed for housing. As with the 2007 appeal, the sports pitches were proposed south of the brook and accessed by a cycle/footpath bridge. The 2013 appeal decisions were far more focussed on the impact of locating the playing fields to the south of the Brook, in a location contrary to the approved Masterplan and to the ongoing lack of provision of facilities and have provided a clear direction on the fact that the sports facilities need to be located where they were originally intended in the Masterplan. Their location elsewhere would have an adverse impact upon the residents of Flitch Green who they are intended to serve.
- 10.6 The current application now largely reflects the fundamental requirements of the approved in the 2004 Masterplan and the S106 in terms of the components and layout of the facilities. The proposal provides a senior and junior football pitch, a cricket pitch and a NEAP on the land south of Tanton Road, identified for this purpose in the Masterplan. These facilities are located adjacent to the Community Hall.
- 10.7 The current application proposes some modifications to the layout shown on the Masterplan: the position of the small area of housing south of Tanton Road in the Masterplan has been moved closer to the Community Hall and now forms a more linear shape along the southern side of Tanton Road and the overall shape of the playing fields has been modified. The NEAP has been relocated adjacent to the Community Hall, away from Tanton Road and a MUGA has now been included which was not required either in the Masterplan or the S106 Agreement. A pavilion is also

now included although it is not required by the S106 but it is mentioned in the approved Masterplan. A 20 space car park, as required by the Section 106, has been located close to the Station Road entrance. The strip of green space linking the playing fields to the village centre site is not included within the scheme.

- 10.8 These modifications are considered to be relatively minor and do not conflict with the overall requirements of either the S106 or the Masterplan. The principle and location of the provision of these facilities is established in both the adopted Local Plan and the approved Masterplan and it is considered that the current proposals are now in accordance with those requirements.
- 10.9 In addition to the above, the application proposes 98 dwellings which would include 40% affordable housing. The majority of these will be located on the land to the north of Tanton Road whilst, as already mentioned, the small area of housing to the south of Tanton Road shown on the Masterplan, is relocated. The Masterplan shows the land to the north of Tanton Road and the small area to the south to be used for housing and the area is contained within the development limits for Flitch Green as identified on the Oakwood Park Inset Map contained in the adopted 2005 Local Plan and set out in Oakwood Park Policy 1. Planning permission was also granted in 2004 for the development of this area. That permission lapsed, due largely to the fact that the site is located within the Cordon Sanitaire for the Sewerage Treatment Works (STW) and the legal agreement between Anglian Water and Enodis prevents the development of dwellings within this area, now the subject of the current application. The Cordon Sanitaire does not preclude the open space/sports pitches and associated pavilion.
- 10.10 The housing area is therefore within the identified development limits where Oakwood Park Policy 1 confirms that development will be acceptable. The Council has also granted planning permission for housing within this area previously and indicated at the 2013 Inquiry that it would have no objections to the renewal of the planning permission for the 98 dwellings, formerly included within Phase 6 of Oakwood Park. Furthermore, the application site now forms part of a larger proposed allocation of 154 dwellings within the emerging Local Plan under Flitch Green Policy 1 – Land at Flitch Green. This number includes some 49 dwellings on the former village centre site and the 7 (now 9) dwellings approved as part of the new retail development on the former public house site. The land to the north of Stebbing Brook is acknowledged to be brownfield land and has been accepted as such by the Secretaries of State and their Inspectors. Circumstances have not changed since the previous grant of planning permission to any significant degree and the principle of the development of this part of Flitch Green is considered to be acceptable, to make effective use of this area of brownfield land in accordance with the guidance contained in the NPPF and to be in accordance with Oakwood Park Policy 1.
- 10.11 Outline planning permission is sought for the housing with all matters reserved except for access. Access would be from the existing road network. No indicative layout is provided and the layout of the development is therefore not known. However, it is unlikely that the area of green space which is shown on the Masterplan would be included in future proposals. This effectively formed a corridor between two areas of housing and created a footpath link between what was described as the village green and the playing fields. The northern end of this green corridor has effectively been closed off with the grant of planning permission for the retail unit and 9 dwellings and it would not now provide the connectivity that was previously envisaged. Furthermore, the former area identified for the village centre is unlikely to contain any community facilities and it is not considered that this area of open space would provide limited enhancement of facilities for residents. However, an different area of open space is



provided on the northern side of Tanton Road. The application includes a triangular area of land adjacent to the first roundabout on Tanton Road which will create a more open approach into Flitch Green. In addition, the applicants have indicated that the design for Hallett Road should include an avenue of trees which will provide a sense of continuity with the green space to the south.

- 10.12 Whilst the shape and location of the area of housing south of Tanton Road has changed to that shown on the Masterplan, it is not considered that this relocation is unacceptable in principle. The housing when constructed would provide some natural surveillance of the proposed sport pitches, MUGA and NEAP. Whilst this area extends the housing area marginally outside the defined development limits for Flitch Green, it is not significant and an equivalent area of open space would now be included within the development limits.
- 10.13 The applicants have suggested that the proposed housing would contribute towards the Council's housing supply but it is not considered that planning permission for the housing needs to be granted on this basis although the provision of affordable housing remains an important factor. The Council is currently in a position where it can demonstrate a 5 year supply. It has experienced difficulties in the past to do so but this was partly because of the non-deliverability of these 98 dwellings, a fact acknowledged by the previous Inspector. Furthermore, the deliverability of these dwellings remains uncertain. The Cordon Sanitaire is still in place and it is noted that Anglian Water has objected to the proposals and did so at the previous appeal. The issue of the Cordon Sanitaire was therefore considered by the Inspector at that appeal who stated that: *'I am also not satisfied that there would be a reasonable prospect of the Cordon Sanitaire being reduced sufficiently to allow the development to proceed within the lifetime of the permission, given the very long period of time over which negotiations have not produced a result.'* Also that *'Whilst great weight should be accorded to the need to boost housing delivery, including affordable housing, I am not convinced that this housing scheme is deliverable because to implement it there needs to be a release of the Cordon Sanitaire. There are no guarantees that will happen.'*
- 10.14 It is considered that the same considerations apply and there continues to be certainty that the housing can come forward within the timescale of the permission. However, your officers maintain that this is not a valid justification to refuse planning permission, bearing in mind that this area is shown for residential development within the current development plan, within the approved Masterplan and also in the emerging local plan. The eventual release of this land would be dependent upon the agreement of the applicants and Anglian Water but your officers do have concerns that if agreement cannot be reached, and the houses are not delivered, this area of land will continue to be vacant and detract from the amenity of the settlement.
- 10.15 In addition to the above, the application proposes to create a nature Reserve on the land to the south of the Stebbing Brook. Part of the area included within the current proposals was shown as a proposed nature reserve in the approved Masterplan which links in with the Felsted Fen. However, the current application seeks to extend the area of the Nature Reserve by incorporating the land between the Masterplan area and the properties along Station Road. This additional area was formerly agricultural land but has been used for the storage of topsoil by the applicants in recent years. The temporary planning permissions for this use have now lapsed and therefore the topsoil should be removed and the land returned to agriculture.
- 10.16 The applicants propose to relocate the material from the stockpiles contained in Flitch Green onto this area. This would be contoured to create a natural topography and

covered with some of the topsoil stored here. There have been objections to the inclusion of this land and indeed to the proposals for a nature reserve on the grounds that it will link the two villages of Felsted and Flitch Green. This is not accepted. The application does not propose any buildings within this area and the land will effectively be meadowland with some additional planting of native woodland species. The intention is that it will appear as a natural landscape where wildlife will be encouraged. It will not therefore have the manicured parkland appearance that was proposed with the previous appeal proposals but will be retained as an open green area.

- 10.17 It is considered that the use of this land as a nature reserve is acceptable and that it will provide and help retain a green buffer between the two settlements, providing an attractive setting for both villages.
- 10.18 It is considered that the development as proposed is sustainable and follows the three dimensions of sustainable development as set out in Paragraph 7 of the NPPF. It will help to finally bring about the much needed infrastructure at Flitch Green (economic), it will help create and support a more healthy and vibrant community (social) and will enhance the natural and built environment at Flitch Green by the removal of the earth storage mounds and the creation of an attractively landscaped and usable open space and the nature reserve (environmental).
- 10.19 It is considered that therefore, the principle of the development proposed in this application is acceptable and, contrary to previous applications, is in accordance with the approved Masterplan and Local Plan Policy 1 Oakwood Park and is also in conformity with the emerging Local Plan and the NPPF.

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

- 10.20 The NPPF requires that planning policies and decisions should promote high quality inclusive design and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. They should establish a strong sense of place and optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of the developments) and support local facilities and transport networks. The NPPF also promotes access to high quality open space and opportunities for sport and recreation. ULP Oakwood Park Local Policy 1 requires that the development at Oakwood Park should provide for a local centre and that development should be implemented in accordance with the Masterplan.
- 10.21 The lack of provision of these recreational facilities at Flitch Green has been a longstanding issue and the Parish Council and the residents have both expressed their strong desire that the facilities should be provided in accordance with the Masterplan and as promised to the community. The application now places the facilities within the location required but it is also necessary to ensure that the facilities provided are in accordance with the S106 agreement, that they are fit for purpose and will be delivered in a timely manner with no more unnecessary delays. The local planning authority, the Parish Council and the applicants have therefore had a series of meetings and discussions to try and ensure that the proposed sport and recreational facilities meet the requirements of the local residents. As a consequence, there have been various amendments to the scheme and the latest amendments are discussed below.

### Location of Sports Facilities

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

### Quantum and Size of Sports Pitches and Open Space

- 10.23 The 1998 S106 requires that the sports pitches should be constructed in accordance with the National Playing Fields Association which has now been replaced by Fields in Trust (FIT). The S106 specifically requires that the sports pitches should provide one senior cricket pitch, one senior association football pitch and one junior soccer pitch together with a small car park in association with the senior football pitch. Subsequent planning permissions for additional housing at Flitch Green did not change this requirement and the 1998 S106 has therefore dictated the contents of the sports provision throughout. FIT guidance requires 1.72ha per 1000 population for Playing Pitches and 1.76ha per 1000 for all Outdoor Sports, the later including designated areas for children's play and facilities for teenagers and young people. In 2011 the population for Flitch Green was 2190 and the current population would therefore require some 3.85ha of open space. With the implementation of the 98 dwellings this would be more. However, the 2004 Masterplan shows an area of 2.2ha for the playing fields with additional land provided for informal recreation space creating a total of 3.55ha of Greenspace. This was approved at the time of the grant of planning permission for Phase 6 which included the 98 dwellings.
- 10.24 The original application provided some 3.57ha of Greenspace on the land to the north of the Stebbing Brook but this has been amended to 3.62ha and the area of housing reduced to 0.4ha. This is consistent with the requirements of the Masterplan although the overall layout of the open space has been changed slightly. The application also provides the senior cricket pitch, a senior football association pitch and a junior football pitch as required by the 1998 Section 106 Agreement. The sizes of these pitches have been amended to meet the Football Association's current standards which are significantly larger than its previous ones and they will allow association football to be played on the new pitches.
- 10.25 The overall provision of open space is less than FIT guidance advises for the population in question. However, neither the S106 nor the approved Masterplan made allowance for any increased requirement and it is considered that there is little scope for the local planning authority to require additional land for open space. The current distribution of housing and open space is very much as envisaged by the Masterplan and the sports pitches are physically constrained by the approved housing areas, the community hall and the Brook as set out in the Masterplan.
- 10.26 Following discussions between your officers, the Parish Council and the applicants, the application has been amended to include a Multi-Use Games Area which can be used for tennis, basketball and netball. Sport England advice suggests that lines should be added to allow football. The MUGA provides an intensive sports facility and will therefore assist in offsetting the shortfall between the requirements of the S106

and the Masterplan and those of FIT in relation to the actual population at Fritch Green.

- 10.27 Sport England has been consulted on the proposals and has not raised concerns regarding the quantum of sports pitches/open space but has raised concerns relating to their size and the overall quality of provision. Re-consultations have taken place following the amendments to the size of the pitches and Sport England has confirmed its agreement to the revised pitch sizes. Sport England also welcome the introduction of the MUGA which will provide a facility suitable for meeting the needs of older children and youths.

#### Quality of Sports Pitches

- 10.28 Sport England has raised concern that the application is not accompanied but a feasibility study relating to the construction of the proposed sports pitches prepared by a sports turf consultant. As the ground conditions of new sports pitches requires specialist consideration due to the need to understand the topography, soils, drainage, surface preparation etc. for the preparation of fit for purpose pitches, Sport England consider that there is a risk that playing pitches will not meet community needs because they will suffer from problems such as waterlogging, unacceptable gradients or inappropriate surface quality and also possible be unsafe. Sport England therefore object to this aspect of the planning application and the Parish Council has also echoed this concern.
- 10.29 The detailed submissions show the method of drainage and the proposed levels of the playing fields and the previous surveys work contained in the Ground Conditions Report provide information of previous test results. However, the detailed analysis and testing required to ensure the quality of the sports pitches has not yet been done because the site is currently covered by the stockpiles. Sport England has suggested that a pre-commencement condition be imposed to require the report. It is considered that this would be appropriate and a suitably worded condition is proposed with this report which allows the removal of the stockpiles but requires the submission of the details within 3 months of the date of any permission. This would be prior to the start of any construction of the sports pitches. This matter and approach has been discussed with the Council's Landscape Officer who has confirmed that the attached condition will provide the certainty in terms of the standard of the construction of the sports pitches.

#### Orientation

- 10.30 The orientation of the football pitches is northwest/south east and north-east/south-west for the cricket pitch. Sport England had asked for the cricket pitch to be re-orientated, but accepted that it could only realistically be achieved by expanding the area covered by the sports ground. The revised proposals have expanded the sports ground to accommodate the larger pitches required by the Football Association and Sport England but this has not enabled the re-orientation of the cricket pitch. However, the current orientation is within the ECB guidelines and would not prejudice its use by local cricket clubs. It is considered therefore that the current orientation is acceptable.

#### Pavilion

- 10.31 The original submission contained no pavilion, the applicants indicating that the community hall had been constructed to provide changing facilities for the sports pitches. However, these are inadequate for outdoor sport team changing. Sport

England raised concerns regarding the lack of provision and third parties and the Parish Council also raised objections.

- 10.32 The applicants subsequently amended the plans to include a pavilion containing changing facilities for the football and cricket pitches but neither the design nor the size of the building was considered acceptable, being of a utilitarian design constructed of fibre cement profiled cladding with sides of timber facing. It was also inadequate in size and did not meet the Sport England's design guidance contained in Pavilions and Clubhouses. The Parish Council objected to the proposal and provided information on the revisions that were required and also requested that it be moved to a more acceptable position to the Community Hall car park and the NEAP.
- 10.33 The applicants have now amended the plans for the pavilion and have relocated it into the position requested by the Parish Council. The current design enlarges the building so that it meets Sport England's guidelines and also incorporates a more practical and efficient internal layout. The external design has been changed to reflect the Parish Council's wishes and is now constructed with timber facing and high level windows on all elevations and includes an overhanging roof which will provide some shelter for spectators. It also incorporates a partially glazed frontage facing onto the sports pitches. It is considered that the design and size of the building is now acceptable and will provide the changing facilities that are required to serve the sports pitches. Although it does not provide a kitchen and serving hatch, it is considered that those facilities are already provided in the Community Hall where refreshments can be served.
- 10.34 The proposals do not include a store for pitch maintenance machinery and chemicals etc but the applicants have confirmed that they are happy to provide one and have requested that this is conditioned.

#### Ball Protection Scheme

- 10.35 The amended plans include a ball protection scheme which will incorporate a 8m high mesh fence along the boundary of the sports ground adjoining the proposed residential development. This is required to prevent issues such as balls leaving the playing field and entering the dwellings. Sport England have confirmed that it supports these proposals together with the tree planting around the boundary.
- 10.36 The ball protection fencing is a light mesh and whilst it will be visible, it is considered that it will not be unduly visually intrusive, although the future design of the adjacent dwellings will need to take it into consideration.
- 10.37 In addition to the ball protection fencing, post and rail fencing is to be erected around the north eastern corner of the senior football pitch. The edge of the pitch is close to the slope leading down to the Stebbing Brook and the post and rail fence is required as a safety measure.

#### NEAP

- 10.38 It is considered that the relocation of the NEAP from its position adjacent to Tanton Road shown on the Masterplan to its current proposed location is acceptable and provides a safer and more usable location for children, away from the main entrance into Flitch Green and adjacent to the other sport and community facilities and the school.

- 10.39 The submitted proposals for the NEAP complied with FIT's guidelines and contained the requisite number and type of play equipment. However, the Parish Council requested that one of the items be removed and be substituted by a zip wire. The applicants have complied with this request and amended plans have now been received showing the zip wire in the position requested by the Parish Council.
- 10.40 It is considered that the proposed sport pitches and recreational and ancillary facilities are now acceptable. The revisions to the submitted scheme now provide facilities that are required by the residents and Parish Council in Flitch Green and are fit for purpose. It is considered that with the recommended conditions, the quality of the facilities can be assured and delivered. It is considered therefore that the proposals are in accordance with the policies of the 2005 Local Plan including Oakwood Park Policy 1, and the requirements of the approved Masterplan.

### **C Highway and access implications. (ULP Policy GEN8)**

- 10.40 The development as proposed utilises the existing distributor roads for Flitch Green and the Highway Authority has raised no objections to the proposals subject to conditions. The internal roads and the junctions onto Station Road were designed to accommodate the development of this area of Flitch Green and planning permission has previously been granted for these 98 dwellings. It is considered that the proposals are acceptable in highway terms.
- 10.41 The application proposes a 20 space car park near to the Station Road entrance. This has been amended from a position on the northern side of Tanton Road to its current position on the southern side at the request of the Parish Council. The car park will provide parking for visitors to both the sports facilities and the ponds which are used for fishing.
- 10.42 The proposals involve a large amount of earth moving between the two areas to the north and south of the Brook. The application includes the installation of a temporary haul bridge across the Stebbing Brook and all material being transferred from one part of the site to another will be taken across this bridge. In total, the applicants calculate that some 15,992 lorry movements would be generated by the earthwork removal and relocation. These will be kept within the site and will not need to travel along the roads in the area. Following the completion of the construction works, the temporary haul bridge will be removed.
- 10.43 Following discussions with the Parish Council, the applicants have amended their plans to incorporate a footbridge across Stebbing Brook. This would utilise the foundations constructed for the temporary haul bridge and would enable access into the nature reserve from Flitch Green and would also allow a pedestrian route to Felsted, avoiding part of the narrow footpath on Station Road which runs past the sewerage treatment works. The Highway Authority has suggested that this footpath should be made into a cycleway but it is considered that it should remain as a footpath. There is no benefit for a cycleway along this route as it does not connect to any existing cycleway on Station Road and the intention is for the access into the Nature Reserve to be relatively low key and for pedestrians only, thereby ensuring that the reserve benefits wildlife.
- 10.44 Third party objections have been made to the inclusion of this footbridge on the grounds that there is already an existing one that can provide access into the area proposed for the nature reserve. However, this footbridge is located close to the sewerage treatment works and the public footpath runs alongside the Stebbing Brook within land controlled by Anglian Water. The footpath can be overgrown and flooded

at times and it is considered that the proposed footbridge will provide a better and easier access for residents into the nature reserve.

- 10.45 It is considered that the proposals are acceptable in highway terms and that the application is in accordance with Policy GEN1 of the adopted Local Plan.

**D Earth Works Strategy and Contamination (ULP Policy GEN2, ENV12, ENV14)**

- 10.46 The application involves the extensive moving and relocation of earth within the site. This material represents the excess material that has been generated during the respective phases of development at Flitch Green and has been stockpiled in three main areas on land to the north of the Stebbing Brook. The following are the main quantities to be moved:

Stockpile 1 (adjacent to Pumping Station) 9,457m<sup>3</sup>  
Stockpile 2 (temporary Sports Pitch) 12,249m<sup>3</sup>  
Stockpile 3 (adjacent to Community Centre) 82,879m<sup>3</sup>

The applicants have indicated that, allowing for a bulking factor of 30%, the total amount to be removed to the south of Stebbing Brook is 135,929 m<sup>3</sup> where it will be used to form the proposed nature reserve.

- 10.47 In addition to the above, topsoil has been stored on the land to the south of Stebbing Brook to the rear of the properties on Station Road. This was originally stored with the benefit of temporary permissions but these have lapsed and the storage of the topsoil is therefore unauthorised. Some 23,269 m<sup>3</sup> of topsoil is stored and it is intended that 12,500m<sup>3</sup> would be brought to the north onto the main site with the remainder being used over the proposed nature reserve.
- 10.48 Stockpile 3, which is the largest, is surrounded by the already constructed Tanton Road, the existing community centre and existing lagoon. This stockpile will be removed to allow the construction of the sports pitches. South of Stockpile 3 is a steep slope down to Stebbing Brook and the formation level for the sports pitches area will therefore be set to the surrounding levels and will be at the same level as the Community Hall and car park. This will result in an increased slope down to the Stebbing Brook. The development areas north of Tanton Road will naturally be at formation following the removal of the stockpiles and minimum re-grading works will be required.
- 10.49 The Station Road field area will be developed in two phases. Firstly, the topsoil will be stripped from half of the area and set aside for re-use within the constraints of the application boundary. Material cut away from stockpile 3 will then be brought across and placed in the stripped area. The topsoil set aside will be replaced.
- 10.50 The second phase will repeat the process for the other half of the Station Road field area.
- 10.51 The nature reserve area is to be re-graded and shaped to the levels shown on the submitted plans (drawing ref 101/00/709A and 101/00/707C). The applicants have confirmed that the scheme has been designed to retain as many of the existing landscaping features as possible and these will be protected during the works. The land profile at the rear of the properties along Station Road, will still fall away from the rear gardens but the slope will be more gradual nearer to the properties. The submitted plans show that there will be a slight increase in height across this area averaging at some 100mm to 200mm near to Station Road and increasing more

westwards with some additional material being placed to a depth of nearly 2m. However, these areas are located away from existing properties and follow the natural contours of the land. The planting scheme shows the creation of some partial wet areas to link into the Felsted Fen. The contouring is designed to appear natural and it is not considered that the proposed topography would be out of keeping with the landscape in the general area.

- 10.52 The proposals have generated concerns about impact upon residential amenity, particularly amongst residents along Station Road. This is dealt with later in this report, but concerns have also been expressed about the perceived use of contaminated material, currently contained in the Stockpiles, which is to be spread on the land to the rear of Station Road.
- 10.53 The applicant's provided information regarding the ground conditions and remediation strategy and included information relating to the areas of contaminants found during the works. They have been asked to explain the remediation strategy in more detail and in particular to address the concerns of the third parties and Felsted Parish Council who has subsequently expressed concern.
- 10.54 It is understood that the stockpiled materials all represent excess material from earlier construction works at Flich Green. The previous works incorporated phased remediation works with the last being carried out in 2005 (Phase Vb). As part of the Phase Vb works, the Phase 6 area of the site which relates to the housing area and forms the subject of this application, was remediated.
- 10.55 The applicants have advised that the whole of the undeveloped site was effectively split into a control grid made up of 22m x 22m diamond shaped cells. Each grid square or cell was then allocated a unique reference number to enable the effective logging and cross referencing of test result locations relative to the site. Each of the cells were tested for a full suite of contaminants which was agreed and approved by the Environment Agency.
- 10.56 Following systematic testing of each of the cells, those areas that contained materials which exceeded the specified, agreed levels of contaminants suitable for residential development were removed off site and taken to landfill. If the material was below these levels then it was either stockpiled or, if it was below the proposed finished ground level, then it was left in situ.
- 10.57 After the approved contractor had finished all of the testing and validation of the main remediation contract, test results for one cell K10, located outside the Phase 5 housing area was identified to have the raised levels of Lead and Zinc. As the location was not part of the area to be developed for housing at that time, the contractor did not consider the contamination to potentially cause any risk to the existing and future residents of the site, and it was decided therefore, to leave this area in situ even though it did not meet the test criteria.
- 10.58 The applicants have included the earlier test results as part of the application submission documents and third parties have expressed concern that the contaminated material (contained in K10) will be spread on the land off Station Road. The applicants have confirmed that further on site testing will be undertaken within cell K10 to identify the exact area affected and to then arrange for the material to be removed to tip offsite and the hole backfilled with suitable fill. All of the other material stockpiled on site has passed the testing criteria and was determined as being suitable for use within a residential development.



- 10.59 The stockpiles are classified as Type 10 material and although suitable for use within a residential development it is not considered to be useable as structural fill in such areas. However, it is a general fill which can be used under open space or landscaped areas, but will need to be capped with a suitable depth of topsoil to encourage vegetation growth. The regrading of the land to the south of the Stebbing brook will therefore use this Type 10 material and will be capped by some 400mm of topsoil to encourage vegetation.
- 10.60 The applicants have submitted a Ground Conditions and Remediation Strategy which sets out the works previously carried out and those that are proposed as part of this development. Both the Environment Agency and the Council's Environmental Health Officer have been consulted on the original submission together with the revised and additional information provided by the applicants in response to third party concerns. The Environmental Health Officer has confirmed that he has no objections to the proposals subject to the implementation of the recommendations in the Land Remediation Strategy.
- 10.61 The Environment Agency is aware of the previous decontamination works and has also confirmed that it has no objections to the proposals. In its consultation letter, it advises that it would concur with the recommendation in the report for the contamination hotspot of elevated levels of copper and zinc identified in the stockpiled material to be subject to further investigation, and subsequent treatment or removal as necessary. Furthermore, based on the information provided and given the geological and hydrogeological conditions present, the EA has advised that it does not consider this site to be a priority and will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer will still need to ensure that they address risks to controlled waters from any potential contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.
- 10.62 Flich Green has been subject to extensive remediation works which were necessary to allow the land to be developed for housing. Such works are strictly controlled and were carried out in consultation with the Council's Environmental Health department and the Environment Agency. It is clear from the above and the comments from the Environmental Health Officer and the Environment Agency that they do not have concerns regarding the current proposals and no contaminated materials will be spread over the land to the south of the Stebbing Brook. The presence of topsoil is required to allow vegetation to grow rather than to disguise any contaminated materials as has been suggested by some third parties. It is considered that subject to the works being carried out as set out in the Ground Conditions and Remediation Strategy which places ongoing checks in respect of contaminated materials, there is no risk to any person or to wildlife and there is no need on safety grounds to exclude people from the Nature Reserve.
- 10.63 It is considered that the removal of the stockpiles in Flich Green is a priority along with the provision of the sports field. These detract from the amenity of the settlement and dominate the southern part of Flich Green. The stockpiles however are large and contain a substantial amount of material which needs to be removed. The nearest landfill site is at Hall Road, Elsenham and therefore, if this material was taken off site, it would generate a large number of lorry movements between the two settlements. It is considered that this would not be sustainable. The current proposal will allow the stockpiles to be removed and the areas for the sports pitches and the housing to be levelled without generating an unacceptable degree of lorry movements on the local road network. Whilst it is acknowledged that there would be a change to the overall

topography of the land to the south of the Stebbing Brook, it is considered that this is not significant and the proposals involve re-contouring and extensive modelling to ensure that it forms a natural and attractive landscape. There are no risks to health through the presence of contaminated land and it is considered therefore that the proposals are acceptable and would comply with Policies ENV12 and ENV14 of the Local Plan.

**E Effect upon biodiversity and upon the character of the countryside (ULP Policies S7, GEN7, ENV7)**

- 10.64 The application includes the provision of a Nature Reserve, which is a requirement of the Section 106 Agreement. The current application retains the nature reserve in its Masterplan location but extends the proposed area by including additional land at the rear of the properties on Station Road. The adjacent Felsted Fen will remain and be improved, returning it to a wet fen.
- 10.65 A Detailed Ecological Appraisal Report and Protected Species Reports have been submitted. Protected species surveys have been undertaken at the site between 2005 and 2013 to support previous applications. These have consistently concluded that the site is of low ecological value but contains features which have ecological value or potential value. These will be protected during construction works and land use changes and include the River Chelmer, Stebbing Brook, standing open water areas generally, hedgerows, and mature trees.
- 10.66 The applicants propose to improve significantly the species diversity of hedgerows, wooded areas, grassland (including wet grass/fen areas) and pond wildlife with new native planting for fen, species rich meadow, hedgerows and woods. A Landscape Strategy, Planting Plan and an Ecological Management Plan have been provided which make provision for the proposed species mix and a management regime for the establishment, surveying and monitoring of new habitats. Bird boxes and bat boxes are to be installed on existing and established trees. The new habitats are intended to improve the existing biodiversity and contribute to the objectives identified in the local biodiversity action plan.
- 10.67 The proposed development to the north of the Brook will have limited impact upon existing ecology due to the nature of the existing ground. However, the proposals include biodiversity enhancement with the planting of parkland and semi mature trees. Native woodland core planting will be used to shield Stebbing Brook and the pond to the north east of the sports pitches from the development. The sports pitches will be surrounded by amenity grassland, which will be managed through mowing.
- 10.68 Prior to construction the site will be re-inspected for wildlife to identify any changes which should be considered during construction.
- 10.69 In terms of the impact upon the character of the area, it is considered that this will be significantly enhanced with the development proposals in Flitch Green. The stockpiles will be removed and the sports fields laid out and landscaped, creating a more attractive edge to the village. The extended area of the Nature Reserve and Felsted Fen will form a landscaped buffer between Felsted and Flitch Green and it is not considered that the character of this part of the site will alter unduly. Oakwood Park Local Policy 1 confirms the principle of locating landscaping outside the settlement boundary of Flitch Green to complement the layout and arrangement of buildings and to create a broad swathe beside the River Chelmer. Although a larger area is now proposed for this purpose, which will be formed with a degree of contouring to accommodate material from the stockpiles, the nature reserve will incorporate

vegetation commensurate with its purpose rather than the previous proposals which would provide a more manicured playing field and parkland setting. It is considered that the proposed extended nature reserve along with Felsted Fen will serve to enhance the setting of Flitch Green and provide the broad landscaped swathe beside the River Chelmer and Stebbing Brook in accordance with Oakwood Park Local Policy 1.

- 10.70 The improved ecological value of Felsted Fen and the provision of the nature reserve are in accordance with RSS Policy ENV1 and ENV3 as well as Local Policy GEN7.

#### **F Impact upon Residential Amenity (ULP GEN2, GEN4)**

- 10.71 The proposed development is likely to have a very limited impact upon existing residents in terms of noise and disturbance as most dwellings are some distance away from the playing fields and will not be subject to unacceptable noise levels.
- 10.72 However, it is considered that the construction works have the potential for significant disturbance, especially as they involve extensive earth moving and contouring. The Flitch Green residents will experience the removal of the stockpiles whilst the spreading of this earth will take place at the rear of the properties on Station Road where residents have expressed concern at their potential loss of amenity. The applicants have submitted a noise assessment to establish noise levels of the earthworks and calculate that the levels will be 65.3dB. at the nearest façade at Flitch Green and 68.8dB at Station Road. The Report states that the noise generated would fall within the levels of guidance set out in BS5228 2009 the Code of Practice for noise and vibration control on construction and open sites and will not cause unacceptable levels of noise disturbance.
- 10.73 The earth moving works are proposed during the winter months and subject to planning permission being granted at Committee on the 25 June 2014, would commence towards the end of September. It is estimated that the subject to weather conditions, 2200m<sup>3</sup> of material (unbulked) will be excavated and moved a day, resulting in approximately 40 days being required to move the whole of the material to the south of the Brook.
- 10.74 In addition, earthworks will be required to form the nature reserve through shaping and grading. These works are scheduled for a further 60 days and are envisaged to take place between February and May 2015. These works are extensive and whilst the noise levels will be within the levels of guidance set by the Code of Practice, there remains the fact that the residents in Station Road will be subject to extensive activity.
- 10.75 However, most of the activity will be some distance away from these properties as the majority of the profiling will be to the lower part of the slope. The land is due to remain gently sloping near to the dwellings and therefore limited amount of work will be needed close to their boundaries. These properties all have relatively long rear gardens and it is considered that, subject to the imposition of a suitable condition limiting the hours of working to 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays together with the implementation of the Construction Management Plan, the amenities of these residents will be protected during the construction phase.
- 10.76 It is noted that several have commented upon the erection of fencing. Any fencing erected as part of the construction works will be temporary and will be removed at the end of the construction phase. There are no proposals for permanent fencing along the rear of the Station Road properties.

10.77 It is considered therefore that the amenities of all the residents in both Flitch Green and Felsted will be adequately protected during the construction phase and there are no issues of amenity in relation to the future uses. The application is therefore in accordance with Policy GEN2 and GEN4 of the adopted Local Plan.

## **G Phasing and Implementation of the Development**

10.78 Both the Parish Councils and the majority of the third party representations have raised concerns that, as in the past, these facilities will not be delivered. This is a valid concern based upon the history of Flitch Green and the continued non-delivery of community facilities. Your officers have worked closely with both the applicants and the Parish Council to try and ensure that the current proposed works will be carried out and in a timely manner.

10.79 The applicants have been asked to provide a Proposed Construction Programme to show the proposed timescales and timetable for the development. This has now been provided and has partly resulted in the application being placed before Committee at this meeting.

10.80 The Programme provides two scenarios; the first depends upon a resolution by Committee on the 25 June which would allow works to commence in September and the pitches would be available for use in October 2015. The second assumes a resolution to grant planning permission on 23 July which would result in the pitches being available in October 2016, a year later than the first scenario. This is entirely due to the times of seeding of the sports pitches and the summer growing season. The second scenario would miss the 2015 seeding and would have to take place in the 2016 one.

10.81 This matter has been discussed with the Council's Landscape Officer who has confirmed these timescales. It is accepted however, that the first scenario is tight and has the potential for slippage but nevertheless, it should be possible for the works to take place within this period of time.

10.82 The applicants have therefore been asked to submit as much information as possible to ensure that the development is acceptable and implementable and also, if possible, to avoid the need to impose pre-commencement conditions in relation to the sports pitches and community facilities which could delay the start of the works. Where information is still required, it is considered that conditions can be imposed requiring the information to be submitted within a certain timescale so that the preliminary works, including the earthmoving can proceed.

10.83 Discussions have also taken place between your officers, the applicants and the Parish Council regarding the timing of the various elements of the current application. It is agreed amongst the parties that no dwelling should be commenced until the sports pitches are levelled and seeded and the NEAP, MUGA, Pavilion, car park and footbridge are all complete. A condition is proposed to this effect and the applicants have confirmed their acceptance to this restriction. This condition should ensure that the housing does not come forward before any of the facilities are provided and is capable of being enforced.

10.84 It is also intended that should there be slippage with the seeding of the playing fields, that the NEAP, MUGA, Pavilion, car park and footbridge will all be made available for use in accordance with the submitted timetable so that residents will have access to some of the facilities without having to wait for the sports pitches to be ready. As these facilities are mostly located adjacent to the Community Hall, there is no reason

for any delay in their provision as they will not be affected by the planting and growing season. A further condition is therefore proposed to this effect.

- 10.85 Most of the details relating to the sports fields and community facilities have been submitted and are acceptable. The report required to establish ground conditions and the final details of the construction of the sports pitches are to be submitted within 3 months of the date of any planning permission. Subject to the imposition of the conditions below, it is considered that the development is acceptable and that the development will come forward as soon as possible.

## **H Infrastructure (ULP GEN6)**

- 10.86 Many of the residents have objected to the proposals on the grounds of lack of existing infrastructure, including the fact that the schools in the area are at capacity. Essex Education Authority has confirmed that although there are sufficient pre-school in the area to serve the development's needs, Flitch Green Academy is at capacity. It has a permanent capacity to take 210 pupils and according to the latest forecasts, 258 places will be required by 2017-18. The Helena Romanes School and Sixth Form Centre is also at capacity and the Authority has therefore requested that funding be provided by way of a S106 Agreement to mitigate the impact of the development.
- 10.87 Flitch Green Academy has been at capacity since it opened in 2008 and Felsted is also at capacity. The Inspector at the previous appeal commented on the issues raised by the schools when she reviewed the limited level of facilities that had been provided in Flitch Green. She commented that although the legal agreement would secure funding for primary school places and a small strip of land to slightly extend the school curtilage, it was by no means certain that the County Council would provide the classrooms at Flitch Green and that some children might have to go to Felsted Primary School placing further reliance on the use of the private motor.
- 10.88 The applicants have confirmed that they are prepared to transfer the same strip of land adjacent to the school to allow for future expansion. This is a small area adjacent to the southern boundary of the school grounds and would allow the relocation of existing facilities within the school curtilage that would be displaced with the extension of the school building. It is recognised that there are constraints on the school. However, the Education Authority has not raised an objection to the application for the 98 dwellings subject to the provision of funding which the applicants have agreed to provide. Furthermore, the 98 units were granted planning permission previously, and that planning permission would have been outstanding during the planning and construction of the school. It is considered therefore, that in these circumstances, it would be unreasonable to refuse planning permission for the dwellings on education grounds.
- 10.89 NHS Property Services has raised a holding objection to the proposed development on the grounds that the applicant has not proven that the application fully delivers sustainable development, as it does not assess the likely healthcare impacts of the development or provide for the necessary mitigation. The NHSPS has calculated that the additional growth in population as a result of the application will generate a need for a further 0.12 GP to meet that growth together with additional floorspace. As a consequence, the NHS has advised that a contribution of £16,800 is required to create the additional floorspace.
- 10.90 Both the education and NHS contributions would be subject to a Section 106 Agreement.

## **I Any other material planning considerations.**

- 10.91 In addition to the details referred to above, the applicants have submitted extensive information on Flood Risk, Water Conservation and Ecology, Utilities, Dust impact and Code for Sustainable Homes. For the most part the information provided in these studies and reports are acceptable. The Environment Agency (EA) has raised issues relating to the Flood Risk Assessment but this is in relation to the dwellings and conditions attached require drainage details to be submitted and agreed.
- 10.92 It is not considered that there are any other material planning considerations relevant to the consideration of this application.

## **11. CONCLUSION**

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

- A The current proposals propose to site the playing fields to the south of Tanton Road, in the location set out in the approved Masterplan for Flitch Green and where the Inspector in the previous appeal confirmed they should be located, convenient for use by Flitch Green residents. The application has been amended to increase the size of the football pitches and to include a pavilion, a MUGA and youth shelter as well as the NEAP, cricket pitch and car park required by the original Section 106 Agreement. The revisions to the scheme mean that the facilities now proposed are acceptable, would be fit for purpose and will contribute significantly to the level of amenity of residents in Flitch Green.
- B The application site for the 98 dwellings is located on brownfield land, predominantly within the defined development limits of Flitch Green. Planning permission was granted previously for these dwellings but that permission has lapsed due to the presence of the Cordon Sanitaire. The Cordon Sanitaire is still in place and there are ongoing concerns about the overall deliverability of these dwellings. However, circumstances have not changed significantly since the previous grant of planning permission and it is considered that there are no reasons to withhold planning permission in this instance.
- C The construction of the sports pitches and housing on the application site requires the removal of the existing stockpiles at Flitch Green. These detract from the overall amenity of the settlement. The stockpiles are large and would result in considerable lorry movements on local roads if the materials are to be removed off-site. However, the relocation of this material onto the land to the south of the Stebbing Brook and its regrading and contouring to form a nature reserve is considered to be an appropriate and sustainable way of removing these stockpiles. The applicants have confirmed that there would be no contaminants transferred onto the nature reserve and neither the Environment Agency, who control ground waters, nor the Council's Environmental Health department have any objections to these proposals. The formation of a nature reserve will retain the open countryside between the two settlements.
- D It is acknowledged that there are justified concerns of residents and the Parish Councils that the current proposals may not come forward, However, the local planning authority has worked closely with Flitch Green Parish Council and the applicants to try and ensure that the proposals are acceptable to the local community. Furthermore, there is agreement from all parties that construction on the dwellings the subject of the application cannot start until the sports pitches are levelled and seeded and the MUGA, NEAP, pavilion, etc. are all constructed and available for use. The recommended

conditions are therefore aimed at ensuring that the development comes forward as intended and required and is of an appropriate quality and standard.

- E It is considered that the current application is now acceptable and complies with the relevant policies of the development plan including Oakwood Park Local Policy 1 and that it is in conformity with the approved Masterplan.

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

**(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation 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 an obligation to secure the following:**

- (i) Community payment for education, health care services and highways.**
- (ii) Provision of 40% affordable housing;**
- (iii) Transfer of land for education purposes**
- (iv) Provision and transfer of public open space, sports pitches, car park, MUGA, NEAP, Youth shelter, pavilion and maintenance shed.**
- (v) Contribution towards maintenance of open space for 20 years**
- (ii) Pay monitoring costs**
- (iii) Pay Councils' reasonable costs**

**(II) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below**

**(III) If the freehold owner shall fail to enter into such an obligation, 31 July 2014 by the Assistant Director of Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**

- (i) Lack of provision of community payment for education, health care services and highways.**
- (ii) Lack of affordable/social housing**
- (iii) Lack of provision of land for education purposes**
- (iv) Lack of provision of community facilities including public open space, sports pitches, car park, MUGA, NEAP, Youth shelter, pavilion and maintenance shed.**
- (v) Lack of contribution towards maintenance of open space for 20 years**

Conditions/reasons

**Detailed application with all matters considered for the construction of two football pitches, cricket square, pavilion, neighbourhood equipped play area, multi-use games area, youth shelter, car park, extending and re modelling of nature reserve, landscaping, erection of temporary bridge, erection of permanent footbridge over Stebbing Brook, earthworks and other associated works:**

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

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

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

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

3. The construction of the sports pitches hereby approved, shall commence in accordance with the approved programme of works contained at Appendix A in the Proposed Construction Programme dated May 2014 by Create Consulting Engineers or no later than 3 months from the date of this permission and their construction shall follow the programme set out in Appendix A in the Construction Programme unless otherwise agreed in writing with the local planning authority.

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

4. The NEAP, MUGA, Youth Shelter and pavilion shall be completed and made available for use within six months of removal of the 3 stockpiles identified in the Earthworks Strategy- Revision A dated May 2014 by Create Consulting Engineers unless otherwise agreed in writing with the local planning authority.

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

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

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

6. The football and cricket pitches hereby approved shall not be brought into use until the sports pitch fencing has been constructed in accordance with the approved plans.

REASON: to ensure the safety of the general public and the users of the pitches in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

7. Within 6 months of the date of this permission, full details shall be submitted to and approved in writing by the local planning authority of the location and design of a storage shed suitable for storing pitch maintenance machinery. The works shall be carried out as approved and the storage shed made available for use prior to the bringing into use of the sports pitches.



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

8. Within 6 months of the date of this permission full details of the following hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include
  - i. cycle parking;
  - ii hard surfacing materials including the playing surface of the MUGA and pitch marking;
  - iii minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, including road and footpath signs, lighting, etc.);
  - iv proposed and existing functional services above and below ground (e.g. drainage power,

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).

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

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

10. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any lopping or topping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - (b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority
  - (c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837 (2005) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.  
In this condition 'retained tree or shrub' means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars;

and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

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

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

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

12. No construction work shall be carried out on, nor machinery operated on, nor materials be delivered to the site at any time on Sundays or Public Holidays, or before 8.00am or after 6.00pm on Monday to Friday or before 8.00am or after 1.00pm on Saturdays..

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

13. All construction work shall be carried out in accordance with the submitted Construction Management Plan dated May 2014 by Create Consulting Engineers unless otherwise agreed in writing with the local planning authority.

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

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

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

15. Within 3 months of the date of this permission:
  - (i) A detailed assessment of ground conditions of the proposed playing fields shall be undertaken (including drainage, topography, soil/surface quality and maintenance) to identify constraints which could affect playing field quality; and
  - (ii) Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority.

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

REASON: To ensure that the site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of

an adequate quality playing field in accordance with Policy GEN2 and GEN6 of the Uttlesford Local Plan (adopted 2005).

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

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

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

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

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

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

19. The development hereby permitted shall be implemented in accordance with the Ground Conditions and Remediation Strategy – Revision A dated May 2014 by Create Consulting Engineers Ltd and the and the Earthworks Strategy – Revision A dated May 2014 by Create Consulting Engineers Ltd. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

**Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works**

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences except for earthworks hereby approved and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. (B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No work shall commence on the construction of any dwelling apart from necessary earthworks and drainage until the Sports pitches are levelled and seeded, the nature reserve formed and the NEAP, MUGA, pavilion, youth shelter, car park and footbridge are all complete and available for use.

REASON: To ensure a satisfactory form of development and in the interests of the amenities of the residents of the area in accordance with Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005) and the Council's Supplementary Planning Guidance – Accessible Homes and Playspace.

4. No development apart from earthworks shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i proposed finished levels or contours;
  - ii means of enclosure;
  - iii cycle and pedestrian access and circulation areas;
  - iv hard surfacing materials
  - v minor artifacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, including street lighting etc);
  - vi proposed and existing functional services above and below ground (e.g. drainage power,
  - vii. communications cables, pipelines etc. indicating lines, manholes, supports.);Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is brought into use and any dwelling is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. No development shall take place until all the Stockpiles identified in the Earthworks Strategy – Revision A dated May 2014 by Create Consulting Engineers Ltd have been removed from the site and the land levelled in accordance with details to 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 site and area in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7. A schedule of maintenance of the trees until successfully established is to be submitted to and agreed in writing with the local planning authority prior to occupation of the development. The schedule shall include provision for replacement planting should establishment fail and be implemented in accordance with the approved details.

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

8. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

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

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

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

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

11. Before development of the dwellings commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. 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)..

12. The buildings shall be designed as 'Lifetime Homes' and shall be adaptable for wheelchair use.

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

13. No building shall be occupied until works for the drainage/ sewage disposal works have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 Uttlesford Local Plan (adopted 2005).

14. Prior to the commencement of development details of the provision of suitable temporary construction access arrangements, including appropriate visibility splays and access, temporary traffic management/signage and wheel cleaning facilities to prevent the deposition of mud or other debris onto the highway network/public areas, turning, off-loading and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented as approved for the duration of the construction phase.

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

15. Prior to the commencement of development details of how and when Condition Surveys are to be undertaken of any adopted estate roads that coincide with the site access route, including the junction of Tanton Road with Station Road shall be submitted to and approved in writing by the Local Planning Authority. Surveys to be undertaken by the developer/contractor with the Highway Authority present, to ensure any damage occurring to the existing roads as a result of construction traffic during development be made good by the developer, to be undertaken at the following stages:
  - i. A "Before" survey before to the commencement of the development
  - ii. An "After" survey following the completion of the construction stage of the developmentThe measures shall subsequently be implemented as approved.

REASON: To avoid permanent damage to the highway in the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).  
Note: This is to be supported by a £50,000 bond for use in connection with the remedial measures required following completion of development.

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

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

17. Prior to the construction of dwellings a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the dwellings. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

REASON To enhance the sustainability of the development through better use of water, energy and materials.

18. Prior to the commencement of any dwellings, a scheme for the provision and implementation of rainwater harvesting shall be submitted and agreed, in writing, with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification before occupancy of any part of the proposed development.

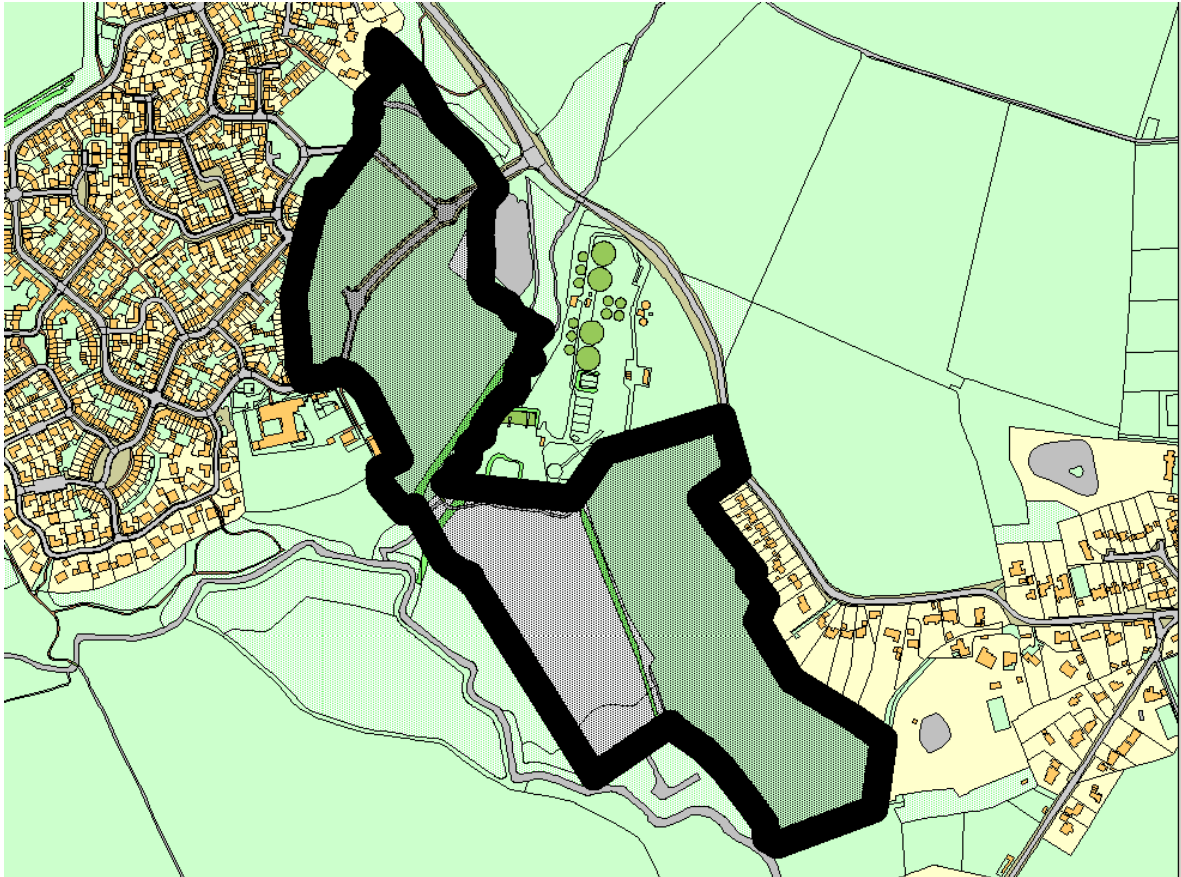
REASON: To enhance the sustainability of the development through efficient use of water resources.

19. The development hereby permitted shall be implemented in accordance with the Ground Conditions and Remediation Strategy – Revision A dated May 2014 by Create Consulting Engineers Ltd and the and the Earthworks Strategy – Revision A dated May 2014 by Create Consulting Engineers Ltd. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

Application number: UTT/14/0005/OP

Land off Tanton Rd, Flich Green, Great Dunmow, Essex



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**Scale:** 1:1,044

Organisation	UDC
Department	Planning
Comments	
Date	11/06/2014
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