

## UTT/15/0133/FUL – (FLITCH GREEN)

**PROPOSAL:** Removal of condition 17 attached to planning permission UTT/14/0005/OP for 98 dwellings, 2 no. football pitches, cricket square, pavilion, play and games area, youth shelter, car park, nature reserve, landscaping and erection of footbridge.

**LOCATION:** Land off Tanton Road, Tanton Road, Flitch Green.

**APPLICANT:** Enodis Property Development Limited

**AGENT:** Jessica Sparks

**EXPIRY DATE:** 27<sup>th</sup> April 2015

**CASE OFFICER:** Lindsay Trevillian

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### 1. NOTATION

1.1 Within Development Limits, Oakwood Park Local Policy 1.

### 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. 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.

### 3. PROPOSAL

3.1 Planning permission is sought to remove Condition 17 that was imposed on planning permission UTT/14/0005/FUL which was for "Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works and a 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. Condition 17 states:

3.2 *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).

3.3 It should be noted that works have just recently commence on the open space aspects of planning permission UTT/14/0005/OP that include the sports pitches and ancillary buildings and infrastructure. At the present time a reserve matters application for the approval of details for the housing part of the application has not been submitted.

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

- 4.1 The applicant states within the submitted application form that condition 17 is unnecessary as flooding mitigation measures are no longer required as the proposed sporting pitches are to be located north of the Brook rather than the south.

#### **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 Master plan 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)
- 5.9 UTT/14/005/OP - Outline application for 98 residential units with all matters reserved except access together with earthworks and associated works. 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. Approved by committee June 2014.

- 5.10 UTT/14/3357/FUL – Erection of 25 dwellings with associated infrastructure. Application recommended for approval by committee on the 11/3/15 however still waiting for a legal obligation to be signed.

## **6. POLICIES**

### **6.1 National Policies**

Nation Planning Policy Framework

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

Policy S2 – Settlement boundaries for Oakwood Park  
Policy GEN1 - Access  
Policy GEN2 – Design  
Policy GEN3 – Flood Protection  
Policy GEN4 – Good Neighbourliness  
Policy GEN6 – Infrastructure provision to support development  
Policy GEN7 – Nature Conversation  
Policy GEN8 – Vehicle Parking Standards  
Policy H1 – Housing Development  
Policy H9 – Affordable Housing  
Policy H10 – Housing Mix  
Policy ENV3 – Open space and trees  
Policy ENV7 – The protection of the Natural Environment  
Policy ENV8 – Other Landscape Elements of importance for nature conservation  
Policy ENV12 – Groundwater Protection  
Policy ENV14 – Contaminated Land  
Policy LC2 – Access to Leisure and Cultural Facilities  
Policy LC3 – Community Facilities  
Oakwood Park Local Policy 1.

### **6.3 Supplementary Planning Documents**

Accessible Homes and Playspace (November 2005)  
ECC Parking Standards (September 2009)  
Uttlesford Local Residential Parking Standards (February 2013)  
Urban Place Supplement to the Essex Design Guide (March 2007)  
Energy Efficiency and Renewable Energy (October 2007)

## **7. PARISH COUNCIL COMMENTS**

- 7.1 Flitch Green Parish Council:- No comments received at the time of writing this report.

## **8. CONSULTATIONS**

### **Environmental Agency:**

- 8.1 No objection – As far as we can see from our previous response and the submitted Flood Risk Assessment, we never advised a condition of compensatory storage, as the development is shown to be outside of flood zone 3. Therefore we have no further comment on this matter.

## 9. REPRESENTATIONS

9.1 The application was notified to 802 surrounding occupiers and a site notice displayed. Five objections letters has been received at the time of writing this report. The main concerns of objection are as follows:

- Unsure of what is a 'Compensatory storage scheme' and therefore could not comment on the proposed scheme.
- There has been no evidence provided as to why they wish to remove condition 17, if the Flood Risk Assessment deemed it necessary to provide compensation storage when the initial plan was passed why is it not needed now?
- Enquired whether it was possible to incorporate a basketball court within the play area.
- Based on that the developers can't be trusted, it is requested that the application is turned down by the Council.
- A detailed scale drawing of the houses have not been submitted and therefore we can't make any comments.

## 10. APPRAISAL

10.1 The issue to consider in the determination of the application is:

A. Whether it was appropriate for the Local Planning Authority to impose the condition on the approved planning permission in accordance with the Town and Country Planning Act 1990, the Planning Practice Guidance and the National Planning Policy Framework.

**A. Whether it was appropriate for the Local Planning Authority to impose the condition on the approved planning permission in accordance with the Town and Country Planning Act 1990, the Planning Practice Guidance and the National Planning Policy Framework.**

10.2 The main powers relating to local planning authority use of conditions are in Sections 70, 72, 73, 73A, and Schedule 5 of the Town and Country Planning Act 1990.

10.3 Section 70(1)(a) of the Act enables the local planning authority in granting planning permission to impose "such conditions as they think fit". This power must be interpreted in light of material factors such as the National Planning Policy Framework, and the supporting Planning Practice Guidance on the use of conditions.

10.4 Paragraph 203 of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions"

10.5 When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

10.6 Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

1. necessary

2. relevant to planning and;
3. to the development to be permitted
4. enforceable;
5. precise and;
6. reasonable in all other respects.”

- 10.7 The policy requirement above is referred to in this guidance as the six tests. As a matter of policy, conditions should only be imposed where they satisfy all the tests described.
- 10.8 Officers consider that Condition 17 attached to planning permission UTT/14/0005/OP does not meet the above tests as the condition is deemed not to be necessary, relevant to the development, and unreasonable.
- 10.9 In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have been refused if that condition were not imposed. As a matter of policy, a condition ought not to be imposed unless there is a define need for it. The same principles must be applied in dealing with applications for the removal of a condition under section 73 or section 73A where it states that a condition should not be retained unless there are sound and clear cut reasons for doing so.
- 10.10 To understand how Condition 17 was imposed on planning application UTT/14/005/OP, it is important to take a step back and look at the history of planning application UTT/0190/09/FUL which was for the construction of two sports pitches, a cricket square, access bridge over Stebbing Brook, sports pavilion and associated landscaping.
- 10.11 Officers recommended at the time that application UTT/0190/09/FUL be approved subject to conditions. However this recommendation was overturned by the planning committee and the application was subsequently refused in April 2012 and then later dismissed at appeal in August 2013.
- 10.12 Condition 17 subject to this current application was one of many conditions in which officers suggested to be imposed on the final decision if permission was to granted consent. The reasoning behind the condition was to strengthen flood mitigation measures on the land south of the Brook as this was the proposed location for the sports pitches and ancillary facilities.
- 10.13 As a result of the refusal and subsequent dismissed appeal, the applicant lodged a fresh application ref: UTT/14/0005/OP in the attempt to overcome the reasons of refusals. Amongst other things, one of the main changes to the new application was to re-locate the sports pitches and ancillary facilities to the north of the Brook and provide a nature reserve on the land south of the brook.
- 10.14 When planning permission UTT/14/0005/OP was granted consent, a number of conditions including condition 17 subject to this application were replicated from the previous suggested conditions from the refuse application of UTT/0190/09.
- 10.15 However when permission was granted for application UTT/14/0005/OP, Condition 17 subject to this application should not have been replicated from the previous suggested conditions of the refused permission as there was no need for it to be imposed as the sports pitches were not being proposed south of the Brook and therefore no flood mitigations measures should have been required.

10.16 In short, the imposing of condition 17 on UTT/14/0005/OP was an oversight from both the Council and the developer at the time of granting permission and it has only been picked up now. As there is no need for it, it is not relevant to the development and is not reasonable for the applicant to carry out.

10.17 Given that there was not a defined need to impose the condition in the first instance and that there is no clear-cut reasons to retain the condition on the planning permission, it is considered that the need for imposing the condition is not necessary.

## **11. CONCLUSION**

11.1 The imposing of condition 17 on planning permission UTT/14/0005/FUL fails to meet the guidance of the tests set within the Town and Country Planning Act 1990 and the Nation Planning Policy Framework. In particular, it is considered that the condition is not necessary, not relevant to the development and is unreasonable. It is therefore recommended that the application be approved subject to the same conditions as previously imposed on planning permission UTT/14/0005//FUL apart from condition 17 which shall be removed.

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

1. **The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 8<sup>th</sup> July 2015 of being invited to do so 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 agreement 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**

2. **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**

3. **If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission 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:**

1. 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.

2. 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).

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 September 2014 by Create Consulting Engineers 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 external finishing materials of the pavilion hereby approved shall be constructed in accordance with the details that were approved under planning application UTT/14/3059/DOC unless otherwise agreed by the Local Planning Authority.

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

5. 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).

6. The storage shed hereby approved shall constructed in accordance with the details approved under planning application UTT/15/3072/DOC unless otherwise agreed in writing by the Local Planning Authority. 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).

7. 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).

8. 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).

9. (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).



10. The development hereby permitted shall be implemented in accordance with the scheme of biodiversity mitigation/enhancement and future maintenance as detailed in the Ecological Management Plan for Sports Pitches dated 4 June 2014 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).

11. 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).

12. All construction work shall be carried out in accordance with the submitted Construction Management Plan dated September 2014 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).

13. 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).

14. The ground conditions of the playing fields hereby approved shall be carried out in accordance with the details approved under planning application UTT/14/3127/DOC unless otherwise agreed in writing by the Local Planning Authority. The approved detail shall be complied with 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).

15. The safeguarding of the section of footpath number 59 south of Stebbing Brook shall be carried out in accordance with the details approved under planning permission UTT/14/3071/DOC unless otherwise agreed in writing by the Local Planning Authority. 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).

- 16 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).

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

- 17 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.

- 18 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 no 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.

- 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 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).

- 20 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.

- 21 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 artefacts 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, 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).

- 22 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).

- 23 Before development of the dwellings hereby permitted takes place all the Stockpiles identified in the Earthworks Strategy - Revision A dated May 2014 by Create Consulting Engineers Ltd shall 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).

- 24 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).

- 25 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).

- 26 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).

- 27 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).

- 28 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).

- 29 The dwellings 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.

- 30 No dwelling 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).

- 31 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, offloading 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).

- 32 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: A "Before" survey before to the commencement of the development ii. An "After" survey following the completion of the construction stage of the development the measures shall subsequently be implemented as approved.

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

- 33 Prior to the commencement of the dwellings hereby permitted 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 shall 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).

- 34 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, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

- 35 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.

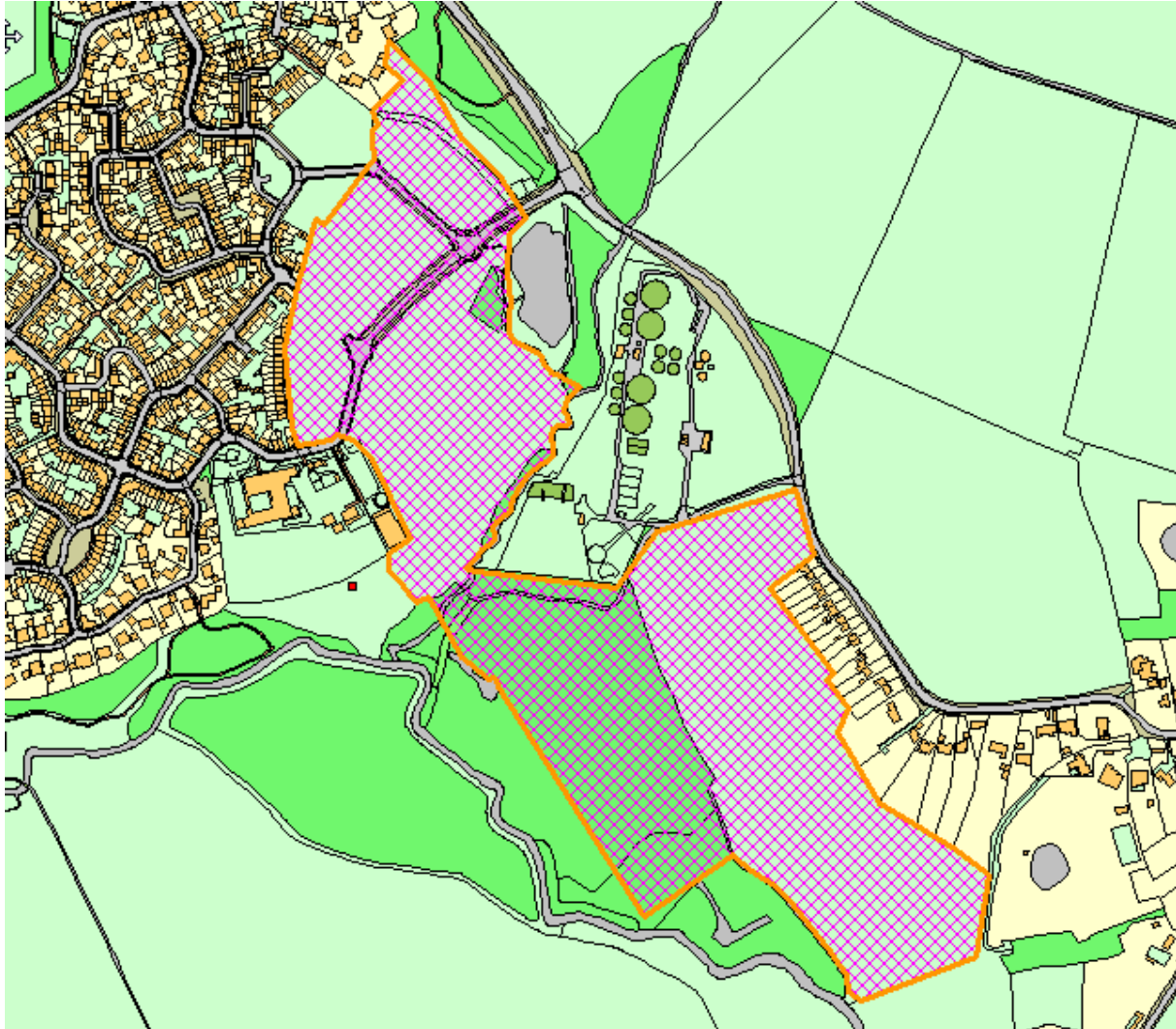
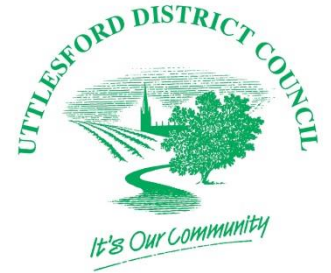
REASON: To enhance the sustainability of the development through efficient use of water resources, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

- 36 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 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 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 no.: UTT/15/0133/FUL

Address: Land off Tanton Road, Fritch Green



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Organisation: Uttlesford District Council

Department: Planning

Date: 21 May 2015

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