

**UTT/13/0729/DOC (Takeley )**

*(Referred to Committee by. Cllr Jones*

- 1 That there is a wider public interest in decisions taken regarding this site
- 2 There is some site history concerning (a) environmental pollution (b) drainage issues (c) previously recorded enforcement notices that have not been satisfactorily resolved
- 3 There is a lack of confidence that matters concerning this site have been fully considered by UDC Planning Committee
- 4 I believe there is a need for a Suitably Qualified Person from UDC to review all the reports relevant to this site since 2005 that have an impact and bearing on public health, the environment and any possible contamination, and for that report to be available prior to any determination by the UDC Planning Committee.

**PROPOSAL:** To discharge conditions

**LOCATION:** Land Adjacent To Cranwellian, The Street, Takeley

**APPLICANT:** Mr T Jones

**AGENT:** Hayhurst Town Planning Services, Ltd

**EXPIRY DATE:** 20 May 2013

**CASE OFFICER:** Mrs M Jones/Mr N Brown

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**1.0 NOTATION**

- 1.1 Outside Development Limits. Countryside Protection zone. Within 500m SSSI. Within 57-66dB(A)leq. Within 6km Stansted Airport. Public Right of Way adjacent to site. Adjacent to Ancient woodland, Historic Landscape, , Historic Parks and Gardens, National Nature Reserve, County Wildlife site and Important Woodland

**2.0 DESCRIPTION OF SITE**

- 2.1 The site is situated on the southern side of the B1256 opposite junction with Bury Lodge Lane in a rural location.
- 2.2 The size of the rectangular plot of land is 0.38 hectares.
- 2.3 It is enclosed by close boarded timber fencing to the rear, mature hedging to the east and trees/shrubs to the south.
- 2.4 The western boundary has post and rail fencing. Immediately adjacent at the rear is the Flitch Way and Hatfield Forest.
- 2.5 To the east are three detached cottages and to the west is a detached house (owned by the applicant). Access to the site is via a gated access to the front of Cranwellian House.
- 2.6 To the west of Cranwellian are a stable building and beyond the boundary is a public right of way forming an access lane from the B1256 to the Flitch Way and Hatfield Forest.

**3.0 PROPOSAL**

- 3.1 Application to discharge conditions 9 (foul drainage works) attached to UTT/12/5438/FUL

## **4.0 APPLICANTS CASE**

- 4.1 EAS Engineering Consultants have prepared the attached drainage layout drawing 366/201 Rev A and in their accompanying covering letter they set out the reasons for and justification for the drainage design.

A foul water drainage design has been prepared to meet the requirements of the EA and the LPA as set out above; this has been achieved by the following:

- i. Foul Water is to be collected via individual inspection chambers from each caravan plot and directed to a private treatment plant as shown on drawing 201.
- ii. The private treatment plant is proposed as a Klargestar BioDisc model 'BE', which has been sized to cope with the British Water loadings for a mobile home type caravan with full services (180l flow and 75g BOD and 8g Ammonia as N per caravan). Please note that the private treatment plant has been slightly over specified as the required capacity fell between two possible options. Further details of the private treatment plant can be provided if required.
- iii. As the 8 static caravan plots are domestic and the calculated flow is 3.5m<sup>3</sup>/day of domestic use only the site falls within the requirements of the EA Position Statement 116, and as such will not require an Environmental Permit for the discharge. This has been confirmed with the EA.
- vii. A sample chamber is to be provided prior to the outfall. The outfall to the watercourse will take the form of a precast concrete headwall (JKH or similar).
- iv. As with the surface water drainage, with regard to protection from contaminants, having reviewed the environmental survey reports prepared by Herts and Essex Site Investigations I cannot see any evidence of contaminants that would require any special consideration with regard to the drainage design. In addition due to the shallow construction of the foul water sewers (to achieve the shallow outfall depth), the majority of the length of the sewers will require a type 'z' concrete surround and as such would be fully sealed.

### **Maintenance and Adoption**

The above drainage elements will remain in private ownership and will not be adopted. As such they will remain under the ownership of our client. Maintenance will be mainly the upkeep of the private treatment plant, when the plant is installed the client will receive a package of information including the required maintenance to be undertaken by Klargestar every 6 months which will be payable by the client. Other than the private treatment plant the client should check every 6 months that all, trapped gullies and inspection chambers are clear of debris, including at the outfall to the watercourse.

## **5.0 RELEVANT SITE HISTORY**

- 5.1 UTT/12/5438/FUL – Variation of condition 4 on approved planning application UTT/1360/12/FUL to read " No more than 8 caravans, as defined in Part I of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968 as amended by Statutory Instrument 2006 No.2374: The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 shall be stationed on the site."
- 5.2 UTT/1360/12/FUL - The proposal has been revised and is now for change of use of land for the stationing of 8 caravans(reduced from 12) for occupation by members of the applicant's extended gypsy family, construction of hardstanding, access road, fences, alteration to existing access and associated hard and soft landscaping.

- 5.3 UTT/1906/08/FUL Erection of stable block and new entrance gates and railings - Conditional Approval - 2009
- 5.4 UTT/1274/99/FUL Erection of replacement dwelling and detached double garage - Conditional Approval – 2000
- 5.5 UTT/0008/05/REN Erection of replacement dwelling and detached double garage - Conditional Approval 2005
- 5.6 DUN/0096/51 Caravan site Refused 1951
- 5.7 DUN/0204/56 Construction of new access - Refused 1956
- 5.8 DUN/0060/52 Proposed bungalow - Conditional Approval – 1952
- 5.9 DUN/0319/72 Formation of new vehicular access - Conditional Approval – 1972
- 5.10 DUN/0146/69 Addition of playroom - Approved – 1969

## 6.0 POLICIES

### 6.1 National Policies

- National Planning Policy Framework
- Planning Policy For Travellers Sites
- Designing Gypsy and Traveller Sites – Good Practice Guide

### 6.2 Uttlesford District Local Plan 2005

Policy - GEN3 Flood Protection

## 7.0 PARISH/TOWN COUNCIL COMMENTS

### 7.1 Objection

Takeley Parish Council (TPC) would expect the Planning Committee to uphold the conditions attached to approved planning application UTT/12/5438/FUL, and only discharge these conditions as and when independent and expert opinion provides **sufficient evidence to wholly satisfy** members that the health and wellbeing of the future residents of this site is adequately protected, and that neighbouring residents will not be harmed by this development.

## 8.0 CONSULTATIONS

### Environment Agency

- 8.1 We refer to the letter from EAS, dated 21 March 2013, which has been submitted along with a Drainage Layout (Drawing Number 201 REV A). Point 3 under the foul water system section of the letter states that the calculated flow for foul water is  $3.5\text{m}^3/\text{d}$  meaning that it falls under the  $5\text{m}^3/\text{d}$  which can be discharged to the river without an Environmental Permit.

We consider this figure for 8 caravans, which are essentially residential properties, to be quite low. We therefore recommend that greater detail about how this figure was reached is provided before this condition is discharged.

Your local authority should consider flood risk management associated with the development site as this falls outside of our remit. You may wish to seek advice from Essex County Council as the Lead Local Flood Authority. It is important that the ditch that is to receive the flows from the site has sufficient capacity to accept these and that the discharge is able to flow without increasing the risk of flooding on or off-site.

## **Building Control**

- 8.2 The Proposed foul water system ,design ,shown on plan, via a Klargestor BE biodisc unit, and subsequent drainage would appear to satisfy the planning condition requirement, subject to environment agency approval of the Clearwater discharge from the proposed sewage treatment plant to the ditch indicated on plan number 201 rev A.

## **9.0 REPRESENTATIONS**

- 9.1 A number of representations have been received by third parties on this matter, these will not be summarised within this report. The representations will be referred to the Environment Agency and UDC Environmental Services and formal summaries and responses will be reported to the meeting.

## **10.0 APPRAISAL**

- 10.1 The issues to consider in the determination of the application are whether sufficient information has been submitted to discharge the following conditions which were attached to planning application UTT/12/5438/FUL

### **Condition 9 stated**

*Before development commences details indicating the foul drainage works' exact position and course, manufacturer's specifications, type and discharge of final effluent into a specified watercourse, shall be submitted for the written approval of the local planning authority. Thereafter the approved treatment plant shall be installed in line with manufacturer's instructions and maintained and retained in perpetuity.*

*REASON: To protect the surrounding countryside and prevent pollution of the water environment in accordance with polices GEN 2 and GEN3 Uttlesford Local Plan (adopted 2005)*

- 10.2 The formal views of the Environmental Agency were sought with regards this issue. The Environment Agency has indicated that they have no objection with respect of potential issues of pollution and water quality. However, they have questioned the level of foul water flow for the approved development. Further details have been sought and received from the developer's agent which is now being considered by the Environment Agency. An update and possible justified reconsideration of the recommendation will be reported to the meeting.
- 10.3 In conclusion at the time of writing the applicant has not demonstrated that the appropriate level of foul sewage from the site can be appropriately treated and discharged into the watercourse,

## **11.0 CONCLUSION**

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

- Condition 9 cannot be discharged

## **RECOMMENDATION – REFUSAL**

1. The details submitted do not demonstrate that the appropriate level of foul sewage from the site can be appropriately treated and discharged into the watercourse. Therefore the proposal fails to protect the surrounding countryside and prevent pollution of the water environment in accordance with policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005