

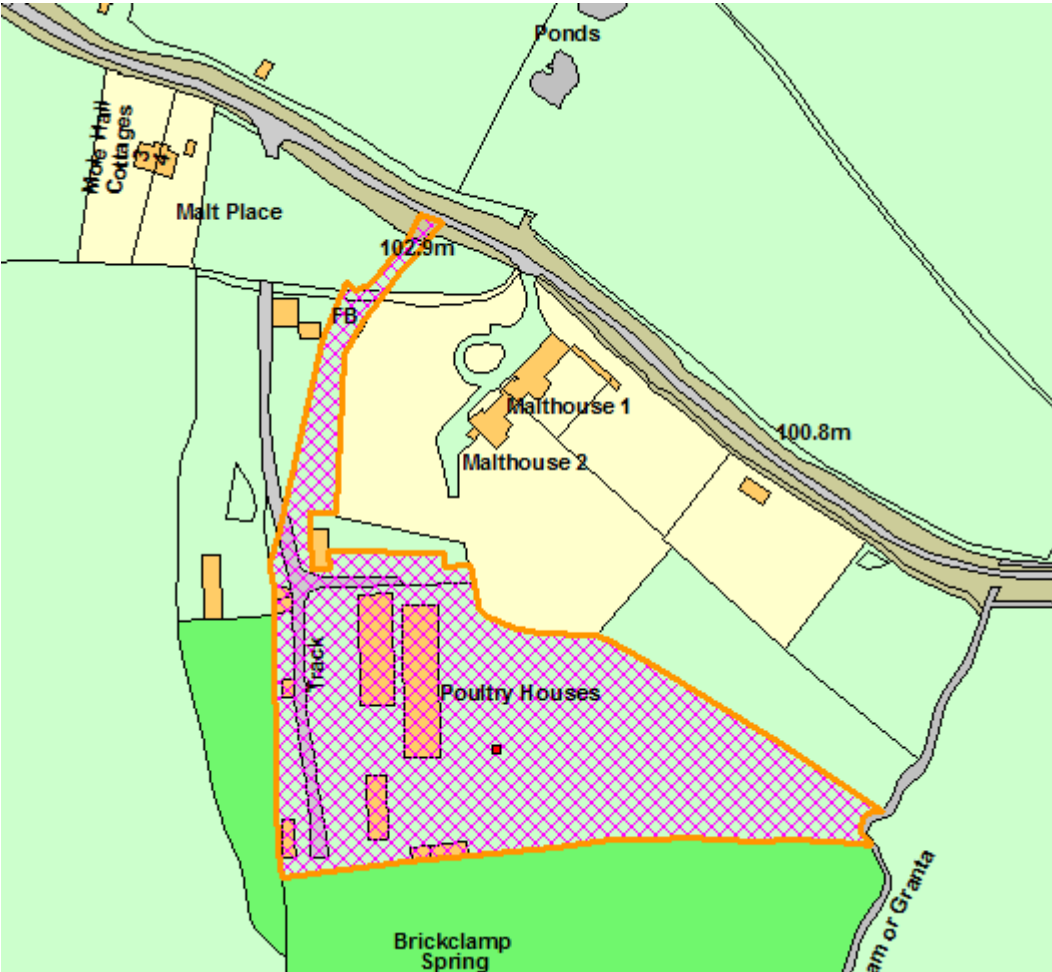
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 25 May 2022

REFERENCE NUMBER: UTT/21/2649/FUL

LOCATION: LAND REAR OF MALT PLACE, CORNELLS LANE, WIDDINGTON

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: April 2022

PROPOSAL: Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL

APPLICANT: Mr M King

AGENT: Mr Christopher Hennem (Pelham Structures Ltd)

EXPIRY DATE: 23 October 2021

EOT Expiry Date: EOT Agreed to 1 June 2022

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** This application was presented to members of the planning committee on 13th April 2022 with a recommendation for approval subjected to suggested conditions.
- 1.2** Members concluded and reached an agreement to defer making a decision at this meeting and requested officers to negotiate with the applicant for an offsite affordable housing contribution.
- 1.3** Members of the planning committee will recall that the proposals did not include the provision of on-site affordable housing or a financial contribution towards off-site affordable housing. In terms of affordable housing there is none proposed as part of the extant schemes and there is no net increase in dwellings proposed by the revised. However, in policy terms affordable housing should be sought by the council but only if it is viable to do so.
- 1.4** Following the committee meeting officers contacted the applicant and discussions were held regarding the potential of providing an off-site financial contribution towards affordable housing. The discussions, followed by a conclusion are summarised below.

- 1.5 The applicant has confirmed that they don't wish to construct the current approved schemes that can still be lawfully carried out as it is the applicant's opinion that this would not be reflective of the high quality that they strive to achieve with their developments.
- 1.6 The applicant submits that if this revised scheme isn't approved then the site will have to be sold to another third party. The applicant has advised and provided evidence that they have received an offer for the site based on the existing permissions (offer not disclosed as it contains private and confidential information). However, it is the applicant's preference to see a better development delivered on the site, provided it doesn't significantly diminish their financial return. Hence, the applicant has advised that they are happy to pursue the revised application.
- 1.7 The applicant has confirmed that in respect to the ability of the site to provide affordable housing, the issue is thereby in respect to viability. It has been presented to officers that both schemes whether for the existing permissions or this application seeking the new builds will deliver a similar land value for them.
- 1.8 This is because the conversion scheme will be cheaper to complete but will generate lower end values and the new build scheme will be more expensive to deliver but will generate higher end values. One offsetting the other in financial terms.
- 1.9 The applicant has advised that they would prefer to see the higher quality scheme delivered and is therefore willing to accept a lower premium and is therefore willing to offer a £25k offsite affordable housing contribution.
- 1.10 It is also reminded as demonstrated in this report and presented at the previous committee that 9 of the 10 units proposed consist of 1 and 2 bed units meaning that they will likely be some of the most affordable properties in the area.
- 1.11 Officers concluded that the revised scheme will be a much-improved development providing much needed smaller properties in the village, helping people get onto the property ladder and that the additional offer of a £25,000 as an offsite contribution towards affordable housing is a fair and reasonable offer.

2. **RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out.
- B) Conditions.

And

If the freehold owner shall fail to enter into such an agreement, the Interim Director Planning & Building Control shall be authorised to **REFUSE** permission following the expiration of a 6 month period from the date of Planning Committee.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The area of land subject to this planning application relates to the site known as 'Land to the rear of Malt Place, Cornells Lane, Widdington, Essex'. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The application site is located on the southern side of Cornells Lane approximately 275m east of Mole Hall Lane on the outskirts of the village of Widdington. The site itself is irregular in shape with the front boundary following the curve of the highway and its topography is relatively level. The site has an area of approximately 1.4 hectares. The application site is accessed from Connells Lane.
- 3.3** The site is a former poultry farm, with extensive boundary vegetation, several substantial existing structures and a large area of meadow land. The former poultry buildings are proportionate in size to this topography and are located in an open area and have a utilitarian agricultural appearance that integrates with the rural landscape. The buildings on the site are not in a good state of repair.
- 3.4** There are some dwellings along this part of Cornells Lane that spread out from the village. Three are in reasonably close proximity to the north of the application site and have large gardens. Large arable fields used for agriculture are located to the south, east and west of the site.

4. PROPOSAL

- 4.1** The applicant seeks planning permission for the demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings along with associated access, parking and landscaping.
- 4.2** Various applications have been granted planning permission recently under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL. Full details of these application are provided below in Section 6 (History) of this report.
- 4.3** Collectively the extant permissions listed above have granted permission to allow for the demolition of three existing buildings, to convert two existing buildings into 4 and 5 residential dwellings respectively, and for the erection of a single detached dwelling. In total, permission has been

granted for creation of 10 dwellings on the site which can still be lawfully carried out.

4.4 This full application thereby sets out to combine the above granted applications into effectively one single application to provide clearness and simplicity of the site to deliver a more cohesive development in order to create a higher quality environment.

4.5 The proposals in large remain almost the same as that of which has already been collectively granted consent for with the exception of a few minor alterations as summarised below:

4.6 A change of elevational treatment of the buildings to appear as more traditional farm buildings, with external boarding and slate grey roofs. The two larger buildings to be demolished and replaced with new buildings.

The relocation of the western building 2.5m to the west to increase the separation between the two buildings.

Additional parking and garden space to be provided to plot 10.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

6.1 A search of Council's records indicates that there is extensive planning history for the application site with the most relevant to the proposals being those applications outlined below:

Reference	Proposal	Decision
UTT/20/2154/FUL	Conversion of Existing agricultural buildings to 5no. dwellings with associated parking and landscaping.	Allowed by appeal APP/C1570/W/20/3264013 15 June 2021
UTT/20/0876/FUL	Replacement of Existing Single Storey Agricultural Building with 1no. dwelling (Revised scheme to approved UTT/17/2960/PAP3Q)	Granted 11 June 2020.
UTT/20/3016/FUL	Conversion of existing single storey agricultural building to 4 no. residential units.	Granted 16 April 2021.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No pre-application of public consultation was carried out prior to the submission of the application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority - No Objection

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to suggested conditions.

8.2 Local Flood Authority - No Objection

8.2.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on suggested conditions as shown in Section 1 of this report.

9. PARISH COUNCIL COMMENTS

9.1 Widdington Parish Council

The Parish Council objects to this application on the following grounds:

The application is in conflict with Policy GEN 1 Access, located almost a mile from the centre of the village, which is serviced by an irregular and infrequent bus service, and on a single-track protected land with no pavement but which leads to several businesses so is frequently used by large vehicles, the development can in no way encourage movement by means other than driving a car.

The application is in conflict with Policy GEN 2 Design on several levels including compatibility with scale, layout and appearance, alongside the removal of environmental features of the setting, which sits alongside ancient woodland.

WPC do not support development outside the village envelope.

The Parish Council notes that previous applications to demolish and replace these sheds UTT/18/3523/FUL and UTT/20/0860/FUL were refused because of the harm caused to the area and the inappropriate style of the development.

The Parish Council also notes a number of inaccurate statements in this application, including;

- There is no 30mph limit in this section of Cornell's Lane.
- The site is almost 1 mile from the village, not adjacent to or within a short distance of.
- The roads are only suitable for experienced cyclists and the footpaths are for recreational use and are unsuitable for work access.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – Advice Given

10.1.1 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 hectares which applies to this application as the site is 1.4 hectares. The application is for 10 units and so 4 affordable housing units are required.

10.2 UDC Environmental Health – No Objection

10.2.1 In making my response I note that previous applications for this site have gone to appeal and I have referenced Ref: APP/C1570/W/20/3264013 and noted the conditions therein. I consider that these remain valid and recommended approval subject to conditions as highlighted in Section 17 of this report.

10.3 Cadent Gas – No Objection

10.3.1 We have received a notification from the Line search before Udig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our gas asset/s. We have no objection to this proposal from a planning perspective.

10.4 Gigaclear Ltd – No Objection

10.4.1 Confirmed that they had no objections and requested that details regarding the location of their assets be made available to the applicant or anyone carrying out any works that may affect their apparatus.

10.5 National Grid – No Objection

10.5.1 An assessment has been carried out with respect to National Grid Electricity Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be outside the High-Risk zone from National Grid Electricity Transmission plc's apparatus and can proceed.

10.6 NATS Safeguarding – No Objection

10.6.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

10.7 Stansted Aerodrome Safeguarding

10.7.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal subject to Conditions as highlighted in Section 17 of this report.

10.8. Anglian Water – No Objection

10.8.1 Wastewater Treatment

The foul drainage from this development is in the catchment of Newport Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used Water Network

The Drainage Statement and Strategy states that the foul drainage from the development will discharge via an onsite package treatment plant. This is outside of our jurisdiction for comment, we therefore have no comments to make on the drainage strategy.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

10.9 Affinity Water – No Objection

10.9.1 We have reviewed the development and do not have any comments to make.

10.10 ECC Place Services Ecology – No Objection

10.10.1 Confirmed that they have reviewed all relevant documentation and surveys and that proposals would not result in harm to protected species and their habitats subject to securing the mitigation measures outline within the supporting documentation and relevant conditions.

10.11 Crime Prevention Tactical Adviser – No Objection

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the

local newspaper. Representations have been received by the Council objecting to the proposals for the following reasons:

11.2 Object

11.2.1 The additional home would result in further vehicles within the locality and thereby result in more noise and air pollution to local residents.

Construction works would result in further unacceptable noise and disturbance.

The proposals has the potential to see a huge increase of vehicles using a single track country lane which is a 'no through' road. It is already experiencing access and exit problems particularly when heavy farm vehicles like combine harvesters trundle up and down.

Verges are continually being irreparably damaged and eroded by delivery van, lorries and supply vehicles.

The village infrastructure and its environment cannot sustain further developments of this magnitude.

The proposals will clearly open the door for the next tranche of applications to achieve a large urban development in open countryside.

The proposals will cause a visual effect to the countryside.

The proposals will be unsustainable. There are no shops, schools or employment within walking or cycling distance, and the bus service is limited and under threat.

The proposals will harm protected species and their habitats

Allowing residential development on this site will cause significant harm and also create a precedent that will encourage other such projects and hence cause further damage.

Supporting document has misleading or inaccurate information.

11.3 Comment

11.3.1 The above concerns raised within the representations are covered in full detail within the main assessment of this report.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the

“Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to;

(a) The provisions of the development plan, so far as material to the application,;

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

S7 – Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV3 – Open Spaces and Trees

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV11 – Noise Generators

ENV14 – Contaminated Land

H9 – Affordable Housing

H10 – Dwelling Mix

13.3 Supplementary Planning Document or Guidance

Accessible Homes and Place Space (November 2005)
Energy Efficiency and Renewable Energy (October 2007)
Urban Place Supplement to the Essex Design Guide (March 2007)
Essex County Council Adopted Parking Vehicle Standards (2009)
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of Development**
 - B) Countryside Impact**
 - C) Character and Design**
 - D) Housing Mix and Tenure**
 - E) Neighbouring Amenity**
 - F) Parking and Access**
 - G) Landscaping, open space**
 - H) Nature Conservation**
 - I) Contamination**
 - J) Flooding**

14.3 A) Principle of Development

14.3.1 It is acknowledged that planning permission has already been granted under three separate applications for the conversion of replacement of existing buildings on the site to form a total of 10 residential units. Although the works approved as part of these applications have not commenced to date, the time in which these permissions as confirmed by relevant imposed planning conditions has not expired. Thereby these granted permissions remain extant and can still be lawfully carried out. This is a material consideration in the assessment of this application.

14.3.2 It is the applicant's intention with the submission of this application to combine the granted applications into effectively one single application with some minor modifications.

14.3.3 It is considered that this will help to provide clearness and simplicity of the site to deliver a more cohesive development to create a higher quality environment rather than a piece meal development of the site that would not ideally link or relate to one another.

14.3.4 Although the application represents new built form rather than the conversion or replacement of existing rural buildings that have been granted permission, the proposals will incorporate the same number of residential units which will be of a similar design and layout.

14.3.5 Given that the principle of developing the site for residential use has already been assessed and found to be appropriate including that of its location and sustainability, it is concluded that this application that would deliver a more cohesive development is appropriate in principle subject to other planning merits as assessed per below.

14.4 B) Countryside Impact

14.4.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

14.4.2 It is acknowledged that the surrounding landscape consists of gently undulating arable fields, stitched together with tree-lined hedges and small pockets of mixed woodland with open views over the existing countryside.

14.4.3 The application site presents a deep soft landscaped buffer to all boundaries in the form of mature trees and hedgerows and additional soft planting will provided as part of the proposals. The application site's boundaries will, therefore, provide substantive containment and concealment of the application site and help reduce the prominence of built form outside its immediate boundaries.

14.4.4 When seen from a distance it is not just the siting of a building which is apparent but also its scale. Tight clusters of buildings generally look more settled in the landscape than scattered ones. The new buildings are single storey in height, would not stand in isolation and forms part of a cluster of buildings.

14.4.5 The amount of built form would replicate the existing buildings that are proposed to be removed from the site, and as such there would be not significant increase of development compared to that of exiting conditions. Furthermore, the proposals would not be significant larger in scale and size compared to that of which could be lawfully carried out under the extant planning permissions.

14.4.6 In outlying views towards the site, the landscape and visual implications of this proposed development are considered to be of a low level and modest nature for a development such as this.

14.4.7 The development proposal would have limited visual influence on the rural surroundings and the rural landscape context would not be notably altered or harmed. The new building would be screened and contained within the established natural structure of the site when seen from outlying countryside locations. The development would not be a prominent or discordant element and would appear as an unobtrusive addition to the site set behind the established boundary treatments

14.4.8 Taking the foregoing factors together, it is submitted that the proposed development would not be harmful to the character and appearance of the landscape or local countryside.

14.5 C) Character and Design

14.5.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 '*The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve*'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

14.5.2 Although the principle of the development of the site has been established via the granting of previous permissions, the built-form context is an important material consideration to successfully reinforce the Essex building tradition against bland and inconsiderate design. The interplay between buildings and spaces and the scale of these relationships can largely determine local character, even before architectural appearance and style is considered.

14.5.3 It is regarded that the proposed layout has taken into account the design principles of the previous granted schemes and incorporated these to make the best and most efficient use of the site, whilst preserving and enhancing the natural and built environment, respecting the character of the surrounding locality and the amenities of surrounding buildings.

14.5.4 The layout positively responds to the site constraints and the arrangement of buildings has taken into account the site's specific context, specifically with respect to providing an appropriate interface between the proposed residential development.

14.5.5 The layout is similar to the extant permissions but with several minor alterations to allow and improve the quality of the scheme. The two larger buildings that are currently approved for conversion for 4 and 5 dwelling retrospectively are now proposed as new builds centrally within the site. This now enables the relocation of the western building to be set back a further 2.5m to the west of the eastern building thereby creating a more spacious separation between the two buildings and improving the living standards of future occupiers.

14.5.6 It is also proposed to amend the area around the detached dwelling so that it has a larger garden and shares the access drive with the other dwellings.

- 14.5.7** In terms of height, the applicant has taken the opportunity to provide single storey buildings. The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings. Furthermore, the scale of the proposed will be comparable to the approved schemes.
- 14.5.8** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. Overall, a simple palette of materials that includes variation in facing bricks, roof tiles and weatherboarding is proposed.
- 14.5.9** The architectural treatment has been designed to provide a cohesive development as a whole, whilst creating individuality to the dwellings and interest in the local area and is considered to comply with existing policy.
- 14.5.10** The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 14.5.11** For 1 and 2-bedroom dwelling units, the provision of 50sqm of amenity area and 100sqm for a 3 bedroom or more has found to be acceptable and a workable minimum size that accommodates most household activities in accordance with Policy GN2 of the Adopted Development Policies and the Essex Design Guide.
- 14.5.12** Each residential unit within the scheme has been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.
- 14.5.13** The overall design of the development has also been heavily influenced by amenity considerations relating to the level of amenity likely to be experienced by future occupiers of the site and neighbouring properties. As a result, individual dwelling relationships and separations have been designed to ensure no adverse impacts by way of overlooking, overshadowing, visual intrusion or loss of privacy are likely between dwellings.

14.6 D) Housing Mix and Tenure

- 14.6.1** The NPPF refers to the objective to create mixed and balanced communities, and within this context, requires the size, type and tenure of housing needed for different groups to be assessed and reflected in local planning policies. Policy H10 of the Local Plan requires that on large sites, a significant proportion of market dwellings should be small properties.
- 14.6.2** The application proposes the same number of units and mixed as to that of the extant schemes. The mix includes:

2 x one-bedroom dwellings
7 x two-bedroom dwellings
1 x three-bedroom dwelling

14.6.3 The development will provide a genuine mix of dwelling types and sizes, which will create a sustainable, mixed and balanced community at the site and contribute to the range of house types and sizes in the local area.

14.6.4 It is National Planning Policy that for applications involving major development (10 or more units in total or sites of 0.5 hectares or more in area) the provision of on-site affordable housing is required.

14.6.5 It is acknowledged that no on-site or off-site affordable housing provision is proposed as part of the application which is contrary to policy. However, when one takes into consideration that history of the site which allows for 10 market dwellings, the lack of affordable units is not regarded to be significant as this would not be materially different to what can currently be built out. It is also considered to be unreasonable under the circumstances.

14.6.6 Furthermore, and as defined above, nine of the ten dwellings are to be of 1 or 2-bedroom units which will be generally affordable to some extent compared to larger housing and thereby allowing for first time home buyers or those struggling to get on the property ladder affordability to be able to purchase an affordable residential unit in the local community.

14.6.7 On balance, it is thereby considered that the lack of specific on-site affordable housing is by no means a reason to refuse the scheme.

14.7 E) Neighbouring Amenity

14.7.1 Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.7.2 The proposals have been designed such that all proposed dwellings comply with the Essex Design Guide requirements. The relative separation, orientation of the dwelling in respect to their relationship with adjoining properties are such that this ensures that high levels of amenity are achieved and there are no unacceptable impacts such as those identified in Policy GEN2.

14.8 F) Parking and Access

- 14.8.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 14.8.2** The existing access of Cornells Lane will provide the main ingress point in and out of the site. The location of the vehicle access will remain unchanged from that approved under the extant permissions. A shared driveway will extend up to the dwellings and lead to several parking courts where off-street parking is provided for future residents.
- 14.8.3** The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld. The application was consulted to the Lead Local Highway Authority who concluded that they had reviewed the supporting documentation and that they had no objection subject to imposing condition as highlighted in Section 17 of this report.
- 14.8.4** In terms of vehicle parking, developments are expected to provide off-street vehicle parking in accordance with the Council's adopted parking standards as provided by Policy GEN8 of the adopted Local Plan and Supplementary Planning Guidance 'Vehicle Parking Standards', which require a minimum of 1 off street parking space for a 1-bedroom unit and 2 off street parking spaces for either a 2 or 3-bedroom dwelling.
- 14.8.5** Parking spaces for all dwellings are provided in accordance with the UDC requirements. All proposed plots have the use of 2 off street parking spaces each. A total of 26 spaces have been provided, including visitor spaces.

14.9 G) Landscaping, open space

- 14.9.1** All larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.
- 14.9.2** The proposals would include the retention of hedgerows and trees along the boundaries of the site. The applicant stipulates that as with the extant permissions, it is proposed to plant new hedging and trees to separate the proposed gardens and further planting will also be created to screen parking areas so that they blend into the landscape.

14.9.3 This will help the development to define spaces and soften the building forms. It will also help to provide natural screening of the development and enhance the public realm in order to enrich the open spaces to achieve a better sense of wellbeing and place making for future residents.

14.10 H) Nature Conservation

14.10.1 Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

14.10.2 The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture.

14.10.3 The application is supported by an Ecology Survey report which has been reviewed by Places Services Ecology Officer. They concluded that they have reviewed all relevant documentation and surveys and that proposals would not result in harm to protected species and their habitats subject to securing the mitigation measures outline within the supporting documentation and relevant conditions. The proposals would thereby comply with Policy GEN7 of the Adopted Local Plan and the NPPF.

14.11 I) Contamination

14.11.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.

14.12 J) Flooding

14.12.1 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

14.12.2 A check of the Environmental Agency's website and the Councils policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing.

14.12.3 In respect to drainage, the application is supported by a Flood Risk Assessment. Essex County Council who are the lead local flooding authority have assessed the documentation and confirm that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing conditions requesting

further documentation is submitted prior to works commencing on the site to ensure appropriate sustainable drainage infrastructure is provided and to minimise the risk of flooding on the site and elsewhere. Subject to appropriate mitigation measure being put in place, the proposals comply with both Policy GEN3 and the NPPF.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16. CONCLUSION

16.1 The submitted application seeks permission to remove the existing three modest size buildings on the site and replacing them with ten residential units with associated vehicle access, parking and landscaping.

16.2 Although the principle of the proposals would normally be one of which the 'tilted balance' would normally apply as they cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS, in this instance the principle of the development of the site for residential has already been established through the

granting of previous applications for a total of 10 new dwellings either through the conversion or replacement of existing buildings.

- 16.3** This application thereby sets out to combine the granted applications into effectively one single application to provide clearness and simplicity of the site to deliver a more cohesive development to create a higher quality environment. The principle of the development of the site for residential is appropriate as it generally accords to the design values of the extant planning applications.
- 16.4** The scheme proposes to interpret the Essex vernacular in a modern way, using traditional building forms and materials, but applying them to buildings that meet 21st Century Building Regulations and performance standards.
- 16.5** The proposals seek to respond to the location of the site on the edge of the settlement and provide a good quality development as the village is approached from the west. The proposals have developed iteratively, and the design proposed is considered to optimise the site for residential development, whilst responding appropriately to local housing need and the surrounding context.
- 16.6** The dwellings would nestle into a largely contained and framed site, thereby resulting in a limited influence beyond the site itself and its immediate setting. The proposed development would not be harmful to the character and appearance of the landscape or local countryside.
- 16.7** The proposals would amount to an appropriate mix of housing to provide for a balance community and provide appropriate levels of internal and external amenity provisions to meet future residents. Although there is no provision of affordable housing as part of this application, on balance, and for the reason provided in this report, this is appropriate.
- 16.8** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.9** It is therefore recommended that the application be approved subject to the suggested conditions below.

17. S106 / CONDITIONS

S106 HEADS OF TERMS

- (i) Financial contribution of £25,000.00 towards off-site affordable housing.
- (ii) Monitoring cost
- (iii) Pay the Council's reasonable legal costs

CONDITIONS

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

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

- 2** The development hereby permitted shall be constructed in accordance with the approved plans as listed unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the works are carried out as assessed and in respect to the visual amenity of the areas in accordance with Policy GEN2 of the Adopted Local Plan.

- 3** Prior to any of the development hereby permitted is commenced, details of all materials to be used in the external finishing of the building shall be submitted and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the appearance of the proposed development will reflect with the character of the surrounding locality in accordance with Policy GEN2 of the adopted Local Plan.

- 4** No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- b) Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If the

half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.

- e) Final modelling and calculations for all areas of the drainage system.
- f) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment in accordance with Policy GEN3 and the NPPF.

- 5** No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development on accordance with Local Plan Policy GEN3 and the NPPF.

- 6** Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a

maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy GEN3 of the adopted Local Plan and the NPPF.

- 7** The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy GEN3 of the adopted local plan and the NPPF.

- 8** Prior to occupation of the development the visibility splays, as shown on DWG no. 493x20D (dated 04/01/2021), shall be provided and retained free of any obstruction in perpetuity.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with adopted Local Plan Policy GEN1 and the NPPF.

- 9** Prior to the occupation of any of the proposed dwellings, the proposed access arrangement shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of highway boundary, with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site and provided with an appropriate vehicular crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with adopted local plan policy GEN1 and the NPPF.

- 10** The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety in accordance with adopted local plan policy GEN1, GEN8 and the NPPF.

- 11** No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with adopted local plan policy GEN1 and the NPPF.

- 12** Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with adopted local plan policy GEN8 and the NPPF.

- 13** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport in accordance with NPPF.

- 14** Each pond should be planted with dense marginal aquatic vegetation around the peripheries, and throughout the basin, to reduce the attractant to hazardous waterfowl and, in particular, breeding feral geese. The developer should demonstrate a commitment to the SUDs maintenance plan being in place for the lifetime of the site.

REASON: In the interests of flight safety in accordance with NPPF.

- 15** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Tree Protection Methodology BS 5837:2012 (A. R. Arbon, September 2021) and updated Ecology Report (A. R. Arbon, May 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside

Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), Policy GEN7 of the adopted Local Plan and the NPPF.

16 The following sett closure shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998, policy GEN7 of the adopted local plan and the NPPF.

17 A Precautionary Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021, Policy GEN7 of the adopted Local Plan and the NPPF.

18 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) policy GEN7 of the adopted local plan and the NPPF.

- 19** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), Policy GEN7 of the adopted Local Plan and the NPPF.

STATUTORY CONSULTEE RESPONSES:

Highway Authority & ECC SUDs

Your Ref: UTT/21/2649/FUL
Our Ref: 19781
Date: 31st January 2022



CC: (by email) *DM, SMO2, Chelmsford
Cllr Ray Gooding*

Andrew Cook
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/21/2649/FUL
Applicant Mr M King
Site Location Land Rear of Malt Place Cornells Lane Widdington
Proposal Demolition of five existing buildings, and erection of three new buildings forming 10 residential dwellings. Alternative scheme to that approved under references UTT/20/2154/FUL, UTT/20/0876/FUL and UTT/20/3016/FUL

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. Prior to occupation of the development the visibility splays, as shown on DWG no. 493x20D (dated 04/01/2021), shall be provided and retained free of any obstruction in perpetuity. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Prior to the occupation of any of the proposed dwellings, the proposed access arrangement shall be constructed to a minimum width of 5.5 metres for at least the first 6 metres from the back of highway boundary, with appropriate radii to accommodate the swept path of all vehicles regularly accessing the site and provided with an appropriate vehicular crossing of the verge. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.
3. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. **Reason:** To ensure that appropriate parking and turning is provided in the interests of highway safety.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.
5. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to

occupation and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

- i. The site has previously been granted numerous planning approvals which permit a total of 10 dwellings.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- v. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding

FMassie

.....
pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Lead Local Flooding Authority:

Essex County Council
Development and Flood Risk
Environment and Climate Action,
C426 County Hall
Chelmsford
Essex CM1 1QH



Lindsay Trivillian
Uttlesford District Council
Planning Services

Date: 20th Jan 2022
Our Ref: SUDS-005492
Your Ref: UTT/21/2649/FUL

Dear Lindsay Trivillian,

Consultation Response – UTT/21/2649/FUL– Land Rear of Malt Place Cornells Lane, CB11 3SP

Thank you for your email received on 22/11/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If the half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will

cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Rohit Singh, Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be

achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.