

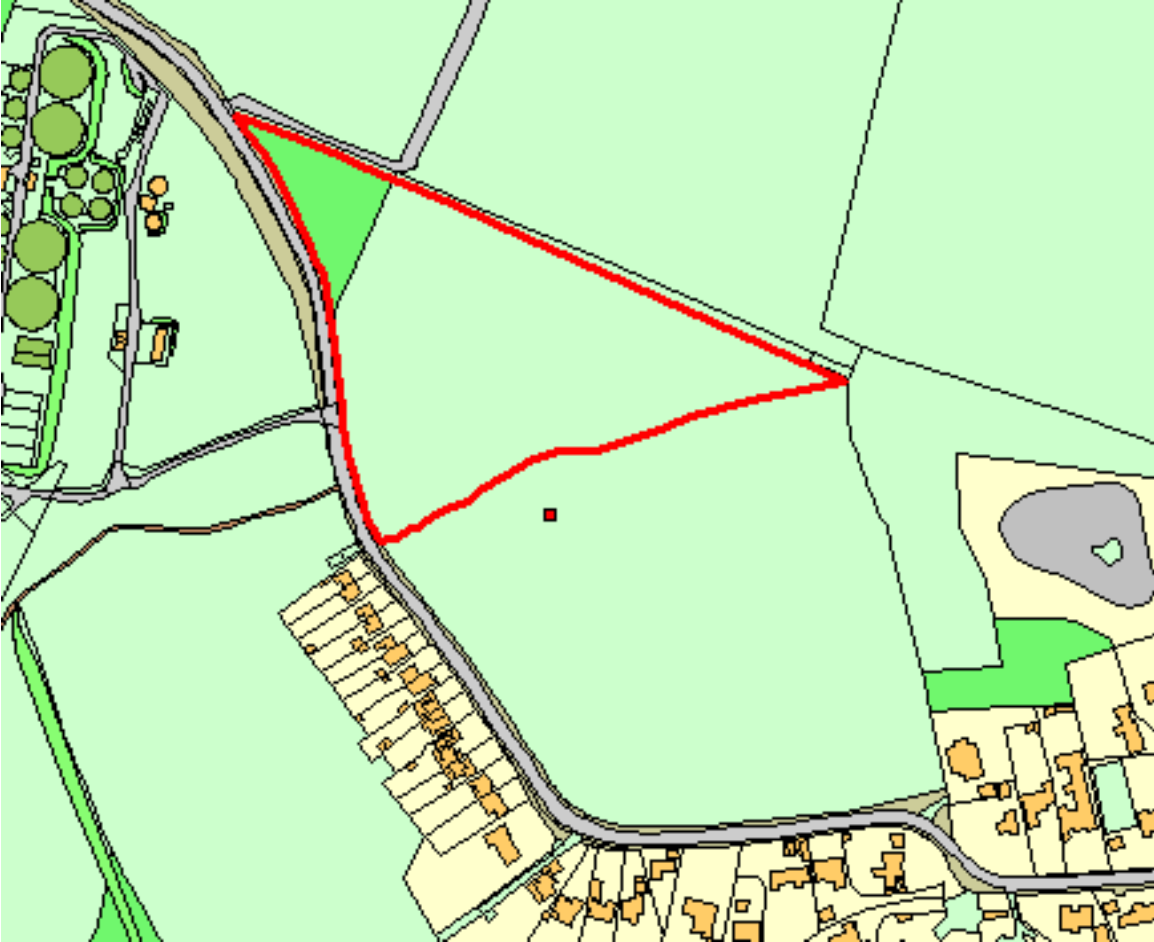
**ITEM NUMBER:** 11

**PLANNING COMMITTEE DATE:** 31 August 2022

**REFERENCE NUMBER:** UTT/22/1080/FUL

**LOCATION:** Land West of Bury Farm, Station Road, Felsted,

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: 03/08/2022

**PROPOSAL:** Full planning application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings.

**APPLICANT:** Mulberry Homes (C/O Bidwells)

**AGENT:** Mr Sam Metson, Bidwells, Bidwell House, Trumpington Road, Cambridge, CB2 9LD

**EXPIRY DATE:** 27 July 2022

**EOT Expiry Date:** 01 September 2022

**CASE OFFICER:** Nathan Makwana

**NOTATION:** Outside Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Scheme

---

**1. EXECUTIVE SUMMARY**

**1.1** This full application follows the submission of the outline application, UTT/18/2508/OP. The outline consent was for all matters reserved, with the exception of access, for a mixed-use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping, and associated development.

**1.2** A separate 'full' planning application is submitted concurrently to secure details of the drainage features, landscaping and other supporting infrastructure proposed on land immediately north of the residential development and doctors' surgery. Whilst the outline permission always anticipated the delivery of public open space, landscaping and drainage features on this land, it was not included in the red line boundary of the outline planning application, so it cannot form part of the reserved matters application. A separate application is submitted to secure these details. Identical site layout and landscaping plans are submitted with the reserved matters and full applications and they should be read alongside each other. If necessary, Mulberry Homes would be willing to agree to obligations to ensure that the details secured via both applications are delivered concurrently.

- 1.3 Following approval of the outline application, it is recommended that this application is approved. The principle of development has been established, Section 106 and planning obligations will be the same as the Outline Application. Therefore, there is no difference between the Outline, Reserved Matters and this application, save for the additional land up north which is needed to secure the drainage features and other requirements for the land up north.

2. **RECOMMENDATION**

That the 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 - Conditions**

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site comprises a large parcel of gently sloping agricultural land consisting of 4.2 ha. (stated) and currently set to grass which lies on the north and east sides of Station Road on the inside of a gradual bend between the end of Felsted village and Flitch Green. Further agricultural land lies to the immediate north of the site, whilst a continuous ribbon of dwellings line Station Road opposite the site extending down and round towards the Felsted treatment works. A continuous native hedgerow runs parallel with the site frontage for its entire length along Station Road. A public footpath (PROW No.15) runs along the northern boundary of the site at an angle from Station Road across to Bury Farm to the east and beyond.

4. **PROPOSAL**

- 4.1 Full planning application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings.
- 4.2 The principle for development, including the access arrangements into the site, have already been approved as part of the outline application. As outlined above, this application has been submitted concurrently to secure details of the drainage features, landscaping and other supporting infrastructure proposed on land immediately north of the residential development and doctors' surgery.

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	Reference	Proposal	Decision
	UTT/18/2508/OP	Outline application with all matters reserved, with the exception of access, for a mixed-use development comprising a Doctors Surgery and a	Approved with Conditions on 25.03.2021

	residential development of up to 38 new dwellings, new accesses, parking provision, landscaping, and associated development.	
--	--	--

**7. PREAPPLICATION ADVICE**

**7.1** A pre-application enquiry was undertaken as per referenced UTT/21/3771/PA. The pre-application enquiry examined matters of house design, layout, scale, and landscaping, as well as matters of Ecology.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**8.1 Highway Authority**

**8.1.1** It is noted that this is a full application and there is also a DFO application . This response covers both applications. The recommendations in highway recommendations for UTT/18/2508 should also be applied to this application.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

**8.2 Manchester Airport Group**

**8.2.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to the following Condition:

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.

Informative: The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

**8.3 ECC Suds (Lead Local Flood Authority)**

**8.3.1** Further to our response to the above consultation of 14th June 2022, please note that this referenced application UTT/22/1078/DFO in error, for which we apologise. We have received additional information from the applicant which has enabled us to reconsider our response 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 of 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 conditions.

## **9. PARISH COUNCIL COMMENTS**

- 9.1** Felsted Parish Council fully supports this application which is consistent with the approved "outline" plan and the associated s106 agreement and confirms the delivery of a new Doctors Surgery / Health Centre (which will need to comply with Primary and Social Care Premises specification as set out in the Department of Health's (DH) Design Guidance (The Design Guidance -<https://www.england.nhs.uk/estates/health-building-notes/>).

It is a well thought out proposal that should provide the community with the assurance of a future local health facility for Felsted residents, as outlined in the Made Felsted Neighbourhood Plan and it will become a real and tangible asset to the Felsted community, in ownership of the Felsted Community Trust.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health**

- 10.1.2** This service has been consulted following the submission of additional information after the outline permission of the above application.

Having reviewed this information, none of which relates to Environmental Health, this service has no comments.

### **10.2 UDC Landscape Officer/Arborist**

- 10.2.1** The submitted landscaping details in respect of UTT/22/1078/DFO and UTT/22/1080/FUL are considered satisfactory and can be approved.

### **10.3 Place Services (Ecology)**

- 10.3.1** No objection subject to securing ecological mitigation and enhancement measures.

#### **10.4 Cadent Gas**

**10.4.1** We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low-pressure assets. We have no objection to this proposal from a planning perspective; however, we need you to take the following action – add an informative note to any decision notice.

#### **10.5 Chelmsford City Council**

**10.5.1** We refer to the above application and are writing to advise you that we have NO OBJECTION to this proposal. For a copy of the officers report please view our website [www.chelmsford.gov.uk/planningonline](http://www.chelmsford.gov.uk/planningonline) and search for application 22/00892/OBS3.

#### **10.6 UK Power Networks**

**10.6.1** Thank you for contacting us regarding UK Power Networks equipment at the above site. I have enclosed a copy of our records which show the electrical lines and/or electrical plant. I hope you find the information useful. I have also enclosed a fact sheet which contains important information regarding the use of our plans and working around our equipment. Safety around our equipment is our number one priority so please ensure you have completed all workplace risk assessments before you begin any works. Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

#### **10.7 NATS Safeguarding**

**10.7.1** 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.

#### **10.8 Ministry of Defence (Defence Infrastructure Organisation)**

**10.8.1** Thank you for your correspondence enclosing details of your proposals as listed below. This is based on the confirmed location provided by your LSBUD search.

Your Ref: LSBUD-220503-25507147 made on 3 May 2022.

The Defence Infrastructure Organisation does not have GPSS apparatus situated within the vicinity of your proposed works, and as such does not have any further comments to make.

#### **10.9 Anglian Water**

**10.9.1** Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments. If this is to change, please re-consult with us.

#### **10.10 UDC Environmental Health**

**10.10.1** Further to our conversation I have reviewed these applications and the previous EH responses.

I can confirm that there are no significant Environmental Health issues that have not been commented on, however I would recommend that conditions relating to contaminated land, air quality and a Construction Method Statement are attached to any consent granted.

## **11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 96 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

**11.2** Representations received neither objecting nor supporting the application. The representation received has been summarised below.

### **11.2 Neither supporting nor objecting**

**11.2.1** The plot looks open to further development, it must be ensured that no new development occurs on this site.

## **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,
- (a) 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)  
Stebbing Neighbourhood Plan (made 19 July 2022)

## **3. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)



### **13.2 Uttlesford District Plan 2005**

S7 – The countryside Policy  
GEN1- Access Policy  
GEN2 – Design Policy  
GEN3 – Flood Protection Policy  
GEN4 – Good Neighbourliness Policy  
GEN5 –Light Pollution Policy  
GEN6 - Infrastructure Provision Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
H9 - Affordable Housing,  
H10 - Housing Mix Policy  
ENV3 - Open Space and Trees, Policy  
ENV10 -Noise Sensitive Development, Policy  
ENV13 - Exposure to Poor Air Quality Policy  
ENV14 - Contaminated Land

### **13.3 Felsted Neighbourhood Plan (made Feb 2020)**

FEL/HN1 – Meeting Housing Needs  
FEL/HN3 Land at Station Road (Bury Farm)  
FEL/HN5 Residential Development outside Development Limits  
FEL/HN7 Housing Mix  
FEL/ICH1 High Quality Design  
FEL/ICH3 Light Pollution  
FEL/CW1 Landscape and Countryside Character  
FEL/CW2 – Nature Area, including Felsted Fen  
FEL/CW3 Footpaths, Bridleways and Cycleways  
FEL/CW4 – Green Infrastructure

### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space homes  
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:

- A) The Principle of Development**
- B) Landscaping**
- C) Flood Risk and Drainage**
- D) Protected species and biodiversity**
- E) Climate Change**
- F) Highways and Access**
- G) Environmental Health**

**14.2 A) The Principle of Development**

- 14.2.1** This application follows an outline planning permission granted by Uttlesford District Council on 25 March 2021 for “a mixed-use development comprising a Doctors Surgery and a residential development of up to 38 new dwellings, new accesses, parking provision, landscaping and associated development” (Uttlesford District Council ref: UTT/18/2508/OP).
- 14.2.2** The outline establishes the principle of this development and approved the detail of the two proposed site accesses from Station Road, but it reserved the following details for later consideration: Layout, Appearance, Landscaping and Scale. A reserved matters application (RMA) is therefore being submitted to secure approval for these details, pursuant to the outline permission.
- 14.2.3** A separate ‘full’ planning application is submitted concurrently to secure details of the drainage features, landscaping and other supporting infrastructure proposed on land immediately north of the residential development and doctors’ surgery. Whilst the outline permission always anticipated the delivery of public open space, landscaping, and drainage features on this land, it was not included in the red line boundary of the outline planning application, so it cannot form part of the reserved matters application. A separate application is submitted to secure these details. Identical site layout and landscaping plans are submitted with the reserved matters and full applications, and they should be read alongside each other. If necessary, Mulberry Homes would be willing to agree to obligations to ensure that the details secured via both applications are delivered concurrently.
- 14.2.4** The previous outline application considered that the community benefits, strategic or otherwise, arising from this proposal as a local community infrastructure project to provide a new “smart” doctors surgery for Felsted with enabling market housing in accordance with made Felsted NP Policy FEL/HN3 – Land at Station Road (Bury Farm) should be viewed favourably for this submitted proposal where it should be noted that Policy S7 includes within its policy text “where there are special reasons why the development in the form proposed needs to be there” and as landscaping mitigation measures have been put forward to show how the environmental impacts of the scheme could be lessened through a reserved matters scheme.
- 14.2.5** It determined that the 38 new market dwellings proposed as enabling housing development for the proposed surgery at Bury Farm is within the quantum of dwellings assessed as being acceptable in the Council’s “Call for Sites” process for the 2015 SHLAA and also within the Felsted NP’s quantum of dwellings of approximately 39 units for Policy FEL/HN3.
- 14.2.6** It further stated that the inclusion of enabling housing for the application is predicated on the basis of being able to fund the surgery to make the infrastructure scheme financially viable where it is considered that a normal application for housing without any infrastructure provision would not be acceptable for this greenfield site.
- 14.2.7** Given the above assessment, the principle of development has therefore been established and the proposal accords with ULP Policies S7, E4, ENV2, ENV3, ENV5, H1, LC3, GEN3, GEN6, and FNP Policies HN1, FEL/HN3, FEL/ICH4, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4 as well as NPPF 2021.

**14.3 B) Landscaping**

- 14.3.1** The landscape design approach has sought to create a simple, functional, and legible landscape structure that distinguishes the hierarchy of streets and spaces within the scheme and knits together the architecture and public realm, whilst enhancing the character of the development. The scheme has been designed to respect the existing landscape features and to ensure the retention of as many existing features as possible, including hedgerows and trees.
- 14.3.2** The new semi-natural public open space proposed at the north-western end of the site is designated as part of Felsted Fen by Neighbourhood Plan policy CW2. The policy states:
- “The area defined on Map 11 is designated as a Nature Area important to the local community which will be protected from development, with the exception of development supported by Policy FEL/VA4.”*
- 14.3.3** This part of the site has been designed to provide an extension to the nature area and a new area of open space for residents to enjoy. It will provide an appropriate transition between the village the surrounding countryside and whilst supporting local wildlife. Mown paths through the site will provide informal pedestrian connections to the existing nature area and Fritch Green Primary School whilst protecting the natural appearance and wildlife interest of this part of the site.
- 14.3.4** To the north of the site is a large area of open space, providing areas for resident’s enjoyment and maintaining the rural aesthetic of the site. This area also provides for the drainage basin feature providing opportunities for biodiversity enhancements.
- 14.3.5** As such taking into consideration the details above it is considered that the landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, GEN2, ENV3 and the NPPF as well as Felsted Neighbourhood Plan Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

#### **14.4 C) Flood Risk and Drainage**

- 14.4.1** This full application is supported by a series of drainage plans and calculations, in addition to a Surface Water Strategy and Sustainable Drainage System Maintenance Plan. The drainage strategy includes an attenuation basin, swales, on plot permeable paving on the private driveways. These follow the principles adopted at the outline stage.
- 14.4.2** The majority of the main drainage attenuation basin is proposed on the land outside the red line boundary for the outline planning permission and will be secured via the separate application for the land to the north.
- 14.4.3** The surface water strategy follows the principals of SuDS, by collecting and slowing down rainfall in a controlled and sustainable manner. There are two main surface water networks that flow around the site and join at a large pond to the west. Before each basin, there are two swales that help to collect, slow, and treat rainwater as well as add to the aesthetics of the site. The pond will help to store excess rainwater in a controlled manner before discharging it to a nearby ditch at the agreed greenfield runoff rate.

**14.4.4** The pond is designed to store rainfall scenarios that have a probability of happening every 100 years plus 40% for climate change allowance. The surface water strategy has attempted to mimic the current flow routes but also improve the current situation by preventing access water from flowing onto the adjacent road. The foul water strategy is to flow towards the two entrances of the site and connect into the existing network.

**14.4.5** The Lead Local Flood Authority (LLFA) at Essex County Council have been consulted on the above measures and submitted documents. They do not object subject to the detailed conditions listed below in this report.

**14.4.6** As such taking into consideration the details above it is considered the Flood and Drainage details submitted are appropriate and accord with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), Felsted Neighbourhood Plan policy FEL/INF1 and the NPPF 2021.

#### **14.5 D) Protected species and biodiversity**

**14.5.1** Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands.

**14.5.2** Opportunities to enhance biodiversity through the landscaping proposals have been taken. In accordance with condition 11 of the outline planning permission, a Biodiversity Enhancement Strategy for Protected and Priority species accompanies the reserved matters, full and discharge of conditions application.

**14.5.3** The following habitat enhancement measures will be undertaken throughout the site:

- Planting of 116 native trees.
- Planting of over 300m of native hedgerow.
- Creation of over 16000m<sup>2</sup> of species rich grassland.
- Creation of approximately 800m<sup>2</sup> of marshy grassland; and
- Creation of a new permanent waterbody with associated native marginal planting.

The following bird and bat boxes will also be installed:

##### Bird Boxes

- Three Schwegler 1B tit boxes.
- Two Schwegler open front boxes.
- Two Schwegler wren boxes; and
- One barn owl box

##### Bat Boxes

- Two Schwegler 1FF; and
- Four Schwegler 2FN

**14.5.4** The habitat creation will be undertaken in the first suitable season after construction has been completed. The bird and bat boxes will be installed at the

start of the construction phase. The long-term management of these measures will be undertaken by a management company.

**14.5.5** The Council's Ecology Consultant has reviewed the Landscape Masterplan and the Hard and Soft Landscape Proposals relating to the likely impact's development on designated site, protected species, priority species and habitats. Subject to the imposition of conditions it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policies GEN7, ENV8 and the National Planning Policy Framework 202 as well as Felsted Neighbourhood Plan Policies FEL/CW2 and FEL/CW4.

## **14.6 E) Climate Change**

**14.6.1** Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the way their proposal is working towards this in response to planning law, and also to the guidance set out in the NPPF and planning policy guidance.

**14.6.2** The location of the site is part of a sustainable extension Felsted, as per the allocation within the Neighbourhood Plan, in accordance with Policy FEL/HN3 – Land at Station Road (Bury Farm). The site will have undergone extensive assessment to ensure the most suitable and sustainable location for growth, as per the approved outlined planning permission. The minimising of carbon emissions through the development itself are demonstrated in the following paragraphs:

**14.6.3** The proposal takes into consideration the existing landscape working with the existing topography of the site to avoid regrading of the site and the need to export land from the site, this limits the impacts on climate change.

**14.6.4** The drainage solution adopted for the site make suitable provision to ensure no detriment to local water supply. The units are designed achieve average water consumption.

**14.6.5** The proposed landscaping scheme includes extensive planting of native trees, shrubs, and areas of open grassland as well as extensive hedgerow planting. This will also provide a significant gain in habitat creation.

## **14.7 F) Highways and Access**

**14.7.1** It is noted that the Local Highways Authority has recommended the same comments for this application as per the Reserved Matters application: UTT/22/1078/DFO. Whilst the schemes are necessary for each other, the proposed conditions are not applicable for this site (as there are no roads or access entry/egress points into the site).

**14.7.2** It is therefore excessive to apply such conditions when they need not be applied in the first place. The same also applies to the condition proposed by the Manchester Airport Group. Instead, all conditions will be applied on the Reserved Matters Application.

**14.7.3** Nevertheless, for clarity and for reference, the conditions list is attached below.

## **14.8 G) Environmental Health**

**14.8.1** The Environmental Health Officer has been consulted and has recommended the imposition of two conditions relating to a Construction Method Statement to safeguard the amenity of local residents and a watching brief condition should any contaminated land be found during the period of construction. These conditions are considered acceptable and in accordance with ULP Policies ENV13 and ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

## **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 considered in the determination of this application

## **16. CONCLUSION**

**16.1** The principle of development has been established and the proposal accords with ULP Policies S7, E4, ENV2, ENV3, ENV5, H1, LC3, GEN3, GEN6, and FNP Policies HN1, FEL/HN3, FEL/ICH4, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4 as well as NPPF 2021

**16.2** The landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, GEN2, ENV3 and the NPPF as well as Felsted Neighbourhood Plan Policies FNP – FEL/HN1, FEL/ICH1, FEL/CW1, FEL/CW2, FEL/CW3, FEL/CW4.

**16.3** It is considered the Flood and Drainage details submitted are appropriate and accord with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), Felsted Neighbourhood Plan policy FEL/INF1 and the NPPF 2021.

**16.4** The proposal would not be harmful to protected/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7 and FNP Policy FEL/CW4).

**16.5** The proposal is considered acceptable subject to conditions to safeguard neighbour amenity and contaminated land in accordance with ULP Policies ENV13 and ENV14 of the Uttlesford Local Plan 2005 (adopted) and the NPPF 2021.

**16.6 RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS**

**17. CONDITIONS**

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

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

**2** The development hereby permitted shall be carried out in accordance with the approved plans as set out below:

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

**3** All mitigation measures and/or works pursuant to this permission and the reserved matters application under: UTT/1078/DFO shall be carried out in accordance with the details contained in the Ecology and Biodiversity Implications (Cedar Land Management Ltd, April 2018), as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination.

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 Environmental Act 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

**4** Prior to first occupation of the dwellings hereby approved, a Landscape and Ecological Management Plan (LEMP) pursuant to this permission and the reserved matters application: UTT/1078/DFO, shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development [or specified phase of development].

The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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), as updated by the Environment Act 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

- 5** Prior to first occupation, a lighting design scheme for biodiversity pursuant to this permission and the reserved matters application: UTT/1078/DFO, 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), as updated by the Environment Act 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

- 6** Prior to any works commencing above slab level, an updated Biodiversity Enhancement Strategy for protected and Priority species (birds, bats, Hedgehog and reptiles) 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, orientations and heights of proposed enhancement measures by appropriate maps and plans (where applicable);
- d) persons responsible for implementing the enhancement measures; and
- e) 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 NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) 2021 and in accordance with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021 and policy FEL/CW4 of the Felsted Neighbourhood 2020 (Adopted).

- 6** The development permitted by this planning permission and the scheme approved under Condition 8, pursuant to the outline permission UTT/18/2508/OP, shall be carried out in accordance with the document Land North of Station Road, Felsted, Flood Risk Assessment, dated April 2018 and the following mitigation measures detailed within the FRA:

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 3.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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, OR if impracticable
- 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.

Works shall be undertaken in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), the NPPF 2021 and policy FEL/INF1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 7 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 topsoil's 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.

Works shall be undertaken in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), the NPPF 2021 and policy FEL/INF1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 8 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.

Works shall be undertaken in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), the NPPF 2021 and policy FEL/INF1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 9** 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.

Works shall be undertaken in accordance with ULP Policy GEN3 of the Uttlesford Local Plan 2005 (adopted), the NPPF 2021 and policy FEL/INF1 of the Felsted Neighbourhood Plan 2020 (Adopted).

- 10** The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. The following condition is therefore, recommended.

If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 11** Taking into consideration the size of the proposed development and the proximity of the existing residential dwellings there is the potential to cause noise and dust impacts on surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site:

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

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 7.30am or after 6.00pm on Monday to Friday or before 7.30am or after 1.00pm on Saturdays.

REASON: To protect human health and the environment in accordance with ULP Policy ENV13 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

## Appendix 1 – Essex County Council Highways Comments

Your Ref: UTT/22/1080/FUL  
Our Ref: HT/TPD /SD/KW/4B  
Date:- 14/07/2022



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Essex Highways DM

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

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation

Application No. UTT/22/1080/FUL / UTT/22/1078

Applicant Full planning application for landscape planting, drainage attenuation and other supporting infrastructure required in association with application UTT/22/1078/DFO for the development of a new Doctors Surgery and 38 dwellings

Site Location Land West Of Bury Farm Station Road Felsted

Proposal Mulberry Homes C/o Bidwells

### Note

It is noted that this is a full application and there is also a DFO application . This response covers both applications. The recommendations in highway recommendations for UTT/18/2508 should also be applied to this application.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

1. Dwellings and non-residential buildings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and

associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Dwellings and non-residential buildings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. In phase with the provision of the spine road an adoptable footway/cycleway link with a minimum width of 3m should be provided to the north of plots 20 and 21. It should be clear that this is for public use and offered for adoption –. Reason: to provide connection across the development and to the PROW for dwellings to the west in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
4. A scheme of traffic calming for a 20mph zone shall be provided on the spine road in phase with the delivery of the spine road. Reason: in the interests of highways safety.
5. Prior to occupation the footway/cycleway to the south of the site should be provided, it should be build to adoptable standards and have a minimum width of 2.5 Reason: to provide a walking and cycling connection across the development in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
6. Any gates provided at vehicular accesses off adopted highway shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. There shall be no discharge of surface water onto the Highway. Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

**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.**

**Informatives:**

- (i) Payment of a commuted sum for maintenance of highway trees will be required prior to the issue of the works licence. Reason: To ensure that the public rights

of way are maintained to a suitable standard to allow safe and convenient access for public use

- (ii) The highway authority would not agree a gradient greater than the maximum width of 2.5% within 10m of the junction
- (iii) Private drive for plots 8-14 will need a UU if we apply the APC
- (iv) Further details will be required of the construction access as part of the S278
- (v) 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](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU
- (vi) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (vii) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (viii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (ix) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over the public right of way shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

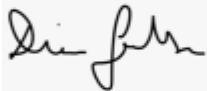
The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Massie

pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)

## Appendix 2 – Manchester Airport Group Comments



STANSTED AIRPORT AERODROME SAFEGUARDING AUTHORITY PLANNING APPLICATION CONSULTATION RESPONSE – under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002					
Planning Authority:	Uttlesford District Council			Application No: UTT/22/1078/DFO	
Date Application Received (including sufficient information as required by Circular 1/03):	03/05/2022	Response Deadline on Consultation	24/05/2022	Date Response Returned:	0/0/2022
Development Proposal:	Reserved matters application, following approval of UTT/18/2508/OP, for appearance, landscaping layout and scale, for the proposed development of a doctor's surgery and 38 dwellings. To be considered in conjunction with UTT/22/1080/FUL.				
Location:	Land West Of Bury Farm Station Road Felsted			Application Type: DFO	
OS Co-ordinates (Eastings/Northings):	567096 / 220511				
Our Reference:	2022/101				
No Objection	Crane Advisory Permit Required	Need to engage with MAG Safeguarding	Request Conditions	Objection	
X	X				
<p>The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to the following Condition:</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.</p> <p>Informative: The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <a href="https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/">https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/</a></p> <p>It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town &amp; Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.</p>					
Signed: Diane Jackson				(Authorised MAG Aerodrome Safeguarding Officer)	
Date: 24/05/2022					

The appropriate office for consultation is:  
[aerodrome\\_safeguarding@stanstedairport.com](mailto:aerodrome_safeguarding@stanstedairport.com)

Enterprise House  
Bassingbourn Road  
Essex  
CM24 1QW

Switchboard: +44 (0) 844 335 1803





## Appendix 3 – Essex County Council SuDs (LLFA) Comments

Essex County Council  
**Development and Flood Risk  
Waste & Environment**  
C426 County Hall  
Chelmsford  
Essex CM1 1QH



Ms Rachel Beale  
Uttlesford District Council  
Planning Services

Date: 13<sup>th</sup> July 2022  
Our Ref: SUDS-005976  
Your Ref: UTT/22/1080/FUL

Dear Madam,

### **Consultation Response – UTT/22/1080/FUL – Land West of Bury Farm, Station Road, Felsted**

Further to our response to the above consultation of 14<sup>th</sup> June 2022, please note that this referenced application UTT/22/1078/DFO in error, for which we apologise. We have received additional information from the applicant which has enabled us to reconsider our response 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 15<sup>th</sup> 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**

The development permitted by this planning permission shall be carried out in accordance with the document Land North of Station Road, Felsted, Flood Risk Assessment, dated April 2018 and the following mitigation measures detailed within the FRA:

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 3.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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, *OR* if impracticable
- 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>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

**This letter also has the effect of lifting our previous objection to the discharging of Conditions 8, 9 and 10 of UTT/18/2508/OP. (Our letter of 14<sup>th</sup> June 2022)**

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](mailto: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 15<sup>th</sup> 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.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Yours faithfully,

**Richard Atkins**  
**Development and Flood Risk Officer**  
 Team: Development and Flood Risk  
 Service: Waste & Environment  
 Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
 Email: [suds@essex.gov.uk](mailto: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.