

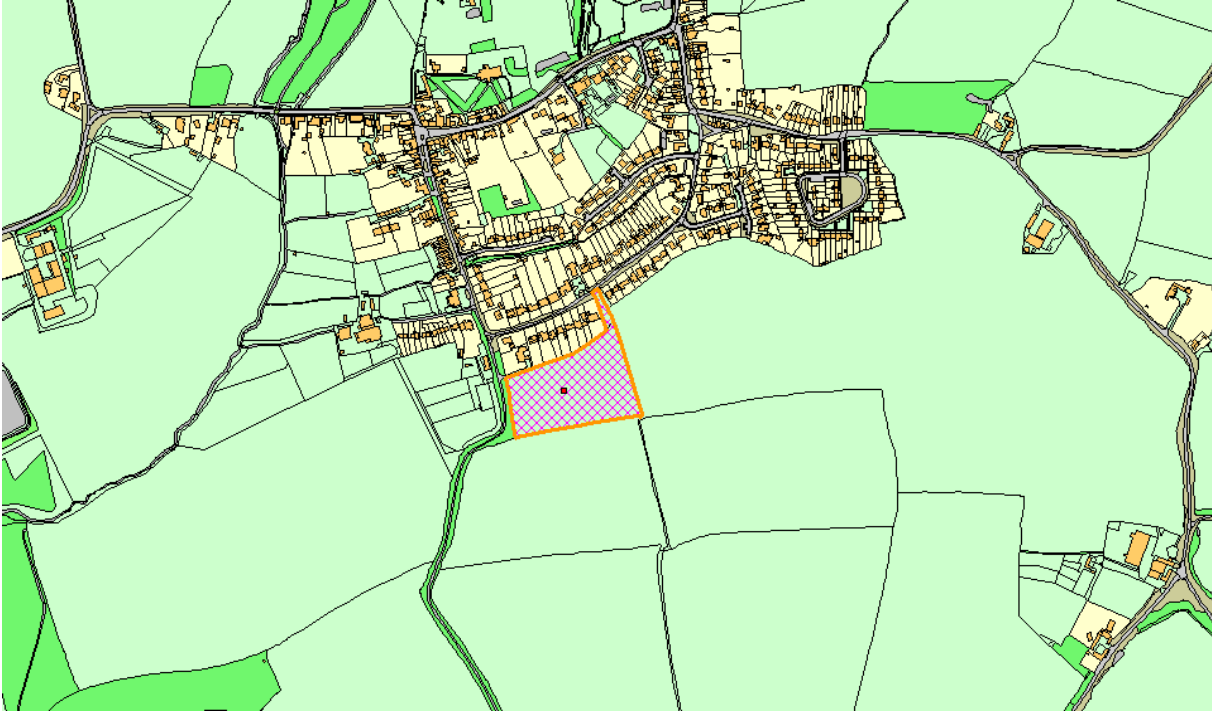
**ITEM NUMBER:** 10

**PLANNING COMMITTEE DATE:** 14 December 2022

**REFERENCE NUMBER:** UTT/21/3298/FUL

**LOCATION:** Land South of Cannons Lane, Hatfield Broad Oak

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: December 2022**

**PROPOSAL:**     **Erection of 30 dwellings with open space, landscaping, access and associated infrastructure.**

**APPLICANT:**    **Durkan Estates Ltd**

**AGENT:**         **Mr Lee Melin - Strutt & Parker**

**EXPIRY DATE:**     **14/02/2022**

**EOT Expiry Date**     **16/12/2022**

**CASE OFFICER:**     **Laurence Ackrill**

**NOTATION:**       **Consultation of Stansted Airport (BAA), Consultation of National Air Traffic Services (NATS), Public Right of Way (PROW), Outside Development Limits.**

**REASON THIS APPLICATION IS ON THE AGENDA:**       **Major planning application.**

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**1.         EXECUTIVE SUMMARY**

**1.1**       Full planning permission is sought for the construction of 30 dwellings with open space, landscaping, access and associated infrastructure.

**1.2**       The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policies S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5-year housing land supply; paragraph 11 of the National Planning Policy Framework (NPPF) is thereby engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.

**1.3**       The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. The proposals would provide a modest boost to the Councils housing supply including the provision of affordable housing. Furthermore, weight has been given in respect to the biodiversity net gain and the provision of a public open space. Thus, taken together, significant weight has been accorded to the

benefits of the development proposed.

1.4 However, the applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network arising from this proposed development will not have an unacceptable consequence on highway safety. In this regard the proposal fails to comply with the requirements of policy GEN1 of the Local Plan.

1.5 Therefore, and taken together, it is concluded that significant weight is afforded to the adverse impacts have been highlighted in respect of the proposed development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. The proposal would not therefore be sustainable development for which Paragraph 11 of the National Planning Policy Framework indicates a presumption in favour of.

## 2. **RECOMMENDATION**

### 2.1

**REFUSE** for the reasons set out in section 17

## 3. **SITE LOCATION AND DESCRIPTION:**

3.1 The application site relates to a parcel of land in agricultural use which is approximately 2.8ha. The site is located on the southern side of the village of Hatfield Broad Oak, to the rear of residential properties on the southern side of Cannons Lane.

3.2 The land across the site slopes gently down from the south toward Cannons Lane to the north. There is a Public Right of Way that runs north-south through the site on its eastern edge.

3.3 The site is not located within or immediately adjacent to any conservation area (Hatfield Broad Oak Conservation Area is situated north – west of the application site) and there are no listed structures on or adjacent to the site. The application site is located outside of the development limits.

## 4. **PROPOSAL**

4.1 Full planning permission is sought for the construction of 30 dwellings with open space, landscaping, access and associated infrastructure.

4.2 The site would be accessed off Cannons Lane via a new junction which will serve as the main access point to enter and leave the site for

vehicles and pedestrians.

4.3 The proposed dwellings would be either single or two storey and would range from larger detached properties set within larger plots to smaller semi-detached plots and a pair of bungalows.

4.4 The proposed housing would comprise of off-street car parking spaces to each unit. 12 of the new dwellings, 40% of the total, are to be affordable housing units.

4.5 The proposal would include a 'central green' open public space area which would also include a children's play space.

## 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 No relevant site history.

## 7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- 19th July and 24th August 2021 copies of the details of the proposed development were circulated to Ward Members and to the clerk of the parish council at Hatfield Broad Oak.
- 6th of October 2021 a leaflet setting out the development proposals was delivered to properties in the immediate vicinity of the site. The leaflet directed the public to the developer's website and how to make comments.
- Pre-application discussions with officers from Uttlesford District Council were held involving a meeting. However, no formal written advice was provided under reference UTT/21/1215/PA.

7.2 Full details of the applicant's engagement and consultation exercises conducted is discussed within the submitted Statement of Community Involvement.

## 8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority – Object.**

**8.1.1** The applicant has failed to demonstrate that safe and suitable access for all highways users can be delivered in conjunction with the proposed development.

**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 for planning application UTT/21/3298/FUL. (Subject to conditions).

**9. Hatfield Broad Oak Parish Council Comments – Object.**

**9.1** Resolved to object on the following grounds:

- Impact on the character and appearance of the area
- Impact on drainage
- Highways Impacts
- Loss of agricultural land
- Outside development limits
- Not in a sustainable location
- It would set a precedent

**10. CONSULTEE RESPONSES**

**10.1 UDC Housing Enabling Officer – No Objection.**

**10.1.1** The proposed development includes 12 affordable homes thereby meeting the 40% affordable housing requirement and I was consulted regarding the proposed mix prior to submission of the application and so the proposed mix meets the affordable housing need identified within the SHMA (Strategic Housing Market Assessment) 2017.

The affordable housing provision needs to be well integrated whereas currently the proposed layout shows that the affordable provision is not well integrated within the proposed development.

**10.2 UDC Environmental Health – No Objection.**

**10.2.1** It is considered that the development would not negatively impact neighbouring properties. Therefore, no objection is raised subject to condition/Informatives.

**10.3 UDC Landscape Officer/Arborist**

**10.3.1** No comments received.

**10.4 Urban Design Officer – No Objection.**

**10.4.1** No objections to the scheme, subject to the inclusion of a boundary treatment condition.

**10.5 ECC Infrastructure – No Objection.**

**10.5.1** A development of this size can be expected to generate the need for the following financial contribution to mitigate the need for education places based on 30 dwellings:

Early Years Education: (Financial contribution of **£43,515.36**).

Primary Education: (Financial contribution of **£145,051.20**).

Secondary Education: (Financial contribution of **£133,140.00**).

**10.6 NHS – No Objection.**

**10.6.1** The Clinical Commissioning Group only respond to planning applications of 50 or more dwellings so would not be commenting on the site in this instance.

**10.7 Aerodrome Safeguarding – No Objection.**

**10.7.1** No aerodrome safeguarding objections to the proposal subject to conditions.

**10.8 Thames Water – No objection.**

**10.8.1** Thames Water have no objection to this application and do not require a planning condition.

**10.9 Affinity Water – No comments to make.**

**10.10 Crime Prevention Officer – No Objection.**

**10.10.1** Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

**10.11 Place Services (Archaeology) – No Objection.**

**10.11.1** Recommendation that an Archaeological Programme of Trial Trenching followed by Open Area Excavation, to be secured by way of conditions.

**10.12 Place Services (Ecology) – No Objection.**

**10.12.1** No objection subject to securing biodiversity mitigation and enhancement measures.

**10.13 Place Services (Conservation and Heritage) – No Objection.**

**10.13.1** Due to a lack of intervisibility with the development site it would be difficult to argue that the site makes a strong contribution to the setting and significance of the Hatfield Broad Oak Conservation Area nor to that of Medlars as a non-designated heritage asset. The proposed development will preserve the character and appearance of the Conservation Area.

## **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. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report.

- 112 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 108 Comments of objection received.

### **11.2 Summary of Objections**

- 11.2.1**
- Noise and pollution disturbance during construction and from end use.
  - Impact on property values (Officer Comment: this is a purely private issue and not a material planning consideration).
  - Development out of character.
  - Loss of countryside / outside development limits.
  - Overcrowding / lack of infrastructure to support the development.
  - Lack of employment opportunities.
  - Highway safety concerns.
  - Impact on wildlife / biodiversity.
  - Impact on light and privacy to neighbouring occupiers.
  - Loss of Greenbelt land (Officer Comment: the land does not fall within the greenbelt).
  - Loss of public footpath.
  - Loss of agricultural land.
  - Impact on carbon footprint / climate change.
  - Drainage / surface water / sewage system issues.
  - Loss of trees / vegetation.
  - Emergency vehicles / refuse collection access issues.
  - Impact on archaeological assets.
  - Lack of community involvement from applicant.
  - Inaccurate information submitted as part of the application.
  - Impact upon the protected lane.

### **11.3 Summary of Comments**

**11.3.1** Comments regarding the inclusion of enhancement measures for



Swifts.

## **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.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

### **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)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)

## **13. POLICY**

### **13.1 National Policies**

13.1.1 National Planning Policy Framework (2021)

**13.2 Uttlesford District Plan 2005**

S7 – The Countryside

S8 – The Countryside Protection Zone

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV5 – Protection of Agricultural Land

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV12 – Groundwater Protection

ENV14 – Contaminated Land

H1 – Housing development

H9 – Affordable Housing

H10 – Housing Mix

LC4 – Provision of outdoor sport and recreational facilities beyond settlement boundaries

**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:

- 14.2
- A) Principle of Development**
  - B) Countryside Impact**
  - C) Design & Neighbouring Amenity**
  - D) Heritage impacts and Archaeology**
  - E) Affordable Housing Mix and Tenure**
  - F) Access and Parking**
  - G) Nature Conservation & Trees**
  - H) Climate Change**

**I) Contamination  
J) Flooding  
K) Planning Obligations**

**14.3 A) Principle of development**

Housing Delivery

**14.3.1** The 2021 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

**14.3.2** The scheme would facilitate the construction of residential units in a location close to public transport and local facilities, including affordable housing, including one- and two-bedroom units. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Development Limits

**14.3.3** Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

**14.3.4** The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

**14.3.5** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

**14.3.6** A review of policy S7 for its compatibility with the NPPF has concluded

that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

#### Loss of Agricultural Land

- 14.3.7** Paragraph 174(b) of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.
- 14.3.8** Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification”.
- 14.3.9** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.3.10** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.
- 14.3.11** Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.
- 14.3.12** Given the above, the applicant has not provided an assessment of alternative sites of a poorer quality of agricultural category, there would be some conflict with ENV5. However, the loss of BMV land as part of the application, at 2.8ha, would be relatively small and such a loss can

only be afforded very limited weight in relation to the conflict with this policy. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

#### Suitability and Location

- 14.3.13** Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.
- 14.3.14** Hatfield Broad Oak is identified within the Local Plan settlement hierarchy as being a “village” where it is recognised that local affordable housing and community facility needs may be met on “exception sites” outside development limits.
- 14.3.15** Although outside the settlement boundaries of Hatfield Broad Oak, the new built form would be constructed adjacent to the southern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

#### Policy Position

- 14.3.16** The Council are currently unable to demonstrate a 5-year housing land supply and therefore paragraph 11 is fully engaged along with the “tilted balance” in favour of the proposals.
- 14.3.17** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.
- 14.3.18** The “Planning Balance” is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.
- 14.3.19** However, taking into account the lack of 5-year housing land supply, when reviewed against the aforementioned policies, the proposal is on balance considered to be acceptable in principle.

## **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** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.4.3** Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.4.4** The application site lies within the character area known as the 'Roding Farmland Plateau', which extends south of Great Dunmow and Takeley, just west of High Easter to the east and most of the Roding villages to the south.
- 14.4.5** Characterised by a landscape of wide-open views, especially on the higher ground contrasted with the more enclosed, channelled views near settlements. The vernacular building style is colour-washed plaster with thatched or peg tile roofs, but mellow red brick dominates in some places, like Hatfield Broad Oak. Overall, this character area has relatively high sensitivity to change.
- 14.4.6** Although it is acknowledged that the site comprises of arable land, it would adjoin the settlement, bounded by Cage End to the west, where there is a dense tree line and hedgerow, a public right of way to the east and linear hedgerow to the south, which to some extent help to enclose the site and thereby reducing the perceived sense of being in the open landscape.
- 14.4.7** It is acknowledged that the proposal introducing 30 dwellings alongside associated infrastructure would bring change to the visual aspects and character of the site.
- 14.4.8** The proposal would provide a generally loose knit and spacious layout with significant areas of soft landscaping interspersed within and on the perimeter of the site. This will help to maintain a green collar that presents visual relief to the development and filters views into the application site public vantage points. The relatively modest density of the site and the proposed landscape buffer in addition to that provided by the existing hedgerow to the south of the site is such that the proposed development would be of a modest addition in respect of its

prominence in the local area and the effect on the local landscape.

- 14.4.9** The development proposal would have a modest visual influence on the surroundings and that the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The new built form would be partly screened and contained within the established structure and fabric of the site when seen from outlying countryside locations. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to properties within the existing settlement of Hatfield Broad Oak.

## **14.5 C) Design & Neighbouring Amenity**

### 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.

### *Layout*

- 14.5.2** The layout of the scheme would incorporate a 'central green' which would form the central space within the development. Housing would be largely centred around this space, with the backs of gardens facing north and south, which would allow for enhanced levels of landscaping to bound the site. The majority of the affordable housing units would be located to the south-west corner.
- 14.5.3** The arrangement of buildings has taken into account the site's specific context. The layout comprises a mix of detached and semi-detached houses and bungalows. The proposed houses are provided with generous outdoor amenity space in the form of rear gardens, which have been designed to ensure they are not overlooked by neighbouring dwellings.
- 14.5.4** The proposed layout adopts many positive design principles. Further, these proposals have been assessed against the Design Council/ CABI Building for Life principles. The proposal is therefore considered to be consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005, the NPPF 2021 and the Essex Design Guide.

### *Scale*

- 14.5.5** The scale of the new dwellings proposed would be no more than two storeys in height, ensuring the development is appropriate for this edge of settlement location, reflecting the character of the scale of dwellings found within Hatfield Broad Oak. The scale would also help to limit the visual impact in terms of character and also upon the residential amenity of neighbouring occupiers.
- 14.5.6** Given the above, it is concluded that the proposed scale of the development would be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005, the Essex Design Guide and the NPPF 2021.

### *Landscaping*

- 14.5.7** The landscape strategy addresses the landscape, arboricultural and ecological constraints and opportunities afforded by the site. These elements have been taken into account in order to formulate a robust and holistic landscape strategy for the site. The overall vision for the Site's proposed new landscape and public realm is to create a distinctive, high-quality place, which is informed by best practice design guidance. An 'central green' providing an area that would be overlooked by a number of the dwellings and would provide a public open space with children's play space. The site would also feature an attenuation pond.
- 14.5.8** The primary streets would be tree lined along both edges. Tree and hedgerow planting would also be located along the periphery of the site.
- 14.5.9** Overall, the proposals provide a high quality multi-functional open space, which will serve a range of requirements, whilst also providing a range of recreational opportunities, and this arrangement is considered acceptable to the Local Planning Authority. The proposals are therefore considered to be consistent with the provisions of Policies ENV3 and LC4 of the adopted Uttlesford Local Plan 2005 and the NPPF 2021.

### *Design Summary*

- 14.5.10** The proposed development draws upon the characteristics of the local vernacular to reinforce the sense of place established by the layout of the development. The appearance of the proposed residential units has been informed by the development of the different character areas identified above.
- 14.5.11** The Council's Urban Design Officer considers the scheme to be largely compliant with Local Plan Policy GEN2 and the Building for a Healthy Life Design Code, in terms of layout, scale, material palette and landscaping. Subject to the inclusion of a condition relating to boundary



treatment details, no objections have been raised by the Urban Design Officer.

- 14.5.12** In general terms, the proposed choice of materials will give a good variety of treatments across the site, which would enhance the setting of the development. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005, and the NPPF, 2021.

#### Neighbouring Amenity

- 14.5.13** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.5.14** As noted above, the proposal would be no more than two storeys in height. The proposed site would be located due south of the closest neighbouring residential development, along Cannons Lane. Given the proposed site layout of the development, with gardens backing on to rear gardens of existing properties, there would be sufficient distances involved to ensure that the proposed development would not result in a detrimental impact on neighbouring amenity in terms of unacceptable loss of light, overbearing impact or loss of privacy. In addition, there would be a substantial soft-landscaped buffer between the development and the site to the north that would help to off-set the visual impact of the development when viewed from those properties.
- 14.5.15** Whilst there would be upper floor windows facing directly north towards neighbouring gardens and that the of the application site raises up above the rear gardens of properties along Cannons Lane, there would be a minimum distance of approximately 15m between the proposed dwellings and the boundary to the closest dwelling to the north. Whilst there would be some views towards those garden areas, there is existing boundary treatment to the neighbouring site and the garden area to that property is already somewhat overlooked by upper floor windows of the existing housing stock along the road. Additional planting would ensure that any actual or perceived overlooking arising from the proposal would not be harmful to neighbouring residential amenity to a significant degree.
- 14.5.16** Given the generous spacings between the proposed units within the development and to that of the closest neighbouring residential developments, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan and the NPPF 2021.

#### *Standard of Accommodation*

**14.5.17** In terms of the amenity of future occupiers, the proposed units would be dual aspect and would provide sufficient levels of outlook, daylight and natural ventilation for the future occupiers. All of the proposed houses would have direct access to private amenity space in the form of gardens that comply with the relevant Essex Design Guide standards of 100sqm for 3 bed + houses, and 50sqm for 1 or 2 bed houses.

**14.5.18** The proposed units would meet the internal floor space requirements for each house type, as set out by the Nationally Described Space Standards, as below:

- House Type A = 66m<sup>2</sup> - 1 bed, 2 person dwelling (50m<sup>2</sup> min)
- House Type 2 = 79m<sup>2</sup> - 2 bed, 4 person dwelling (79m<sup>2</sup> min)
- House Type 3 = 93m<sup>2</sup> - 3 bed, 5 person dwelling (93m<sup>2</sup> min)
- House Type D = 113m<sup>2</sup> - 3 bed, 6 person dwelling (102m<sup>2</sup> min)
- House Type E = 135m<sup>2</sup> - 4 bed, 8 person dwelling (124m<sup>2</sup> min)
- House Type F = 150m<sup>2</sup> - 4 bed, 8 person dwelling (124m<sup>2</sup> min)
- House Type G = 151m<sup>2</sup> - 4 bed, 8 person dwelling (124m<sup>2</sup> min)
- House Type H = 172m<sup>2</sup> - 5 bed, 8 person dwelling (128m<sup>2</sup> min)

**14.5.19** In terms of noise, the Council's Environmental Health Team have been consulted as part of the application and raise no objection in principle to the proposed development in relation to the level of noise that would be generated in relation to either existing adjoining neighbouring occupiers or future occupiers of the development.

**14.5.20** Overall, the proposed development would provide a high-quality standard of accommodation in all other areas for future occupiers of the development. As such, overall, the proposal would be in accordance with Policy GEN2 of the Local Plan and the NPPF.

## **14.6 D) Heritage impacts and Archaeology**

### Impact on the Conservation Area & Listed Buildings

**14.6.1** Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

**14.6.2** The proposed development site is previously undeveloped agrarian land which lies to the south of Cannons Lane and to the east of Cage End. The Hatfield Broad Oak Conservation Area lies to the north-west of the site, the boundary of the Conservation Area extending south to a point just to the north of Medlars, a red brick detached house located in the north-eastern part of a large corner plot where Cannons Lane runs east from Cage End.

- 14.6.3** The NPPF defines significance as ‘the value of a heritage asset to this and future generations because of its heritage interest’. Such interest may be archaeological, architectural, artistic or historic’.
- 14.6.4** Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.6.5** The ECC Place Services Conservation Officer has been consulted as part of the application and considers that, as Hatfield Broad Oak has already seen considerable development to the east and south of the historic settlement during the twentieth century, due to a lack of intervisibility with the development site it would be difficult to argue that the site makes a strong contribution to the setting and significance of the Conservation Area nor to that of Medlars as a non-designated heritage asset.
- 14.6.6** As such, the proposed development would preserve the character and appearance of the Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and with regards to the National Planning Policy Framework (NPPF, 2021) and there would be no harm to the designated Conservation Area nor to the non-designated heritage asset.

#### Archaeology

- 14.6.7** In accordance with policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.6.8** The application was formally consulted to Place Services Historic Environment Consultant. They note from the submitted Desk Based Assessment that has been undertaken by the applicant, that there is potential for encountering later pre-historic, Anglo-Saxon and medieval finds. As such, it is recommended that an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation would be required. This would be secured by

way of conditions, as suggested by the Place Services Historic Environment Consultant.

- 14.6.9** The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with policy ENV4 of the Local Plan.

## **14.7 E) Affordable Housing Mix and Tenure**

- 14.7.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out the Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the District. Section 5 of the National Planning Policy Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 14.7.2** 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 ha or 15 or more properties. The affordable housing provision on this site will attract the 40% policy requirement as the development proposes an additional 30 properties. This amounts to 12 affordable housing properties.

- 14.7.3** Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

- 14.7.4** The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. The proposed accommodation mix is split with 1 bed units at 3%, 2 bed units at 20%, 3 bed units at 37%, 4 bed units at 26% & 5 bed units at 13%. Whilst this provision would not be strictly in accordance with the aforementioned policy, the Council's Housing Officer has been consulted as part of the application and considers that the proposal would provide an appropriate mix for the site.

- 14.7.5** Notwithstanding the above, the Council's Housing Officer has raised concerns regarding the location of the affordable housing and considers that the proposed layout shows that the affordable provision is not well integrated within the proposed development. The proposals have subsequently been amended, moving 2 of the affordable housing units towards the middle of the site. However, 10 of the units would still

be located in one cluster towards the south-western corner of the site. This layout is not considered to be ideal. However, given the relatively small scale of the development, including only 30 units, it is not considered that this would warrant refusal of the application in itself.

- 14.7.6** Moreover, it is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units. This would amount to 2 bungalows across the whole site and is included as part of the proposal.

## **14.8 F) Access and Parking**

### 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 compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.8.2** The application site would be accessed from Cannons Lane, where there is a space between 2 existing residential dwellings that face on to that road. There is a Public Right of Way that also forms part of this access.
- 14.8.3** Concerns have been raised as part of the public consultation on the application in relation to the proposal not having safe and suitable access. This was due to ditches previously being present along Cannons Lane that have subsequently been culverted and infilled. The ECC Highways Authority have been consulted as part of the application and have objected to the proposal.
- 14.8.4** The ECC Highway Team highlight that during the planning submission, evidence has been submitted to the highway authority which indicates the presence of a historic ditch adjacent to the carriageway. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. As a result, it cannot be determined that the proposed scheme of works to Cannons Lane and Cage End can be achieved within land within the highway and/ or control of the developer, and consequently if the scheme can be delivered.
- 14.8.5** Whilst the above could be argued to be a legal matter and outside the scope of the assessment for the Local Planning Authority. However,

the application is for full planning permission, where access is included within the description and is integral to the acceptability of the scheme. There is no firm evidence to suggest that the applicant or Highway Authority have ownership or control over the requisite land to carry out the necessary works to make the development acceptable in planning terms. As such, reliance upon a Grampian condition to secure the required works, particularly when ownership of the intervening land has not been proven, would not be adequate.

**14.8.6** The intensification of Cannons Lane by vehicles and pedestrians, without the provision of a footway, would be detrimental to highway safety and would restrict the choice of future occupiers to utilise sustainable modes of transport, and the lack of appropriate carriageway width / passing places could lead to adverse manoeuvres and increased highway verge erosion, to the detriment of highway safety.

**14.8.7** Given the above, the applicant has failed to demonstrate that safe and suitable access for all highways users can be delivered in conjunction with the proposed development, detrimental to highway safety and failing to promote sustainable transport solutions and encourage movement by means other than a vehicle. Contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policies GEN1 & GEN8 and the National Planning Policy Framework 2021.

#### Parking

**14.8.8** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.

**14.8.9** The adopted Council parking standards recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more-bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

**14.8.10** As such, the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents. The provision of electric vehicle charging infrastructure could be secured by way of an appropriately worded planning condition had the application been recommended for approval.

**14.9** **G) Nature Conservation & Trees**

## Nature Conservation

- 14.9.1** 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.
- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. The site is within 10.1km of Hatfield Forest which is a Site of Special Scientific Interest (SSSI). However, as this application relates to a proposed residential development of less than 50 units, Natural England do not, at this time, consider that is necessary for the Local Planning Authority to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
- 14.9.3** Place Services ecologist has reviewed the supporting documentation submitted in support of the proposals in detail and has assessed the likely impacts on protected and priority species & habitats and, considers that with appropriate mitigation measures secured, the proposed development can be made acceptable.
- 14.9.4** The proposed reasonable biodiversity enhancements including the provision of new native trees, hedgerows and wildflower grassland and wetland features, as well as the installation of bat boxes which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021) and is supported by the Place Services Ecologist.

## Trees

- 14.9.5** The proposed development would result in the loss of 2 individual trees due to their poor physiological condition and unsuitability for retention and a 2-metre section of hedging on the public highway to facilitate access. It is noted that 2 trees are category U trees. These losses would be mitigated by proposed new tree and hedge planting. Extensive planting of street trees is proposed throughout the development and will largely comprise of varieties of different species of indigenous trees.
- 14.9.6** The Council's landscape officer has not provided comments on the proposal. However, the supporting Arboriculture Impact Assessment confirms that the only tree removals will be of low-quality of category U. It is noted that concerns have been raised as part of the public consultation with regards to the accuracy of the submitted arboricultural information. However, if the Local Planning Authority were minded recommending the application for approval, a condition relating to tree works and attendance on site by the Council's Tree Officers could be attached. This would ensure that trees of amenity value and worthy of

retention would be remain intact.

## **14.10 H) Climate Change**

**14.10.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

**14.10.2** The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. Whilst very little detail has been provided, it is considered that the full details of such measures would be dealt with by way of condition through the submission of an energy and sustainability statement.

## **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. The Council's Environmental Health Officer has been consulted with in the application and has suggested that if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This will require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Assessment, prior to any works commencing on site.

## **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** The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

**14.12.3** New major development for housing needs to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow



for increased instances of flooding expected to result from climate change.

**14.12.4** Essex County Council who are the lead local flooding authority who stipulate 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 appropriately worded conditions.

**14.12.5** The proposals, for this reason thereby comply with policy GEN3 of the adopted Local Plan and the NPPF.

### **14.13 K) Planning Obligations**

**14.13.1** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant planning permission.

- 14.13.2**
- Early Years Education: if required the provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £43,515.36).
  - Primary Education: if required the provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £145,051.20).
  - Secondary Education: if required the provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £133,140.00).
  - Provision of 40% affordable housing.
  - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
  - Provision and long-term on-going maintenance of public open space.

**14.13.3** In the absence of a s106 Agreement to secure the above Heads of Terms, the proposal would not accord with Policy GEN6 of the Adopted Local Plan 2005, which seeks to secure the required provision of appropriate infrastructure to mitigate the impacts of the development.

## **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. Planning Balance and Conclusion**

- 16.1** With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 16.2** The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.
- 16.3** In respect to addressing the benefits of the proposed development, the provision of 30 dwellings including 12 of these being affordable housing

would represent a modest boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district.

**16.4** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy. Further consideration has also been given in respect to the net gains for biodiversity.

**16.5** The provision of a new public open space within the development would also represent a modest benefit as part of the scheme. As would biodiversity net gain that would be achieved as part of the scheme.

**16.6** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have limited to modest negative environmental effects.

**16.7** The access to the development is not acceptable. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety.

**16.8** It is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the scheme. The proposal would not therefore be sustainable development for which Paragraph 11 indicates a presumption in favour.

**16.9** It is therefore recommended that the application be refused as per the reasons set out below.

## **17. REASONS FOR REFUSAL**

**1.** The applicant has failed to demonstrate that safe and suitable access for all highways users can be delivered in conjunction with the proposed development, detrimental to highway safety and failing to promote sustainable transport solutions and encourage movement by means other than a vehicle. The proposal would therefore be contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Uttlesford Local Plan Policies GEN1 & GEN8 and the National Planning Policy Framework 2021.

**2.** The development fails to provide the necessary mechanism to secure the required provision of appropriate infrastructure to mitigate the impacts of the development, contrary to Policy GEN6 of the Adopted

Local Plan 2005.

## Appendix 1 – Statutory Consultee Responses

Your Ref: UTT/21/3298/FUL  
Our Ref: 49556  
Date: 23<sup>rd</sup> November 2022



CC: (by email) *DM, SMO2, Chelmsford  
PROW, Chelmsford  
Cllr Susan Barker*

Paul Crick  
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/21/3298/FUL  
Applicant Durkan Estates Ltd  
Site Location Land South Of Cannons Lane Hatfield Broad Oak  
Proposal Erection of 30 dwellings with open space, landscaping, access and associated infrastructure

### SUPERSEDES PREVIOUS RECOMMENDATION DATED 17<sup>TH</sup> MAY 2022

*Cannons Lane is of varying widths (approximately 4 metres at the site access) and in some instances does not allow opposing vehicle to pass without overrunning the highway verge. The proposed development would increase the number of vehicles and pedestrians along Cannons Lane, and the adjacent road in the vicinity. The applicant has provided a plan demonstrating some localised widening of Cannons Lane, a passing place, and the provision of a footway.*

*During the planning submission, evidence has been submitted to the highway authority which indicates the presence of a historic ditch adjacent to the carriageway. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. As a result, it cannot be determined that the proposed scheme of works to Cannons Lane and Cage End can be achieved within land within the highway and or control of the developer, and consequently if the scheme can be delivered. Therefore;*

**From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:**

1. The applicant has failed to demonstrate that safe and suitable access for all highways users can be delivered in conjunction with the proposed development, with particular reference to;
  - i. The provision of a new section of footway on Cannons Lane and Cage End to connect the development to the existing footway on Cage End, to provide access to the local facilities, services and bus stops in the village.

- ii. Improvements to and the provision of footway on Cannons Road and Broad Street Green (which is incomplete) to connect the site to Hammonds Road to the east of the site, to provide access to the local facilities, services and bus stops in the village.
- iii. The provision of adequate passing place on Cannons Lane, in terms of number of bays and ensuring passing bays are of suitable length and width for a vehicle to manoeuvre into / out of, to allow an opposing vehicle to pass.

The intensification of Cannons Lane by vehicles and pedestrians, without the provision of a footway, would be detrimental to highway safety and would restrict the choice of future occupiers to utilise sustainable modes of transport, and the lack of appropriate carriageway width / passing places could lead to adverse manoeuvres and increased highway verge erosion, to the detriment of highway safety.

**Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.**

**NOTE:**

- i. Please note proviso that accompanies highway boundary plans from Essex Highways - It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. It is advised that further clarification in this regard is sought where the boundary could be affected by the presence of an historic ditch as this may be crucial when determining available land for highway works, visibility, and the placement of boundary features such as fences, walls, or hedges.



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

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



Clive Theobald  
Uttlesford District Council  
Planning Services

Date: 18 May 2022  
Our Ref: SUDS-005648  
Your Ref: UTT/21/3298/FUL

Dear Mr Theobald

**Consultation Response – UTT/21/3298/FUL- Land South Of Cannons Lane Hatfield Broad Oak**

Thank you for your email received on 1 April 2022 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 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** 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 3.6l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event .
- 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.
- 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously 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 167 and paragraph 174 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>

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.

Yours sincerely,

**Alison Vaughan, Development and Flood Risk Officer**

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#### **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.