



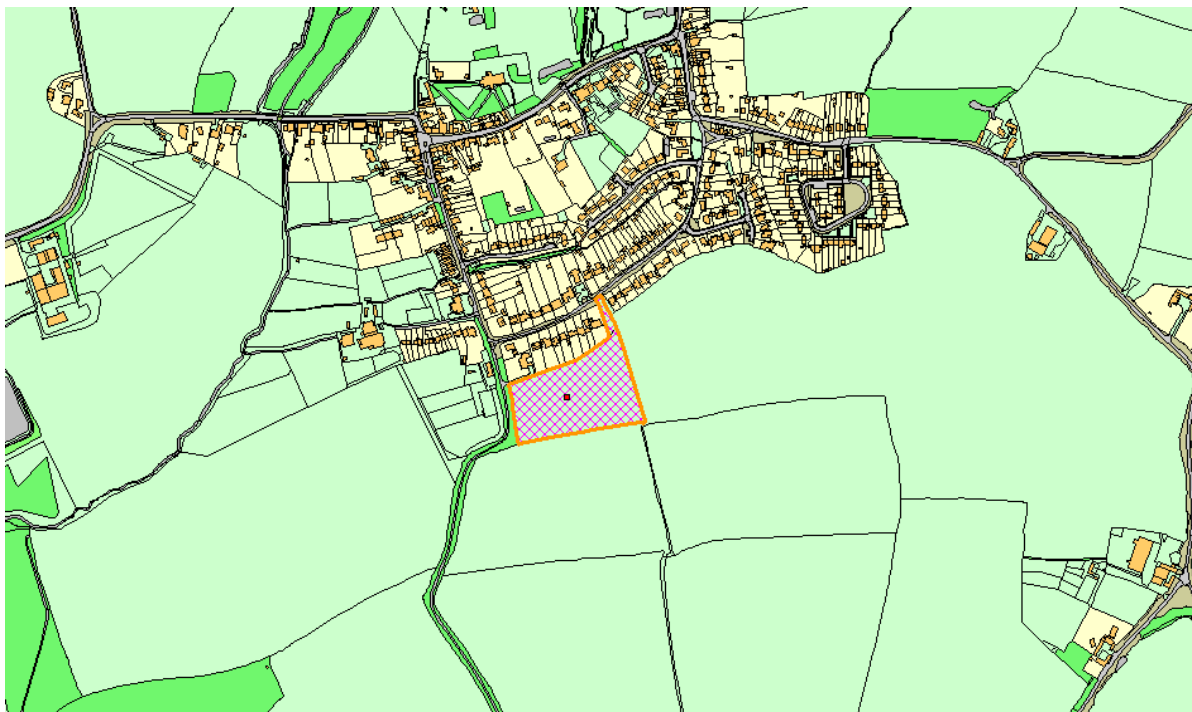
**ITEM NUMBER:** 12

**PLANNING COMMITTEE DATE:** 5 April 2023

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

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

**SITE LOCATION PLAN:**



© Crown copyright and database rights 2021 Ordnance Survey 0100018688  
Organisation: Uttlesford District Council      Date: March 2023

**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 February 2022**

**EOT Expiry Date**     **7 April 2023**

**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.**

---

**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 5YHLS; 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** The applicant has failed to demonstrate, to the satisfaction of the Local Highway 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. However, this element could be adequately dealt with by way of the use of a Grampian condition.

**1.5** The application was deferred at the Planning Committee meeting on 14 of December 2022 to enable further discussions to take place with ECC Highways and Records Team and for a site visit to be made by members. No further progress has been made in terms of discussions with the ECC Highways Records Team. However, Officers have taken legal advice, and the disputes raised regarding the ownership of the highway boundary adjacent to the site are a legal matter and the Local Planning Authority could not reasonably withhold planning permission on this basis. As such, the proposal remains unchanged following the deferral of the application from the 14th of December 2022 Planning Committee.

**1.6** Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of the proposed development.

## **2. RECOMMENDATION**

### **2.1**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report –

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

#### **And**

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

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

- 3.1 The 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** Northwest Essex Swift Group - 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)  
Ashdon Neighbourhood Plan (made 6 December 2022)  
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

## **13. POLICY**

### **13.1 National Policies**

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

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

S7 – The Countryside  
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

#### **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 site's proximity to local services and facilities; it is 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 of the NPPF 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 a wider assessment of the proposal has been undertaken 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 NPPF 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** The area is 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 proposed introduction of 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 its surroundings; the appearance of the settlement in its semi-rural landscape context would not be notably altered or harmed. The proposed 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 proposed 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 proposed 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 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. However, an objection has been raised by the Design Officer in relation to the lack of the provision of a footpath as requested by the Local Highway Authority. Nevertheless, as discussed in more detail below, this element could be dealt with by way of a Grampian condition.
- 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 market accommodation mix is split with 3 bed units at 33.4%, 4 bed units at 44.4% & 5 bed units at 22.2%. Whilst this provision would not be strictly in accordance with the aforementioned policy, there would still be a substantial number of 3 bedroom dwellings provided as part of the proposal and given the relatively modest scale of the development in terms of number of dwellings, the lack of 1 and 2 bedroom market housing dwellings would not warrant refusal of the application.

**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.

**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.

**14.7.7** Overall, whilst the proposal would result in a shortfall of the number of market 1 and 2 bedroom units and there would be a cluster of affordable housing units to one part of the site, given the substantial provision of 3 bedroom market dwellings, the general mix of units across the site, a compliant level of affordable housing provision, when considered against the relatively small number of dwellings to be provided as part of the scheme, the proposal would be largely in accordance with the aforementioned policies.

**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 Authority highlight that during the planning submission, evidence has been submitted to them 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 there is dispute between different parties with regards to sections of the proposed footway improvements falling outside of the remit of the Local Highway Authority, there is no firm evidence to suggest that the Highway Authority or any other party have ownership or control over the requisite land to carry out the necessary works to make the development acceptable in planning terms. Although it cannot be definitively established without detailed survey, there does at least appear to be scope for the necessary improvements. As such, the Local Planning Authority cannot be certain that a voluntary arrangement for the land to be sold to a developer would not be arrived at. In this regard, it cannot be assumed that there is no reasonable prospect of the improvements being made, or that in this regard, a Grampian condition requiring the implementation of the requisite works is unreasonable.
- 14.8.6** The implementation of the required works by the Local Highway Authority would mitigate any effect increased numbers of vehicles would have on pedestrian safety and would facilitate a choice for future

occupiers to utilise more sustainable modes of transport. The use of a Grampian condition in this instance would prevent the applicant from implementing the development without the required highways works being in place prior to its commencement.

- 14.8.7** Given the above, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with 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 condition.

### **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, a condition is to be attached to ensure there would be sufficient replacement tree planting as part of the proposal to adequately off-set the loss of any trees on the site.

### **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 Council's 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 matters 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.

## **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** Uttlesford District Council is currently unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies to the determination of this planning application . Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.
- 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 proposed 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** Whilst the applicant has failed to demonstrate, to the satisfaction of the Local Highway Authority, that safe and suitable access for all highways

users can be provided to the site or that the proposed works are deliverable, the use of a Grampian condition would not be unreasonable in this instance to ensure the required works are implemented prior to the commencement of the development.

**16.8** Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

## **17. S106/ CONDITIONS**

### **17.1 S106 HEADS OF TERMS**

- 17.2**
- i. Provision of 40% affordable housing.
  - ii. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
  - iii. Payment of education financial contributions; Early Years, Primary and Secondary.
  - iv. Provision and long-term on-going maintenance of public open space.
  - v. Monitoring cost.
  - vi. Payment of the council's reasonable legal costs.

### **17.3 Conditions**

**1** Prior to the commencement of the development, a scheme for improvements, including pedestrian / cycle routes along Cannons Lane, Cage End and Broad Street Green shall be submitted and approved by the highway authority, to adoptable highway authority standards. The works shall be implemented prior to the commencement of the development and retained thereafter.

REASON: To provide a shorter pedestrian/cycle route to local amenities in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

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

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

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

- 4** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

- 5** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 6** No development shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 7** A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 8** No development can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as

detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework

- 9** The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 10** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
- No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the Assessment of Dust from Demolition and Construction – Institute of Air Quality Management or an acceptable equivalent.
- Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974); • Hours of works: works should only be undertaken Monday - Friday 7.30am - 6pm , Saturday 7.30am - 1pm, Sunday and Bank Holidays No work where noise is audible at the site boundary. (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,

- storage of plant and materials used in constructing the development,
- wheel and underbody washing facilities.
- Routing strategy for construction vehicles
- Protection of any public rights of way within or adjacent to the site
- It is noted that that the construction access will be through a development on roads that may not be adopted at the time construction starts. The plan should state how any damage by construction vehicles on newly built roads will be monitored and remedied.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Uttlesford Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

- Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
- Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.
- Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained.
- All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.
- Construction and Demolition shall also be done in accordance with “London Good Practice Guide: Noise & Vibration Control for Demolition and Construction” by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.
- Where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements. The applicant should take note that: Prior to commencement soils for storage must be classified before the waste is moved, stockpiled, reused, and disposed (hereafter referred to as ‘stockpiling’) of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018) (or ‘WM3’). Representative samples of soils must be undertaken in accordance

with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.

- Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency.
- Prior to the commencement of work a method statement must be provided to the local authority for approval to prevent the pollution of ground and surface waters. This will also include during works and the location of any hazardous materials including fuel from vehicles and equipment.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of surrounding locality residential/business premises, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1, GEN2 & GEN4 of the Adopted Local Plan and the NPPF.

**11** No works except demolition shall takes 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 and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 12** 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: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 13** No development in connection with the construction of the development hereby approved shall take place until an Energy Statement has been submitted to and approved in writing by the Planning Authority, including full details of the proposed energy efficiency measures and renewable technologies to be incorporated into the development. The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and be fully operational before first occupation of the units.

REASON: To ensure that a proportion of the energy requirement of the development is produced by on-site renewable energy sources to comply with the Uttlesford Interim Climate Change Policy (2021).

- 14** A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) persons responsible for implementing the enhancement measures;  
f) details of initial aftercare and long-term maintenance (where relevant).  
The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

**15** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to include the retained hedgerow and newly created pond, hedgerow, trees and traditional orchard.
- 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) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

**16** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for

foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

- 17** Prior to the first occupation of the development, a scheme for the treatment of the proposed development site including the timescale for the planting / replacing of trees and/or shrubs and appropriate hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

REASON: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy GEN2 of the Uttlesford Local Plan 2005.

- 18** 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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 19** Prior to the first use/occupation of the development hereby approved, details of all external illumination of the site residential plots including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning

authority. All illumination shall be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light". All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 20** Dwellings 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 DM1 AND DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 21** Dwellings 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 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 DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 22** Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 23** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, October 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 25** 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 Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 26** With the exception of dwellings that are to be constructed to wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010, the remaining dwellings permitted by this planning permission shall be carried out so that the requirements of paragraph M4 (2) of Schedule 1 to the Building Regulations 2010 (category 2- accessible and adaptable dwellings) are satisfied.

REASON: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy GEN2 of the Uttlesford Local Plan 2005.

- 27** In perpetuity, the pond shall not have any islands occur/be created.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted

Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

- 28** 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.

## 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.

*F Masne*

.....  
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**

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.