



ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 05 April 2023

REFERENCE NUMBER: UTT/22/1014/OP

LOCATION: Land North Of
Hammonds Road
Hatfield Broad Oak

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 15 March 2023

PROPOSAL: Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements.

APPLICANT: The Trustees of the CH Gosling 1965 Settlement

AGENT: Ms Alice Maguire (Bidwells)

EXPIRY DATE: 08 July 2022

EOT Expiry Date 09 June 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Adjacent to Development Limits (Outside).
Tree Preservation Order (Oak).
Archaeological Site (No. 4442).
Contaminated Land Historic Land Use.
Road Classification (Hammonds Road – Class III).
Within 6km of Stansted Airport.
Water Authority (Thames Water).
Public Right of Way (Footpath – 140m-190m North of Site).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

- 1.1** This is an outline application with all matters reserved except for access for up to 24 no. new dwellings, a new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements. Appearance, layout, scale and landscaping are reserved matters.
- 1.2** The development site is located within the countryside on the eastern edge of the village of Hatfield Broad Oak. As the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5YHLS (notwithstanding its improving position), paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed 'Planning Balance' has been

undertaken of the proposal against all relevant considerations (see Section A of the analysis and Section 16 of the report). It has been concluded that the benefits of the development significantly and demonstrably outweigh the identified adverse effects, and thereby the application should be approved subject to conditions and a s106 agreement.

- 1.3** Following the submission of additional information to ensure deliverability, the appropriate visibility splays and the proposed scheme of highway works can be secured on the applicant's land or on highway land, and as such, ECC Highways supported the application. The development was also tested on flood risk grounds from rivers/sea and from surface water and found not to increase flood risk on site or elsewhere. The heritage impacts of the scheme are also acceptable.
- 1.4** Subject to the reserved matters, all other planning considerations are also acceptable, including environmental health and ecology.

2. RECOMMENDATION

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 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 comprises undeveloped land located adjacent to the eastern development limits of Hatfield Broad Oak. The site lies north of Hammonds Road, between existing residential development to the west and Waters Farm to the east. There are open agricultural fields to the south and north of the site. The site has a relatively rectangular shape with well-defined boundaries (existing hedgerows and tree clusters) and part of a field to the north. At the south-western corner of the site, along the frontage, is a protected (TPO) Oak tree, and a pond to the east. A public footpath runs east-west 140-190m to the north of the site and a Protected Lane to the east of the site (past Waters Farm). The site and the field across the road sit on higher ground levels than the highway. Ground levels within the site slope down westwards. The site comprises the eastern entrance to the village. The overall area contains a rural

countryside character and appearance with dwellings (mainly within the development envelope) of varying architectural styles, sizes, ages and materials.

4. PROPOSAL

4.1 Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements. The applicant indicatively proposes 42% or 10 no. affordable units, as well as various open spaces and SUDS features.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Covering letter
- Ecological assessment
- Flood risk assessment
- Landscape and visual appraisal (x3)
- Landscape and visual appraisal appendix 1
- Landscape and visual appraisal appendix 2
- Landscape and visual appraisal appendix 3
- Phase I geoenvironmental desk study part 1
- Phase I geoenvironmental desk study part 2
- Planning statement
- SUDS checklist
- Superseded archaeological assessment
- Superseded transport statement
- Tree survey – Arboricultural impact assessment
- Tree survey – Arboricultural impact assessment – Plans
- Surface water flood risk depths
- Superseded design and access statement
- Thames water information
- Thames water – Confirmation of sufficient capacity
- Response to place services comments
- Revised archaeological assessment
- Revised design and access statement
- Revised transport statement
- Response to highways comments (x3)
- Email correspondence.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1	Reference	Proposal	Decision
	UTT/21/1801/PA	Residential development of the site for approximately 24 dwellings.	Closed (23.08.2021).

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

7.1 The Localism Act 2011 requires pre-application consultation on certain types of planning applications in England. As such, the following consultation events have been held by the applicant:

- 5th August 2021: Virtual pre-application meeting with UDC Officers under reference UTT/21/1801/PA.
- 23rd August 2021: Written pre-application response from UDC received from the Planning Officer.
- 9th November 2021: The applicant attended a Parish Council meeting to discuss the scheme.
- 22nd November 2021: Engagement with and presentation to the Parish Council and the Planning Working Group (a sub-group of the Parish Council, with members of the Parish Council and residents).
- 19 January and 07 February 2022: Virtual engagement with the local community in the form of an online virtual exhibition (in light of applicable COVID restrictions in place at the time).
- 19 January 2022: Leaflet drop to 366 residential addresses and 11 business addresses to publicise the online exhibition.

7.2 The online exhibition had 153 independent views and 11 responses were received out of which:

- 1/11 (9%) of respondents fully support the plans.
- 5/11 (45.5%) respondents stated that they generally support the plans but have some concerns.
- 5/11 (45.5%) respondents stated that they did not support or like the plans.

7.3 Full details of the applicant's engagement and consultation exercises conducted is discussed within the submitted Statement of Community Involvement in the Planning Statement (p.22).

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

8.1.1 No objections subject to conditions (see full response in Appendix 1).

8.2 **Local Flood Authority**

8.2.1 No objections subject to conditions (see full response in Appendix 2).

9. **PARISH COUNCIL COMMENTS**

9.1 The Parish Council commented as follows:

• **Objections:**

- Greenfield and open land outside development limits.
- Countryside harm / major visual impact.
- Out of character.
- Premature release of site.
- Unsustainable location.
- Highway safety concerns.
- Incorrect submissions.
- Large site for the size of the village.
- Low density development.
- Unclear previous uses of the land / no agricultural use.
- No direct footpaths to the village.
- Limited bus service.
- Lack of infrastructure capacity, services and facilities.
- Recent appeals dismissed as precedent.
- Lack of Neighbourhood Plan irrelevant.
- More expensive housing stock in the village than the district.
- Insufficient information on ecology and biodiversity.
- No affordable housing.
- Ecological and biodiversity concerns.
- No up-to-date Local Plan.
- Infrequent and unreliable bus service.
- Hammonds Road is drained by ditches.
- Telegraph pole and road sign irrelevant.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections subject to provision of a minimum of 40% of affordable housing (including 25% as First Homes), 5% of wheelchair accessible houses and an appropriate housing mix. Further review at the reserved matters.

10.2 UDC Environmental Health

10.2.1 No objections subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 No objections subject to conditions.

10.4 Place Services (Ecology)

10.4.1 No objections subject to conditions.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

10.6 Crime Prevention Officer

10.6.1 There is insufficient detail within the application to comment at present, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures to make a meaningful response.

10.7 ECC Infrastructure

10.7.1 No objections subject to contributions:

- Education contributions:
 - Primary education: financial contribution of £124,330 index linked to Q1 2020.
 - Secondary education: financial contribution of £114,120 index linked to Q1 2020.
 - Libraries: financial contribution of £1,867.20 index linked to Q1 2020.
 - Schools transport: financial contribution of £24,168 index linked to Q1 2022.
- Employment and Skills Plan.

10.8 Stansted Airport Safeguarding Authority

10.8.1 No objections subject to conditions.

10.9 Thames Water

10.9.1 No objections.

10.10 Affinity Water

10.10.1 No comments received.

10.11 Cadent Gas Ltd

10.11.1 No objections.

10.12 Gigaclear Ltd

10.12.1 No objections.

10.13 National Grid Gas Ltd

10.13.1 No objections – no assets affected.

10.14 UK Power Networks (Operations) Ltd

10.14.1 No objections.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper and representations have been received.

11.2 Support

11.2.1 No comments.

11.3 Object

- 11.3.1**
- 30 MPH limit needed past Waters Farm.
 - Footpath necessary on Hammonds Road.
 - Highway safety concerns.
 - No infrastructure capacity, services and facilities – sustainability concerns.
 - Affordable housing needed.
 - Ecological and biodiversity concerns.
 - Over-development of Hatfield Broad Oak.
 - Incorrect submissions.
 - Loss of light and overshadowing.
 - Loss of privacy and overlooking.
 - Noise and other disturbances.
 - Harm to the character and appearance of the area / entrance to the village.
 - Countryside harm.
 - Outside development limits.
 - Greenfield land.
 - No streetlighting.
 - Loss of verges due to HGV traffic.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but legal.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to
- (a) The provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application,
 - and
 - (c) any other material considerations.

12.3 The Development Plan

- 12.3.1** 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 February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport, Quendon & Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great and Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1** Policy S7 – The countryside
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light Pollution
Policy GEN6 – Infrastructure Provision
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy H9 – Affordable Housing
Policy H10 – Housing Mix
Policy ENV3 – Open Space and Trees
Policy ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy ENV5 – Protection of Agricultural Land
Policy ENV10 – Noise Sensitive Development
Policy ENV12 – Protection of Water Resources

Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contaminated Land

13.3 Neighbourhood Plan

13.3.1 No ‘made’ Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Supplementary Planning Document – Developer’s contributions
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 Appearance, scale, layout, landscaping (Reserved Matters)**
 - C Residential amenity**
 - D Access and parking**
 - E Ecology**
 - F Contamination**
 - G Archaeology**
 - H Flood risk and drainage**
 - I Housing mix and affordable housing**
 - J Planning obligations**
 - K Other matters**

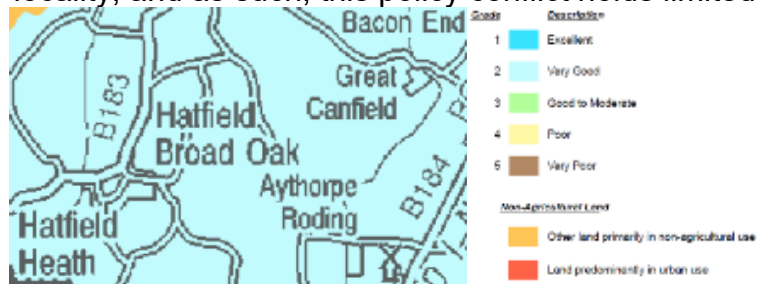
14.3 A) Principle of development

14.3.1 With the Council unable to demonstrate a 5YHLS¹, paragraph 11(d) of the NPPF applies, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would ‘significantly and demonstrably’ outweigh the benefits. Due to the 5YHLS shortfall, some residential development must be directed outside development limits where appropriate; the Council’s approach to ‘windfall development’ is effective given the gradual increase.

14.3.2 Applying policy ENV5

¹ Currently at **4.89 years** in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

The site comprises Grade 2 ('Very Good' quality²) agricultural land, being part of the district's best and most versatile agricultural land. Despite its loss, contrary to policy ENV5, good quality agricultural land is plentiful within the locality, and as such, this policy conflict holds limited weight.



14.3.3 Applying policies S7 and GEN1(e) in conjunction with paragraph 8 of the NPPF

In **economic** terms, the proposal can provide a modest contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages, complying with paragraph 79 of the NPPF.

14.3.4 In social and environmental terms:

14.3.5 Location – Isolation:

Recent case law³ defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated, as it is adjacent to the development limits of Hatfield Broad Oak. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable.

14.3.6 Location – Services and facilities:

The area offers some services and facilities (see image⁴), including a primary school, a GP surgery, a village shop and a butcher's shop. The nearest bus stop⁵ (Barnfield stop – 1' walk) is 60m from the site (see image); the nearest school (St Mary's Primary School – 7' walk) and the nearest GP surgery (Eden surgery – 7' walk) are 600m from the site. The nearest railway station (Sawbridgeworth Railway Station – 10' drive) is 7.6km away and the nearest supermarket (The Co-op Food – 50' walk) is 4km from the site, with employment centres and hospitals not within walking distances. To the front of nos. 1-8 Water Villas there is space used for walking and parking, and opposite that (at the junction of Hammonds Road with Barnfield lane) there are pedestrian footpaths on both sides of the lane with the footpath on the eastern side ending at this

² See Agricultural Land Classification 2010, Natural England.

³ Braintree DC v SSCLG [2018] EWCA Civ. 610.

⁴ Revised Design and Access Statement, paragraph 2.3.

⁵ Bus services include no. 305 which offers an hourly service from 7am to 9pm (Mondays to Saturdays) and no. 347 which offers a service twice a day (Mondays to Fridays).

junction. The applicant proposes to connect the application site to the existing footpath network.



14.3.7 The occupants of the proposed dwellings would be able to safely access sustainable public transport of a satisfactory frequency, as well as some services and facilities within walking distances. Some movements to and from the site would be undertaken by means other than the private car. Opportunities to promote sustainable transport modes have been taken up and alternative transport options are promoted by the development as per the NPPF requirements. Therefore, the sustainability credentials of the location are satisfactory in NPPF terms, and the development complies with paragraphs 104(c), 110(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.8 Previously developed land:
The site is not previously developed land (in the context of the NPPF glossary and a Court of Appeal decision⁶), as there are no planning records or other material considerations (e.g. permanent structures, fixed surfaces) to suggest otherwise⁷.

14.3.9 Character and appearance – Countryside:
The local character contains a distinct rural feel and countryside setting with some views to the wider landscape and a modest sense of openness. The site is tucked away from the public realm, as the mature hedge on its southern boundary sits higher than Hammonds Road (see photographs) and the nearest public footpath is located 140m-190m to the north of the site. The development introduces housing in a countryside location, and as such, it cannot escape a level of countryside impact due to the urbanising effects⁸. Therefore, the development is contrary to policy S7 and paragraph 174(b) of the NPPF. The element of policy S7 that seeks to protect or enhance the countryside character within which the development is set is fully consistent with paragraph 174(b) that recognises the intrinsic character and beauty of the countryside.

⁶ Dartford Borough Council v Secretary of State for Communities and Local Government & Anor [2017] EWCA Civ 141.

⁷ The applicant concurs with this view (see Planning Statement, paragraphs 7.18, 9.7).

⁸ Domestic appearance of built form and domestic paraphernalia with which housing is associated.



- 14.3.10** The applicant submitted a Landscape and Visual Appraisal (hereafter LVA) identifying views that may be visually affected by the development (e.g. see viewpoint 6). The LVA found there will be some adverse effects to the visual amenity of the area due to the “*loss of rural landscape, which is distinctive of the village’s edge and contributes to the sense of remoteness of the village*”⁹ and due to the “*extension of urban qualities*” within this rural landscape¹⁰. However, the visual impact of the scheme will have localised effects only as further away from the area “*there is a stronger influence of intervening topography and layers of field boundaries vegetation that filter views*”¹¹.



- 14.3.11** Notwithstanding its verdant appearance, the site does not play an important role¹² in the rural character and appearance of the area, as the openness within the site is not readily perceived by users of Hammonds Road¹³, and as such, this openness is not intrinsic of the settlement’s edge. Consequently, the site makes a limited positive contribution to the character and appearance of the area. As the scheme is outline with all matters reserved (except for access), the applicant proposes design principles and mitigation measures to minimise the visual impact of the development (e.g. through a Design Code). An appropriate scale and density can preserve some sense of remoteness to the settlement’s edge and, in combination with open spaces, tree plantings and appropriate heights, can soften the appearance of the site and provide a smooth transition onto the countryside. Therefore, when quantified, countryside harm is limited with modest urbanising effects to the character and appearance of the area. This holds significant weight.

⁹ Landscape and Visual Appraisal, p.24.

¹⁰ Landscape and Visual Appraisal, p.25.

¹¹ Ibid.

¹² The site is not part of the Local Green Spaces identified in Table 5.3 and Figure 5.22 of the Neighbourhood Plan, and as such, policy GLCNP/7 does not apply.

¹³ Given the elevated grounds of the site in relation to the highway.

- 14.3.12** Character and appearance – Pattern of development:
The Revised Master Plan is illustrative at this stage; however, the scheme does not consolidate sporadic development to the detriment of the character and appearance of the countryside, as the development would read as a natural urban extension to the village. However, the indicative dwelling on the south-eastern corner of the site is ahead of the building line set by the Waters Villas residences to the west of the application site. The Typology Study prepared by the applicant¹⁴ may further inform this assessment at the reserved matters stage.
- 14.3.13** Conclusion:
The planning balance under paragraph 11(d) of the NPPF tilts in favour of the principle of the development (see Conclusions).
- 14.3.14** Overall, the principle of the development is acceptable, and complies with the ULP policy GEN1(e), and the NPPF.
- 14.4 B) Appearance, scale, layout, landscaping (Reserved Matters)**
- 14.4.1** Appearance, scale, layout and landscaping are reserved matters. However, some preliminary comments can be made using the indicative details submitted with the outline application.
- 14.4.2** In terms of heritage impacts, the applicant suggests the development causes low levels of ‘less than substantial harm’ in conflict with paragraph 202 of the NPPF, which are counter-balanced through the benefits of the scheme¹⁵. However, by reason of its location and distance to any heritage assets in the village¹⁶ and the intervening-built form, the development preserves the setting and significance of the heritage assets, without causing ‘less than substantial harm, in accordance with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraphs 194, 199 and 202 of the NPPF. In addition, by reason of its location and distance, the development preserves the fabric and character of the Protected Lane (Taverners Green) to the east of the site. No heritage harm is identified.
- 14.4.3** Notwithstanding the ‘no heritage harm’ position, there are some views from Hammonds Road and from within the site towards the Grade I listed Church to the west. The applicant responds with the indicative Revised Master Plan locating open space to the south-west corner of the site to retain the local sense of place¹⁷.
- 14.4.4** In terms of design and form, based on the available information, limited comments can be made. Appropriate glazing and a simple vernacular

¹⁴ Revised Design and Access Statement, paragraph 5.3.

¹⁵ Planning Statement, paragraph 7.41.

¹⁶ The site sits 140.9m from The Parsons Cottage (Grade II listed), 134.2m from Willow Cottage (Grade II listed), as well as 572.5m from the Church of St Mary the Virgin (Grade I listed) and 483.7m from the Hatfield Broad Oak Conservation Area.

¹⁷ Revised Design and Access Statement, p.63; Planning Statement, paragraph 7.26.

appearance are expected in the reserved matters to minimise impacts to the character and appearance of the area. The indicative Revised Master Plan shows combinations of built forms with traditional rectangular shapes that comply with the local vernacular¹⁸. No elevation drawings have been submitted.

14.4.5 In terms of layout, the indicative locations and density of the dwellings avoid creating a cramped appearance for the site or a rigid block of built form facing onto Hammonds Road, preserving the character and appearance of the area. However, the dwelling on the south-eastern corner of the site fails to respect the building line (see Section A). Parking areas do not visually dominate the indicative layout or the site’s frontage. The indicative open spaces and SUDS within the site add visual interest and a sense of identity and place to the development as they ameliorate intra-site navigations and appearances.

14.4.6 In terms of size and scale, the indicative dwellings have reasonable footprints; however, their bulk and massing are unknown at this outline stage. The reserved matters application will ensure the development is subservient and subordinate to the area. The applicant states “*the range of heights across the scheme would be 2-2.5 storeys, with a limitation to 2 storeys only in higher areas of the site towards the eastern edge of the development area*”¹⁹ (see also Table). A Proposed Streetscene would be recommended for the next stage.

	Typical eaves (m)	Typical ridge (m)
2 storeys	5-5.5	7.5-9
2.5 storeys	5.5-6	8.5-9.5

14.4.7 Turning to landscape, trees and boundaries, the landscape strategy of the development aims to minimise its visual impact in the area with landscape buffers to the east and south of the site, including open spaces, SUDS and an amphibian reserve. There is also a TPO Oak tree to the south-western corner of the site, which is to be retained along with other trees worthy of retention and most of the hedge surrounding the site²⁰. The applicant proposes to fell 1 no. tree of moderate amenity value²¹. The Landscape Officer raised **no objections** subject to conditions. The conditions refer to a landscaping scheme that is a reserved matter. Other conditions include detailed protective measures for the trees (TPO tree) and the loss of the mixed species hedge to the front of the site, requiring any lost sections of it, to be replanted behind the sight lines. Most importantly, there is limited impact on the wider landscape by the proposed development.

¹⁸ See ‘Building Form’ section of the Essex Design Guide.

¹⁹ Revised Design and Access Statement, paragraph 10.2.3.

²⁰ See Planning Statement, paragraph 7.26, 7.43; Revised Design and Access Statement, paragraph 7.4; Landscape and Visual Appraisal, paragraph 3.2.1.

²¹ Tree Survey – Arboricultural Impact Assessment, p.2.

14.4.8 For climate change mitigation, the development will incorporate energy efficiency measures and water efficiency designs, including electric vehicle chargers²². However, the applicant does not provide any more details at this stage, plus more such sustainability measures are required to ensure sustainable buildings and construction methods, in accordance with the Council’s Climate Crisis Strategy 2021-30, and paragraph 158(a) of the NPPF.

14.4.9 The following conditions are necessary as per paragraph 56 of the NPPF:

- Renewable energy/climate control measures, to ensure the development is sustainable and makes efficient use of energy, water and materials, in accordance with UDC’s Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.
- Construction with Optional Requirement M4(2) of the Building Regs 2010 Doc M, Vol 1 (2015 ed) for all potential users.

14.4.10 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.5 C) Residential amenity

14.5.1 Appearance, scale and layout are reserved matters, and as such, the following comments are only preliminary at this stage.

14.5.2 In terms of the residential amenity of the occupants, indicatively, the dwellings are 2-2.5 storeys high with unknown bedroom/persons occupancies (bedroom numbers are unknown at this stage); the gross internal areas should exceed minimum standards (see Table²³). The Housing Officer notes that “Homes should meet the following standards: 1 bed property house 2 people, 2 bed properties house 4 people, 3 bed properties house 5 people and 4 bed properties house 6 people. Ideally, the new homes should meet the Nationally Described Space Standards (NDSS)”.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

²² Planning Statement, paragraph 6.11.

²³ Nationally Described Space Standard.

- 14.5.3** The dwellings must have private amenity spaces (gardens) above the 50 m² threshold for 1-2 bedroom properties and above the 100m² threshold for any 3+ bedroom properties (see Essex Design Guide).
- 14.5.4** In terms of noise, odours, vibrations, light pollution, dust and other disturbances, the Environmental Health Officer raised **no objections** subject to conditions to safeguard residential amenities (see also Section 6 for conditions to protect human health and the environment). The conditions refer to a Construction Management Plan (pre-commencement), noise from air source heat pumps and external lighting. The development complies with paragraph 174(e) of the NPPF.
- 14.5.5** In terms of the amenity of neighbouring occupiers, the scale, design and position of the dwellings in relation to the neighbouring dwellings and amongst themselves would be tested in the reserved matters stage when more details would be available. This includes the application of the design and remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions), to assess whether any material overshadowing, overlooking (actual or perceived) and overbearing effects are considered.
- 14.5.6** Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.6 D) Access and parking

- 14.6.1** Access is not a reserved matter.
- 14.6.2** From a highway and transportation perspective, following the submission of additional information, the Highway Authority raised **no objections** in the interests of highway safety, as the development accords with the ECC Supplementary Guidance – DM Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF.
- 14.6.3** ECC Highways initially submitted that the applicant does not appear to control sufficient land to provide the required forward visibility splay for westbound vehicles travelling along Hammonds Road to observe a westbound vehicle waiting in the carriageway to turn right into the proposed site access. In addition, it was initially highlighted that the lack of a footway provision and safe crossing point would also be detrimental to highway safety. ECC Highways was concerned about the potential presence of a 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, ECC Highways required more information (topographical drawings, etc.) to ensure the proposed scheme of works to Hammonds Road can be achieved within highway land and/or land under the developer's control, and consequently, to ensure the scheme

can be delivered. Notwithstanding any comments indicating otherwise and despite the initial concerns, the applicant's submissions confirmed that the proposed scheme of works can be delivered.

14.6.4 The parking layout is indicative at this stage. Parking standards require 3 no. parking spaces for dwellings of 4+ bedrooms and 2 no. parking spaces for dwellings of 2-3 bedrooms. In the reserved matters application, the development must meet the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.6.5 Overall, the reserved matters application would be necessary to ensure compliance with ULP Policies, and the NPPF.

14.7 E) Ecology

14.7.1 The Ecology Officer raised **no objections** subject to conditions to secure biodiversity mitigation, compensation and enhancement measures. The conditions refer to action in accordance with the appraisal recommendations, a copy of Natural England licence for Great Crested Newts (pre-commencement), a Biodiversity Enhancement Strategy, and a Landscape and Ecological Management Plan. The development complies with paragraphs 43, 174(d) and 180 of the NPPF.

14.7.2 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

14.8 F) Contamination

14.8.1 In terms of contamination, the submitted Phase I report concludes there is potential contamination associated with the historic agricultural use of the site and the wider area, recommending a Phase II Geo-environmental Investigation to clarify potential risks to receptors and classify potential waste soils for disposal off site. Environmental Health raised **no objections** subject to conditions to protect human health and the environment. The conditions refer to an assessment of the nature and extent of contamination, a detailed remediation scheme, completion of the agreed remediation, a validation report to demonstrate the effectiveness of the remediation, and a potential land contamination clause for any unexpected contamination. The development complies with paragraph 174(e) of the NPPF. A condition is also necessary for electric chargers to improve air quality as per paragraph 107 of the NPPF.

14.8.2 Overall, the proposal is acceptable in contamination terms, and accords with ULP Policies ENV14, ENV12, ENV13, and the NPPF.

14.9 G) Archaeology

14.9.1 The applicant states that “*It is possible that archaeological field evaluation through trial trenching will be required*”²⁴. The Archaeology Officer reported that “*there is the possibility that other roadside development is present considering the significance of Hatfield Broad Oak in the early medieval period at which time it was a larger and a more important settlement*”. Archaeology raised **no objections** subject to conditions for an archaeological programme of trial trenching followed by open area excavation to protect potential archaeological remains. The conditions refer to a Written Scheme of Investigation (WSI), the completion of the archaeological investigation in accordance with the WSI and a post-excavation assessment and archive of any deposits, as well as a publication report. The development complies with paragraph 192(b) of the NPPF.

14.9.2 Overall, the proposal is acceptable in archaeological terms, and complies with ULP Policy ENV4, and the NPPF.

14.10 H) Flood risk and drainage

14.10.1 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 (see paragraphs 158-169 of the NPPF).

14.10.2 The site falls within Flood Risk Zone 1. However, the scheme comprises ‘major development’, and as such, matters of flood risk and drainage must be considered, plus the NPPF requires the submission of a Flood Risk Assessment and the use of Sustainable Urban Drainage Systems (SUDS). The following images show the extent of flooding from rivers and from surface water.



14.10.3 Following the submission of additional information, Essex County Council (as the Lead Local Flood Authority) raised **no objections** subject to conditions to prevent flooding or increasing flood risk elsewhere, to ensure the effective operation of SUDS and to mitigate any harm to the water environment as per paragraphs 167 and 174(e) of the NPPF. The conditions refer to a detailed surface water drainage scheme, a scheme to prevent pollution and to minimise the risk of offsite flooding by surface water run-off and groundwater during construction (pre-commencement), a maintenance plan and yearly logs of maintenance.

²⁴ Revised Archaeological Assessment, paragraph 3.2.

14.10.4 Following the submission of additional information, following the submission of a wastewater capacity assessment from the applicant, Thames Water raised **no objections** to surface water drainage and to the infrastructure capacity of the foul water sewerage network. If in the reserved matters application the applicant proposes to discharge foul waters to a public sewer, prior approval from Thames Water Developer Services will be required.

14.10.5 Overall, the proposal is acceptable in terms of flood risk and drainage, and accords with ULP Policy GEN3, and the NPPF.

14.11 I) Housing mix and affordable housing

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings; the site is more than 0.1ha and for 24 no. dwellings, thus H10 is relevant. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the UDC Strategic Housing Market Assessment points towards the need for a significant proportion of 3 and 4-bedroom market housing instead of 2 and 3-bedroom properties. Therefore, the indicative housing mix shown in the Table below is acceptable.

14.11.2 The 40% affordable housing contribution is triggered as the site exceeds 0.5ha and the scheme comprises a 'major development' for the purposes of the NPPF²⁵. The applicant indicatively proposes 10 no. affordable units (42% of the total number of units) that shall be confirmed in the reserved matters application and shall be secured using a s106 legal agreement. Although affordable housing levels is indicative at this outline stage, the UDC Housing Officer raised **no objections** and noted that 25% of the affordable housing provision will now need to be provided as First Homes as the application is determined after 28 Mar 2022. The Housing Officer also highlighted that the affordable units are expected to be delivered by one of the Council's preferred Registered Providers. The development complies with policy H9 and the NPPF.

²⁵ 'Major development' is defined in the NPPF Glossary (p.68): For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

SIZE	MARKET NO.	MARKET %	AFFORDABLE NO.	AFFORDABLE %	OVERALL	OVERALL %
2 bed	1	4%	5	21%	6	25%
3 bed	6	25%	4	17%	10	42%
4 bed	5	21%	1	4%	6	25%
5 bed	2	8%	0	0%	2	8%
Sub Total	14	58% overall	10	42% overall	24 homes	100%

14.12 J) Planning obligations

14.12.1 Paragraph 57 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 in accordance with the Supplementary Planning Document – Developer’s Contributions (March 2023) and the Essex County Council’s Developers’ Guide to Infrastructure Contributions.

14.12.2 The planning obligations shall include the following:

- Affordable housing.
- Open space.
- Provision of wheelchair accessible and adaptable dwellings.
- Education contributions.
- Employment and Skills Plan.
- Payment of the Council’s reasonable legal costs.
- Payment of monitoring fee.

14.12.3 A s106 agreement to secure the above Heads of Terms is expected to be signed prior to planning permission being granted, to ensure the proposal would accord with Policy GEN6 of the adopted Local Plan 2005, which seeks to secure the required provision of appropriate infrastructure to mitigate the impacts of the development.

14.13 K) Other matters

14.13.1 Cadent Gas Ltd, Gigaclear Ltd, National Grid Gas Transmission Plc, and the UK Power Networks Ltd raised **no objections** unconditionally.

14.13.2 The Stansted Airport Safeguarding Authority have **no objections** subject to conditions to secure flight safety. The conditions refer to measures against light spill and the prevention of birds being attracted to the site from SUDS features.

14.13.3 Essex Police noted there is insufficient detail within the application to comment at present given the outline stage of the scheme. The applicant must demonstrate compliance with policy GEN2(d) of the Local Plan that aims at reducing the potential for crime. The applicant should achieve a Secured by Design Homes award through compliance with security measures incorporated to design.

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 The planning balance in paragraph 11(d) of the NPPF tilts in favour of the principle of the scheme.

16.2 The benefits include:

- Significant contribution to the 5YHLS.
- Appropriate location with some services and facilities within walking distance and some sustainable transport options.
- Provision of up to 10 no. affordable units.
- Provision of public open space.

- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
- Moderate ecological enhancements and net gains.
- Moderate economic and social benefits.

The adverse impacts include:

- Limited countryside impacts / urbanising effects. Localised landscape and visual amenity effects.

16.3 The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme. Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.4 It is therefore recommended that the application be approved subject to conditions and a s106 agreement.

17. S106 / CONDITIONS

17.1 S106 Heads of Terms:

- Affordable housing: Provision of a minimum of 40% of affordable housing.
- Open space: Provision and long-term on-going maintenance of public open space (including open spaces, amphibian reserve, swale, and associated infrastructure).
- Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010).
- Education contributions:
 - Primary education: financial contribution of £124,330 index linked to Q1 2020.
 - Secondary education: financial contribution of £114,120 index linked to Q1 2020.
 - Libraries: financial contribution of £1,867.20 index linked to Q1 2020.
 - Schools transport: financial contribution of £24,168 index linked to Q1 2022.
- Employment and Skills Plan.
- Payment of the Council's reasonable legal costs.
- Payment of monitoring fee.

1 Approval of the details of scale, layout, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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 must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

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.

- 4** Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI), to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the local planning authority.

REASON: To preserve in situ potential archaeological remains, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 5** Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the agreed Written Scheme of Investigation (WSI) shall be completed.

REASON: To preserve in situ potential archaeological remains, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 6** Prior to commencement of the development hereby approved, detailed protective measures for the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The detailed measures shall comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) and shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

REASON: To preserve the character and appearance of the area, in accordance with Policies S7, GEN2 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 7 Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period of the development.

The Plan shall provide for the following all clear of the highway:

- Safe access into the site
- 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.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 8 (a) Prior to commencement of the development hereby approved, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be based on the initial findings of the Phase I Geoenvironmental Desk Study (AGB Environmental Ltd, reference P4118.1.1, dated 29th March 2022) and shall assess any contamination on the site, including ground gas, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

(b) If found to be necessary from (a) and prior to commencement of the development hereby approved, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Prior to commencement of the development hereby approved, a timetable of works for the detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Within 2

months of the completion of measures identified in the approved remediation scheme, a validation report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

(d) If, during development, contamination not previously identified is found to be present at the site, it must be reported immediately and in writing to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination. Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect human health and the environment, in accordance with Policies GEN2, ENV14 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 9** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of plant and materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) wheel and underbody washing facilities.
- m) routing strategy for construction vehicles.

Thereafter, the approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning

authority.

REASON: In the interests of highway safety and the control of environmental impacts on existing residential properties in accordance with Policies GEN1, GEN2, GEN4, ENV10 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 10** Prior to commencement of the development hereby approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented as approved.

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 11** Prior to commencement of any works which will impact the breeding / resting place of great crested newts, the local planning authority shall be provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a method statement relating to a registered site supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or
 - c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 12** Within six (6) months from completion of the archaeological investigation, a post excavation assessment shall be submitted to the Local Planning Authority. The post excavation analysis shall be completed when a full site archive and report is ready to be deposited at the local museum and a publication report is submitted to the Local Planning Authority.

REASON: To preserve in situ potential archaeological remains, in

accordance with Policy ENV4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 13** Prior to any works above slab level, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all measures shall be implemented as approved.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV15 and GEN2 of the adopted Uttlesford Local Plan (2005), as well as Uttlesford District Council's Interim Climate Change Policy (2021) and the Uttlesford Climate Change Strategy 2021-2030.

- 14** Prior to any works above slab level, 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, shall be 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 2.4l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 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, First Floor Levels (300mm above flood level) 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 of the development hereby approved. Outline applications are subject to the most up to date design criteria held by the Lead Local Flood Authority.

REASON: (a) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. (b) To ensure the effective operation of SuDS features over the lifetime of the development. (c) To provide mitigation of any environmental harm which may be caused to the local water environment by the development hereby approved. (d) 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, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 15** Prior to any works above slab level, 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) persons responsible for implementing the enhancement measures;
- d) details of initial aftercare and long-term maintenance (where relevant).

Thereafter, the works shall be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 16** Prior to occupation of the development hereby approved, the developer shall implement the highway works as shown in principle on EAS drawing SK12.

The highway works shall include but not limited to the following:

- The provision of a new bellmouth access with a minimum of 6m radii returned to a carriageway width of 6 metres.
- Visibility splays of 107.8 metres to the east and 63.6 metres to the west measured from a 2.4 metre setback distance at the centre of the new access.

- The extension of the 30mph speed limit to the east of the existing location, to include new signage and associated Traffic Regulation Order.
- New 'Hatfield Broad Oak' gateway signs and associated features at a new location on Hammonds Road to tie in with the speed limit extension or other such location as may be agreed.
- The provision of a new 2-metre-wide footway connection from Barnfield to an appropriate pedestrian crossing point on the south side of Hammonds Road to coincide with a pedestrian crossing point and 2-metre-wide footway on the north side of Hammonds Road to connect to the application site.
- The relocation of overhead service pole(s), signage, village gateway and cutting back/removal of vegetation as required to provide a 2 metre wide footway, pedestrian visibility splays of not less than 1.5 metres by 63.6m to the east at the pedestrian crossing point of Hammonds Road, and a forward visibility splay of 107.8 metres along Hammonds Road (to a vehicle turning right into the site access).

REASON: To ensure that safe, efficient, and improved accessibility is provided for all highway users in the interests of highway safety, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 17** Prior to occupation of the development hereby approved, a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant, shall include:
- Footway widening/siding out/resurfacing.
 - Pedestrian warning signs.
 - Improvements to/provision of dropped kerb crossings.
 - Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.

REASON: In the interests of highway safety and accessibility, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 18** Prior to occupation of the development hereby approved, a bus stop pole and flag, timetable frame and raised kerb and platform serving the bus stop in Barnfield shall be provided on a location to be agreed with Essex County Council Highways.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with

Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 19** Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack (per dwelling) for sustainable transport, to include six one day travel vouchers for use with the relevant local public transport operator. This will be at no cost to the occupier.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005) and with the Uttlesford Local Residential Parking Standards (2013), the Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 20** Prior to occupation of the development hereby approved, a minimum of an electric vehicle charging point shall be provided on site for each unit. Thereafter, the charging points shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021).

- 21** Prior to occupation of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) for the amphibian reserve and public realm and spaces on site shall be submitted to and be approved in writing by the local planning authority.

The LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP 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.

Thereafter, the LEMP shall be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7, ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 22** Prior to occupation of the development hereby approved, 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, shall be submitted to and agreed in writing by the Local Planning Authority.

If any part of the site will be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 23** Prior to first use, details of any external lighting to be installed on the site or any separate plots within the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with Policies GEN2, GEN4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 24** Apart from any hedge lost to accommodate the vehicular access hereby approved, any hedge to be lost to the front of the site for the purposes of accommodating the necessary visibility splays for the vehicular and/or pedestrian accesses hereby approved shall be replanted behind the visibility splays and shall be maintained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and appearance of the area, in accordance with Policies S7, GEN2 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 25** No islands and/or peninsulas shall be created on any Sustainable Urban Drainage Systems (SUDS) or waterbody on or adjacent to the application site.

REASON: In the interests of flight safety, in accordance with Policy GEN5 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 26** Any air source heat pumps to be installed for the units hereby approved shall be specified and designed, enclosed, or otherwise attenuated, to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: To safeguard residential amenities, in accordance with Policies GEN2, GEN4 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

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

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

- 28** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (BSG Ecology, February 2022) and the Response to Place Services comments (BSG, July 2022) 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. Thereafter, the appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details. The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with Policies GEN7,

ENV8 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policies GEN1, GEN8 of the adopted Uttlesford Local Plan (2005), the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 30** Notwithstanding the provisions 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, in accordance with Policy GEN5 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2021).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

Your Ref: UTT/22/1014/OP
Our Ref: 49660
Date: 03 March 2023



CC: (by email) Cllr Susan Barker
Development Management

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/22/1014/OP
Applicant The Trustees of the CH Gosling 1965 Settlement
Site Location Land North of Hammonds Road Hatfield Broad Oak
Proposal Outline application with all matters reserved except access, for the erection of up to 24 no. dwellings, creation of new vehicular access from Hammonds Road, sustainable drainage systems, public open space and ecological enhancements.

This recommendation supersedes the recommendation of the Highway Authority dated 24 November 2022.

The Highway Authority has thoroughly assessed the planning application and submitted information received throughout the course of this planning application. The site has been visited on several occasions and a detailed investigation of the highway boundary along Hammonds Road in the vicinity of the site access has taken place.

Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity, or efficiency.

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

1. 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 following all clear of the highway:
 - Safe access into the site
 - 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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

2. Prior to the first occupation of the development the developer shall implement the works as shown in principle on EAS drawings SK01 Revision D and SK09, with all details being agreed with the Highway Authority, and to include but not limited to the following:

- The provision of a new bellmouth access with a minimum of 6m radii returned to a carriageway width of 6 metres.
- Visibility splays of 118.3m to the east and 63.6 metres to the west measured from a 2.4 metre setback distance at the centre of the new access.
- The extension of the 30mph speed limit to the east of the existing location, to include new signage and associated Traffic Regulation Order.
- New 'Hatfield Broad Oak' gateway signs and associated features at a new location on Hammonds Road to tie in with the speed limit extension or other such location as may be agreed.
- The provision of a new 2 metre wide footway connection from Barnfield to an appropriate pedestrian crossing point on the south side of Hammonds Road to coincide with a pedestrian crossing point and 2 metre wide footway on the north side of Hammonds Road to connect to the application site.
- The relocation of overhead service pole(s), signage, village gateway and cutting back/removal of vegetation as required to provide a 2 metre wide footway, pedestrian visibility splays of not less than 1.5 metres by 63.6m to the east at the pedestrian crossing point of Hammonds Road, and a forward visibility splay of 118.3 metres along Hammonds Road (to a vehicle turning right into the site access).

Reason: To ensure that safe, efficient, and improved accessibility is provided for all highway users.

3. Prior to first occupation of the development a package of pedestrian improvements between Barnfield and Broad Street Broad Street Green as identified in principle within the Pedestrian User Unit contained in the EAS Transport Statement, insofar as they are deliverable within highway and/or land in the control of the applicant to include:

- Footway widening/siding out/resurfacing.
- Pedestrian warning signs.
- Improvements to/provision of dropped kerb crossings.
- Extension of footway/provision of dropped kerb crossing/vehicle crossover(s) at junction of Broad Green with Broad Street Green.

Reason: In the interests of highway safety and accessibility.

4. Prior to first occupation the provision of a bus stop pole and flag, timetable frame and raised kerb and platform serving the bus stop in Barnfield, location to be agreed.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

5. Prior to the first occupation of the proposed development, the developer shall be responsible for the provision and implementation – per dwelling - of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, for use with the relevant local public transport operator. This will be at no cost to the occupier.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN 1.

Informatives:

- i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- ii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- iii) There shall be no discharge of surface water onto the Highway.
- iv) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
- v) Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under

the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

- vii) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.



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pp. Director for Highways and Transportation
Enquiries to Matthew Bradley
Telephone: 07557 081565
Email: matthew.bradley@essex.gov.uk

APPENDIX 2 – ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

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



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 11 May 2022
Our Ref: SUDS-005935
Your Ref: UTT/22/1014/OP

Dear Mr Vlachos

Consultation Response – UTT/22/1014/OP - Land North Of Hammond Road Hatfield Broad Oak

Thank you for your email received on 6 May 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 15th April 2015.

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

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

Lead Local Flood Authority position

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

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in

accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 2.4l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 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(300mm above flood level) 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA..

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>
- Please note that the NPPF now states that the aim of sequential testing is to steer new development areas with the lowest risk of flooding from any source

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Alison Vaughan, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

the emergency planning and rescue implications of new development in making their decisions.

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

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

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

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

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

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

- Sustainability of the development

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