



**ITEM NUMBER:**

**12**

**PLANNING COMMITTEE  
DATE:**

**7 June 2023**

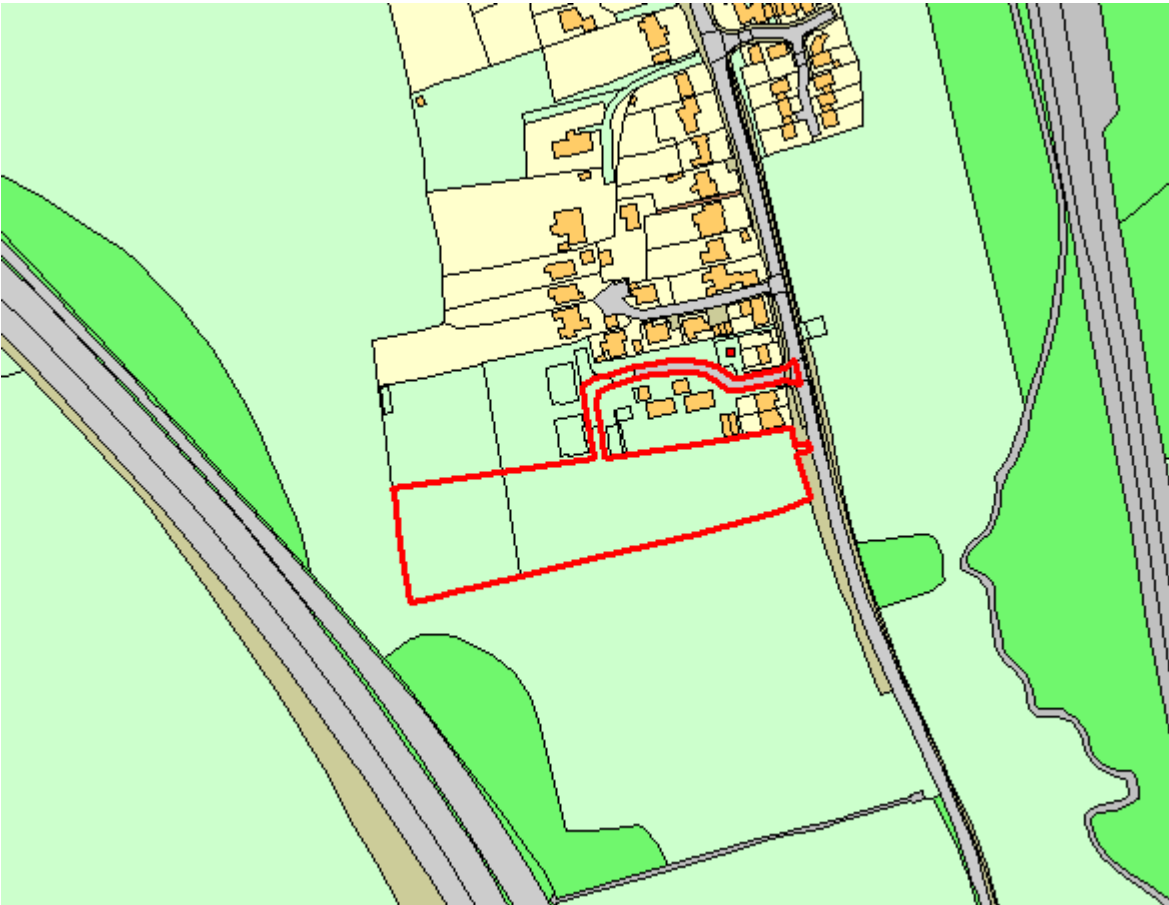
**REFERENCE NUMBER:**

**UTT/22/1706/FUL**

**LOCATION:**

**Bricketts, London Road, Newport**

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 12/5/2023

**PROPOSAL:** Proposed construction of 11 no dwellings.

**APPLICANT:** Enterprise Residential Development Limited

**AGENT:** Phillips Planning Services Limited (Mr Paul Watson)

**EXPIRY DATE:** 22 September 2023

**EOT Expiry Date:** 9 June 2023

**CASE OFFICER:** Chris Tyler

**NOTATION:** Outside Development Limits

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

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**1. EXECUTIVE SUMMARY**

- 1.1** The application seeks planning permission for the erection of 11 dwellings which will be accessed from the existing residential development and also via a new access to the southern part of the site. The development will include 4 affordable dwellings (40%). Due to the introduction of the development within the countryside (ULP Policy S7) the scheme is considered not to accord with the development plan due to the conflict with policies on the location of housing and landscape character.
- 1.2** The National Planning Policy Framework (NPPF) is a material planning consideration, and this has a strong presumption in favour of sustainable development. Council recognises that it cannot demonstrate a 5YHLS and that it should consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need.
- 1.3** Although not in accordance with policies in regards to the location of housing and landscape character, the proposed harm to the countryside location is considered limited. The layout, scale and appearance of the development are considered appropriate in terms of the character of the site and surrounding area. The size of amenity areas and parking provisions are acceptable.

- 1.4 As such a 'balancing exercise' is carried out applying the NPPF's presumption in favour of sustainable development, this concludes the development amounts to lower level/ limited harm and does not significantly or demonstrably outweigh the benefits of the proposal and therefore is recommended for approval.

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 Interim Director of Planning shall be authorised to **REFUSE** permission at their discretion at any time thereafter.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site includes the southern half of 'Bricketts' which is located on the west side of London Road in Newport. The site previously comprised of a bungalow, its garden and an associated paddock. Residential development has recently been constructed on the area that was covered by the house, garden and northern part of the paddock.

4. **PROPOSAL**

- 4.1 This application seeks planning permission for the erection of 11 dwellings which will be accessed from the recently constructed highway access to the new residential development and also via a new access to the southern part of the site.

- 4.2 The development proposes to deliver

Plot	House Type	Bedrooms	Garden	Parking
1	Detached, two storey	3	100 sqm +	2
2	Semi-detached, two storey	3	100 sqm +	2
3	Semi-detached, two storeys	3	100sqm +	2
4	Detached, one and half storey	3	100sqm +	2

5	Detached, one and half storey	3	100sqm+	2
6	Detached, two storeys	3	100sqm+	2
7	Detached, two storeys	3	100sqm+	2
8	Semi-detached, two storeys	2	50sqm+	2
9	Semi-detached, two storeys	2	50sqm+	2
10	Semi-detached, two storeys	3	100sqm+	2
11	Semi-detached, two storeys	3	100sqm+	2
			3 Visitor Spaces	

## 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/19/2900/DFO	Details following outline application UTT/16/1290/OP - Details of appearance, landscaping, layout and scale for 11 dwellings	Approved 21/2/2020
UTT/18/1827/FUL	Demolition of existing dwelling and garage. The erection of 20 no. dwellings, including 8 affordable. Associated access, car parking, footpaths, landscaping and construction of earth mound.	Refused- 19/9/2019  Appeal dismissed.
UTT/16/1290/OP	Outline application, with all matters reserved except for access, for demolition of existing dwelling and erection of up to 11 dwellings with associated access and parking.	Approved 25/11/2016
UTT/15/3423/FUL	Proposed demolition of existing dwelling and erection of 3 replacement dwellings and garages.	Approved 13/1/2016

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

**7.1** Pre application advice from UDC has not been requested, however the applicant confirm they have consulted the Parish Council and District Councillor for Newport. The applicant advises the Parish has noted the likely need to deliver additional housing in Newport over the coming plan period and supports the extension of the existing NEWP2 site in this regard.

**7.2** It is noted the Parish Council have been formally consulted as part of this application and is considered in the following report.

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

### **8.1 Highway Authority - No objection**

**8.1.1** From a highways and transportation perspective and subject to conditions the impact of the proposal is acceptable to the Highway Authority.

### **8.2 Local Flood Authority - No objection**

**8.2.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission (subject to conditions).

## **9. PARISH COUNCIL COMMENTS**

**9.1** Newport Parish Council are broadly supportive of the scheme proposed.

The developer has engaged proactively with the Parish Council and has taken on board the suggestions that we made relating to scale, layout, parking, access and landscaping.

The applicant has taken care with the scale and placement of the dwellings for this to be an appropriate entrance to the village from the south. A landscaping condition should be included to ensure the built form is softened.

It would be beneficial to add a condition to require that the noise mitigation has been proven for phase 1 as a reassurance that the same will be true for phase 2.

As an informative Newport Parish Council wish to note that we would not be supportive of building on the land further to the south of this development

We note that Anglian Water have identified an unacceptable risk of flooding downstream associated with this application which is concerning.

It would be useful to gain clarity about what is triggering the risk as the site itself is outside the flood risk area.

**10. CONSULTEE RESPONSES**

**10.1 UDC Housing Enabling Officer**

**10.1.1** The affordable housing provision on this site will attract the 40% policy requirement as the site is 0.9 ha and therefore exceeds 0.5 ha. This amounts to 4 affordable housing units and it is expected that these properties will be delivered by one of the Council’s preferred Registered Providers.

	2 bed house	3 bed house	total
Affordable Rent	2	1	3
Shared Ownership	0	1	1
			4

**10.2 UDC Environmental Health - No objection**

**10.2.1** No objections subject to the following conditions:

- No occupation of the development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority
- Submission and approval of construction management plan
- Details potential contamination
- Air quality mitigation

**10.3 Anglian Water - No objection**

**10.3.1** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost.

The foul drainage from this development is in the catchment of Newport Water Recycling Centre, Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

The development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted.

- No objection subject to conditions for submission and approval of: onsite foul water drainage works,
- Foul water works to be carried out with the approved scheme.

**10.4 North West Essex Swift Group - Neither objecting to or supporting the Planning Application**

**10.4.1** The Ecological Report suggests the use of integrated Schwegler 16 nest boxes for swifts but doesn't seem to identify the number and locations of them. Could the council please secure by condition the use of at least 6 of these nest boxes or similar alternatives if the development is allowed to go ahead.

**10.5 Place Services Ecology - No objection**

**10.5.1** No objection subject to securing biodiversity mitigation and enhancement measures, recommended conditions include:

- Submission and approval of lighting scheme,
- Compliance condition- Mitigation scheme

**10.6 Place Services (Archaeology) - No Objection**

**10.6.1** No objections subject to conditions:

- Submission and approval of programme of archaeological investigation,
- Submission of post excavation assessment.

**11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 82 notifications letters were sent to nearby properties. The application was also advertised in the local press.

**11.2 Support**

**11.2.1** N/A

**11.3 Object**

**11.3.1**

- No need for the houses,
- Newport has already had a large number of new developments,
- The dwellings are not allocated in the Newport Neighbourhood Plan



- Previous development on this site has been refused and dismissed at appeal.
- Accumulative harm caused
- The is a sensitive part of the village,
- Encroachment to the countryside,
- Conflict with UDC local plan and Newport neighbourhood plan,

#### **11.4 Comment**

**11.4.1** All material planning matters will be considered in the following report.

### **12. MATERIAL CONSIDERATIONS**

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

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

- a) The provisions of the development plan, so far as material to the application:
  - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

#### **12.3 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 Feb 2020)  
 Great Dunmow Neighbourhood Plan (made December 2016)  
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
 Thaxted Neighbourhood Plan (made February 2019)  
 Stebbing Neighbourhood Plan (made July 2022)  
 Saffron Walden Neighbourhood Plan (made October 2022)  
 Ashdon Neighbourhood Plan (made December 2022)  
 Great and Little Chesterford neighbourhood Plan (made February 2023)

### **3. POLICY**

### **13.1 National Policies**

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

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

S7 – The Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision to Support Development

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV4 – Ancient Monuments and Sites of Archaeological Importance

ENV5 – Protection of Agricultural Land

ENV10 – Noise Sensitive Development and Disturbance from Aircraft

ENV12 – Protection of Water Resources

ENV13 – Exposure to Poor Air Quality

ENV14 – Contaminated Land

H1 – Housing Development

H9 – Affordable Housing

H10 – Housing Mix

### **13.3 Newport, Quendon & Rickling – made 28<sup>th</sup> June 2021**

NQRHA1 – Coherence of the villages

NQRHA2 – Connection with the countryside

NQRHA3 - Building in the countryside

NQRHD2 - Housing Design

NQRHD4 - House sizes

NQRHD5 - Densities

NQRHD6 - Affordable housing

NQRRECP - Parking and road safety in Quendon

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

Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)

Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide

Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of development**
  - B) Character and appearance**
  - C) Transport**
  - D) Accessibility**
  - E) Amenity**
  - F) Flooding**
  - G) Infrastructure**
  - H) Biodiversity**
  - I) Archaeology**
  - J) Contamination**
  - K) Air Quality**
  - L) Affordable Housing**
  - M) Housing Mix**
  - N) Climate Change**
  - O) Planning Balance**

**14.3 A) Principle of development**

**14.3.1** The application site comprises both previously developed land (the existing site under construction) and undeveloped land (the paddock), located beyond the Development Limits of Newport. While Policy H1 permits the re-use of previously developed land for housing on a general level, Policy S7 and the associated Development Limits are clearly intended to restrict development in the countryside to that which requires such a location or is appropriate to a rural area. Housing does not satisfy either of these criteria so the erection of new dwellings on the site would be in conflict with the spatial strategy of the Local Plan.

**14.3.2** The NPPF takes a different approach to rural housing. Paragraphs 78-79 support the growth of existing settlements and seeks to avoid new isolated homes in the countryside unless there are special circumstances. It is considered the intent of this policy is to focus new housing development within and on the edge of existing settlements, thereby preventing sporadic development in the countryside. That being said the location of the development is tacked on to the existing settlement.

**14.3.3** Refused planning permission UTT/18/1827/FUL (20 dwellings) was refused and dismissed at appeal. However, this was in relation to 20 dwellings on the northern section of the site, where planning permission has since been granted and implemented for 11 dwellings. Whereas this application introduces and further 11 dwellings on the additional land to the south of site. As such there is a material difference to the previously refused application.

**14.3.4** The lower density of development due to being set out across the two separate sites ensures the introduction of the additional 11 dwellings would be considered as appropriate form of development at this edge of village site location. Subject to an appropriate design and layout the proposal would not be harmful to the character and appearance of the area.

**14.3.5** Newport, Quendon & Rickling Neighbourhood Plan (NQ&RNP) Policy NQRHA1 sets out site allocations for proposed housing of which the application is not included. However, the Neighbourhood Plan supports appropriate small scale infill development within cluster of existing development.

**14.3.6** The development is on the edge of the village and although cannot be described as infill development, the location of the site and also being tacked on to the edge of existing settlement would prevent sporadic development in the countryside and subject to an appropriate design would be an acceptable location for this particular proposed development. It is considered that the principle and location of the development is consistent with the policies of the NPPF and NQ&RNP.

**14.3.7** Policy ENV5 seeks to prevent significant losses of the best and most versatile (BMV) agricultural land, and the NPPF has a similar objective. While the site is classified as Grade 2, which is regarded as BMV land, the development would not represent a significant breach of these policies because the land is not in productive agricultural use, it is small in agricultural terms and the high quality of land across the majority of the district means that some loss is inevitable.

#### **14.4 B) Character and appearance**

**14.4.1** The proposal would intensify development on the site, inherently causing a degree of harm to the rural setting at the southern edge of Newport. Mitigating factors include the containment of development to the southern boundary of the paddock, the south east corner of this boundary is the only section visible from London Road due to a break in the vegetation. Otherwise, this boundary is generally hidden from view. Nevertheless, there would be a residual adverse effect.

**14.4.2** The southern boundary is an important element of the design as it will form a gateway to Newport and as such will continue its rural feel with enhancement where required of the existing hedgerow. Where appropriate the existing trees a hedgerow will be retained and enhanced and provide a visual separation from the rural lane to the south of the site. The Council's Landscape Officer has been consulted in regards to the proposal and has not raised any objections or further recommendations.

**14.4.3** Notwithstanding the above effect on landscape and settlement character, it's considered that the layout and design of the development is compatible with its surroundings. The development will include a layout that will provide an appropriate siting of the dwellings, garages within the site and that is compatible with its surroundings

**14.4.4** Plots 1-3, would relate well to London Road, while buildings within the site would appropriately frame the new street scenes. The design of the buildings are traditional and considered in keeping with residential

development in the vicinity. The layout of the development provides sufficient distance and space between the properties and ensure the site is not overdeveloped or have a cramped appearance. The development would include 12.2 dwelling per hectare which is considered acceptable in not in conflict with Neighbourhood Plan Policy NQRHD5.

- 14.4.5** Plots 8, 9, 10 and 11 are sited to the rear of the site and would be consistent with the existing building line of the neighbouring residential development. Plot 4, 5, 7 and 1 would be viewed from the southern section of the site however the layout and appearance of these dwelling ensure the development will not be dominated by built form, hard surfaces and provides enhanced landscaping.
- 14.4.6** The layout of the scheme ensures the properties will have sufficient private amenity space in accordance with the Essex Design Guide; this is contributed by the distance between properties and landscaping features.
- 14.4.7** The scale of the dwellings are considered appropriate and will include a mixture of larger detached dwellings, and smaller semi-detached dwellings. The scale of the dwellings are not dominant or intrusive in the setting of the site or its surroundings.
- 14.4.8** As shown on the submitted plans the proposed dwellings are a mixture two storeys and one and half storey properties and will include the use of external materials that will be are considered acceptable in this location and compatible with the neighbouring residential site that has recently been constructed. The scale, form and appearance of the dwellings is not considered to be adversely intrusive or dominant in the street scene or surrounding area.
- 14.4.9** Overall, the character and appearance of the proposed development is considered compliant with relevant policies, subject to the use of conditions to for the development to be compliant with the proposed materials and submission and approval of further landscaping and lighting details. The proposed development is therefore in accordance with Local Plan Policies S7, GEN2, the NQ&RNP and the NPPF.

## **14.5 C) Transport**

- 14.5.1** The site's location at the edge of a relatively large village ensures that future residents would have access to a small range of services and facilities. A train station with regular services to Cambridge and London is within Newport and bus service connections. It is therefore considered that the proposal meets the sustainable transport objectives of Policy GEN1, NQRTR2 and the NPPF.
- 14.5.2** Taking into account the comments of the Highway Authority, it is considered that there would be no adverse effects on road safety, capacity or efficiency. Furthermore, the proposed parking provision would accord with the Council's minimum residential parking standards, as set

out in the Accommodation Schedule (section 4.2 of this report). It is therefore concluded that the proposal accords with the above policies insofar as they relate to transport, subject to the use of appropriate conditions. The development therefore accords with Local Plan Policy GEN8, the Essex Parking Standards (2009) and the Uttlesford Residential Parking Standards (2013).

## **14.6 D) Accessibility**

**14.6.1** The 'Lifetime Homes' standards which were developed by the Joseph Rowntree Foundation and Habinteg Housing Association and satisfy the criteria stipulated in the SPD entitled 'Accessible Homes and Playspace', have effectively been superseded by Part M of the Building Regulations for less able occupiers. These requirements could be secured using a condition if the proposal were to be approved, in accordance with Local Plan Policy GEN2.

## **14.7 E) Amenity**

**14.7.1** Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts.

**14.7.2** Taking into account the comments of the Environmental Health Officer, it is considered that noise from London Road and the M11 would not have an adverse effect on the amenity of the future residents. If approved conditions should be included for the development to be in accordance with the submitted acoustic assessment and details of its effectiveness should be submitted to and approved prior to the occupation of the dwellings.

**14.7.3** The proposed development is therefore in accordance with Local Plan Policies GEN2, GEN4, GEN5 and ENV10 and the NPPF.

## **14.8 F) Flooding**

**14.8.1** ULP Policy GEN3 considers the development in regard to flood protection. The site is not in an area at risk of flooding however due to the scale and design of the development the Local Lead Flood Authority and Anglian Water have been consulted. No objections have been made subject to the imposition of conditions for the submission of a surface water drainage scheme and foul water drainage scheme. Taking into consideration the comments from the statutory consultees and imposed conditions the development is not considered to result in any adverse effects with respect to flood risk and accords with ULP Policy GEN3 and the NPPF.

## **14.9 G) Infrastructure**

**14.9.1** Taking account of the nature and scale of the development, and the above consultation responses, it is considered that there would be no requirement or improvements to off-site infrastructure. It is therefore concluded that the proposal accords with Policy GEN6.

**14.9.2** It is noted that ECC Education and NHS have been consulted as part of the application and have not requested any requirement to make a contribution toward education or health care due to the scale of the scheme.

**14.10 H) Biodiversity**

**14.10.1** Taking into account the comments of the Council's ecological consultant, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with Policy GEN8 and the NPPF.

**14.11 I) Archaeology**

**14.11.1** Taking into account the comments of the Historic Environment Advisor, it is considered that the development has the potential to affect archaeological remains and that conditions would be necessary to secure appropriate trial trenching prior to commencement of the development. Subject to these conditions, it is concluded that the proposal accords with Policy ENV4 and the NPPF insofar as they relate to archaeology.

**14.12 J) Contamination**

**14.12.1** Taking into account the comments of the Environmental Health Officer, it is considered unlikely that there would be any adverse effects with respect to contamination risks. It is therefore concluded that no further studies are required, and that the proposal accords with Policies ENV12, ENV14, 178-179 & PPG.

**14.13.1 K) Air quality**

ULP Policy ENV13 considers whether the development considers exposure to poor air quality and advises development will not be permitted if the occupants are exposed to extended long term poor air quality. The site is not in an area currently monitored for air quality as a designated management area (AQMA). Additional traffic from the proposed development at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12 month period, which the annual mean based air quality objectives requires. The impact can be minimised by adopting non car travel, further mitigation can include the introduction of electric vehicle charging points. As such it is considered the development accords with ULP Policy ENV13 and paragraph 107 of the NPPF

## **14.14 L) Affordable housing**

**14.14.1** Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing. A total of 4 affordable homes would be built, in accordance with the requirement that 40% of new homes should be affordable. The affordable housing will be secured by a legal agreement and will include the following:

Affordable Rent  
1X 2 bed house  
1x 3 bed house

**14.14.2** In regard to First Homes provision, the Council's Housing Enabling Officer has negotiated with the developer to provide a shared ownership property rather than a single First Homes property, this would be a preferred method of delivering affordable homes on this small site. Also due to the Neighbourhood Plan being submitted for examination before 28 June 2021 and not having a subsequent update, the First Homes policy requirement does not apply and therefore this proposal would not be in conflict with this policy.

## **14.15 M) Housing Mix**

**14.15.1** Policy H10 requires that a significant proportion of market housing comprises smaller properties, with two or three bedrooms. As all of the proposed houses would be in this category it is concluded that the proposal accords with Policy H10.

## **14.16 N) Climate Change**

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

**14.16.2** The location of the site is part of a planned sustainable extension to Newport, the site will have undergone extensive assessment to ensure the most suitable and sustainable location for growth. The minimising of carbon emissions through the development itself are demonstrated in the following paragraphs.

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



**14.16.4** The drainage solution adopted for the site make suitable provision to ensure no detriment to local water supply.

**14.16.5** The proposed landscaping scheme include extensive planting of native trees, shrubs and areas of open grassland as well as extensive hedgerow planting. In biodiversity terms there is a gain in habitat provided in the proposed landscape scheme, however details of this would be a reserved matter.

**14.16.6** The development has the potential to incorporate the use of eco technology and renewable energy. As such the use of a condition for further information to confirm these details should be included.

**14.17 O) Planning Balance**

**14.17.1** The NPPF describes the importance of maintaining a five-year supply of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 4.89 years (5YHLS update April 2022).

**14.17.2** Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out of- date.

**14.7.3** This includes where the 5YHLS cannot be delivered. As the Council is currently unable to demonstrate a 5YHLS, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**14.17.4** The following breaks down the economic, social and environment benefits of the development:

**Economic:**

- Short term benefits during the construction phase, with benefit to local companies e.g. contractors, sub-contractors, trades and suppliers,
- Occupiers of the houses would contribute to the local economy in the long term, in Newport and surrounding areas,

**14.17.5 Social:**

- The construction of 11 dwellings to contribute to the 5 Year Housing land supply,
- The dwellings meet housing size need as indicated in Uttlesford's SHMA,

- Additional residents will add to the social vitality of the village, for example providing extra patronage of clubs and societies,
- Accessible to local services, including those which can be reached via the recently public transport.

#### **14.17.6 Environmental.**

- Quality build, design, and fabric to dwellings
- Each dwelling would also be provided with an electric vehicle charging point,
- Tree planting and landscape enhancement which will bring ecological and environmental Benefits,
- Biodiversity net gain and ecological enhancement

**14.17.7** As set out in section B of this report, due to the appropriate design and appearance of development the proposal will result in limited low-level harm to the rural character of the site. The level of harm caused by the proposed development is not considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in this Framework taken as a whole (NPPF Paragraph 11d (i)).

### **15. ADDITIONAL DUTIES**

#### **15.1 Public Sector Equalities Duties**

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

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

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

#### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and

home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## **16. CONCLUSION**

**16.1** The proposal does not accord with the development plan due to the conflict with policies on the location of housing and landscape character. Notwithstanding the above, it is concluded that the proposal represents sustainable development in the context with the NPPF. The tilted balance at paragraph 11 of the NPPF is engaged because relevant policies for the supply of housing are out of date. In this case, the effect on landscape character would not significantly and demonstrably outweigh the benefits of the contribution towards housing land supply.

**16.2** Taking into account the more up- to-date nature of the NPPF with respect to the determining issues, it is considered that the lack of accordance with the development plans is overridden in this instance. Regards has been had to all other materials considerations and it is concluded that planning permission should be granted.

**16.3** The applicant has been consulted on all pre- commencement conditions in accordance with The Town and Country Planning (Pre Commencement Condition) Regulations 2018.

## **17. S106 / CONDITIONS**

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

- i. Provision of 40% affordable housing
- ii. Management arrangements: the site will include areas of land that will require ongoing management and maintenance (including public open space and parking area)
- iii. Pay the Council's reasonable legal costs
- iv. Pay the monitoring fee

### **CONDITIONS**

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

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

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

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with

the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3 Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the control of noise from construction, including the hours of working and hours of deliveries
- e) safe access to site
- f) wheel washing facilities
- g) measures to control the emission of dust and dirt during construction

REASON: The use of such pre commencement condition is required to protect the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

4 Prior to the commencement of the development hereby approved, no works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates.

To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed, and in accordance with ULP Policy GEN3.

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

REASON: The Essex Historic Environment Record shows the development to lie within a potentially sensitive area within Newport to the south of the historic town. Cartographic evidence indicates that in the 19th century the area near to the road was involved in the brick making industry (EHER 15687). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 6 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the written scheme of investigation defined in condition 5.

REASON: The Essex Historic Environment Record shows the development to lie within a potentially sensitive area within Newport to the south of the historic town. Cartographic evidence indicates that in the 19th century the area near to the road was involved in the brick making industry (EHER 15687). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

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

REASON: The Essex Historic Environment Record shows the development to lie within a potentially sensitive area within Newport to the south of the historic town. Cartographic evidence indicates that in the 19th century the area near to the road was involved in the brick making industry (EHER 15687). In accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

- 8 Prior to any works above slab level, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the foul water drainage works relating to that phase must be carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding and in accordance with ULP Policy GEN3.

- 9 Prior to any works above slab level details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwelling hereby approved and shall be maintained as such in perpetuity.

The landscaping details to be submitted shall include:

- a) proposed finished levels (including earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- h) management and maintenance details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To preserve the character and appearance of the area, to safeguard residential amenities, to preserve the significance of the heritage assets and to secure details of the new planting/boundary treatments, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2 and the National Planning Policy Framework (2021).

- 10 Prior to any work above slab level details of any renewable features/ climate control measures associated with each dwelling shall be submitted and approved in writing by the Local Planning Authority. The renewable features/ climate control measures shall be installed prior to the occupation of the dwellings and retained as such thereafter.

REASON: To ensure that 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 Uttlesford Local Plan (adopted 2005) and Uttlesford District Council's Interim Climate Change Policy document (2021).

- 11 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:

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

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To Provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site, and in accordance with ULP Policy GEN3 and the NPPF.

12

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

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

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

- 13 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, and in accordance with ULP Policy GEN3 and the NPPF.

- 14 Prior to occupation of unit 1 and 2, the provision of a private drive access formed at right angles to B1383 London Road, to include but not limited to: minimum 5.5 metre width and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres (including tangential splay to the south), as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. 507 Rev. D (dated 03/03/2023).

Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety and in accordance with ULP Policy GEN1 and the NPPF.

- 15 Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;
- i. Provision of a 2-metre-wide footway along B1383 London Road from the existing footway to the proposed pedestrian access point adjacent



to Plot 1 and Plot 2, as shown in principle on DWG no. 507 Rev. D (dated 03/03/2023).

- ii. Relocation of the 30mph speed limit (southwards) and replacement of village gateway to incorporate the development site frontage, including all necessary signing, road markings, Traffic Regulation Orders, as required. The highway scheme, to be approved by the Local Planning Authority in consultation with the highway authority, thereafter shall be implemented prior to first occupation.

REASON: In the interests of highway safety and accessibility and in accordance with ULP Policy GEN1 and the NPPF.

- 16 No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 17 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport opportunities, including walking, cycling, and local car clubs and other alternatives to the private car, as approved by Essex County Council. Such packs should include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport and in accordance with ULP Policy GEN1.

- 18 No occupation of the development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the acoustic assessment completed by Cass Allen, report reference: RP01-22254-R0 22, May 2022. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON: In order to ensure an adequate level of amenity for residents of the new dwellings and in accordance with ULP policy ENV10 and the NPPF.

- 19 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 and in accordance with ULP Policy GEN3 and the NPPF.

- 20 A minimum of a single electric vehicle charging point shall be installed at each of the dwellings. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005)".and in accordance with the guidance in Approved Document S 2021.

- 21 The dwellings hereby approved shall be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

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

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

- 23 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Update (Greenwillows Associates Ltd., May 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. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with ULP Policy GEN7 and the NPPF.

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

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity and in accordance with ULP Policy GEN1 and the NPPF.

- 25 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 amenity and in accordance with ULP Policy GEN1 and the NPPF.

Your Ref: UTT/22/1706/FUL  
Our Ref: 23753  
Date: 11<sup>th</sup> May 2023



Essex County Council

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

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/22/1706/FUL  
Applicant Enterprise Residential Development Limited  
Site Location Bricketts London Road Newport CB11 3PP  
Proposal Proposed construction of 11 no dwellings

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

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

1. Prior to occupation of any dwelling, the provision of a private drive access formed at right angles to B1383 London Road, to include but not limited to: minimum 5.5 metre width and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres (including tangential splay to the south), as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. 507 Rev. D (dated 03/03/2023). Such vehicular visibility splays shall be retained free of any obstruction at all times.  
**Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety.
2. Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;
  - i. Provision of a 2-metre-wide footway along B1383 London Road from the existing footway to the proposed pedestrian access point adjacent to Plot 1 and Plot 2, as shown in principle on DWG no. 507 Rev. D (dated 03/03/2023).

- ii. Improvements to the passenger transport infrastructure on both sides of B1383 London Road within the immediate vicinity of the site shall be provided. This is to include but not limited to, raised platforms, hardstanding, dropped kerb crossing points, flags, bus shelters and any other related infrastructure as deemed necessary by the Highway Authority.
- iii. Relocation of the 30mph speed limit (southwards) and replacement of village gateway to incorporate the development site frontage, including all necessary signing, road markings, Traffic Regulation Orders, as required.

The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation.

**Reason:** In the interests of highway safety and accessibility.

3. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.
4. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. **Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.
5. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport opportunities, including walking, cycling, and local car clubs and other alternatives to the private car, as approved by Essex County Council. Such packs should include six one day travel vouchers for use with the relevant local public transport operator.  
**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
7. 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 and shall provide for the following all clear of the highway:
  - i. Safe access into the site;
  - ii. The parking of vehicles of site operatives and visitors;
  - iii. Loading and unloading of plant and materials;
  - iv. Storage of plant and materials used in constructing the development;
  - v. Wheel and underbody washing facilities.
  - vi. Appropriate cleaning of the highway in the vicinity of the site.**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.

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

Informative:

- i. The bell-mouth access and spine road has previously been granted planning permission, is currently under construction and subject to a highway agreement.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- iii. 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.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- v. 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.
- vi. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.



## **APPENDIX 2- LEAD LOCAL FLOOD AUTHORITY**

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



Chris Tyler  
Uttlesford District Council  
Planning Services

Date: 20 December 2022  
Our Ref: SUDS-006080  
Your Ref: UTT/22/1706/FUL

Dear Mr Tyler,

### **Consultation Response – UTT/22/1706/FUL- Bricketts London Road Newport Saffron Walden Essex CB11 3PP**

Thank you for your email received on 13 December 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

#### **Lead Local Flood Authority position**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do **not object** 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:

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- Efforts are made to establish an alternative discharge route other than to the foul network.

The scheme shall subsequently be implemented prior to occupation.

**Reason**

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

**Condition 2**

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

**Reason**

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

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction



there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

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

### **Condition 3**

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

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

### **Reason**

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

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

### **Condition 4**

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

### **Reason**

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures

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

### **Summary of Flood Risk Responsibilities for your Council**

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

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

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

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

### **INFORMATIVES:**

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

on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

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

Yours sincerely,

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

Team: Development and Flood Risk

Service: Environment, Climate and Customer Services

Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)

Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

### **Appendix 1 - Flood Risk responsibilities for your Council**

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

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

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

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

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

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

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning

Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

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

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

- **Sustainability of the development**

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