

UTT/17/3197/FUL – (HENHAM)

(MAJOR)

PROPOSAL: Residential development for 36 dwellings and associated roads and parking, together with public open space, play area and associated Sustainable Drainage along with infrastructure improvements to Henham and Ugley Primary School including car parking, drop-off/parking facility and playing field provision

LOCATION: Land south of School Lane, Henham

APPLICANT: Persimmon Homes

AGENT: Mr D Moseley

EXPIRY DATE: 16 February 2018

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

- 2.1 The application site is located to the south of School Lane. The application site includes all of Henham and Ugley Primary School within the red line, but the proposals do not affect all of this area.
- 2.2 The site is predominantly a greenfield site located to the south and east of Vernons Close. There are open fields to the south of the site. Henham and Ugley Primary School forms the eastern part of the site. To the north of the site is Pimblett Row and Sages.
- 2.3 An area of Henham and Ugley Primary School will be affected by the proposals. This area is currently used for parking of vehicles adjacent to School Lane. The other area is currently used as part of the school playing field. This area is partially screened from the school playground by a row of coniferous trees.
- 2.4 Adjacent to the south eastern corner of the site is an area of open space which is accessed from Vernons Close.
- 2.5 There is a public right of way running down the eastern boundary of Henham and Ugley Primary school and the site and this continues to Mill Road. It joins another footpath which runs east-west to the south of the site, which joins Mill Road adjacent to Mill Pond Nursery. The public footpath running along the eastern boundary joins a local network of public rights of way.
- 2.6 The field which makes up the majority of the site is grassland being claimed by scrubland. It is apparent from tracks within the field that this area is currently used by people walking their dogs, but there is no definitive footpath within the site.
- 2.7 There is an existing mature hedgerow along the western boundary of the site on

the land currently used by Henham and Ugley Primary School and a further mature hedgerow along the southern boundary of the school site. The boundary with Vernons Close is predominantly bramble and low close boarded fencing. There is a field access into the site from Vernons Close.

- 2.8 School Lane currently terminates with the entrance gates to Henham and Ugley Primary School. The parking area is located within the school grounds. This is semi hard surfaced and has a close boarded fence to the boundary with properties. There are some trees within this area. There is then another set of gates separating the parking area from the school playing field area.

3. PROPOSAL

- 3.1 The proposal relates to the erection of 36 dwellings and the creation of additional infrastructure for the primary school, most notably the provision of a drop-off/parking area outside the school, the creation of a car parking area within the school and a new playing field. It should be noted that the area of land from the gated entrance to the playing field to the southern boundary is currently rented by the school and not within the ownership or control of the County Council or school. As things currently stand, the lease on this land expires in 2024.
- 3.2 The proposed dwellings would be a mix of 2 and 3 bedroom units, including bungalows. It is proposed that there would be 40% affordable housing.
- 3.3 The entrance to the school car park would be relocated to the south of the existing buildings and a new car park provided on the western side of the school grounds. A new playing field would be created to the south of the existing school on an area currently classed as agricultural land.
- 3.4 An area of public open space would be included in the proposals adjacent to the north eastern boundary of the proposed residential development. The current parking area within the school grounds would be formalised to be used as a car parking area/drop off area for the primary school.
- 3.5 A balancing pond and pond are proposed to the south of the residential development to provide a sustainable drainage scheme for the proposed development.
- 3.6 The application is accompanied by a series of phasing plans. This indicate the development would be carried out in the following order:
- Phase 1: Formation of temporary access, hoarding and compound. Enlargement of existing staff car park.
 - Phase 2: Formation of extension to playing fields.
 - Phase 3: Form permanent staff car park and access. Form drop-off/parking area.
 - Phase 4: Construction of estate road for housing development.
 - Phase 5A: Form SuDS
 - Phase 5B: Commence housing development and associated works.

4. APPLICANT'S CASE

- 4.1 The application has been submitted with the following accompanying documents:

- Agricultural Land Classification and Soil Resources
- Design and Access Statement
- Drainage Strategy
- Environmental Noise Assessment
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Report
- Heritage Desk-based Assessment
- Landscape and Visual Impact Assessment
- Planning Statement
- Preliminary Utility Report
- Report on Replacement Sports Turf Provision
- Reptile Presence/likely absence Survey
- Site Specific Flood Risk Assessment
- Sustainability Statement
- Transport Statement
- Tree Survey, Arboricultural Impact Assessment
- Updated Ecological Scoping Survey and Biodiversity Statement

5. RELEVANT SITE HISTORY

- 5.1 UTT/15/2982/FUL – Residential development for 36 dwellings and associated roads and parking, together with public open space along with infrastructure improvements to Henham and Ugley Primary School including parking and playing fields provision. Refused and dismissed at appeal.
- 5.2 UTT/16/0814/FUL – Installation of a SUDS pond and swale on land to the south of School Lane, Henham. Refused and dismissed on appeal.
- 5.3 UTT/15/2982/FUL – This application was recommended for approval and overturned by committee. The reasons for refusal were:
1. The proposal would give rise to a form of development which has a design which results in compromise to the road safety of other road users, in particular cyclists, pedestrians and those whose mobility is impaired. This would be contrary to Adopted Uttlesford Local Plan Policy GEN1(c) (adopted 2005).
 2. The site is located outside the development limits and within the open countryside which will be protected for its own sake. In this location planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. The proposed development fails to protect or enhance the particular character of the part of the countryside within which it is set, in particular due to its adverse impact on the setting and character of Henham and Ugley Primary School. There are no special reasons why the development in the form proposed needs to be there. As such the proposal is contrary to Adopted Uttlesford Local Plan Policy S7 (adopted 2005).
 3. The development would generate the need for the provision of 40% affordable housing. The application provides no mechanism for addressing the need for affordable housing provision. It therefore fails to comply with Policy H9 and with the adopted Developer Contributions Guidance Document adopted February 2016 (update from June 2013 and February 2014).
 4. There are insufficient Early Years and Childcare and primary school places in Henham to accommodate this level of development and the application provides no mechanism for addressing or mitigating the shortfall in the provision in the locality. Furthermore, there is no mechanism to mitigate the increase in requirement for secondary school transport arising from the

proposals. It therefore fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Developers' Guide to Infrastructure Contributions (Adopted as County Supplementary Guidance)

- 5.4 The Inspector concluded that the proposal was acceptable in highways and landscape terms, but that the appellant had failed to demonstrate that the appropriate infrastructure for the school could be delivered due to an inadequate Unilateral Undertaking.
- 5.5 UTT/16/0814/FUL – This application was refused under delegated powers. The reasons for refusal were:
1. The proposal relates to unnecessary development in the open countryside. It relates to engineering works which do not need to take place there and as such is inappropriate to the rural area. There are no special reasons as to why the development in the form proposed needs to be there and it would fail to protect or enhance the character of the countryside due to its engineered design completely at odds with the character of the grassland in which it would be situated. Therefore, the proposal is contrary to Policy S7 and the core principle of the NPPF relating to the intrinsic character of the countryside.
 2. The site has not been the subject of surveys and therefore insufficient information has been submitted with the application to adequately demonstrate that the proposals would not result in adverse impacts on biodiversity and/or protected species. The Council therefore cannot fulfil their statutory duties under Section 40(1) of the Natural Environment and Rural Communities Act 2006 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010. Therefore, the proposal fails to comply with Policy GEN7 and paragraph 118 of the NPPF.
 3. The proposals would result in the loss of the staff car parking area for Henham and Ugley Primary School. This would result in increased highway parking adjacent to the school and thereby result in increased conflict with other road users, in particular parents and children. Therefore, the proposals fail to comply with Policy GEN1 of the Uttlesford Local Plan adopted 2005).
- 5.6 The Inspector was concerned that this scheme could be implemented without the implementation of the residential development. There was no mechanism within the appeal documents to ensure the two developments were carried out together. The implementation of the SuDS scheme in isolation would have the potential to have significant adverse impacts on the school which could not be addressed satisfactorily.

6. POLICIES

National Policies

- 6.1 - National Planning Policy Framework

Uttlesford Local Plan (2005)

- 6.2 - S7 – Countryside
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN6 – Infrastructure Provision to Support Development
- GEN7 – Nature Conservation

- GEN8 – Vehicle Parking Standards
- ENV3 – Open Spaces and Trees
- ENV5 – Protection of Agricultural Land
- ENV8 – Other Landscape Elements of Importance for Nature Conservation
- H9 – Affordable Housing
- H10 – Housing Mix
- LC4 – Provision of Outdoor Sport and Recreational Facilities Beyond Development Limits

7. PARISH COUNCIL COMMENTS

- 7.1 Object. Although the applicants are claiming that the proposals overcome any matters arising from the recent dismissed appeal decisions of 30.6.17 this objection demonstrates that this is not so.

Lack of agreement with Essex County Council – UDC should not determine the application without the inclusion of a satisfactory s106 agreement with ECC. There is no draft s106 agreement which provides any evidence that ECC is agreeable to the application which substantially includes its land. HPC has received an indication that ECC are not in agreement to the inclusion of its land.

In addition to the ECC land required to provide the replacement staff car park and other land to form the access to the site, there are other known discrepancies.

Playing field – This is required before any works take place on the existing playing field, in line with the Appeal Inspector.

Utilities – A strip of ECC land is required to accommodate utilities, there is no detail nor any agreement on that.

Pedestrian Access and inaccuracies in the submitted plans – The plans are deliberately vague or misleading on land required to provide the minimum 2m wide pedestrian footway required by 'Manual for the Streets' DfT 2007. This is an essential requirement as it would be on the edge of a carriageway serving the development. A sub-standard footway would be dangerous for school children, their younger siblings and their parents. The plans show how the existing footpath narrows inside the school gates, such that a section of the caretaker's house garden is required. The footway provision is not mentioned in the planning statement or design and access statement or transport statement. ECC has failed to spot the inaccuracies and discrepancies on the submitted plans. If it cannot be provided, this must be a major objection on alignment and safety grounds – pupils would spill onto the carriageway at this pinch point.

Objections by the School – Strong operational objections have been raised by the School Governors and Headmistress, and numerous parents and local community generally. HPC supports these objections.

The proposals are contrary to the Adopted Local Plan Policies S7, H3, GEN1, GEN2, ENV5, H9.

8. CONSULTATIONS

ECC Education

- 8.1 Current data shows insufficient places to meet the Early Years and Childcare

demand from this proposal. A development contribution is required. Essex County Council welcomes the additional school playing field and also the new staff car park. There are, however, concerns regarding the detached drop-off car park as it is undesirable to increase traffic around the School's pedestrian entry points. ECC will not accept ownership of or responsibility for drop-off areas. No contribution for additional secondary school places will be required. School transport contribution will be required.

- 8.2 Whilst Henham Parish Council, the local residents et al are correct in recognising that there is no wish for any form of liability or responsibility to be placed upon the school or Essex County Council for the parent drop-off car park proposed (nor is it desired, as our consultation letter asserts), it is not so that this view also applies to the new staff car park and playing field.

For clarity – Community Infrastructure are willing to enter into a S106 agreement for the school staff car park and playing field proposed within the development.

ECC Highways

- 8.3 This proposal is a resubmission following the dismissal of the planning appeal of application UTT/15/2982. In terms of highways the inspector's appeal decision concludes 'The proposals would cause no material harm in terms of highways safety'.

The Transport Statement submitted with the application includes: a Stage 1 Road Safety Audit accompanied by a designer's response to the recommendations; accident data; swept path analysis of the layout for a minibus, refuse vehicle, fire tender and bus; parking and pedestrian surveys; trip generation and accessibility of the site.

This authority is satisfied that the geometry of the continuation of School Lane is sufficient for 2 vehicles to pass each other safely. Pedestrians are also catered for with the continuation and widening of the footways either side of School Lane, traffic calming and an informal pedestrian crossing outside the school. The independent Road Safety Audit provided with the planning application raised a number of areas of concern in terms of layout, these were addressed before the submission of the application. Other concerns including signing, road marking and lighting will be dealt with at detailed design as is standard practice.

As part of the review of the application the highway authority required certain changes to the layout for safety or practical reasons. These have been carried out and are reflected in the revised submitted plans.

The parking provision for the proposal fully accords with the current parking standards.

The planning authority has also requested comments from the highway authority on the Parish Council's objection on highway grounds. There was one comment that related specifically to highways and that concerned the footway adjacent to the school plan where it was not clearly shown on the plan to be 2m wide. This has been clarified with the developer, an illustrative plan has been provided which was forwarded to the planning officer. As it is not part of the submission I have recommended a condition to ensure its delivery in advance of development. As the footway in question is within the red line and on land owned by ECC it should be deliverable.

From a highway and transportation perspective the impact of the proposal as shown in principle on Drawing No: PH-120-002 Rev I is acceptable to the Highway Authority subject to conditions.

ECC Ecology Advice

- 8.4 No objection subject to conditions to secure mitigation and enhancements for protected and priority species. The details of reptile mitigation will require amending which can be secured by condition and/or s106 Legal Obligation.

ECC Development and Flood Risk Officer

- 8.5 Holding objection. Inadequate surface water drainage strategy.
- 8.6 8.2.18: 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.

Anglian Water

- 8.7 The sewerage system at present has available capacity for these flows.

Aerodrome Safeguarding (London Stansted Airport)

- 8.8 6.12.17: Object. The SuDs proposal element of this proposal appears to hold water in the low flow channel on a virtually permanent basis. If this is the case then there is the potential for this to attract and support hazardous birds.
- 8.9 5.1.18: We are reassured that design measures will be taken in line with reducing the risk to attract birds outlined above, the Safeguarding Authority for Stansted Airport has no safeguarding objections to the proposal.

NATS Safeguarding

- 8.10 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En-Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

Thames Water

- 8.11 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Essex Police

- 8.12 We notice that the Design and Access Statement quotes "The evolution of the scheme has considered the principles of 'Secure by Design' requirements where applicable" and shows a photograph of the cover of a past 2014 Secured by Design New Homes Guide (since superseded by the 2016 Homes Guide). We feel that by showing this illustration it leads us to believe that the applicant has an intention to apply for a Secured by Design award in respect of this development and look forward to consulting on this. In most cases we prefer to consult prior to a planning application but are confident that we can still assist the developer in

discharging its duty under UDC Local Plan Policy GEN2 – Design (d) which states “it helps reduce the potential for crime”.

Housing Enabling Officer

- 8.13 The affordable housing mix and layout are OK but plots 11 and 12 are a pair of semi-detached properties and a mixed tenure which could cause management issues for the housing association. In addition, the 2 bed affordable homes need to be 2 bed, 4 person to meet housing benefit rules.

Sport England

- 8.14 The loss of 2,387m² of existing playing field (as a result of a new staff car park) is proposed to be mitigated by the creation of a larger area of playing field immediately to the south of the existing school playing fields – the site is 10m wider to the south. Works proposed include levelling, seeding, cultivation and drainage to create the new school playing field land. The larger area is to allow for proper pitch margins and landscaping. This will provide a greater area of school playing field than is currently available (net gain – 3,940m²). The new playing field will be transferred to ECC for use by the school. Given the above, Sport England does not wish to raise an objection subject to conditions.
- 8.14 25.1.18: I understand the phasing plan set out in the planning statement does propose to provide the new playing field as the second phase of development, the first phase being to create a temporary access, across part of the playing field, to facilitate access to undertake these works. Essentially the way the condition is worded prevents any work prior to new playing field provision which would render the scheme undeliverable – this was not our intention.

On the other hand Sport England is keen to ensure the school has sufficient usable playing field at all times through the construction phases and that the new playing field is fit for purposes. We have seen too many schemes where playing field provision has been left until later phases and either never delivered or the quality of the work is so poor the pitch cannot be used, which we'd want to avoid.

Given that provision of the playing field is planned prior to any housing development phases and that the temporary access works are planned to minimise impact on the playing field and timed to coincide with the school holidays where practicable I think the developer has actually set out a reasonable phasing plan. However, to ensure development does not progress to the housing phase until not only the playing field has been laid out but that it is confirmed as being fit for purpose we would suggest the following condition:

No development comprising Phase 3, 4 or 5 as set out in the Planning Statement shall take place unless the new playing field has been provided in accordance with drawing no PH-120-002 Sept 2016 Rev I (illustrating the removal of the existing hedge along the southern periphery of the existing playing field) and in accordance with the construction works recommended in the Report on Replacement Sports Turf Provision and Sport England's design guidance note 'Natural Turf for Sport', 2011. On completion the new playing field shall be inspected by an agronomist and verified as fit for purpose and shall be made available for use before the first occupation of the development hereby permitted.”

Environmental Health Officer

- 8.15 A report dated January 2017 prepared by Sound Acoustics has been submitted, based on a noise survey carried out in 2015. The sources of noise are not considered to have changed significantly in the interim. The report evaluates noise sources against published guidelines, and concludes that acceptable internal noise levels can be achieved in the dwellings with the provision of standard double glazed windows and trickle ventilation which will allow windows to be closed for noise attenuation purposes if occupiers choose to do so.

The outdoor noise level at the nearest house to the school playground is predicted to be 51.4 LAeq16hrs daytime. This is single energy averaged figure, within which there will be periods of quiet and relatively short term, fluctuating high level noise such as that from playground use and overflying aircraft. As a continuous averaged noise level, it is slightly above the level when moderate annoyance is likely to occur.

Whilst no mitigation is proposed for outdoor noise, nor can it be provided for overflying aircraft, it is recommended that a barrier, for example in the form of a close boarded fence, is provided along the playground boundary to afford future residents more acceptable levels of noise in outdoor areas during break times. This can be secured by condition.

The site is previously undeveloped and there are no sources of significant contamination close by. A phase 1 site assessment report prepared by Richard Jackson has been submitted and concludes that remediation of the site is not required, and the findings are accepted.

Landscape Officer

- 8.16 The landscaping details are acceptable.

9. REPRESENTATIONS

- 9.1 The application was publicised by sending 21 letters to adjoining occupiers, displaying of a site notice and advertising it within the local newspaper. 282 letters of representation have been received, including 11 letters of support.

- 9.2 271 letters of objection raising the following issues:

- Increased flooding
- Highway issues
- Inaccuracies in plans
- Inappropriate access
- No significant changes to plans
- Loss of school facilities
- Replacements not wanted by school
- No legal agreement
- 2m wide footpath can't be provided as shown
- Safety of children
- Loss of Forest School
- School has Gold and Platinum Games Mark Award
- Should be retained as common land for wildlife
- Impact on Sages retirement accommodation would be unacceptable

- Plot 21 will affect natural light to my house
- Replacement playing fields separated by beech hedge
- Persimmon have a lack of finesse when completing a site. Left a lot unfinished in Haileswood. Commitment to high standards and completion appears to be sadly lacking

9.3 11 letters of support raising the following issues:

- Sensible development
- Beneficial to school
- Environmentally sensitive
- Good use of low grade farmland to provide housing
- Benefit to village
- Need better and continued access as currently dangerous sometimes
- Should be allowed as part of Uttlesford's commitment to nation's housing needs

9.4 In addition, two letters have been received from Henham and Ugley Primary and Nursery School, one from the Head Teacher and one from the Governors, raising the following issues:

- Existing facilities continue to meet our needs
- Proposed new access will allow cars past entrance to school
- Increased safety risk to pedestrians, especially children
- Drop-off car park is undesirable
- Turning area for HGVs and school bus still unresolved
- 2m wide footpath cannot be provided
- Noise and disturbance to children during construction period
- School makes full use of playing field – first primary school in area to be awarded Gold Games Mark Award. Recently awarded Platinum Games Mark Award
- Sports field allows school to maximize the effectiveness of the Sports Premium available from Government
- Timetable for provision of new playing field would leave the school with deficient space
- No legal agreement for playing fields or staff car park
- Loss of Forest School
- Car park would be out of sight of school office – security issues

10. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (ULP Policies S7, LC4, ENV5; NPPF)
- B Housing mix and affordable housing (ULP Policies H9, H10; NPPF)
- C Design and residential amenity (ULP Policy GEN2; NPPF)
- D Vehicular access and parking (ULP Policies GEN1, GEN8; NPPF)
- E Flood risk and drainage (ULP Policy GEN3; NPPF)
- F Impact on ecology and hedgerows (ULP Policies GEN7, ENV3, ENV8; NPPF)

A Principle of development (ULP Policies S7, LC4, ENV5; NPPF)

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 set out the requirement that

applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material planning consideration which sets out a presumption in favour of sustainable development.

- 10.2 The application site is located outside the development limits and in an area where rural restraint policy, as set out in Policy S7 applies. This policy seeks to protect the rural area from inappropriate development and permission will only be given for development which is appropriate to the rural area or needs to take place there. Permission will only be given for development which protects or enhances the character of the countryside in which it is set or there are special reasons why the development needs to be there. The proposal relates to a form of development which is inappropriate in a rural area and which does not need to take place there. The proposal is therefore contrary to Policy S7. A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas.
- 10.3 The NPPF sets out a presumption in favour of sustainable development. This presumption is increased where there is no 5 year land supply for housing. In this regard, the most recent housing trajectory identifies that the Council has a 3.7 or 4.2 year land supply depending on the scenario used to calculate the supply. The Council considers that it is a 5% buffer authority and that there has not been a persistent under-supply of housing delivery.
- 10.4 Given the tilted balance towards sustainable development in areas where there is no 5 year land supply it is necessary to consider whether this proposal would comply with the criteria of sustainable development, as set out in paragraph 7 of the NPPF.
- 10.5 Economic: The proposal would deliver an economic role with the potential to create some local employment during the construction period. In addition, the increase in population would be able to support the facilities in the village of Henham.
- 10.6 Social: The proposal would deliver 36 additional dwellings in the village of Henham, contributing towards the supply of local housing. In addition, the proposal includes the provision of 40% affordable housing. This would have some weight in favour of the positive contribution the proposal could make in these regards.
- 10.7 Henham has a primary school with forms part of the application site. In addition, there is a village shop and a pub and there is a regular bus service between Stansted Airport and Bishop's Stortford. Henham is in fairly close proximity to Elsenham which has a train station providing mainline services to London Liverpool Street and Cambridge as well as Stansted Airport.
- 10.8 Whilst the facilities within the village and the public transport provision are unlikely to meet the demands of residents to fulfil their daily requirements, they do offer the opportunity for alternative means of accessing services and facilities. In terms of the rural nature of the District, the facilities and public transport options are relatively good and can offer alternative means.
- 10.9 The proposals also incorporate additional facilities for the local primary school. It is acknowledged that the application results in the loss of existing school facilities,

including part of the playing fields. However, it should be noted that the western section of the school land is currently leased by the school and the agreement could be terminated at any time, although as things currently stand it is due to expire in 2024. The application would result in the creation of a new area of playing field which would be transferred to the local education authority/primary school as a requirement secured by way of a s106 Legal Obligation. This would ensure the land associated with the school can be safeguarded. Therefore, it is considered that the proposals would deliver a social role.

- 10.10 Environmental: The application sits between existing residential development and Henham and Ugley Primary School. There is open farmland to the south of the site. School Lane provides vehicular access to the site, although this currently terminates at the entrance to the school. Vehicular access will be discussed in more detail in section D below. In terms of its location the site can be considered as a substantial area surrounded on three sides by existing development and therefore any development of the site would be contained and seen against the backdrop of existing development. As such it is not considered that the proposals would give rise to substantial harm in terms of environmental impact.
- 10.11 There would be some impacts on ecology, which will be discussed in section F below. However, these impacts can be mitigated and therefore it is considered that the proposals can deliver in respect of an environmental role. Overall the proposals comply with the requirements of sustainable development as set out in the NPPF. The weight to be given towards sustainable development would outweigh the policy objection as set out in Policy S7 given its partial incompatibility with the NPPF.
- 10.12 The proposal also includes the provision of a new school playing field. This is to replace the area of land which would be lost as a result of the development. As discussed above, the area of land on the western side of the school is currently rented and therefore is not guaranteed to remain available for the school in the future. The benefit of this proposal is that an additional area of land can be provided to include a new sports pitch. This would be transferred to Essex County Council, secured by way of a s106 Legal Obligation, and will ensure the long-term future of the sports facilities for the school. Despite the concerns raised in the representation letters, Essex County Council has confirmed that they are willing to enter into a s106 Legal Obligation to secure the delivery of the replacement playing fields, and the school car park.
- 10.13 The proposals have been assessed by Sport England who raises no objections subject to there being no work carried out on the existing playing field until the replacement has been provided. Officers have concerns with regards to the timing as set out in the suggested condition which requires the replacement to be made available for use before first occupation. Officers are of the view that for the scheme to be acceptable the replacement playing field must be provided and transferred to Essex County Council prior to the commencement of development on the residential scheme. Subject to this proviso being secured by way of s106 Legal Obligation, this element of the proposals relates an appropriate form of development in the countryside and would be a material planning consideration in favour of the proposed development. The proposals therefore comply with Policy LC4.
- 10.14 The proposal would result in the loss of 1.2ha of scrubland which has been tested to confirm the grading the ground would have under the agricultural land classification system. It has been confirmed that the land would comprise of

Grade 3b land, which is the lowest designation within the Uttlesford District. Whilst the loss of agricultural land is regrettable, there are insufficient brownfield sites within the district to provide for the delivery of the housing needs. Therefore, it is considered that the loss of the low-grade agricultural land would be appropriate and in accordance with Policy ENV5.

- 10.15 The Inspector considered the impacts of the proposals on the character of the landscape. They considered that an appropriate landscaping scheme could be secured by way of condition. The pattern of the proposed development reflects existing patterns of development. They did not consider that the proposal would result in material harm to the area abutting the built edge of the village. Impacts would be localised.
- 10.16 Paragraph 73 of the Inspector's decision states that, "*New residential development of both market housing and affordable housing would assist both the social and economic functions of the settlement, by providing both employment opportunities during the construction period as well as spending in the local economy. I attach significant weight to these factors and see no support at either national or local level to the position advanced by the Parish Council that these factors should only be given weight if the local facilities where the settlement is located are on the verge of closure. The proposals would also provide for a larger replacement sports pitch provision. This would extend the size of the school's existing playing field provision by some margin. I attach moderate weight to this factor in favour of the appeal proposals.*" The Inspector then concluded that the proposals complied with paragraph 14 of the NPPF and there were no adverse impacts that would significantly and demonstrably outweigh the benefits.

B Housing mix and affordable housing (ULP Policies H9, H10; NPPF)

- 10.17 The proposal relates to the erection of 36 dwellings with a mix of two and three bedroom units. This would include 40% affordable dwelling units. Two bungalows are also included in the development. The affordable housing mix would be 9 two bedroom units and 5 three bedroom units. The proposed mix is considered acceptable and the affordable housing can be secured by way of a S106 Legal Obligation.

C Design and residential amenity (ULP Policy GEN2)

- 10.18 The proposed development has been set out with the proposed residential development contained in the area to the south and east of Vernons Close. The layout respects the relationship with the adjacent existing residential development. The only issue arising is the relationship between plot 27 and 19 Vernons Close. This proposed dwelling is only 10m from the boundary at the closest point and 20m from the rear elevation of 19 Vernons Close at the closest point. However, this isn't a direct back to back relationship and this is not considered to be so significant as to warrant a refusal of the application.
- 10.19 Concern has been raised in the representations with regards to the relationship between plot 21 and a property located in Vernons Close. It is acknowledged that this property would be located approximately 2m from the boundary. However, it would be located approximately 17m from the rear elevation of the property in Vernons Close. Therefore, it is considered that the proposals would not result in loss of residential amenity to the occupiers of that property.

- 10.20 The proposed dwellings have the required amenity space as set out in the Essex Design Guide. The table below sets out the garden sizes of the individual plots, and the parking provision for each dwelling.

Plot	Beds	Garden size	Parking provision	Plot	Beds	Garden size	Parking provision
1	3 (AH)	104	2	19	3	103	2
2	3 (AH)	104	2	20	3	117	2
3	2 (AH)	62	2	21	3	106	2
4	2 (AH)	76	2	22	3	110	2
5	3 (AH)	111	2	23	3	112	2
6	3 (AH)	127	2	24	3	123	2
7	3	117	2	25	3	121	2
8	3	9102	2	26	3	114	2
9	3	103	2	27	3	101	2
10	3 (AH)	120	2	28	3	100	2
11	2	73	2	29	3	104	2
12	2 (AH)	86	2	30	2	63	2
13	2 (AH)	88	2	31	2	50	2
14	2 (AH)	50	2	32	2 (AH)	51	2
15	2 (AH)	51	2	33	2 (AH)	68	2
16	2 (AH)	51	2	34	3	100	2
17	3	102	2	35	2	58	2
18	3	101	2	36	2	77	2

- 10.21 The scale and design of the proposed dwellings is considered appropriate for this edge of settlement location. The dwellings would all be two storey, with the exception of the two bungalows. It is proposed to use a mix palette of materials including red brick, buff brick, weatherboarding and render. The use of render is being proposed for the most visible dwellings within the development at the junctions of the estate. Weatherboarding is proposed for the porches to one property type. Materials can be controlled by condition if planning permission is granted.

D Vehicular access and parking (ULP Policies GEN1, GEN8; NPPF)

- 10.22 School Lane currently terminates at the entrance to the primary school. Sages and Pimblett Row are served by School Lane. The school does not have any official pickup/drop off points and parking in the area around school start and finish times is often very bad with vehicles parked along Mill Road as well as around the school.
- 10.23 The proposals would result in the school being located on a through road to a new development. Many of the representations raise concern about the safety of children at the primary school. The issue of highway safety, in particular the safety of children outside the school, was considered as part of the appeal in respect of the previous application. The Inspector concluded that, "*The proposals would cause no material harm in terms of highways safety.*"
- 10.24 Significant concern has been raised with regards to the 2m wide footway that is required to be provided outside the school. The footpath currently narrows where the hedge line runs adjacent to the Caretakers House. Representations state that the footpath cannot be widened because of this aspect. However, ECC Highways

has stated that due to the land being within the application site and under the control of ECC it should be deliverable.

- 10.25 The proposals would result in the creation of a 10 space car park to provide a pickup/drop off point for parents. This would help to alleviate some of the parking pressures within the vicinity of the school. School Lane can accommodate the additional traffic arising as a result of the proposals and residents of the new development are unlikely to be attempting to access the school by car given the close proximity of the school. Therefore, subject to the appropriate highway design criteria being met it is not considered that there are sufficient grounds on which to refuse the proposals in relation to highway safety.
- 10.26 The issue of parking was discussed at the appeal in respect of the previous school. The Inspector considered that it would provide dedicated parking away from the public highway which is currently not available for parents or carers. However, they considered that they could not conclude that the car park would act as a 'significant draw'. They also stated that they were "unable to agree that the car park would make the existing situation considerably worse or would cause material harm in terms of highway safety."
- 10.27 It is noted that the drop-off car park is a facility that is not desired by Essex County Council Education Department or the school. ECC has confirmed that they are not prepared to enter into a s106 Legal Obligation to take over ownership of this drop-off area. Persimmon has confirmed that they would provide a maintenance company to maintain the car park and make it available for use by parents.
- 10.28 A further car park providing 14 spaces would be provided for the use of the school. This would be located within the proposed extended school grounds and would be fenced off from the school playing fields. Maximum parking standards apply for commercial uses, including educational facilities and therefore the level of parking provision is considered appropriate and in accordance with Policy GEN8.
- 10.29 Concern has been raised by the school regarding security issues associated with the car park. The area would be inside a 1.8m chain link fence with gates which can be closed and locked during the day or when the school is unoccupied. Therefore, it is not considered that the car parking area would give rise to significant security concerns to warrant refusal of the application.
- 10.30 The Council's adopted parking standards require the provision of two spaces per dwelling up to 4 bedrooms. All the proposed properties would be 2 or 3 bedroom dwellings and each would have 2 car parking spaces or the adopted size of 5.5m x 2.9m.
- 10.31 There is an additional requirement to provide 0.25 spaces per dwelling for visitor parking. This would equate to a requirement for 9 spaces and these are provided throughout the site. The proposals therefore comply with Policy GEN8.

E Flood risk and drainage (ULP Policy GEN3; NPPF)

- 10.32 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within Flood Zone 1, therefore is a site with the lowest risk of flooding (more than 1 in 1000 years).

- 10.33 A Flood Risk Assessment has been submitted with the planning application. This acknowledges the requirement to provide a drainage scheme which provides attenuation up to and including the 1 in 100 year plus 40% for the Climate Change storm event for the site. It is proposed that the attenuation will consist of tanked porous pavements, over-sized sewers and a balancing pond. The attenuation facilities will attenuate surface water run-off from roofs, car parks and access road. This will subsequently be discharged to the existing natural ditch located southwest of the development site.
- 10.34 The proposals have been considered by the Local Lead Flood Authority who originally raised an objection to the proposals. Additional information and the planning application for the balancing pond have been submitted. The LLFA is now satisfied that the proposals would not increase the risk of flooding off-site and the proposals comply with Policy GEN3 and the NPPF.

F Impact on ecology and hedgerows (ULP Policies GEN7, ENV3, ENV8; NPPF)

- 10.35 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. In addition, Policy ENV3 requires the protection of groups of trees unless the need for development outweighs their amenity value. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. Mitigation measures are required to compensate for the harm and reinstate the nature conservation value of the locality.
- 10.36 The application site is made up of two different areas. The smaller part of the site forms part of the school grounds and is currently used as playing fields. This is partially sub-divided from the school by a Leylandii hedge. There is a further hedgerow along the western and southern boundaries of the school. These areas of hedging would be removed as a result of the proposed development.
- 10.37 The loss of the Leylandii hedging would not give rise to any significant concerns, other than the potential for the presence of nesting birds. However, mitigation measures such as the timing of clearance works would ensure that no significant adverse harm would arise from the proposals with respect of this element of hedging.
- 10.38 The loss of the western and southern boundary hedges raises further ecological concerns. These two hedgerows are linear features which could provide suitable habitats or feeding areas for various species. The trees are assessed as being a line of immature/semi-mature deciduous trees. Most of the trees do not exhibit features which can be used by roosting bats. However, there are two mature oaks and a grey willow beyond the south western corner boundary of the site which do provide low-moderate bat roosting potential.
- 10.39 The grassland does provide a suitable habitat for reptiles and a discrete population has been identified within the site. Reptiles are protected species and therefore mitigation measures would need to be incorporated into the scheme. The mitigation proposed is the translocation of the reptiles to a site known as Oak Meadows in Rayne.
- 10.40 The mitigation measures have been considered by the County Ecologist. Subject to a suitable site being located for the reptiles no objections are raised to the

proposals subject to the mitigation works being carried out and a Landscape and Ecological Management Plan being put in place. This can be secured by the way of s106 Legal Obligation and/or conditions and therefore it is considered that the proposals comply with the relevant policies.

G Other material planning considerations

10.41 The proposal would result in additional pressures on primary school and Early Years and Childcare provision within the vicinity. This can be mitigated by the means of a financial contribution to increase provision. This form of mitigation has been requested by ECC as the appropriate means of mitigation and this can be secured by the way of S106 Legal Obligation.

10.42 The Parish Council has objected strongly on the basis that no legal agreement has been submitted with the application to demonstrate that the affordable housing and the replacement playing fields. Given the failure of the applicant to prepare an appropriate agreement themselves at appeal stage resulting in the Inspector dismissing the appeal on this point alone this is probably most appropriate. The Local Authority is best placed to produce a s106 Legal Obligation and is able to secure the appropriate requirements and ensure that timings and triggers are set. Negotiations are ongoing with regards to the s106 contents which the applicant is willing to enter into. ECC has also confirmed that they are willing to enter into a s106 Legal Obligation in respect of the replacement school playing fields and staff car park. On this basis, it is considered that the current proposals, subject to the successful conclusion of the s106 negotiations, have overcome the only reason for the appeal being dismissed.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

A As previously concluded by the Inspector, the development of this site represents sustainable development, particularly given the tilted balance given the lack of a 5 year land supply for housing. There would not be significant harm to the character of the rural area. The loss of agricultural land would be Grade 3b which is the lowest grade of land within the Uttlesford District. There are insufficient brownfield sites in the district to deliver the housing requirements. Whilst the proposals would result in the loss of playing fields replacement facilities are proposed and can be secured by way of a s106 Legal Obligation. The proposals comply with the relevant policies.

B The proposals comply with policies H9 and H10 relating to housing mix and affordable housing.

C Within the development the proposals would not give rise to loss of residential amenity. No significant adverse loss of amenity issues will arise in respect of the relationship of the development with existing properties.

D The proposed access is considered to be acceptable. The widening of the footpath is envisaged as being deliverable. The parking provision is acceptable for both the school and the residential units. The drop-off car park is an element of concern with ECC and the school not wishing to take control of the facility. The Inspector previously considered that it was acceptable and Persimmon is prepared to control this. However, it isn't fundamental to the scheme and the proposals comply with Policies GEN1 and GEN8.

- E** The proposal would not give rise to flooding issues and complies with Policy GEN3.
- F** The proposals would have impacts on reptiles and mitigation is proposed by the translocation to Rayne. This can be secured by way of a s106 Legal Obligation and/or conditions. The proposals comply with Policy GEN7.
- G** Essex County Council has confirmed that they will enter into a s106 Legal Obligation relating to the provision of replacement playing fields and the new staff car park.

RECOMMENDATION – CONDITIONAL APPROVAL AND S106 LEGAL OBLIGATION

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 18 May 2018 the freehold owner enters into a binding obligation to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:**
 - (i) Provision of affordable housing**
 - (ii) Provision and maintenance of open space**
 - (iii) Maintenance of SuDS**
 - (iv) Provision of replacement playing fields and transfer of land to education authority**
 - (v) Translocation of reptiles**
 - (vi) Payment of financial contributions for education**
 - (vii) Bus stop improvements**
 - (viii) Pay the Council's reasonable legal costs**
 - (ix) Pay the monitoring fee**
- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**
- (III) If the freehold owner shall fail to enter into such an obligation the Director of Public Services shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**
 - (i) No provision of affordable housing**
 - (ii) No provision and maintenance of open space**
 - (iii) No maintenance of SuDS**
 - (iv) No provision of replacement playing fields and transfer of land to education authority**
 - (v) No translocation of reptiles.**
 - (vi) No payment of financial contributions for education**
 - (vii) No bus stop improvements**

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. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- i. proposed finished levels or contours;
- ii. hard surfacing materials;
- iii. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- iv. Replacement boundary hedgerows, incorporating native species

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. No development shall take place until the footways along the proposed extension of School Lane adjacent to the school site have been widened to a minimum width of 2m. For the avoidance of doubt the widened footway shall include full depth construction/reconstruction of the existing footway adjacent to the school site and surfacing of the entire width of the footway to the satisfaction of the local planning authority.

REASON: In the interests of highway safety in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

JUSTIFICATION: This pre-commencement condition is required to ensure the

safety of pedestrians accessing the school and failure to do so prior to development could result in increased highway dangers.

6. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

7. Prior to the commencement of the development hereby permitted, details of the scheme of design and sound insulation to achieve the internal noise levels recommended in British Standard 8233:2014, and for individual noise events to not normally exceed 45 dBLA max, shall be submitted to and approved in writing by the local planning authority. If the internal noise limits can only be achieved with closed windows then alternative means of both whole dwelling and purge ventilation shall be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

REASON: In the interests of residential amenity of the future occupiers of the properties, in accordance with Uttlesford Local Plan Policies GEN2 and ENV11 (adopted 2005) and the NPPF.

JUSTIFICATION: Failure to provide this information before the commencement of the development could result in the erection of dwellings that do not provide suitable sound insulation and/or ventilation measures.

8. Prior to the commencement of the development hereby permitted, details of a barrier to protect future occupiers from noise from the adjacent playground in the outdoor amenity areas shall be submitted to and approved in writing by the local planning authority. Details shall include the position, design, height and materials of the barrier proposed. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

REASON: In the interests of residential amenity of the future occupiers of the properties, in accordance with Uttlesford Local Plan Policies GEN2 and ENV11 (adopted 2005) and the NPPF.

JUSTIFICATION: Failure to provide this information before the commencement of the development could result in the erection of dwellings that do not provide suitable residential amenity for occupiers.

9. No development comprising Phase 3, 4 or 5A or 5B as set out in the Planning Statement and drawing no's PH-120-020A, 021A, 022A, 023A, 024A, 025A, shall take place unless the new playing field has been provided in accordance with drawing no. PH-120-002 Sept 2016 Rev I (illustrating the removal of the existing hedge along the southern periphery of the existing playing field) and in accordance with the construction works recommended in the Report on Replacement Sports Turf Provision and Sport England's design guidance note 'Natural Turf for Sport', 2011. On completion the new playing field shall be inspected by an independent qualified agronomist and verified as fit for purpose in

writing to the local planning authority. Subsequently, the playing field shall be made available for use by Henham and Ugley Primary and Nursery School before work commences on phases 3, 4, 5A or 5B of the development hereby permitted.

REASON: To ensure adequate playing field facilities are available for the school in accordance with Uttlesford Local Plan Policy LC1 (adopted 2005) and the NPPF.

10. No shrubs or trees shall be planted such that their location, roots or canopies will limit the usable area of retained and new playing field

REASON: To ensure new tree planting does not damage, shade or increase maintenance of sports pitches or limit the area of playing field capable of providing sports pitches, in accordance with Uttlesford Local Plan Policy LC1 (adopted 2005) and the NPPF.

11. Unless otherwise agreed in advance and in writing by the local planning authority after consultation with Sport England, the playing field shall not be used other than for outdoor sport and play.

REASON: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches, in accordance with Uttlesford Local Plan Policy LC1 (adopted 2005) and the NPPF.

12. All ecological measures and/or works shall be carried out in accordance with the details contained in Ecological Assessment (Southern Ecological Solutions, September 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: In the interests of conserving biodiversity, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

13. No development shall take place, including demolition, ground works and vegetation clearance until the reptile mitigation and translocation has been implemented in full on the development site, as detailed in the Ecological Assessment point 5.43 (Southern Ecological Solutions, September 2017). This is likely to 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 allow the local planning authority to discharge its duties under the Wildlife and Countryside Act 1981 as amended and under s40 of the NERC Act 2006 (Priority habitats and species) and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

14. A biodiversity management and monitoring plan (BMMP) shall be submitted to, and be approved in writing by, the local planning authority within three months of commencement of Phase 1 of the development hereby permitted. The content of the BMMP 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 of the population and remedial measures

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

REASON: In the interests of conserving biodiversity, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

15. A Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the local planning authority within three months of commencement of Phase 1 of the development hereby permitted. The content of the BMP 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 BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objections of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of conserving biodiversity, in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

16. No works 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 in 1 year greenfield rate 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.
- 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 CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment

JUSTIFICATION: 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.

17. 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 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

JUSTIFICATION: 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.

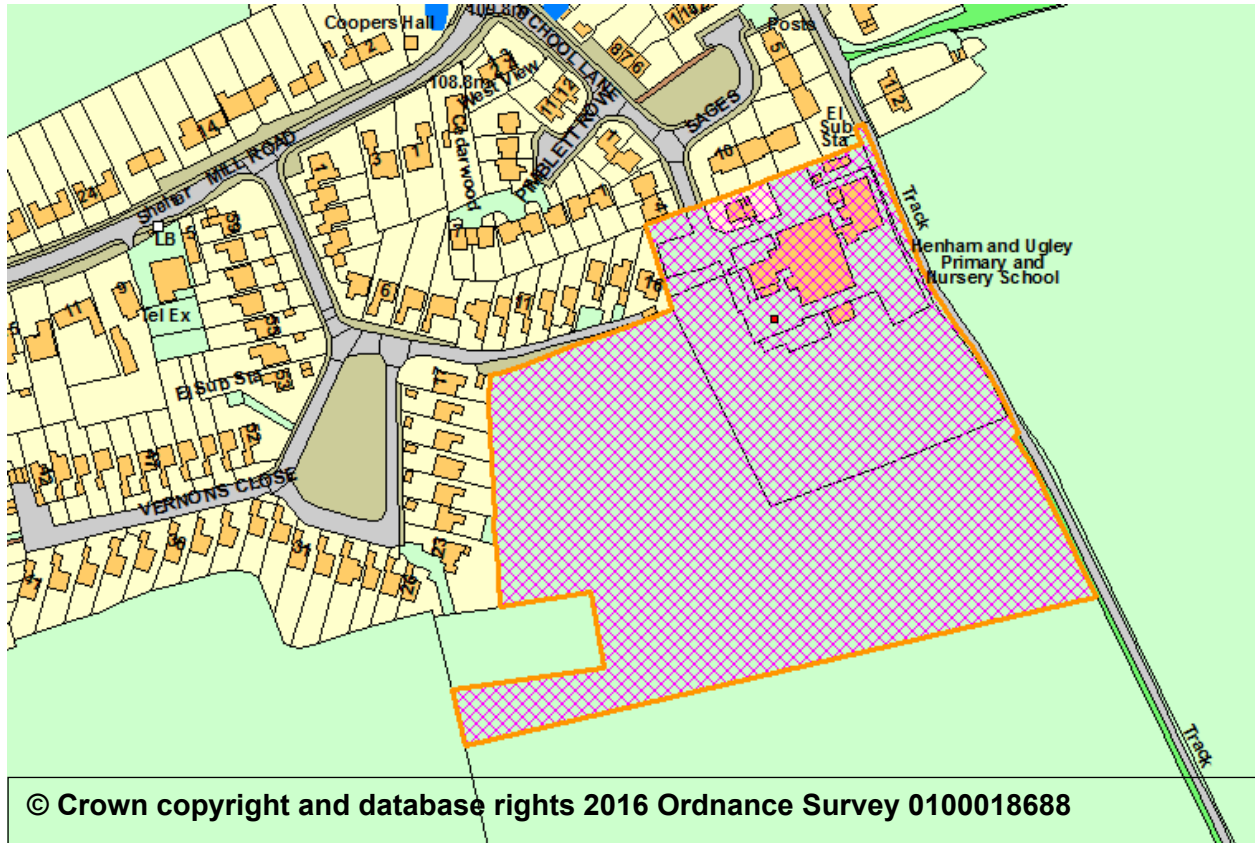
18. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. 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.

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

Application: UTT/17/3197/FUL

Address: Land South of School Lane, Henham



Organisation: Uttlesford District Council
Department: Planning
Date: 2 March 2018