



**ITEM NUMBER: 6**

**PLANNING COMMITTEE 25 October 2023**  
**DATE:**

**REFERENCE NUMBER: UTT/22/1261/FUL**

**LOCATION: Land to the West of Mill Lane Hatfield Heath**

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council

Date: 22<sup>nd</sup> August 2023

**PROPOSAL:** The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path.

**APPLICANT:** Mr W. I Bampton

**AGENT:** Miss Hannah Wallis

**EXPIRY DATE:** 22.08.2022

**EOT EXPIRY DATE:** 31.10.2023

**CASE OFFICER:** Mark Sawyers

**NOTATION:** Outside Development Limits  
Metropolitan Green Belt  
Locally Listed Buildings

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

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## **1. EXECUTIVE SUMMARY**

**1.1** This application was submitted on the 23.05.2022 for the following proposal: *“The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 5 no. single storey dwellings and 5 no. terraced cottages.”*

**1.2** During the determination period of this application, it was deemed that elements of the application infringed upon the openness of the Metropolitan Green Belt and that the principle of development was unacceptable, as well as concerns being raised with regards to the impact on the Local Highway.

**1.3** Subsequently, the application was amended and subject to a fresh round of re-consultation for 21 days. As such, this is the subject application that will be treated for this planning committee.

- 1.4 The revised scheme is described as *“The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path.”*

## 2. **RECOMMENDATION**

That the Strategic 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 Section 106 Agreement in accordance with the Heads of Terms as set out; and
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Strategic Director of Planning shall be authorised to **REFUSE** permission at their discretion at any time thereafter.

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

- 3.1 The site is located on land west of Mill Lane, Hatfield Heath. It is on the north-west edge of Hatfield Heath and has existing residential development located to the west, south and east and a commercial site to the north.
- 3.2 The site is characterised by a large number of rectangular single-storey buildings and a four-storey water tower arranged around an area of hardstanding, a further informal cluster of buildings and wooded areas. There is currently no public access through the site, although PROW 297-9 runs adjacent to the eastern boundary of the site.
- 3.3 Existing access to the site is via two points from Mill Lane. The first, which serves the southern portion of the site, is just north of the property known as the Hollies at the point where Mill Lane doglegs east. The other is via the northernmost extent of Mill Lane providing the existing access to Greenways Eggs. Mill Lane connects with Stortford Road (A1060), the main road through the village.

## 4. **PROPOSAL**

- 4.1 This full application proposal relates to the demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings.



- 4.2 The proposal also seeks the creation of a pedestrian and cycle link path to link with the existing residential development within 'Home Pastures' to the east of the site.

## 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**

Reference	Proposal	Decision
UTT/16/3697/FUL	Demolition of existing buildings and the development of 40 new dwellings and associated infrastructure.	Withdrawn
UTT/17/2499/FUL	Demolition of existing buildings and the development of 26 new dwellings and associated infrastructure	Non-Determination
UTT/18/0747/ACV	Application to register as asset of community value	Asset Community Value Not Listed

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

- 7.1 The applicant has undertaken the following pre app advice and community consultation:

- UTT/14/3335/PA: Pre-application advice for the construction of 10-15 dwelling houses on the former POW camp, Mill Lane Hatfield Heath. This related to only the front part of the site and concluded that *“the principle of the proposed development appears to be acceptable in terms of green belt subject to it not having a greater material impact than that of the existing development.”*
- UTT/17/1138/PA: Following the withdrawal of UTT/16/3697/FUL a series of pre-application meetings were undertaken between the applicant and the planning officer to determine the most sensitive distribution of development across the site in terms of protecting / improving the openness of the Green Belt. These agreed principles underpinned the layout, scale and massing of the subsequent application - UTT/17/2499/FUL.
- On the 22nd of October 2021 a meeting was had with the Parish Council.

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

- 8.1 **Highway Authority – No Objection subject to conditions**

- 8.1.1
- The Highway Authorities consultee response can be found in Appendix 1 of this report.

#### 8.4 **Local Flood Authority - No Objection subject to conditions**

- 8.4.1
- The Lead Local Flood Authorities (SuDS) consultee response can be found in Appendix 2 of this report.

### 9. **PARISH COUNCIL COMMENTS**

- 9.1
- Isolated site.
  - No footway for Mill Lane.
  - Dangerous on foot.
  - Unacceptable traffic situation.
  - No footway for Mill Lane in the plan.
  - Traffic flow figures have been massaged.
  - Articulated lorries use the lane.
  - 10mph limit and road name signs have been damaged and/or destroyed.
  - The number of houses in the road has doubled (all legitimately approved through the LPA).
  - This proposal would be a further major increase.
  - An independent survey (Advanced Transportation Research under order number Q17884) carried out between 12th June to 19th June 2018 inclusive revealed 1102trips were made, 654 due to Greenways and 448 for the 13 modest size houses in Mill Lane (34.5 per household).
  - Since our survey, a major automotive sales and servicing business has been created immediately adjacent to Camp Farm, that receives a large number of visits (including low loaders which are NOT escorted onto the site).
  - A recent approval by the LPA to expand Hatfield Haven will have a further major impact on parking in and around the area.
  - Mill Lane is already completely overloaded.
  - This development is not sustainable.
  - Questioning the ownership of Mill Lane

#### Additional objections as of the 6<sup>th</sup> October 2023

- Having in August claimed that the existing footpath would be 'retained', the applicant has resurrected the 3m wide paved roadway to replace it and taken away the existing concrete bollards designed to prevent vehicular traffic.
- The basic fact is that FP 21 is a FOOTPATH/PROW and not a roadway and an ill-concealed attempt to introduce a 'second entrance' to Mill Lane.
- The existing bollards are there to prevent it being used as a vehicular and must be retained as should the existing width.
- Widening to 3m would also infringe the green belt at the Mill Lane end.

- The so called 'local widening' of Mill Lane appears to depend on removal of bollards outside 'The Hollies' and other infringements on land owned by other residents, with actually no benefit whatsoever.

## **10. CONSULTEE RESPONSES**

### **10.1 UDC Housing Enabling Officer**

- 10.1.1** As the site is 4.31 hectares there is a policy requirement for 40% affordable housing provision. However, given the location of the site a commuted sum would be preferable.

### **10.2 UDC Environmental Health**

- 10.2.1** No objections subject to the imposition of conditions regarding:
- Submission of a Phase 1 Desk Study Report.
  - Submission of a Noise survey.
  - Construction/Demolition Management Plan.
  - External Lighting.
  - Provision of electric vehicle charging points.

### **10.3 Place Services (Conservation and Heritage)**

- 10.3.1** The conversion and reuse of the huts and water tower are supported in principle, the conservation officer has stated that the proposal will inevitably result in harm to the significance of the non-designated heritage asset.

They have advanced conditions if the local planning authority is mindful to approve.

### **10.4 Place Services (Ecology)**

- 10.4.1** No objections subject to the imposition of conditions regarding:
- Development to be in accordance with the ecology appraisal.
  - Submission of a Natural England Mitigation Licence for Great Crested Newt's.
  - Submission and approval of biodiversity enhancement layout.
  - Submission of a Landscape and Ecological Management Plan.
  - Wildlife Sensitive Lighting Design Scheme.

### **10.5 Place Services (Archaeology)**

- 10.5.1** No objections subject to the imposition of conditions regarding:
- Building recording.
  - Archaeological programme of trial trenching and excavation.

### **10.6 Thames Water**

**10.6.1** With regard to the wastewater network and sewage treatment works infrastructure capacity. Thames Water would not have any objection towards this planning application, based on the information provided.

## **11. REPRESENTATIONS**

**11.1** Site notices were displayed on site and 257 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

### **11.2 Support**

- 11.2.1**
- Access is acceptable
  - Re-use of site should be allowed
  - Buildings will deteriorate and rot further without action
  - SuDS are appropriate
  - Site is considered as a previously developed site
  - Site is sustainable
  - Application is sympathetic to the environment
  - Improvements to the road

### **11.3 Object**

- 11.3.1**
- Site has been identified as a local heritage asset
  - Access to houses is via a road which is too narrow for traffic
  - The road is a designated bridleway
  - No room for pedestrians, horses, cars and trucks to use this road at the same time
  - The proposed new dwellings do not positively contribute towards the character of the village setting.
  - Schools are oversubscribed
  - Surgery is oversubscribed
  - No demand for holiday homes in this area
  - Approval of the proposed holiday homes will undoubtedly lead to the request for permission for these to be converted to permanent homes in the near future.
  - Within Green Belt
  - Outside development limits
  - Increased Traffic
  - Loss of visual amenity
  - Loss of open green spaces
  - No benefit to the community
  - No social housing provision
  - Lack of parking
  - Noise
  - Disruption from building works
  - Loss of trees
  - Impact on wildlife

- Drainage/Flooding
- Loss of privacy
- Overdevelopment
- Air pollution
- Pedestrian access will be blocked to the fields
- No street lights
- Archaeological implications

**11.4 Neutral**

- 11.4.1**
- Not completely against a small development if it is reasonable and sympathetic to the area

**11.5 Comment**

- 11.5.1**
- The required statutory consultations have been made
  - The material consideration 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** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation.

**12.4 The Development Plan**

- 12.4.1 Essex Minerals Local Plan (adopted July 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
- Uttlesford District Local Plan (adopted 2005)
- Felsted Neighbourhood Plan (made February 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 & Little Chesterford Neighbourhood Plan (made February 2023)

**13. POLICY**

**13.1 National Policies**

- 13.1.1 National Planning Policy Framework (2023)

**13.2 Uttlesford District Local Plan 2005**

13.2.1

S6	Metropolitan Green Belt
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H9	Affordable Housing
ENV2	Development affecting Listed Building
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV7	Protection of the Natural Environment
ENV8	Other Landscape Elements of Importance
ENV10	Noise Sensitive Development
ENV12	Groundwater Protection
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

**13.3 State name of relevant Neighbourhood Plan in this title**

- 13.3.1 There is not 'made' Neighbourhood Plan for the area.

**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 playspace  
Supplementary Planning Document – Developer’s contributions  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

**14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of Development**
  - B) Design, Layout, Scale and Appearance**
  - C) Heritage**
  - D) Impact on Neighbours and Amenity**
  - E) Highways Authority and Parking Standards**
  - F) Flood Protection**
  - G) Environmental Health**
  - H) Ecology**
  - I) Accessibility**
  - J) Landscaping**
  - K) Planning Balance**

**14.3 A) Principle of Development**

**14.3.1** The site is located outside the defined Development Limits of Hatfield Heath within the Metropolitan Green Belt (Policy S6) as defined within the Uttlesford Local Plan (2005) which states that development will only be permitted if it accords with national policy on Green Belts. Any development should preserve the openness or permanence of the greenbelt, and its scale, design and siting should be such that the character of the countryside is not harmed.

**14.3.2** Further to the demolition of 10 no. existing structures, the proposal also seeks the re-development of the site, comprising of:

- The conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages.
- The conversion of 1 no. dwelling.
- The construction of 3 no. single storey dwellings.
- The creation of a pedestrian and cycle link path.
- All related works inc landscaping and infrastructure

**14.3.3** The National Planning Policy Framework (NPPF 2023) applies a presumption in favour of sustainable development. Development will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

**14.3.4** In any case, paragraph 80 of the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. In this regard, housing site should be within or adjacent to existing settlements to prevent sporadic development in the countryside.

**14.3.5** The National Planning Policy Framework is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

*“Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

*a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*

*b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*  
*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*



- 14.3.6** Paragraph 49 of the National Planning Policy Framework confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 14.3.7** Paragraph 137 of the National Planning Policy Framework states that: *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*
- 14.3.8** Paragraph 138 states that: *“the five purposes of the Green Belt are:*  
*a) to check the unrestricted sprawl of large built-up areas;*  
*b) to prevent neighbouring towns merging into one another;*  
*c) to assist in safeguarding the countryside from encroachment;*  
*d) to preserve the setting and special character of historic towns;*  
*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 14.3.9** Paragraph 148 states that: *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 14.3.10** Paragraph 149 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*  
*a) buildings for agriculture and forestry;*  
*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*  
*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*  
*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*  
*e) limited infilling in villages;*  
*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);*  
*and*  
*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

**14.3.11** Sustainable Development:

There is a presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent.

**14.3.12** The Countryside:

The application site is outside defined development limits and is therefore deemed to be in the countryside and in this applications case, located within the Metropolitan Green Belt.

Policy S6 of the Uttlesford Local Plan states that “*development compatible with the countryside setting and purposes of the Green Belt will be permitted within these boundaries.*”

**14.3.13** Uttlesford Local Plan Policy S6 takes a protective approach to development within the Green Belt, this is reflected in the NPPF’s stance in protecting the Green Belt. The aim to protect the Green Belt from inappropriate development remains entirely relevant and consistent with the NPPF in recognising the Green Belts role in preventing urban sprawl by keeping land permanently open.

**14.3.14**

Paragraph 137	-	The development does not seek to <i>prevent urban sprawl, however it does intend to restore the buildings and to keep the land permanently open.</i>
Paragraph 138	-	Part of the proposal concerns the conversion and restoration of existing buildings. The proposed new buildings are required to fund the development.
Paragraph 147	-	The restoration of non-designated heritages assets could be considered to be very special circumstances.
Paragraph 148	-	
Paragraph 149	-	The siting of the new dwellings could be considered to be on previously developed land and is required in order to offset the costs of restoration works.

**14.3.15** ***Applying policy S6 tests in conjunction with paragraph 8 of the NPPF for the Commercial Development (Holiday Lets):***

**14.3.16** Economic objective:

The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and

suppliers of materials, and post-construction via reasonable use of local services.

**14.3.17** Social objective:

The site is in close proximity to Hatfield Heath where there are a number of shops, services and bus stops.

**14.3.18** Environmental objective:

The proposal seeks to make more efficient use of the land, it provides a number of biodiversity gains, however the Local Planning Authorities Historic Environment Advisor has raised concerns regarding the loss to the historic environment.

**14.3.19** ***Applying policy S6 tests in conjunction with paragraph 8 of the NPPF for the Residential Development:***

**14.3.20** Economic objective:

The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

**14.3.21** Social objective:

For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is located to the north west of Hatfield Heath, and as such, although not ideally positioned, it is not isolated. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. The agent has advanced a number of circumstances in to address this, therefore paragraph 80 is not applicable on this occasion

**14.3.22** For the 'proximity to services' the location is not considered to be inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities are available within the village of Hatfield Heath. Although the new dwelling would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making. It is noted that there are a number of bus stops located within the vicinity of the site. These stops are:

**14.3.23** 2 no. Bus stops (Hatfield Heath, The Thatchers) approximately 645m away by road.

There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford as of (1<sup>st</sup> Aug 2022) Monday-Saturday.

**14.3.24** 2 no. Bus stops (Hatfield Heath, Mill Lane) approximately 965m away by road.

There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford as of (1<sup>st</sup> Aug 2022) Monday-Saturday.

**14.3.25** 3 no. Bus stops (Hatfield Heath, The White Horse) approximately 1100m away by road.

There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford as of (1<sup>st</sup> Aug 2022) Monday-Saturday.

There are regular buses (between the hours of 6am – 6:45pm) that run between Harlow - Chelmsford as of (3<sup>rd</sup> Sept 2023) Monday-Friday.

There is also a reduced service on a Sunday between 9:15am – 7:15pm.

**14.3.26** Therefore, the proposal accords with paragraphs 104, 110(a) of the NPPF and policy GEN1(e).

**14.3.27** Environmental objective:

The proposal seeks to make more efficient use of the land. The proposal provides a number of biodiversity gains, however the Local Planning Authorities Historic Environment Advisor has raised concerns regarding the loss to the historic environment.

**14.4 B) Design, Layout, Scale and Appearance**

**14.4.1** Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

**14.4.2** Strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.

**14.4.3** The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

**14.4.4** The second criterion is that the development should safeguard important environmental features in its setting.

**14.4.5** The application proposes the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages along with 1 no. new dwelling.

**14.4.6** The proposal also seeks the construction of 3 no. single storey dwellings along with the creation of a pedestrian and cycle link path.

**14.4.7**

<b>Plot no.</b>	<b>Ground floor footprint (m2)</b>	<b>Eaves height (m)</b>	<b>Ridge height (m)</b>	<b>Building width at widest point (m)</b>	<b>Building depth at deepest point (m)</b>
Unit 1	87m2	2m	3.4m	14.7	5.9m
Unit 2	98m2	2.4m	4m	16.6	5.9m
Unit 3	87m2	2.2m	3.7m	14.8m	5.9m
Unit 4	80m2	2.2m	3.6m	15.1m	5.9m
Unit 5	66m2	2.4m	3.8m	11.2m	5.9m
Unit 6	66m2	2.3m	3.8m	11.2m	5.9m
Unit 7	77m2	2.3m	3.7m	13m	5.9m
Unit 8	112m2	2.4m	3.7m	19m	5.9m
Plot 1	361m2	2.8m	3.5m	43.2m	11.5m
Plot 2	361m2	2.8m	3.5m	43.2m	11.5m
Plot 3	361m2	2.8m	3.5m	43.2m	11.5m
Plot 4	53.5m2	13.2m	13.2m	7.9m	8.9m

**14.4.8** The dwellings would comprise of single storey dwellings, holiday lets along with the conversion of a 4-storey water tower.

**14.4.9** Whilst it is acknowledged that the built form within the site will be increasing, this is required in order to offset the costs of the restoration of the site.

**14.4.10** The Essex Design Guide recommends that dwellings with 2 bedrooms should have private amenity spaces of 50m2, 3-bedrooms should have 75m2 and 4-bedroom and above should provide 100m2.

**14.4.11** Each plot would have sufficient garden amenity space in excess of the amenity standards to serve the property they serve. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application

**14.4.12** Each plot would have sufficient parking provision for the dwellings. There is also sufficient visitor parking provided across the development.

**14.4.13** Referring to the vehicle tracking diagram, this demonstrates that a UDC refuse vehicle would be able to access the site and exit in forward gear for the purposes of refuse collection.

**14.4.14** As there a mixture of styles in the locality, the agent seeks to provide modern housing in the form of a villa style of housing that takes its form from the original officers buildings within the POW camp.

- 14.4.15** The range of materials presented is considered to be acceptable and appropriate for the site's countryside setting.
- 14.4.16** Minimal trees are proposed to be removed under this application in order to safeguard the environmental features of the site.
- 14.4.17** The proposal is considered to be of acceptable design and scale. The proposal would therefore comply with the requirements of Uttlesford Local Plan Policy GEN2.

## **14.5 C) Heritage**

- 14.5.1** The site itself is set to the southern part of a former prisoner of war camp, to the north of the site lies the northern side of the camp.
- 14.5.2** The Prisoner of War Camp is listed with the Uttlesford Local Heritage List (April 2021)

It's listing is as follows:  
"POW Camp 116

*Former Italian/German POW camp conforming to the so-called 'Standard' layout, with a guards' compound consisting of Ministry of War Production (MoWP) huts and all timber Laing type huts for the prisoners. Huts constructed in a variety of materials, ranging from timber or concrete framing with hollow clay block, brick, concrete block and timber weatherboarding. The site housed units with a variety of uses, including dormitories, ablution and lavatory blocks, canteens, kitchen and hospital. There is also a prominent water tower, surviving in good condition. It is a key landmark within the site, and is little altered. Despite the level of dilapidation, some original features to survive, including fixtures and fittings including doors, shower cubicles and graffiti, understood to have been the work of the Italian prisoners.*

*The site was surveyed by Historic England in 2003, and was recorded as being 'Condition 2 – near complete'. This places it in a significant grouping of only 17% of the 'standard' camps that survive'. Criteria: A, B, C, E, G*

*Value: Individual/group"*

- 14.5.3** The application site also lies in a potentially sensitive area of archaeological deposits.
- 14.5.4** In terms of impacts upon the non-designated heritage assets, the Historic Environment Team Place Services Essex County Council commented on the application most recently in September 2023, after revisions to the proposal making the following observations:

- 14.5.5** *“The site comprises the southern half of a former Prisoner of War (POW) camp to the north of Hatfield Heath. This is the former guards’ compound with the prisoners’ compound located to the north and in separate use. The POW camp, including the surviving structures and layout, is considered to be a non-designated heritage asset under the provisions of the NPPF. It is included on the Council’s Local Heritage List (reference no. 418).”*
- 14.5.6** *“I understand that concerns about the lack of clear and convincing justification for the use of timber weatherboarding to the existing clay block buildings have been overcome and a suitable condition has been suggested.”*
- 14.5.7** *“My attention has been drawn to the existing plan and elevation drawing for the Water Tower which was requested in order to assess the heritage impact of the proposals for conversion of this building. The only existing window openings in the building are three sets of three windows to the east and west elevations. Although conversion of the water tower is supported, as suggested to be likely in the letter dated 7th September 2022 from Maria Kitts, the extent of glazing to the north elevation including the glazed balcony, as well as the proposed glass balustrade at roof level on all elevations (presumably to allow roof access) is considered to be excessive and could be reduced to the benefit of the significance of the non-designated heritage asset.”*
- 14.5.8** *“As before, although the conversion and reuse of the huts and water tower are supported in principle, due to the proposed demolitions and changes to the site layout, the scheme will inevitably result in harm to the significance of the non-designated heritage asset, making Paragraph 203 of the National Planning Policy Framework (NPPF, 2021) relevant.”*
- 14.5.9** *“If the application is to be approved, in addition to the programme of building recording recommended by the Archaeologist, as per our letter of 8th August 2022, I would request the following conditions are applied:*
- No conversions, alterations or construction shall be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.*
  - No conversion, alterations or construction shall be commenced until samples of the materials to be used on the external finishes (including doors and windows) have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.*

- *No conversion or alterations shall take place until the submission of a condition report and conservation treatment proposal for the wall painting in the canteen building by a suitably qualified and experienced specialist conservator have been submitted for approval by the local planning authority.*
- *Details of all hard and soft-landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing.”*

**14.5.10** In terms of the “tilted balance”, as set out in Section K of the Report, paragraph 203 of the National Planning Policy Framework 2023 (NPPF) advises that:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

**14.5.11** Colleagues at the Place Services Historic Environment Team have advised that *“although the conversion and reuse of the huts and water tower are supported in principle, due to the proposed demolitions and changes to the site layout, the scheme will inevitably result in harm to the significance of the non-designated heritage asset.”*

**14.5.12** In terms of archaeological impacts, the Specialist Archaeological Adviser at Place Services, Essex County Council have reported that the application site has the potential for surviving archaeological deposits and has recommended a series of pre-development conditions of building recording and archaeological investigation.

**14.5.13** Therefore, and on balance, the proposed development would comply with the provisions of ULP Policies ENV2 and ENV4.

## **14.6 D) Impact on Neighbours and Amenity**

**14.6.1** Uttlesford Local Plan Policy GEN2 seeks to ensure that development does not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

**14.6.2** It is not considered that the application due to its size, scale and proposed usage would not result in any material detrimental overlooking, overshadowing or overbearing. Therefore, would not adversely impact on neighbour’s amenity due to the location of the proposed development within the site and the separation distance to any neighbours.

**14.6.3** According to Uttlesford Local Plan Policy GEN4, development and uses will not be permitted where:



- a) noise or vibrations generated, or
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

**14.6.4** In order to protect the site from over development and to protect the amenities of the neighbouring dwellings and adjoined Listed Building, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.

**14.6.5** No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2023).

## **14.7 E) Highways Authority and Parking Standards**

**14.7.1** Policy GEN1 requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the surrounding road network.

**14.7.2** In terms of impacts of the development upon the road infrastructure and highways safety, the Highways Authority at Essex County Council have been consulted. They have commented on the application in November 2022, making the following observations:

**14.7.3** *“Further to our last response (dated 10.01.2023), amendments have been made to the scheme in response to the concerns raised. A Stage 1 Road Safety Audit has been undertaken on the whole highway works package and an alternative route for pedestrians is provided such that pedestrians, cyclists and vehicles need not share the carriageway of Mill Lane (which will also be widened)”*

**14.7.4** *“The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021, in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.”*

**14.7.5** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions for the following:

- Submission of a Construction Management Plan
- Provision of Visibility Splays
- Provision of an all-weather link from the access road to the Bridleway
- Provision for safe and suitable access
- Widening works to Mill Lane
- Provision and implementation of a Residential Travel Information Pack

- Provision of vehicle parking
- Provision of vehicular turning facility

**14.7.6** Parking provision is demonstrated on the supplied plans to meet the adopted Uttlesford parking standards.

**14.7.7** As such the proposal would meet the adopted minimum parking standards and does accord with Uttlesford Local Plan Policy GEN8.

**14.7.8** It is therefore concluded that the proposal accords with Uttlesford Local Plan Policies GEN1 and GEN8.

## **14.8 F) Flood Protection**

**14.8.1** The site is located within flood zone 1, due to the scale of the proposal a flood risk assessment has been submitted.

**14.8.2** The Lead Local Flood Authority have been consulted. They have commented on the application, and they do not have any objection towards the proposal subject to conditions.

**14.8.3** As such, the proposal accords with Uttlesford Local Plan Policy GEN3.

## **14.9 G) Environmental Health**

**14.9.1** Uttlesford District Council's Environmental Health Team have been consulted and have no objections to the proposal subject to conditions for the following:

- A Phase 1 Desk Study is undertaken and submitted to the Local Planning Authority along with any required remediation works required prior to any works commencing on site.
- The submission of a noise impact assessment.
- The submission of a Demolitions and Construction Method Statement.
- The submission of a Construction and Demolition Management Plan.
- External Lighting.
- The installation of electric vehicle charging points to minimise the impact of the development on the air quality of the area.

**14.9.2** The proposal is not considered to have an impact on the surrounding neighbours, cause light pollution or contaminate the land in accordance with policies GEN4, GEN5, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

## **14.10 H) Ecology**

**14.10.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature

conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

**14.10.2** Essex County Council Ecology has been consulted on the proposal, after the submission of additional ecological information by the applicant, they are *“satisfied that there is sufficient ecological information available for determination”* subject to conditions securing biodiversity mitigation and enhancement measures.

**14.10.3** Given the site’s location within the Green Belt and proximity to woodlands, Ecology have requested that a Pre-Commencement condition to secure a Mitigation Licence for Great Crested Newt’s prior to commencement of any works on site in order to ensure that protected species will be protected.

**14.10.4** Ecology are also supportive of the proposed biodiversity enhancement measures that are proposed as part of this application.

These include:

- The installation of bat boxes.
- Bird boxes.
- A Barn Owl box.
- Pond enhancements.
- New planting on site and the inclusion of green roofs on the proposed villas

**14.10.5** Additional conditions requiring compliance with the Ecological Appraisal Recommendations, the submission of a Landscape and Ecological Management Plan and a Wildlife Sensitive Lighting Design Scheme will be sought with any forthcoming grant of permission.

**14.10.6** As such, the proposal as submitted would comply in principle with Uttlesford Local Plan Policy GEN7 and the National Planning Policy Framework (2023).

## **14.11 I) Accessibility**

**14.11.1** Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

## **14.12 J) Landscaping**

**14.12.1** In the interests of the appearance of the site and the surrounding area,

a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the occupation.

**14.12.2** Uttlesford Districts Councils Landscaping Officer has been consulted on this application and has not made any comments.

**14.12.3** The proposal is considered to be appropriate for this site and no objections are therefore raised under ULP Policies GEN2 and ENV3.

### **14.13 K) Planning Balance**

**14.13.1** 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).

Paragraph 11 (d) of the NPPF advises:

*“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8) granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7) or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

**14.13.2** The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14, this figure does include the necessary 5% buffer. That said the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still likely to be engaged, depending on the specifics of the development proposal and whether the potential harm the development might cause '*significantly and demonstrably*' outweighs the potential positive outcomes of the development as a whole.

It is noted that this area is not covered by any Neighbourhood Plan.

#### Positives:

- 14.13.3**
- Result in a small level of economic and social benefit during the build. Together these elements are considered to carry limited weight in support of the scheme.
  - Holiday lets will create a small number of jobs within the district.
  - The site is currently closed off to the public, this proposal would enable the site to be reopened to the public.

- The addition of 4 no. new dwelling in this location it would contribute to the Local Planning Authority land supply.
- The development site is considered to meet the criteria of paragraph 149 (g) of the NPPF in that it is considered to be entail the redevelopment of previously developed land, whether redundant or in continuing use.
- The development would provide an offsite contribution towards Affordable Housing within the locality.

Negatives:

- 14.13.4**
- Impact on the openness of the Green Belt.
  - Harm towards the existing POW camp.
  - Detrimental impact and harm to the rural character of the site.
  - Urbanising and domesticating the site unduly.
- 14.13.5** Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will outweigh the negatives of the development as a whole and as such the Tilted Balance is engaged in this respect.
- 14.13.6** The principle of development is therefore considered to be acceptable and would be in accordance with Uttlesford Local Polices Uttlesford Local Plan Policies S6, H1 and the National Planning Policy Framework (2023)

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

**16.2** The principle of the development is acceptable to the Local Planning Authority. This proposal seeks to restore a portion of the camp enabled by the addition of new dwelling house on the site.

**16.3** The proposed he proposed design and scale are considered to be appropriate for this location.

**16.4** On balance, when the proposal is weighed against the public benefits provided the tilted balance would be engaged, the proposal would secure optimum use of the land whilst minimising the harm to the non-designated heritage assets.

**16.5** No objections have been raised with regard to the impact on neighbouring dwellings.

**16.6** The Highways Authority have no objection towards the proposal subject to conditions with any grant of permission, the parking on the site is acceptable.

**16.7** The Lead Local Flood Authority (SuDS) have no objection towards the proposal.

**16.8** No objections have been raised by Environmental Health.

**16.9** Sufficient ecological information has been supplied with the application for determination and would comply with Uttlesford Local Plan Policy GEN7.

**16.10** The proposals would be constructed to Part M4(2) standards.

**16.11** The proposed landscaping scheme is considered to be appropriate for this rural site.

**16.12** On balance, when the proposal is weighed against the public benefits provided, the tilted balance would be engaged. The proposal would secure optimum use of the land with regard to the business and residential units. Whilst there is harm to the non-designated heritage assets the positives of the development and contribution to land supply tip the balance in favour of development.

**17. S106 / CONDITIONS**

**17.1 S106 Obligation Agreement – Heads of Terms**

- 17.2**
- Agreement and provision of a commuted sum contribution towards offsite affordable housing.
  - Pay the Council's reasonable legal costs.
  - Pay the monitoring fee.

**17.3 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** Accordance with Approved Plans

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** No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate

photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

- 4** No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority.

The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

REASON: To ensure that the development will not cause harm to the amenity of existing residential properties in accordance with policy ENV10 of the adopted Uttlesford Local Plan 2005.

- 5** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority.

The approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a) vehicle routing,
- b) the parking of vehicles of site operatives and visitors,
- c) loading and unloading of plant and materials,
- d) storage of plant and materials used in constructing the development,
- e) wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.



- 6** 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.

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 7** No conversions, alterations or construction shall be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 203 of the National Planning Policy Framework (2023).

- 8** No conversion, alterations or construction shall be commenced until samples of the materials to be used on the external finishes (including doors and windows) have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 203 of the National Planning Policy Framework (2023).

- 9** No conversion or alterations shall take place until the submission of a condition report and conservation treatment proposal for the wall painting in the canteen building by a suitably qualified and experienced specialist conservator have been submitted for approval by the local planning authority.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 203 of the National Planning Policy Framework (2023).

- 10** Details of all hard and soft-landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 203 of the National Planning Policy Framework (2023).

- 11** No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 12** No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 13** 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 Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 14** No development or preliminary groundworks of any kind shall take place

until the completion of the programme of archaeological investigation identified in the WSI defined in condition 13.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 15** The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 16** 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 Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 17** Prior to commencement, any works which will impact the resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected 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 s17 Crime & Disorder Act 1998 in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 18** Prior to Commencement, details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

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

- 19** The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- b) No dust emissions should leave the boundary of the site
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- d) Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 20** Prior to development above slab level, details to be submitted to the local planning authority of the all-weather link from the access road to bridleway 9 (Hatfield Heath 297) and through to Home Pastures (along existing footpath 12, Hatfield Heath 297) as shown in principle on drawings no. ITB11347-GA-012 Rev G and 571x02 Rev C including, but not limited to: provision of an all-weather surface suitable for pedestrians and cycles, vegetation management, and the necessary order/agreement to allow cycle movements, to be considered and approved in consultation with the highway authority.

REASON: To make adequate provision for safe and suitable access to site for pedestrians and cyclists in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 21** Prior to development above slab level, a Biodiversity Compensation and Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed compensation and enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the compensation and enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to beneficial use and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

**22**

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:

- Matching discharge rates to existing greenfield rates for the 1 in 1 year, 1 in 30 year and 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.

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.

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 23** Prior to occupation of the development, the access road junction at its centre line as shown in principle drawing ITB11347-GA-012 Rev G shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 24** Prior to occupation of the development, visibility splays at the junctions of the all-weather link with the existing bridleway of Mill Lane (bridleway 9, Hatfield Heath 297) and the improved public right of way to Home Pastures (footpath 12, Hatfield Heath 297) shall be provided as shown in principle on drawing ITB11347-GA-012 Rev F. Such visibility splays shall be retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between the users of the highway, bridleway and pedestrians/cyclists accessing the development in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 25** Prior to occupation of the development, the highway works shown in principle on drawing no. ITB11347-GA-012 Rev G are to be provided entirely at the developer's expense. These works shall include, but not be restricted to, the following:
- a) Widening of Mill Lane, maintaining a minimum 0.45m clearance from existing buildings

- b) Resurfacing of Mill Lane from Stortford Road to site access, including full depth construction/re-construction where required
- c) Improvements to the existing access to site from Mill Lane
- d) Provision of footway and amendments to kerb radii at junction of Mill Lane with Stortford Road
- e) Provision of all-weather surfaced link to Home Pastures

REASON: To make adequate provision within the highway for vehicular traffic, pedestrians and cyclists as a result of the proposed development ensuring safe and suitable access to site in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 26** 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/unit, for sustainable transport, approved by Essex County Council (packs for residential dwellings to 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 in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 27** The proposed development shall not be occupied until such time as the vehicle parking provision indicated on the approved plans has been hard surfaced, sealed and marked. The vehicle parking provision shall be retained at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 28** Prior to occupation of the development, a vehicular turning facility shall be constructed and surfaced and will be maintained free from obstruction within the site at all times.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

**29** 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.

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

**30** Prior to occupation, the dwellings and holiday lets shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready to use and retained thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

**31** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use of the development.

The content of the LEMP shall include the following:

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

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



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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 32** 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) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

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

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

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 34** All of the 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 Play space.

- 35** The development hereby approved shall be constructed to meet the optional requirement under Part G of the Building Regulations 2010 for the maximum potential consumption of wholesome water of 110 litres per person per day.

REASON: In order to minimise water consumption and to accord with Policy GEN 2 - Design of the Uttlesford Local Plan 2005 and Interim Policy 3 of the Uttlesford Interim Climate Change Policy 2021.

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies, as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 37** All hard and soft landscape works shall be carried out in accordance with the approved details.

All hard landscaping shall be carried out prior occupation.

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 ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

**38** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A - F of Part 1 of Schedule 2 and Classes A and B of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped, protect the amenities of the neighbouring dwellings and the setting of the non-designated heritage assets, in accordance with Policies S6, GEN2, GEN4 of the Uttlesford Local Plan (2005).

## APPENDIX 1 – ECC HIGHWAYS COMMENTS

Your Ref: UTT/22/1261/FUL  
Our Ref: HT/TPD /SD/KW/26093/4C  
Date:- 02/09/2022



**Essex County Council**

Paul Crick  
Director for Highways and Transportation

CC: Cllr Susan Barker

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN  
Essex CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation of Refusal

Application No. UTT/22/1261/FUL

Applicant Mr W. I Bampton

Site Location Land To The West Of Mill Lane Hatfield Heath

Proposal The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 5 no. single storey dwellings and 5 no. terraced cottages

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

This application with 19 dwellings (8 holiday cottages and 11 permanent dwellings) would lead to the intensification of the access road Mill Lane. Previous applications on this site included the closing down of the egg processing plant, this one does not. Mill Lane is narrow and has a pinch point of less than 4m and a bend that limits visibility. There are no pedestrian facilities currently on the road and although a footway is proposed it does not serve the entire length of Mill Lane. Therefore, pedestrians, cyclists and vehicular traffic would still have to share the highway on the narrowest part where there is also limited visibility and on the transition onto the main road. The presence of an egg packing plant to the north of the site also results in HGVs using the road on a regular basis.

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

The applicant has not demonstrated that safe and suitable access for all users can be achieved in this location for the following reasons:

1. The proposal would intensify the use of an existing access which has deficiencies in geometric layout and visibility. Mill Road has limited width and visibility, at points it falls below 4m in width, not allowing two cars to pass. The proposed pedestrian facilities do not serve the whole length of the highway and so pedestrians, cyclists and vehicles all share a limited space which could lead to conflict and adversely impact on pedestrian safety.
2. There is insufficient information to demonstrate that safe and suitable access for all users can be achieved to the application site with specific regard to the following:
  - a. Visibility splays from the junction of Mill Lane with Stortford Road should be provided.
  - b. Visibility splays from the access to the terraced housing should be provided in accordance with the guidance in Manual for Streets.
  - c. Swept path analysis for a large car and a van should be provided for the access to the terraced housing.
  - d. The swept path analysis for a refuse vehicle has been provided for the site but it uses a vehicle of a smaller length than that used by UDC refuse team. This should be repeated with correct vehicle, which has a length of 10.325m and a turning circle of 22.4m, The speed of the vehicle should be provided and should be a reasonable speed for the type of road.
3. Layout
  - a. There is no turning facility in the terraced housing, a size 5 turning head is required to allow vehicles to leave in a forward gear.
  - b. The preferred minimum width for a footway is 2m rather than the proposed 1.2m.
4. Mitigation
  - a. Appropriate opportunities to promote sustainable transport modes have not been sufficiently taken up.

**The proposal is therefore contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Gen 1 of the Uttlesford Local Plan 2005. It is also contrary to NPPF paragraph 110 and 112.**

*F. Masnie*

.....  
pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [REDACTED]

Your Ref: UTT/22/1261/FUL  
Our Ref: HT/TPD /SD/KW/26093/4C  
Date:- 10/01/2022



CC: Cllr Susan Barker

Paul Crick  
Director for Highways and Transportation

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
SAFFRON WALDEN  
Essex CB11 4ER

County Hall  
Chelmsford  
Essex CM1 1QH

### Recommendation of Refusal

Application No. UTT/22/1261/FUL  
Applicant Mr W. I Bampton  
Site Location Land To The West Of Mill Lane Hatfield Heath  
Proposal The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The original application has been revised and now proposes 8 holiday cottages and 4 permanent dwellings although this is less than was previously proposed in this application (8 holiday cottages and 11 permanent dwellings) it would still lead to the intensification of the access road Mill Lane. Previous applications on this site included the closing down of the egg processing plant, this one does not. Mill Lane is narrow and has a pinch point of less than 4m and a bend that limits visibility. There are no pedestrian facilities currently on the road and there are none proposed with this version of the application. Pedestrians, cyclists and vehicular traffic will have to share the highway on the narrowest part of the highway where there is also limited visibility and on the transition onto the main road. The presence of the egg packing plant to the north of the site also results in HGVs using the road on a regular basis adding great conflict.

This revised application does include a proposal to widen the road, and to the north near the access there is potential to widen it to 6m, however much of the widening is less than this and



although the Revised Highway Technical Note states that 4.1m allows two cars to pass this width does not allow a car and a HGV to pass and does not take into account the conflict with any pedestrians present on the shared surface, or the close proximity of the buildings that divers will naturally avoid and so be more central in the road. The narrow pinch point will remain.

The trip rates per dwelling are forecast to be significantly lower in this application than in the 2017 application. In a rural area the highway authority would expect that there would be greater reliance on the car and therefore that the approved trip rates in application UTT/17/2499 are more representative. While the application provides information on the generation of vehicular trips it does not include pedestrian and cycle trip generation. The comparison of vehicular trip rates is provided below.

UTT/17/2499 proposed trip rates

**Table 6.1: Trip rates – Houses Privately Owned**

Trip Rate	Morning Peak (08:00-09:00)			Evening Peak (17:00-18:00)			Daily (12hr)		
	In	Out	Total	In	Out	Total	In	Out	Total
Houses Privately Owned (per dwelling)	0.181	0.427	0.608	0.414	0.168	0.582	2.396	2.342	4.738

Source: TRICS

UTT/22/1261/FUL proposed trip rates

**Table 2.1: Trip Rates and Trip Generation – Houses Privately Owned**

Trip Rate	Morning Peak (08:00-09:00)			Evening Peak (17:00-18:00)		
	In	Out	Total	In	Out	Total
Houses Privately Owned (per dwelling)	0.154	0.192	0.346	0.205	0.090	0.295

The revised application proposes a foot/cycle connection to the village via an existing PROW. This will be of benefit but there will still be a need for residents of the new development and existing residents to use Mill Lane to access facilities, including the bus stops. Details ownership have not been provided.

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

The applicant has not demonstrated that safe and suitable access for all users can be achieved in this location for the following reasons:

1. The proposal would intensify the use of an existing access which has deficiencies in geometric layout and visibility. Mill Road has limited width and visibility, at points it falls below 4m in width, not allowing two cars to pass. The proposed widening has not been safety audited and cannot address the narrowest pinch point and so pedestrians,

cyclists and vehicles all share a limited space which could lead to conflict and adversely impact on pedestrian and cycle safety.

2. There is insufficient information to demonstrate that safe and suitable access for all users can be achieved to the application site with specific regard to the following:
  - a. The proposed changes to the highway including the widening of parts of Mill Lane, the access and proposed pedestrian/cycle connection and crossing point have not been safety audited.
  - b. No evidence of land ownership has been provided to show that the widening of the PROW can be delivered and that the visibility splays at each end can be provided within the highway or land in control of the applicant. The visibility splays are likely to require clearance of vegetation.
  - c. No detail of the how the widening would be constructed and delivered especially in relation to the proximity of the buildings to the south of Mill Lane, the provision of margins for maintenance and/or stand off from physical restraints eg overhanging guttering, opening windows etc: forward visibility for the bends, in accordance with the methodology required by MfS have been provided. The proposed different types/colours of surfacing on the road are unlikely to be acceptable.
  - d. The daily generation of vehicular, pedestrian and cycle trips has not been provided and vehicular trip rates are not consistent with previous applications for this site agreed by the highway authority.

**The proposal is therefore contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Gen 1 of the Uttlesford Local Plan 2005. It is also contrary to NPPF paragraph 110 and 112.**

*F Masnie*

.....  
pp. Director for Highways and Transportation  
Enquiries to Katherine Wilkinson  
Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [REDACTED]



Your Ref: UTT/22/1261/FUL  
Our Ref: HT/SD/RMc/26093  
Date: 06/10/2023



CC (by email): Cllr Barker  
Essex Highways Development Management  
Travel Plan team

Paul Crick  
Director of Highways and Transportation

To: Uttlesford District Council  
Assistant Director Planning & Building Control  
Council Offices  
London Road  
Saffron Walden  
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Chelmsford  
Essex  
CM1 1QH

### Recommendation

Application No.	UTT/22/1261/FUL
Applicant	Mr W. I Bampton Pelham Structures Ltd 4 Brices Yard Butts Green Langley Upper Green Clavering CB11 4RT
Site Location	Land To The West Of Mill Lane Hatfield Heath
Proposal	The demolition of 10 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path.

This application was accompanied by a Transport Assessment (dated 25.04.2022) and two technical notes (dated 04.11.2022 and 01.06.2023) which have been reviewed by the highway authority in conjunction with several site visits and internal consultations.

Further to our last response (dated 10.01.2023), amendments have been made to the scheme in response to the concerns raised. A Stage 1 Road Safety Audit has been undertaken on the whole highway works package and an alternative route for pedestrians is provided such that pedestrians, cyclists and vehicles need not share the carriageway of Mill Lane (which will also be widened).

The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021, in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - a. vehicle routing,
  - b. the parking of vehicles of site operatives and visitors,
  - c. loading and unloading of plant and materials,
  - d. storage of plant and materials used in constructing the development,
  - e. wheel and underbody washing facilities.

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

highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to occupation of the development, the access road junction at its centre line as shown in principle drawing ITB11347-GA-012 Rev G shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road junction is first used by vehicular traffic and retained free of any obstruction at all times

**Reason:** To provide adequate inter-visibility between vehicles using the access road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. Prior to occupation of the development, visibility splays at the junctions of the all-weather link with the existing bridleway of Mill Lane (bridleway 9, Hatfield Heath 297) and the improved public right of way to Home Pastures (footpath 12, Hatfield Heath 297) shall be provided as shown in principle on drawing ITB11347-GA-012 Rev F. Such visibility splays shall be retained free of any obstruction at all times.

**Reason:** To provide adequate inter-visibility between the users of the highway, bridleway and pedestrians/cyclists accessing the development in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Prior to development above slab level, details to be submitted to the local planning authority of the all-weather link from the access road to bridleway 9 (Hatfield Heath 297) and through to Home Pastures (along existing footpath 12, Hatfield Heath 297) as shown in principle on drawings no. ITB11347-GA-012 Rev G and 571x02 Rev C including, but not limited to: provision of an all-weather surface suitable for pedestrians and cycles, vegetation management, and the necessary order/agreement to allow cycle movements, to be considered and approved in consultation with the highway authority.

**Reason:** To make adequate provision for safe and suitable access to site for pedestrians and cyclists in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Prior to occupation of the development, the highway works shown in principle on drawing no. ITB11347-GA-012 Rev G are to be provided entirely at the developer's expense. These works shall include, but not be restricted to, the following:
  - a. Widening of Mill Lane, maintaining a minimum 0.45m clearance from existing buildings
  - b. Resurfacing of Mill Lane from Stortford Road to site access, including full depth construction/re-construction where required
  - c. Improvements to the existing access to site from Mill Lane
  - d. Provision of footway and amendments to kerb radii at junction of Mill Lane with Stortford Road
  - e. Provision of all-weather surfaced link to Home Pastures

**Reason:** To make adequate provision within the highway for vehicular traffic, pedestrians and cyclists as a result of the proposed development ensuring safe and suitable access to site in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. 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/unit, for sustainable transport, approved by Essex County Council (packs for residential dwellings to 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 in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

7. The proposed development shall not be occupied until such time as the vehicle parking provision indicated on the approved plans has been hard surfaced, sealed and marked. The vehicle parking provision shall be retained at all times.

**Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Prior to occupation of the development, a vehicular turning facility shall be constructed and surfaced and will be maintained free from obstruction within the site at all times.

**Reason:** To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

**Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies, as adopted as County Council Supplementary Guidance in February 2011.

**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.**

**Informatives:**

- (i) 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.
- (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 applicant should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- (iii) 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. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under 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.
- (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) There shall be no discharge of surface water onto the Highway.
- (vi) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway



pp. Director of Highways and Transportation  
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## APPENDIX 2 – LOCAL FLOOD AUTHORITY (SuDS) COMMENTS

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



Uttlesford District Council  
Planning Services

Date: 16<sup>th</sup> June 2022  
Our Ref: SUDS-006024  
Your Ref: UTT/22/1261/FUL

Dear Sir/Madam,

### **Consultation Response –UTT/22/1261/FUL – Land West of Mill Lane, Hatfield Heath CM22 7AA**

Thank you for your email received on 26/05/22 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 wish to issue a **holding objection** to the granting of planning permission based on the following:

The submitted documents are contradictory. Drawing 025/2016/01 P2, "Proposed Surface and Foul Water Drainage Layout" shows a completely different site and drainage layout from the plans included in the Flood Risk Assessment and Drainage Strategy document. Please confirm the details on which we are required to comment.

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



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

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

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

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

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

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

### **INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](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,

**Richard Atkins**  
**Development and Flood Risk Officer**  
Team: Development and Flood Risk  
Service: Waste & Environment  
Essex County Council

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [suds@essex.gov.uk](mailto:suds@essex.gov.uk)

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

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

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

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

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

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

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

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be

achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

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

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

- Sustainability of the development

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



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



Nathan Makwana  
Uttlesford District Council  
Planning Services

Date: 14<sup>th</sup> July 2022  
Our Ref: SUDS-006024  
Your Ref: UTT/22/1261/FUL

Dear Sir,

**Consultation Response –UTT/22/1261/FUL – Land West of Mill Lane, Hatfield Heath  
CM22 7AA**

Further to my letter of 16/06/22, the SuDS team has received additional information which provides this Council with the opportunity to re-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 wish to issue a **holding objection** to the granting of planning permission based on the following:

- Matched greenfield run-off rates are acceptable when restriction to 1 in 1 year rates for all events is not possible. Please demonstrate why this is the case. Alternatively demonstrate that the rates calculated represent at least a 50% improvement on existing brownfield rates.
- Please provide details of the connection of impermeable areas to the proposed bioremediation features and the swales to demonstrate the connectivity of the treatment train.
- Please provide detailed engineering plans of the drainage layout including location of all features, piped connections, exceedance routes, FFLs and discharge location, as required by the ECC SuDS Design Guide of 2020.

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

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

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

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

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
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- 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).
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- 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 faithfully,

**Richard Atkins**  
**Development and Flood Risk Officer**

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council

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

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

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

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

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

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

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

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

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

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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.

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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.

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



Nathan Makwana  
Uttlesford District Council  
Planning Services

Date: 10<sup>th</sup> November 2022  
Our Ref: SUDS-006024  
Your Ref: 22/1261/FUL

Dear Sir,

**Consultation Response –22/1261/FUL– Land West of Mill Lane, Hatfield Heath**

Thank you for your email received on 07/11/22 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:

- Matching discharge rates to existing greenfield rates for the 1 in 1 year, 1 in 30 year and 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.

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:

- Notwithstanding that the watercourse crossing the site lies within the application boundary, consent may still be required from the LLFA under Section 23 of the Land Drainage Act 1991 to carry out the proposed modifications.
- Clarification will be required of the modelling outputs for the final discharge from the site
- 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 applications 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

[Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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.

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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:**

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Yours faithfully,

**Richard Atkins**  
**Development and Flood Risk Officer**  
Team: Development and Flood Risk  
Service: Waste & Environment  
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-----Original Message----- From: Suds Sent: Thursday, September 14, 2023 3:11 PM To: Planning Subject: [External] >>  
RE: Planning Application Consultation - UTT/22/1261/FUL MARKS (SUDS-006024) Dear Mark I have reviewed the documents submitted in the Uttlesford Planning Portal, and can find nothing which would impact on the drainage of the site. I confirm therefore, that our formal response of 10/11/22 remains as our position. Regards Richard Atkins  
Development and Flood Risk Officer Green Infrastructure and Sustainable Drainage Climate Adaption and Mitigation,  
Environment & Climate Action Essex County Council email: [REDACTED] | <https://protect-eu.mimecast.com/s/ggIgCgJZocq3AQINp14J?domain=essex.gov.uk> -----Original Message----- From: [planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk) Sent: 21 August 2023 11:59 To: Suds Subject: Planning Application Consultation - UTT/22/1261/FUL MARKS (SUDS-006024) CAUTION: This is an external email. Please See Attached