

Agenda Item 7



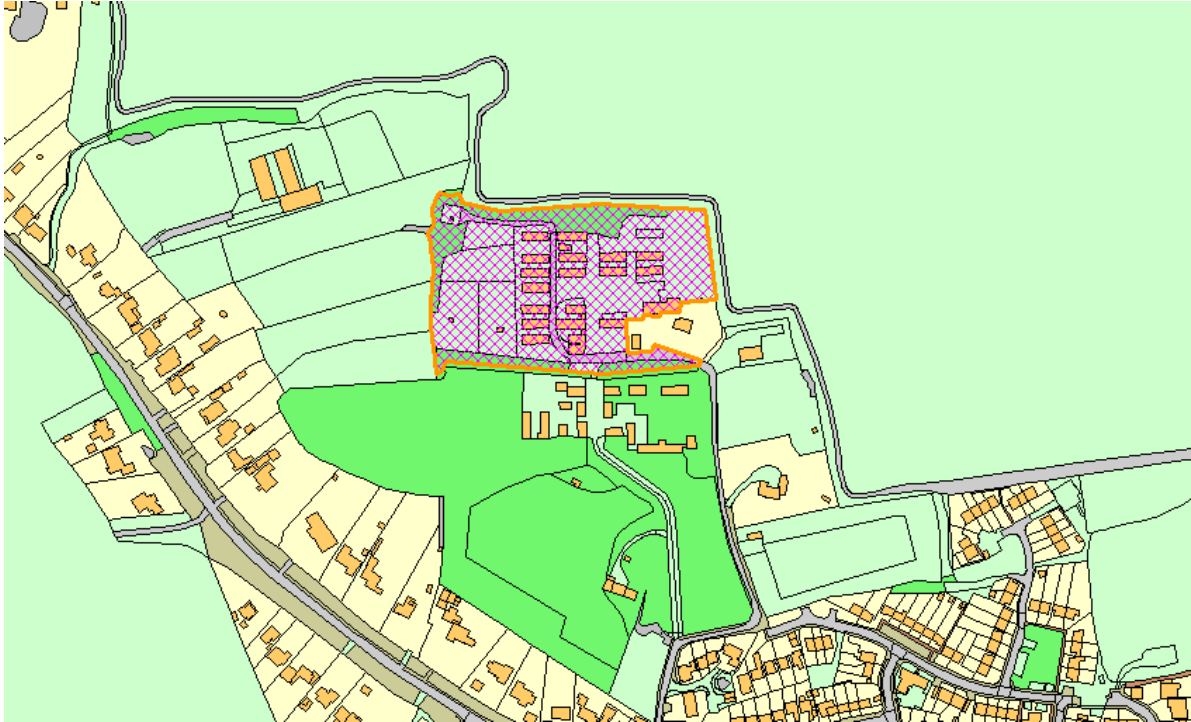
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 3 April 2024

REFERENCE NUMBER: UTT/23/1688/FUL

LOCATION: Camp Poultry Farm, Mill Lane, Hatfield Heath

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 22 August 2023

PROPOSAL: Site redevelopment involving demolition of buildings (in B8 and ancillary Use) and erection of storage, packing, distribution and ancillary buildings (B8 Use). Erection of 1 no. dwelling house with residential garden and related change of use of land. All related works, landscaping and infrastructure.

APPLICANT: Mr Simon Fish

AGENT: Mr Chris Loon

EXPIRY DATE: 02.10.2023

EOT EXPIRY DATE:

CASE OFFICER: Mark Sawyers

NOTATION: Outside development limits
Metropolitan Greenbelt
Within 200m of Parish Boundary
Within 2km of S.S.S.I
Within 6km of Airport
Mineral Safeguarding Area – Sand/Gravel
Locally Listed Buildings

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. **EXECUTIVE SUMMARY**

1.1 This application is for the proposed demolition of buildings and erection of 3 no. storage, packing, distribution and ancillary buildings. The application also proposes the erection of 1 no. dwelling with residential garden and related change of use of land.

1.2 The site comprises a former Prisoner of War Camp located within Hatfield Heath and located outside the development envelope situated within the Green Belt.

1.3 This proposal would make use of previously developed land for the redevelopment of the established business that is already in situ. The proposal would also contribute 1 no. new dwelling towards the Local

Planning Authority's 5YHLS, it would also provide local employment for the life of the build and secure employment for the employees of the existing business.

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) Conditions

3. SITE LOCATION AND DESCRIPTION:

3.1 The site is located within the Metropolitan Green Belt at the northern end of Mill Lane, it comprises an irregular shaped approximately 1.88 ha parcel of land that includes a range of existing buildings.

3.2 The business has operated from the Camp Farm site since 1969 and is still used in business as egg storage, packing and distribution trading under 'Greenways'.

3.3 The buildings on the site are all single storey and utilitarian in nature. The structures include a range of WWII prisoner of war huts along with some additional ancillary structures. The buildings are mostly arranged in a regimented linear fashion, it must be noted that a number of the original buildings have collapsed.

3.4 In total, the existing buildings and structures have a footprint of approximately 2296sqm.

3.5 A Public Bridleway (no:9) forms part of the access to the site, it runs from Mill Lane to the South, along the east of the site before turning to the west to run along the north of the site.

3.6 Public Footpath (no:8) adjoins the Bridleway to the north of the application site before heading north towards Little Hallingbury Park.

4. PROPOSAL

4.1 This full application proposal relates to the site redevelopment involving demolition of buildings (in B8 and ancillary Use). The erection of 3 no. storage, packing, distribution, and ancillary buildings (B8 Use). All related works, landscaping and infrastructure.

4.2 The proposal also concerns the erection of 1 no. dwelling with residential garden and related change of use of land.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1	DUN/0099/55	- Conversion of existing building to dwelling	(APPROVED)
	UTT/1182/94/FUL	- Erection of office building	(APPROVED)
	UTT/0999/95/FUL	- Erection of agricultural workers dwelling	(REFUSED)
	UTT/1175/96/FUL	- Demolition of some existing buildings and erection of replacement new building for egg packing/storage and	(REFUSED)
	UTT/1032/97/FUL	- Demolition of some existing buildings and erection of replacement building for egg packing/storage and dispatch	(REFUSED)
	UTT/0786/98/CL	- Certificate of lawfulness for the use of land and buildings for: (1) storing, packing and despatching eggs and egg packi	(APPROVED)
	UTT/1549/00/CL	- Certificate of Lawful Use of building for assembly and storage of electrical parts and switch gear	(APPROVED)
	UTT/1102/00/CL	- Certificate of Lawful Use for use of building for assembly and storage of electrical panels and switch gear	(REFUSED)
	UTT/1397/00/FUL	- Retention of temporary covered shelter to provide protection for loading and unloading of eggs for 12 months.	(REFUSED)
	UTT/0757/01/FUL	- Erection of covered shelter	(APPROVED)
	UTT/0583/02/FUL	- Erection of 25 metre telecommunication mast, equipment cabinet & 1.8metre fence	(APPROVED)
	UTT/1826/02/FUL	- Erection of 25m monopole telecommunication mast	(APPROVED)

		with six antennae and four microwave dishes, equipment ca	
UTT/2001/03/FUL	-	Proposed addition of six antenna and two 0.6m dishes at 16.20m to existing mast together with one cabin and me	(APPROVED)
UTT/2062/03/FUL	-	Replacement dwelling and detached triple open fronted garage	(REFUSED)
UTT/1766/04/FUL	-	Replacement dwelling and detached triple open fronted garage	(REFUSED)
UTT/0911/05/FUL	-	Proposed erection of a replacement dwelling with garage	(REFUSED)
UTT/0367/06/FUL	-	Replacement dwelling with garage, as allowed on appeal under reference UTT/0911/05/FUL, with the addition of a basement to the existing planning permission	(APPROVED)
UTT/1533/06/FUL	-	Replacement dwelling as allowed on appeal ref: UTT/0911/05/FUL, & proposed new garage with storage & home office above	(REFUSED)
UTT/0073/07/FUL	-	Replacement dwelling as allowed on appeal ref: UTT/0911/05/FUL and proposed new garage with storage and home office above	(REFUSED)
UTT/0501/07/FUL	-	Addition of 1 no. 1.2m dish, 1 no. 0.6m dish and 1 no. 0.3m dish to an existing 25m telecommunications mast	(REFUSED)
UTT/0999/07/FUL	-	Addition of 3 vodafone dishes - 1 No. 1.2m dish at 19.45m and 2 No. dishes (0.6m and 0.3m) at 18.4m on existing 25m telecommunications mast	(APPROVED)
UTT/16/3697/FUL	-	Demolition of existing buildings and the	(WITHDRAWN)

	development of 40 new dwellings and associated infrastructure.	
UTT/17/2262/FUL	- Demolition of existing Barn Store, Construction of New Dwelling and Garage	(APPROVED)
UTT/17/2499/FUL	- Demolition of existing buildings and the development of 26 new dwellings and associated infrastructure	(NON-DETERMINATION) (DISMISSED AT APPEAL)
UTT/18/0747/ACV	- Application to register as asset of community value	(ASSET COMMUNITY VALUE NOT LISTED)
UTT/20/0474/DOC	- Application to discharge condition 2(external finishing materials) to UTT/17/2262/FUL	(DISCHARGED IN FULL)

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1
- A preliminary enquiry was submitted to the Local Planning Authority in January 2021 for planning advice regarding demolition of existing employment buildings and the mixed-use redevelopment of the site to include a new dwelling.
 - A follow up preliminary was submitted in March 2023 to seek addition guidance from the Local Planning Authorities Heritage Officer.

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.

8.2 Local Flood Authority - No Objection subject to conditions

- 8.2.1
- The Lead Local Flood Authorities (SuDS) consultee response can be found in Appendix 2 of this report.

9. PARISH COUNCIL COMMENTS

- 9.1 Hatfield Heath Parish Council has objected to this application on the following grounds:

- Within Metropolitan Green Belt
- Previous Developed land is Fatuous

- Transport Statement is Misleading
- No Safe Walking or Cycling Route
- Highway Safety
- Lack of Buses
- Questions over the Vehicle Charging Points
- Heritage
- Impact on Right of Way
- Environmental Issues
- Previous applications for demolition of some buildings have been refused and dismissed on appeal.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to the imposition of conditions regarding:

- Contamination & a Scheme of Remediation
- Noise and Dust during construction
- Hours of Construction Work
- Details of External Lighting
- Provision of electric vehicle charging points

10.2 Place Services (Conservation and Heritage)

10.2.1 The redevelopment of the site will inevitably result in harm to the significance of the non-designated heritage asset.

However, they have advanced conditions if the local planning authority is mindful to approve.

10.3 Place Services (Ecology)

10.3.1 No objections subject to the imposition of conditions regarding:

- Development to be in accordance with the ecology appraisal.
- Submission of a Great Crested Newt Method Statement.
- Submission and approval of Biodiversity Enhancement Strategy.
- Wildlife Sensitive Lighting Design Scheme.

10.4 Place Services (Archaeology)

10.4.1 No objections subject to the imposition of conditions regarding:

- Building recording.
- Archaeological programme of trial trenching and excavation.

10.5 Thames Water

10.5.1 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 161 notifications letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

11.2 Object

- 11.2.1**
- Road too Narrow
 - Inability to Pass
 - Large Number of Artic Lorries using Mill Lane
 - Unsociable Hours for Deliveries
 - Impact on School and Doctors
 - Health and Safety Impacts
 - Highways Safety
 - Lane not Suitable for Commercial Use
 - Condition of the Lane
 - Poor Access
 - Public safety
 - No Footpath
 - Impact on Ecology
 - Inaccurate Documents
 - Traffic Movement Numbers under reported
 - Land Classification
 - Unlawful usage of Bridleway
 - Overdevelopment
 - Previous Highways Objections
 - Loss of a Piece History
 - Number of Electric Charging Points
 - Increased number of Lorries
 - Poor Bus Service
 - Same as UTT/22/1947/FUL which was Withdrawn
 - Impact on Green Belt
 - Combined impact with Invictus Motors
 - Disregard to Current Certificate of Lawfulness
 - Scale of Structures
 - Flooding
 - Number of Parking Spaces
 - No Crime Reported on or near the Site.
 - Impact on Mains Water
 - Land not within the Draft Uttlesford Local Plan

11.3 Comment

- 11.3.1**
- 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 The Development Plan

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport 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
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV5	Protection of Agricultural Land
ENV6	Change Of Use of Agricultural Land to Domestic Garden
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
H1	Housing

13.3 Neighbourhood Plan

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 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.

14.3.3 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.

14.3.4 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*
- 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.”*

14.3.5 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.

14.3.6 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.”*

14.3.7 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.”

14.3.8 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.”*

14.3.9 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.”

14.3.10 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.

14.3.11 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.*”

14.3.12 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.

14.3.13

Paragraph 137	-	The development seeks to reduce the urban sprawl, restoring more land back to open Green Belt.
Paragraph 138	-	The proposal seeks to open up more of the site returning more land to open Green Belt.
Paragraph 147	-	The supplied building conditions survey, demonstrates that the buildings are in very poor condition. The retention of building 11 along with ensuring that the
Paragraph 148	-	

		business and employment remains within the district could be considered to be very special circumstances.
Paragraph 149	-	The site could be considered previously developed land.

- 14.3.14** The previous proposal for the site under application UTT/17/2499/FUL, was appeal against for non-determination.
- 14.3.15** It was subsequently dismissed at appeal. The Planning Inspector concluded that: *“The proposed development would not harm highway safety. However, it would harm the Green Belt, heritage and the character and appearance of the area contrary to the development plan and national policy.”*
- 14.3.16** It must be noted that under this application the Planning Inspector was considering the site as a whole and the proposal was for the redevelopment of the entire site consisting of 26 no. residential dwellings.
- 14.3.17** The proposal now before the Planning Committee is materially different and concerns the redevelopment of the northern part of the Former POW Camp.
- 14.3.18** ***Applying policy S6 tests in conjunction with paragraph 8 of the NPPF for the Commercial Development:***
- 14.3.19** 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 and the retention of the business known as ‘Greenway Eggs’.
- 14.3.20** Social objective:
The site is in close proximity to Hatfield Heath where there are a number of shops, services and bus stops.
- 14.3.21** Environmental objective:
The proposal seeks to make more efficient use of the land, it proposes approximately a 777sqm reduction in built form with the site moving closer to the southern boundary returning a large area of space back to open Green Belt. 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.
- 14.3.22** ***Applying policy S6 tests in conjunction with paragraph 8 of the NPPF for the Residential Development:***
- 14.3.23** 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.

14.3.24 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

14.3.25 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:

14.3.26 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 (1st Aug 2022) Monday-Saturday.

14.3.27 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 (1st Aug 2022) Monday-Saturday.

14.3.28 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 (1st Aug 2022) Monday-Saturday.

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

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

14.3.29 Therefore, the proposal accords with paragraphs 104, 114 of the NPPF and policy GEN1(e).

14.3.30 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 creation of 3 no. buildings that are fit for purpose and to include the erection of 1 no. new dwelling to allow a member of staff to be on site at all times.

14.4.6 Currently the built form footprint on the site is approximately 2296m², this proposal proposes a building footprint of approximately 1519m², this is a reduction of build form of approximately 34%.

In regard of volume of the structures, the current volume stands at approximately 7642 cubic metres with a proposed reduction of approximately 5402 cubic metres this represents a reduction in volume of approximately 29%.

14.4.7

Plot no.	Footprint (m ²)	Volume (m ³)	Eaves height (m)	Ridge height (m)	Building width (m)	Building depth (m)
Building 1	437.5	2073	4.8	5.48	35	12.5
Building 2	420	1030	3	3.78	42	12.5
Building 3	475	1481	3	3.77	38	12.5

14.4.8 Building 1, is situated to the west of the proposed service yard, it is the tallest of the three new buildings at 5.45m to the ridge, it is constructed out of profile metal cladding in green for its walls and roof. It benefits from 3 no. large roller shutters set to the front elevation. It is the left-hand side of the proposed U-shaped cluster of replacement buildings.

14.4.9 Building 2, is situated to the north of the proposed service yard, it is the second tallest of the three new buildings at 3.78m to the ridge, it is constructed out of profile metal cladding in green for its walls and roof. It benefits from 2 no. large roller shutters set to the front elevation with a bank of solar panels on the southern roof elevation. It is the centre portion of the proposed U-shaped cluster of replacement buildings.

14.4.10 Building 3, is situated to the east of the proposed service yard, it is the shortest of the three new buildings standing at 3.77m to the ridge, it is constructed out of profile metal cladding in green for its walls and roof. This building has the majority of the sites parking spaces along with the electric vehicle chargers. It is the right-hand portion of the proposed U-shaped cluster of replacement buildings.

14.4.11 In terms of appearance, the 3 no. new buildings to the rear of the site would resemble that of a modern agricultural style of building that you expect to find within the countryside setting. They are to be set out within a horseshoe style arrangement reducing the sites encroachment into the Green Belt.

14.4.12

Plot no.	House Type	Bedrooms	Eaves height (m)	Ridge height (m)	Building width (m)	Building depth (m)
1	Detached	3	4.95	8.87	21.82	10.43

14.4.13 The 1 no. proposed new dwelling would be of 1.5 storey construction and be of modern design incorporating a palette of materials through the use of a red brickwork plinth, black cedar weatherboarding, black stained hard wood timber windows under a slate roof.

14.4.14 As there a mixture of styles in the locality, the agent seeks to provide modern housing in a traditional vernacular that would respect the character and appearance of the local area.

14.4.15 It is accepted that the dwelling is of a large size and scale, however the site is of a scale that can accommodate a dwelling of this size in order that it would not be considered overdevelopment of the site.

14.4.16 In terms of appearance, layout, scale and landscaping are considered to be acceptable.

14.4.17 The Essex Design Guide recommends that dwellings with 3-bedrooms should have 75m².

- 14.4.18** The new dwelling 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 new dwelling and the adjacent service yard, as such no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.
- 14.4.19** The 1 no. new dwelling would have sufficient parking provision. The on-plot provision parking provided for the new dwelling would exceed the minimum parking standards for the bedroom specification of the proposed dwelling. Whilst there are no specific designated visitor parking spaces, there is sufficient space within the driveway or within the adjacent business site that is within the same ownership that would allow the provision of visitor parking that would not lead to parking on the access road within the site.
- 14.4.20** The range of materials presented is considered to be acceptable and appropriate for the site's countryside setting.
- 14.4.21** 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 northern part of a former prisoner of war camp, to the south of the site lies the southern part of the camp that is not subject to this application.
- 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 making the following observations:
- 14.5.5** *“The site comprises the northern part of a former Prisoner of War (POW) camp (Camp 116) thought to have been constructed in 1941, to the north of Hatfield Heath. This part of the former camp was the prisoners’ compound whilst the former guards’ compound is located to the south and is in separate use.”*
- 14.5.6** *“Since the previous application, the applicant has commissioned a condition survey for 21 surviving buildings on site which shows the majority of building elements to have a Red or Amber condition rating (indicating that they are in poor or very poor condition). This was submitted and considered as part of the request for pre-application advice (UTT/23/0822/PA).”*
- 14.5.7** *“Notwithstanding the poor condition of the buildings proposed for demolition, when considering Paragraph 203, demolition of all but one of the former camp buildings on this part of the site represents a high level of harm in relation to these buildings and a moderate level of harm when considering the former camp as a whole. This must be balanced with the local and national significance of the former PoW camp, as per the requirements of Paragraph 203 of the NPPF relevant. Paragraph 205 is also relevant in this case”*
- 14.5.8** *“The current application proposes the demolition of all but one of the historic camp buildings on this northern part of the site. In line with pre-application advice, Section 4 of the Built Heritage Statement discusses a mitigation strategy for the proposed demolitions. The current application therefore includes the retention of Building 11 which is located near to the northern perimeter of the site and visible from the public footpath to the north of the site. Building 11 is constructed from clay block and includes a water tower, and is to be used and maintained as a store for grounds maintenance equipment. This is proposed to be coupled with a programme of building recording to allow for development of a heritage strategy to be secured by condition.”*
- 14.5.9** *“With regards to the proposed new egg packaging buildings and the new dwelling on the site, if all but one of the former camp buildings on this part of the site is to be demolished, I have no concerns about the position or*

proposed design of these buildings in terms of their impact on this part of the former camp site, nor in relation to the non-designated heritage assets on the southern part of the site. The proposed location of the dwelling on the south western part of the poultry farm site would appear to have very limited potential impact on the setting and significance of the non-designated heritage assets in the southern part of the former camp.”

14.5.10 *“If the development is to be permitted, I would request suitable conditions are applied such that no demolition of any former camp building should be permitted prior to the agreement and execution of a scheme of building recording by the local planning authority (in line with the advice of UDC’s archaeological adviser), and the submission of a heritage strategy for approval by the local planning authority that meets the following requirements:*

- Takes into account current proposals for development of the southern part of the former camp (UTT/22/1261/FUL) and mitigation measures being proposed in that case (including the retention, re-use and adaptation of buildings).*

- Records the former presence of the Second World War PoW camp in this location as an important part of local and national history, and enables ongoing and future understanding of its history and significance once the northern part of the camp’s physical presence has been removed. This should include, but not be limited to:*

- o The delivery of good quality, publicly accessible illustrated interpretation materials in proximity to the site, e.g. free standing interpretation panels which are accessible from the public footpath to the north of the site and located within sight of retained Building 11.*

- o The delivery of good quality publicly accessible interpretation to be provided off site e.g. information on-line that utilises and shares the building recording and historic research.*

- The strategy should ensure there is a means of maintaining the quality and availability of both physical and on-line resources in perpetuity.”*

14.5.11 In terms of the “tilted balance”, as set out in Section K of the Report, paragraph 209 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.”

14.5.12 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 Policy ENV4 and the NPPF.

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 Replacement Storage and Distribution Buildings:

- 14.6.3** The proposal concerns the redevelopment of the site to house the existing business that is currently run from the site.

There have been a number of letters of representation objecting and raising concerns with regard to the current business.

- 14.6.4** The proposal seeks to redevelop the site and locate the business in one location on the site in buildings that are modern and fit for purpose as opposed to the current layout which is spread across the site.

- 14.6.5** As part of the application, the applicant has proposed the following hours of operation for the business:

Monday to Friday: 05:00am – 6:00pm
Saturday: 05:00am – 6:00pm

This is an increase in hours of operation from those granted under the Certificate of Lawfulness (UTT/0786/98/CL) in 1999.

Hours of operation granted as part of UTT/0786/98/CL:

Monday to Friday: 06:00am – 5:00pm
Weekend work is very limited.

- 14.6.6** 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.

14.6.7 The Councils Environmental Health Officer has been consulted with regard to this aspect of the proposal and the hours of operation and they have no objections towards the proposal. Due to the current use and potential use of the development it will not negatively impact neighbouring properties.

14.6.8 The separation distance between the new commercial building to the right hand side of the development and the existing dwelling of 'Mill End' will be approximately 27m, at this separation distance, it is not considered that the application due to its size, scale and proposed usage would 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 neighbouring property.

14.6.9 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 are not in objection towards the proposal, subject to conditions.

14.7.3 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 vehicular turning facility
- Ensure that the public right of way is not obstructed.

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

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

14.7.6 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 Taking the Environmental Health Officers comments into consideration, the proposal is considered to be 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 Great Crested Newt survey prior to commencement of any works on site in order to ensure that protected species will be protected.

14.10.4 Additional conditions requiring compliance with the Ecological Appraisal Recommendations, the submission of a Biodiversity Enhancement Strategy and a Wildlife Sensitive Lighting Design Scheme will be sought with any forthcoming grant of permission.

14.10.5 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 A proposed soft landscaping scheme has been submitted with the application. The proposal intends to introduce a soft landscaping belt to define the outer border of the site, with additional tree planting within the site along with a wildflower meadow located to the north of the site adjacent to the open countryside.

14.12.2 The proposed mix of planting is considered to be appropriate for this rural site and no objections are therefore raised under Uttlesford Local Plan Policies GEN2 and ENV3

14.13 K) Planning Balance

14.13.1 In October 2023, the Local Planning Authority (LPA) published a 5YHLS figure of 5.14 years with the necessary 5% buffer. However, there is a more recent position that reflects the recent government update of the Housing Delivery Test (HDT).

14.13.2 As a result of the recent update, housing completions within the district made up 58% of the required number of homes for the most recent HDT period (01 April 2019 to 31 March 2022 in comparison to 99% in the previous period). This means that whilst a significant number of residential permissions have been granted in recent years, many have not yet been built and so are not accounted for in the backwards looking HDT.

14.13.3 Following paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the LPA's housing requirement because of the updated HDT. This means that the current 5YHLS is 4.50 years (instead of 5.14 years).

14.13.4 In line with the presumption in favour of sustainable development set out in the NPPF - paragraph 11 (d) (ii). In this case the tilted balance is engaged, the NPPF states amongst other things:

“Where there are no 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,

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.

14.13.5 The decision of the previously dismissed planning appeal – (UTT/17/2499/FUL) provides a material consideration for this proposal.

The key points made by the inspector in summing up his decision include;

- The proposed development:
- Would not harm highway safety.
- Harm the Green Belt.
- Harm the Heritage Assets.
- Harm to the character and appearance of the area contrary to the development plan and national policy.

14.13.6 Positives:

- 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
- Retention of jobs within the district, Environmental Health Officers have already expressed concerns about the current condition of the buildings and requested remedial works are undertaken.
- It proposes the reduction of approximately 777sqm of built form within the Green Belt reducing urban sprawl.
- Reduced massing within the Green Belt

14.13.7 Negatives:

- 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.

14.13.8 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.

14.13.9 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 redevelop the commercial buildings and provide the addition of 1-no. new dwelling house on the site.

- 16.3** The 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. CONDITIONS

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

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

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

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

out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 3** 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** Prior to any above ground development a scheme for the protection of nearby residential receptors from noise from the proposed plant and commercial units, and any associated activity, shall be submitted for approval in writing by the Local Planning Authority. The scheme shall ensure that reasonable internal and external noise environments are achieved in accordance with the provisions of BS8233:2014 and BS4142:2014. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

REASON: To ensure that future occupiers of the residential dwellings enjoy a reasonable internal and external acoustic environment in accordance with policy ENV10 of the adopted Uttlesford Local Plan 2005.

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

The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.

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

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).

- 6** No demolition, conversion or alterations shall commence until a heritage strategy has been submitted by the applicant and approved in writing by the local planning authority.

The Heritage Strategy should include the following details:

- Takes into account current proposals for development of the southern part of the former camp (UTT/22/1261/FUL) and mitigation measures being proposed in that case (including the retention, re-use and adaptation of buildings).
- Records the former presence of the Second World War PoW camp in this location as an important part of local and national history, and enables ongoing and future understanding of its history and significance once the northern part of the camp's physical presence has been removed.
- The delivery of good quality, publicly accessible illustrated interpretation materials in proximity to the site, e.g. free standing interpretation panels which are accessible from the public footpath to the north of the site and located within sight of retained Building 11.
- The delivery of good quality publicly accessible interpretation to be provided off site e.g. information on-line that utilises and shares the building recording and historic research.
- The strategy should ensure there is a means of maintaining the quality and availability of both physical and on-line resources in perpetuity.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 209 of the National Planning Policy Framework (2023).

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

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

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.
- f) before and after condition survey to identify defects to highway and bridleway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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.

- 8** 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 209 of the National Planning Policy Framework (2023).

- 9** 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.

- 10** 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.

- 11** 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.

- 12** 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 11.

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** 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.

- 14** 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.

- 15** Prior to commencement, a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority.

This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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

- 16** 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).

- 17** 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).

- 18** Prior to development above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (T4 Ecology Ltd, March 2022).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;

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

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended) in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

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

- Limiting discharge rates to 3.5 l/s for all storm events up to and including the 1 in 100 year plus 40/% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provision of 10% urban creep allowance for the residential dwelling.
- Final modelling and calculations for all areas of the drainage system in line with the Drainage Calculations Guide. This includes using a MADD Factor of 0.
- 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. Medium pollution hazard level, with demonstration that two stages of treatment are provided.
- Provide details as to whether any made ground within the vicinity of the proposed attenuation basin has been removed, or otherwise it may be necessary to line the feature.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation

REASON:

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

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

- 20** Prior to occupation of the development, a vehicular turning facility as indicated on drawing no. 3502:02 Rev P shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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.

- 21** Prior to occupation of the development, 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 GEN1 of the adopted Uttlesford Local Plan 2005.

22 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. This includes the downstream defender.

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.

23 Prior to the first beneficial use of the replacement commercial buildings and the occupation of the dwelling, the development 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.

24 Prior to the first beneficial use of the redeveloped site, the provision of an interpretation boards to the satisfaction of the Local Planning Authority and its Heritage Advisor are to be installed 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 209 of the National Planning Policy Framework (2023).

25 The public's rights and ease of passage over public bridleway no. 9 (Hatfield Heath 297) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility 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.

- 26** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology Ltd, March 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

- 27** 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.

- 28** The 1-no. dwelling 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.

- 29** 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).

30 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order 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/23/1688/FUL
Our Ref: HT/SD/RMc/54114
Date: 01/09/2023



CC (by email): Cllr Barker
Public Rights of Way team

Paul Crick
Director of 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

Application No.	UTT/23/1688/FUL
Applicant	Mr S Fish Camp Farm Mill Lane Hatfield Heath
Site Location	Camp Poultry Farm Mill Lane Hatfield Heath
Proposal	Site redevelopment involving demolition of buildings (in B8 and ancillary Use) and erection of storage, packing, distribution and ancillary buildings (B8 Use). Erection of 1 no. dwelling house with residential garden and related change of use of land. All related works, landscaping and infrastructure.

This application was accompanied by a Transport Statement (dated June 2022) 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 in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The site currently operates with access from bridleway 9 (Hatfield Heath 297), and it is proposed to retain this access to serve the new development which will see a reduction in floorspace for B8 use.

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,
 - f. before and after condition survey to identify defects to highway and bridleway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer

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, a vehicular turning facility as indicated on drawing no. 3502:02 Rev P shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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.

3. The public's rights and ease of passage over public bridleway no. 9 (Hatfield Heath 297) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 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 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
- (ii) Prior to any works taking place in public highway or areas to become public highway, the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. 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.
- (iii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway 9 (Hatfield Heath 297) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- (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
Enquiries to
Email: rachel.mckeown@essex.gov.uk
Internet: www.essex.gov.uk

APPENDIX 2 – LOCAL FLOOD AUTHORITY (SuDS) COMMENTS

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



Mark Sawyers
Uttlesford District Council
Planning Services

Date: 19th July 2023
Our Ref: SUDS-006903
Your Ref: UTT/23/1688/FUL

Dear Mr Sawyers,

Consultation Response –UTT/23/1688/FUL– Camp Poultry Farm, Mill Lane, Hatfield Heath, Bishops Stortford, CM22 7AA

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

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

In providing advice this Council, and their appointed consultants, 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 documents which accompanied the planning application, we would recommend the **issuing of a holding objection** on the basis of the following:

The information provided does not allow us to assess the development. Please provide information as required within the ECC SUDS design guide: <https://www.essexdesignguide.co.uk/suds/what-we-expect/>.

Please note that the SuDS Proforma submitted is blank and should also be accompanied with an FRA/Drainage Strategy.

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>

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, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Should further correspondence be required, please contact the SuDS team directly using the below details.

Yours sincerely,

Gemma Parson
Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

From: [Suds](#)
To: [Planning](#)
Subject: [External] RE: Planning Application Consultation - UTT/23/1688/FUL MARKS (SUDS-006903)
Date: 24 July 2023 17:13:37
Attachments: [Response006150.pdf](#)

Your attachments have been security checked by Mimecast Attachment Protection. Details of potentially unsafe files have been attached.

FAO Mark Sawyers

Dear Mark,

Thank you for re-consulting us on UTT/23/1688/FUL.

Following submission of the "Agent's response to SuDS comments", it is noted that reference is made to UTT/22/1947/FUL and that no FRA/comment was made by SuDS on that application. I have checked our records and it appears SuDS did issue a holding objection due to lack of information on 04/08/22 for UTT/22/1947/FUL (Response 006150 attached for reference).

We therefore would like to request a Drainage Strategy/FRA for UTT/23/1688/FUL if it is a major application as the SuDS pro-forma alone is insufficient for us to make an informed decision. In addition, I have reviewed what information is provided within the SuDS pro-forma and there are items which would require further clarification.

I am more than happy to discuss this application via telephone.

Kind regards,

Gemma

Gemma Parson (she, her)
Development and Flood Risk Officer
Climate Adaptation and Mitigation, Climate, Environment & Customer Services

Essex County Council
www.essex.gov.uk

-----Original Message-----

From: planning@uttlesford.gov.uk <planning@uttlesford.gov.uk>
Sent: 23 July 2023 14:38
To: Suds <suds.mail@essex.gov.uk>
Subject: Planning Application Consultation - UTT/23/1688/FUL MARKS

CAUTION: This is an external email.

Please See Attached

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



Mark Sawyers
Uttlesford District Council
Planning Services

Date: 4 August 2022
Our Ref: SUDS-006150
Your Ref: UTT/22/1947/FUL

Dear Mr Sawyers,

Consultation Response – UTT/22/1947/FUL - Camp Poultry Farm Mill Lane Hatfield Heath Bishops Stortford CM22 7AA

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application.

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

In providing advice this Council, and their appointed consultants, 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 documents which accompanied the planning application, we would recommend the **issuing of a holding objection** on the basis of the following:

The information provided does not allow us to assess the flood risk development. Please provide information as required within the new ECC SUDS design guide:
<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

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>

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, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Should further correspondence be required, please contact the SuDS team directly using the below details.

Yours sincerely

Alison Vaughan
Development and Flood Risk Manager
Service: Environment, Climate and Customer Services
Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

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



Mark Sawyers
Uttlesford District Council
Planning Services

Date: 4th October 2023
Our Ref: SUDS-006903
Your Ref: UTT/23/1688/FUL

Dear Mr Sawyers,

Consultation Response –UTT/23/1688/FUL– Camp Poultry Farm, Mill Lane, Hatfield Heath, Bishops Stortford, CM22 7AA

Thank you for your email received on 28/09/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- The drainage layout drawing does not seem to correspond with the technical specification and a proposed discharge rate of 3.5l/s. Please review and revise.
- Please ensure all pipework and chambers are modelled, including that for the dwelling, inclusive of the surface water pump.
- Please provide the results of the infiltration testing that was carried out in April 2016.
- Please provide the half drain down time for the attenuation basin.
<https://www.essexdesignguide.co.uk/suds/rates-and-storage/attenuation-storage/>
- Please clarify how the runoff from the roofs (both residential and commercial) will be treated.

- Please clarify whether the made ground will be removed prior to the installation of the attenuation basin.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning 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)
- Please note that any works to a ditch requires a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply:
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

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

Yours sincerely,

Gemma Parson, Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

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

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

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

- **Sustainability of the development**

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

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



Mark Sawyers
Uttlesford District Council
Planning Services

Date: 30th October 2023
Our Ref: SUDS-006903
Your Ref: UTT/23/1688/FUL

Dear Mr Sawyers,

Consultation Response –UTT/23/1688/FUL– Camp Poultry Farm, Mill Lane, Hatfield Heath, Bishops Stortford, CM22 7AA

Thank you for your re-consultation email received on 18/10/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **holding objection** to the granting of planning permission based on the following:

- The notes box on the drainage plan (drawing no. 2429/E/1) regarding the downstream defender manhole, which is located after the flow control, is stating a discharge rate significantly higher than the proposed greenfield rate of 3.5 l/s. Please review and revise.
- Regarding the half drain down time, it should be shown within the modelling that there is 50% of the storage available within 24 hours of a 1 in 30-year storm event plus climate change.
<https://www.essexdesignguide.co.uk/suds/rates-and-storage/capacity-for-consecutive-events/>
- Please review the IL's for S11 and the pump, as what is stated on the drainage plan appears to differ in the modelling.

- If an infiltration report was produced following the infiltration testing in April 2016, please provide this.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning 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)
- Please note that any works to a ditch requires a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply:
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>
- The drainage strategy on page 4 has noted that any made ground within the vicinity of the proposed attenuation basin will be removed.

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

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

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

Yours sincerely,

Gemma Parson, Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

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

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

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

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

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

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

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

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

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

- **Sustainability of the development**

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

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



Mark Sawyers
Uttlesford District Council
Planning Services

Date: 16th November 2023
Our Ref: SUDS-006903
Your Ref: UTT/23/1688/FUL

Dear Mr Sawyers,

**Consultation Response –UTT/23/1688/FUL– Camp Poultry Farm, Mill Lane,
Hatfield Heath, Bishops Stortford, CM22 7AA.**

Thank you for your re-consultation email received on 09/11/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

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

Condition 1

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

- Limiting discharge rates to 3.5 l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Provision of 10% urban creep allowance for the residential dwelling.
- Final modelling and calculations for all areas of the drainage system in line with the Drainage Calculations Guide. This includes using a MADD Factor of 0.
- 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. Medium pollution hazard level, with demonstration that two stages of treatment are provided.
- Provide details as to whether any made ground within the vicinity of the proposed attenuation basin has been removed, or otherwise it may be necessary to line the feature.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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. This includes the downstream defender.

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 3

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

Reason

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

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning 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)
- Please note that any works to a ditch requires a S23 Ordinary Watercourse Consent. Please see the below link for more information and how to apply:
<https://flood.essex.gov.uk/maintaining-or-changing-a-watercourse/>

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:

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APPENDIX 3 - APPEAL DECISION



The Planning Inspectorate

Appeal Decision

Site visit made on 2 December 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/C1570/W/19/3236047

Land to the west of Mill Lane, Hatfield Heath, Essex CM22 7AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr W I Bampton against Uttlesford District Council.
 - The application Ref UTT/17/2499/FUL, is dated 22 August 2017.
 - The development proposed is described as 'Demolition of existing buildings, conversion of water tower to form a dwelling, erection of 25 Dwellings and the retention, renovation and change of use of 7 buildings to form ancillary facilities to the residential development'.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. An application for an award of costs was made by Mr W I Bampton against Uttlesford District Council. This application will be the subject of a separate Decision. I have taken the description of development from the appeal form as this accurately reflects the amendments made to the proposal during the course of the Council's assessment.

Background and Main Issues

3. The Council failed to determine the planning application within the prescribed period and therefore the appellant exercised their right to submit this appeal. The Council has confirmed that, had it been in a position to do so, it would have refused the proposal due to concerns over the impact on the Green Belt, the character and appearance of the area, heritage and highway safety. Accordingly, the main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect on non-designated heritage assets, the character and appearance of the area and highway safety in Mill Lane; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

<https://www.gov.uk/planning-inspectorate>

Reasons

Whether or not the proposal would be inappropriate development

4. Policy S6 of the Uttlesford Local Plan 2005 (LP) states that infilling, limited development or redevelopment will be permitted within several defined villages excluded from the Green Belt, including Hatfield Heath. The appeal site is not within the defined limits of the village and is therefore not land excluded from the Green Belt. The supporting text to Policy S6 explains that within the Green Belt development will only be permitted if it accords with national planning policy in Planning Policy Guidance Note 2 – Green Belts. This document has been superseded by the National Planning Policy Framework (the 'Framework'), which I have reverted to this instead.
5. Paragraphs 143 and 145 of the Framework state that new buildings in the Green Belt are to be regarded as inappropriate development, and by definition harmful to the Green Belt, unless they meet a stated exception in a closed list. In this respect, the appellant is of the view the proposal would be the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development and therefore it meets the seventh exception in Paragraph 145.
6. The appeal site can broadly be divided into two sections. Area 1 encompasses two clusters of buildings, a small barn type grouping towards the southern boundary, and a larger cluster along the northern boundary close to a redundant water tower. The latter includes buildings that were historically part of a prisoner of war (POW) camp and may have been used to house the guards. Some of these buildings are of block work construction and have been little used since the second world war. A statutory declaration suggests some were used by the owner of Little Heath Farm as a store and workshop. They are low in profile and are reasonably discrete in views from Mill Lane. There is an access road linking Mill Lane to the Guard's complex as well as the southernmost cluster in Area 1. It is unclear whether the latter was formally part of the POW camp or were agricultural buildings associated with Little Heath Farm. The same can be said of the remainder of Area 1, which is free of development, with part apparently being self-seeded woodland. Overall, Area 1 has a rural appearance that contributes to the openness of the Green Belt.
7. Area 2 encompasses a collection of predominately timber framed buildings arranged in regimented rows. It is probable that they originally housed prisoners of war. They are currently used as stores in connection with a commercial egg packing and dispatching business¹ with hard standing in-between. As such, the use has moved away from a POW camp. This part of the site is separated from the village by Area 1 and therefore has the visual appearance of being removed from the settlement. It does not contribute positively towards the openness of the Green Belt. Conversely, there is an area of paddock land to the west of the egg packing operation which has an agricultural character, being fenced off and used to keep sheep.
8. The Framework defines previously developed land (PDL) as land which is occupied by a permanent structure and its curtilage. However, it excludes land used for agriculture and land that was once previously developed but where the structures have blended back into the landscape. When applying this definition

¹ The status of the buildings was addressed through a Lawful Development Certificate Ref UTT/0786/98/CL

to the egg packing operation in Area 2, it is apparent that the buildings and intervening hard standings are PDL.

9. However, the paddocks are not within the curtilage of these buildings being a discernibly separate use of land that is agricultural in character. The paddocks are not within the red line of the site defined in the Lawful Development Certificate. As such, the paddocks are unlikely to be PDL.
10. The buildings in Area 1 do not appear to have been used since the second world war, but they are still recognisable structures in a discernible complex and have not therefore, blended back into the landscape. As such, they can be considered PDL. That said, much of the southern section of Area 1 is devoid of buildings or structures and may never have been part of the POW camp, instead remaining part of Little Heath Farm. Thus, it is unclear whether the entirety of Area 1 fell within the curtilage of the POW camp. As such, parts of Area 1 may not be PDL.
11. The appeal scheme would involve the demolition of the structures associated with the egg packing operation in Area 2 and many of those in Area 1. New homes would then be erected throughout the appeal site. The appellant's figures indicate that the development would result in an overall reduction in the footprint of buildings and extent of hardstanding by 248sqm and 2,375sqm respectively. However, many of the existing buildings, which are single storey, would be replaced by larger two storey dwellings. This would increase the volume of buildings by 3,216 cubic metres. Moreover, the existing development is quite compact whereas the appeal scheme would spread development around the site resulting in buildings, roads, parked cars, boundary treatment, gardens and domestic paraphernalia being located where there is none currently. This would result in built development being significantly more apparent in Area 1 than it is presently, with the associated loss of openness.
12. The rationale behind spreading the development in the way proposed follows the findings of an appeal decision². It is to provide a gentle transition into the countryside across the site, with built form and commercial activity reduced in Area 2, which the Landscape and Visual Impact assessment found to be the most exposed part of the site to the open countryside north of the village. This would then be redistributed into Area 1, which is closer to the existing development along the southern part of Mill Lane as well as the village core.
13. However, the existing buildings in Area 2 have a low profile and a functional agricultural character due to their dark timber finish. The buildings screen most of the vehicles and external storage in this part of the site. On the other hand, the proposed dwellings would be large, sprawling structures with some arranged over two storeys. They have been designed to have an agrarian character, but they would nevertheless have a suburban arrangement and much of the fenestration would be overtly domestic. The visual impact of development in Area 2 would not therefore, be reduced as a result. This would be the case even when accounting for a new northern boundary hedge and the graduated form of the dwellings, because of their considerable height and massing. Like the existing commercial use, the new dwellings would also accrue activity such as deliveries and general arrivals and departures.

² APP/G5180/W/15/3129314

14. Notwithstanding the above, the largely undeveloped appearance of Area 1 provides an open, verdant buffer between the former POW camp and the rest of the village and thus a rural character to Mill Lane. This already helps to reinforce a gentle transition into the countryside from the village. The appeal scheme would not improve this situation as it would result in development being more apparent along the length of Mill Lane. This would provide a sense of development encroaching out of the village and into the countryside, at odds with one of the five purposes of the Green Belt.
15. Therefore, even if I were to accept that the entire site is PDL, which I do not, the appeal scheme would still result in a greater impact on the openness of the Green Belt than the existing development. The impact on openness would be significant because there would be a notable increase in development in Area 1 but no meaningful perception that the extent of development in Area 2 had decreased. The combined effect being a sprawling housing estate that would have an increased presence than the existing built form in Areas 1 and 2, with a greater impact on the openness of the Green Belt. I therefore conclude that the appeal scheme would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

The effect on non-designated heritage assets

16. The remains of the POW camp (Camp 116) within the appeal site encompasses around 43 structures in various stages of repair. The timber structures in the Prisoner's compound (in Area 2) appear to be in a poor state of repair, although some are reasonably intact, weather tight and in use. The buildings in Area 1 are generally finished in brick and concrete and are in reasonable condition considering the lack of use. Original features such as fixtures and fittings are still evident in some of the buildings, as is graffiti. The remains of Camp 116 provide valuable evidential evidence of the conditions of POWs in Britain during the Second World War. There is some aesthetic value to the buildings, which is interesting aspect given the utilitarian nature of the use. There is also a historical and social value to them given the links with an important national event, but also the demonstrable impacts on local history.
17. Camp 116 was assessed in 2003 by English Heritage (now Historic England) and categorised as a 'Class 2' camp. This means that it is 'Near Complete' with a 'majority of features i.e. 50 – 80% survival'. This is very much what I observed with many buildings and the 'standard' historic layout still clearly evident. In 2003 English Heritage recorded only seven camps surviving in this condition in the country. It is unclear whether this is still the case. In this respect, it is a remarkably rare survival from the Second World War, particularly as the buildings were not designed to last. Thus, although the buildings individually may be of limited interest, Camp 116 as a whole is undoubtedly a non-designated heritage asset that is of considerable historic and archaeological interest given the rarity, association with a national event and the relatively good state of preservation.
18. The appeal scheme would involve the demolition of most of the historic structures, which are a finite resource. The prisoner's compound in Area 2 would be entirely lost as would most of the buildings around the water tower. This in turn would result in the central square in the Guard's compound being lost. The setting of the camp would also be altered from a collection of structures that can be understood in their original historic siting and context to

that one subsumed by a modern housing estate, the layout and scale of which would take little cue from the existing Camp. The harmful impact on Camp 116 as a non-designated heritage asset would be considerable.

19. A package of mitigation has been proposed in an attempt to address the harm that would be caused. This would involve the retention and refurbishment of part of the Guard's compound, including the canteen which has the 1940s graffiti. These buildings would be used to provide ancillary services to the occupants of the proposal, such as a gym. Furthermore, there is an aspiration to site a museum in part of the former canteen. One of the timber buildings in Area 2 would be relocated to the compound thereby providing a physical record of the Prisoner's huts. The conversion of the water tower to a dwelling would be an imaginative solution facilitating the retention of this important landmark structure, but it would sit apart from the retained compound.
20. The appellant is to be commended on providing a suite of mitigation measures given this issue was raised late on in the Council's consideration of the proposal. In particular, the retention *in situ* of part of the Guard's compound would safeguard the ability of future generations to appreciate part of the site. However, it has not been demonstrated it would be unviable to preserve more buildings, perhaps at the expense of other planning obligations.
21. The Council have suggested that the package of heritage measures in the planning obligation are 'woefully inadequate' but has provided little explanation why, other than raising concerns regarding the level of public access. But none exists at present. In this respect, retaining some buildings, affording public access to them and providing an onsite museum would provide useful mitigation, as it would better aid public interpretation than the status quo. However, the unilateral undertaking submitted with the appeal makes scant provision for public access to the buildings and does not include firm proposals for an on-site museum – it only seeks to offer space to the local history society, but the terms of any license are unclear and consequently there is a risk the history society may not be able to establish the museum in order to aid public interpretation of the site.
22. It is unclear how the buildings scheduled to be retained would be refurbished without some form of cross subsidy from new development and therefore this is potentially a benefit. That said, it is also unclear whether consideration has been given to the feasibility of other uses that would retain more of the Camp structures, particularly those around the water tower that appear solid and are part of the wider Guard's compound. Moreover, many of the buildings in Area 2 are in use as part of the existing business and therefore their loss would seem unnecessary, especially as the proposal would not reduce the impact on the countryside and the openness of the Green Belt.
23. I therefore conclude that the appeal scheme would, overall, still result in a significantly harmful net impact upon the non-designated heritage asset when accounting for the mitigation proposed, and this is to be taken into account and weighed in my overall assessment.

The effect on the character and appearance of the area

24. Mill Lane passes the southern and eastern edges of the appeal site. It is currently a narrow route. Housing fronts the lane to the south of the appeal site with some of this being quite recently constructed in lieu of a historic

farmstead. Once this housing is passed, the lane is flanked in part by hedging and this affords a pleasant rural character, albeit diluted by the recent erection of fencing around the appeal site. Mill Lane is a route linking the centre of the village and the open countryside beyond.

25. The introduction of housing across the appeal site would result in a notable urbanising impact, especially in Area 1 which currently has a wooded appearance. The houses in Area 2 would also be quite apparent from the public footpath to the north given their height and massing. This would engender a sense of continued urban sprawl into the countryside from the southern boundary of the appeal site to its northern boundary. This would be particularly apparent from Mill Lane, the character of which would change given the visual presence of new houses. Thus, the rural character of the appeal site and Mill Lane would be harmed.
26. However, the house types proposed to be used in the development would be attractive³, well detailed and reflective of the local building styles in the area. Some would echo the rural vernacular. The buildings would also be arranged in a generally linear manner orientated to address the street, particularly in the southern part of the site, which would respond to the linear pattern of development along the A1060. Significantly, the appeal site would be very generously landscaped and some of the houses would sit in large plots. Therefore, the development would have a verdant character and appearance with a visual permeability that would offset some of the harm identified in the preceding paragraph.
27. Nevertheless, these aspects would not entirely mitigate the limitations I have identified and consequently there would be a moderate level of harm to the character and appearance of the area. Accordingly, the proposal would be at odds with Policy GEN2 of the LP, which seeks to secure development that is compatible with its context and setting with an acceptable visual impact.

The effect on highway safety in Mill Lane

28. The Transport Assessment, which is undisputed by the Council, states that the number of vehicle movements associated with the proposed development would be similar to the existing use, and therefore the overall level of traffic along Mill Lane would not increase. There would however, be a reduction in movements by Heavy Goods Vehicles (HGVs).
29. The main vehicular entrance into the appeal site would be moved from the north of Mill Lane to the southern boundary of the appeal site, with the existing informal entrance upgraded. Therefore, the highway traffic from the development, which would not be greater than existing levels, would be confined to the southern part of Mill Lane where there is already traffic serving the existing houses. There would be no need for residents of the appeal scheme to travel north along Mill Lane past the site entrance. This would significantly change the intensity and flow of traffic along the middle and northern section of Mill Lane, with a notable reduction due to the traffic associated with the existing commercial use falling away. A footpath and cycle link would also be provided within the development alongside Mill Lane.

³ As demonstrated by a similar structure constructed by the appellant - appeal decision APP/C1570/A/05/1188896

30. Consequently, the proposal would not result in an overall increase in traffic using Mill Lane and it would also free much of its length from traffic derived from the appeal site. As such, there would be no harmful impact on highway safety including the highway character of Mill Lane. This is a point supported by the Local Highway Authority. Accordingly, a conflict with Policies GEN1 and GEN2 of the LP, in so far as they relate to this matter, would not occur.

Other Considerations

31. The proposal would moderately boost housing supply by providing 26 new homes close to facilities in a 'Key Village', at least part of which would be on previously developed land. This would occur at a point in time when the Council are unable to demonstrate a five-year housing land supply as required to be by the Framework. The deficit is serious because the housing supply only covers 2.68 years. As such, housing delivery would be a significant benefit, particularly as it would include affordable housing secured through the planning obligation.
32. The proposal would deliver some notable economic benefits from the 'spend' of future residents, but I have seen nothing of substance to suggest this would make a significant difference to the local economy or the vitality of the community and its services. For example, there is nothing to suggest local services are failing for lack of patronage, pupil numbers at the local school are falling or local clubs are struggling to gain members. The proposal would provide public open space, but I have seen nothing to suggest there is a local shortage that would elevate this to a significant benefit (the village benefits from a large central green). The proposal would also provide a not insignificant contribution towards the construction industry and financial benefits such as Council Tax receipts. The proposal could also benefit biodiversity through the management of existing woodland to better support wildlife.
33. The proposal would retain some of the historic buildings on the site, but this would not result in a net benefit to heritage. There would also be a reduction in traffic along part of Mill Lane, but there is little before me to suggest this has been a demonstrable pre-existing problem of note. The proposal would reduce the risk of vandalism but there is nothing of substance before me to suggest this could not be managed by other means, such as CCTV cameras. The planning obligation makes provision for a contribution towards education, but this is to mitigate the impacts of the proposal and is therefore a neutral matter. Overall, the benefits of the scheme are of significant weight.

Whether there would be Very Special Circumstances

34. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
35. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In coming to this conclusion, I found that the appeal scheme would result in a significant impact on the openness of the Green Belt. Paragraph 144 of the Framework requires

substantial weight to be given to any harm to the Green Belt. In addition, the proposal would have a significant adverse impact on a non-designated heritage asset and some moderate harm to the character and appearance of the area.

36. The other considerations I have identified, whilst carrying significant weight as matters in favour of the proposal, would not, on balance, outweigh the cumulative harm I have identified. As such the harm to the Green Belt, and any other harm resulting from the proposal, would not be clearly outweighed by the other considerations. Thus, the very special circumstances necessary to justify the development do not exist and therefore the proposal would fail to adhere to the local and national Green Belt policies that I have already outlined.

Other Matters

37. Various concerns have been raised by interested parties including reservations regarding the impact on living conditions, wildlife, traffic and flood risk, which I have noted. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed. The appeal scheme has evolved following extensive discussions with Officer's, but I have come to my own conclusions for the reasons given.
38. Paragraph 11 of the Framework states that in situations where the Council is unable to demonstrate a five-year supply of deliverable housing sites then permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed. In this instance, there are no very special circumstances justifying the proposal and therefore the policies in the Framework provide clear reasons for refusing the appeal scheme. It is therefore unnecessary to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
39. Planning permission was granted under reference UTT/17/2262/FUL for the replacement of the 'Barn Store' with a dwelling. Nevertheless, the provision of a single dwelling is not comparable to the impacts that would be associated with the appeal scheme, which would be much larger in scale and land area. Two of the original Camp buildings were apparently demolished to facilitate the erection of a dwelling permitted following a successful appeal⁴. However, the impact on heritage was not an issue considered in the appeal decision and, in any event, the loss of two buildings is quite different to the removal of nearly all of them, as is proposed in the appeal scheme before me. As such, there is no inconsistency between my findings and other nearby decisions.

Conclusion

40. The proposed development would not harm highway safety. However, it would harm the Green Belt, heritage and the character and appearance of the area contrary to the development plan and national policy. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

⁴ Ref APP/C1570/A/05/1188896