



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
6 AUGUST 2018**

<b>Application Number</b>	<b>DET/MAL/18/05091</b>
<b>Location</b>	Land West Of Fambridge Road North Fambridge Essex
<b>Proposal</b>	Compliance with conditions notification of approved application <b>OUT/MAL/14/01016</b> (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space). <b>Condition 12</b> - Surface water drainage system maintenance. <b>Condition 13</b> - Foul and surface water drainage scheme. <b>Condition 17</b> - Discharge of surface water onto highway. <b>Condition 31</b> - Wastewater strategy. <b>Condition 33</b> - Foul water strategy.
<b>Applicant</b>	David Wilson Homes
<b>Agent</b>	N/A
<b>Target Decision Date</b>	18 September 2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	At the Director of Planning & Regulatory Services' discretion for consistency reasons

**1. RECOMMENDATION**

The recommendation is to discharge the following conditions as set out in Section 8 of the report.

**2. SITE MAP**

Please see overleaf.

# Land West of Fambridge Road, North Fambridge

DET/MAL/18/05091



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Scale: 1:4,000

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 18/05091/DET

Date: 24/07/2018

MSA Number: 100018588

### 3. SUMMARY

#### 3.1 **Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site measuring approximately 6.19 hectares in size lies within the development boundary for North Fambridge. Before the Maldon District Local Development Plan was approved by the Secretary of State, the application site was located outside the development boundary for North Fambridge in the Maldon District Replacement Local Plan (2005). In the Local Development Plan Proposals Map, the site is within the settlement boundary of North Fambridge.
- 3.1.2 The site is predominantly rectangular in shape and has an existing access off Fambridge Road, opposite the access to Fleet Farm. The topography of the site is gentle, with levels rising consistently and evenly from Fambridge Road towards the west.
- 3.1.3 The site forms part of a larger agricultural field and contains limited hedgerow and tree planting along its boundaries. Rear gardens of existing residential dwellings along The Avenue abuts the southern boundary of the application site.
- 3.1.4 Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space (**OUT/MAL/14/01016** dated 18 March 2016). As part of the outline approval **OUT/MAL/14/01016**, the Applicant had entered a signed Section 106 legal agreement for the following contributions:-
- 30% Affordable housing
  - Education contribution
  - NHS contribution
  - Residential Travel Plan
  - Open Space and Amenity Land
  - Off-site ecological contribution
- 3.1.5 The Reserved Matters application (reference: **RES/MAL/17/00776**) for the approval of access, appearance, landscaping, layout and scale on approved planning application **OUT/MAL/14/01016** was approved by the Council at the North Western Area Planning Committee on 5 February 2018. In the officer report, it was confirmed that the Reserved Matters application **RES/MAL/17/00776** did not include a detailed proposal for the commercial elements listed in the outline planning application **OUT/MAL/14/01016** (*A village centre of up to 1000sqm of flexible commercial and community floor space*) as this element of the proposal would lead the delivery of the commercial space independently from that of the 75 dwellings.
- 3.1.6 At the North Western Area Planning Committee on 14 May 2018, the Discharge of Conditions application **DET/MAL/17/05154** was presented to Members at the discretion of Director of Planning & Regulatory Services and Conditions 12, 13, 17, 31 and 33 were included amongst the conditions to be discharged. Conditions 12, 13, 17, 31 and 33 imposed on **OUT/MAL/14/01016** were considered by Members. Members were not satisfied that the addition of a storage tank for foul waste at the existing pumping station would resolve the current issue, and that it would not address

the potential increase in waste disposal. It was considered that tankering was not an acceptable solution, and that an adequate capacity to handle and dispose of the foul/surface water was available to serve the development had not been demonstrated. As such, the Council was unable to discharge Conditions 12, 13, 17, 31 and 33 imposed on outline planning application **OUT/MAL/14/01016** under the **DET/MAL/17/05154** application.

3.1.7 Having considered the scale, nature and sensitivity of the site and more importantly for the reason of consistency following the previous Discharge of Conditions application **DET/MAL/17/05154**, consultation with the Director of Planning & Regulatory Services was held and it was agreed that the Discharge of Condition application **DET/MAL/18/05091** for Conditions 12, 13, 17, 31 and 33 at land to the west of Fambridge Road to be presented to Members at the North Western Area Planning Committee.

3.1.8 Additional clarification has been provided by Anglian Water in respect of this matter (included at **APPENDICES 2 and 3**) and it is therefore considered appropriate to fully re-assess the impact of the proposed development in terms of drainage.

### **3.2 Conclusion**

3.2.1 Based on the details submitted for the Discharge of Conditions application, the Council has considered that the following conditions can be discharged:-

<b>Conditions</b>	<b>Discharged</b>
12	Yes
13	Yes
17	Yes
31	Yes
33	Yes

## **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- 7-8, 14, 17, 127, 170 and 187

### **4.2 Maldon District Local Development Plan approved by the Secretary of State on 21 July 2017**

- Policy S1 Sustainable Development
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change & Environmental Impact of New Development

### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

- 5.1.1 The Reserved Matters application (RM) was approved at the North Western Area Committee on 5 February 2018. Prior to this RM application, outline planning permission **OUT/MAL/14/01016** with all matters reserved for up to 75 dwellings. Accompanied with the outline planning permission was a signed and dated S106 legal agreement to provide contributions as listed above.
- 5.1.2 As part of the outline planning application approval **OUT/MAL/14/01016**, 34 planning conditions were imposed. Out of the 34 conditions, 21 conditions imposed on **OUT/MAL/14/01016** were pre-commencement planning conditions (Conditions: 5, 6, 8, 9, 12, 13, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31 and 33), however the Applicant is seeking to discharge 5 of the planning conditions imposed under this current DET/MAL/18/05091 only (Conditions: 12, 13, 17, 31 and 33). These planning conditions are listed below and summarised in Section 3.2.1 of this report. It is important to note that Conditions: 5, 6, 8, 9, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, and 30 of **OUT/MAL/14/01016** were approved under **DET/MAL/17/05154**. The outstanding conditions in relation to surface water drainage system maintenance (C.12); foul and surface water drainage scheme (C.13); discharge of surface water onto highway C.17); wastewater strategy (C.31); and foul water strategy (C.33) are being considered under the terms of this application (**DET/MAL/18/05091**).

### 5.2 Condition 12 of OUT/MAL/14/01016

- 5.2.1 Condition 12 states:-

*'No development shall commence until details of who shall be responsible for the maintenance of the surface water drainage system in perpetuity have been submitted to and approved in writing by the Local Planning Authority. The management of the surface water drainage system shall accord with the approved details thereafter'*

- 5.2.2 As part of the maintenance of the surface water drainage system, the Applicant has submitted the following information to the Council for consideration:-

- Surface Water Drainage Maintenance Overview
- 132915-R3 (0) – Drainage Statement Site A
- 132915-R5 (00) – SuDS Calculations Site A

- 5.2.3 The Surface Water Drainage Maintenance Overview includes the following extracts:

Surface Water Strategy:

*'As part of the planning permission for the development at Land West of Fambridge Road, North Fambridge a surface water drainage strategy is to be progressed based on sustainable drainage principles.*

*The surface water drainage strategy is to be produced to cater for surface water run off generated up to and including the one in 100 year storm event.*

*The surface water strategy consists of permeable paving to areas of hard standing which includes private drives, parking courts and driveways. Storm water runoff from dwellings will be drained via cellular soakaway tanks where infiltration is feasible.*

*A positive connection will be made to the existing surface water network with a flow control system in place to limit the peak flows.*

*Any surface water that cannot exit the site in storm events will be attenuated on site via attenuation basins within the public open space and village green areas.'*

**Surface Water Management:**

*'The main surface water piped network will be run within the adoptable highway on site and be offered to Anglian Water for adoption under a Section 104. The drainage will be built to the standards required within Sewers for Adoption 6th Edition. All maintenance for these elements of the surface water system will be the responsibility of David Wilson Homes (the Applicant) until such times as the network is adopted after which all maintenance obligations will transfer to Anglian Water.*

*Area of permeable paving to private drives, parking courts and driveways will be privately conveyed and the maintenance of these areas will be transferred accordingly.*

*The subsequent infiltration tanks and attenuation basins within the public open space areas will be transferred to the private management company along with relevant maintenance obligations.'*

- 5.2.4 Essex County Council (Lead Local Flood Authority (LLFA)) has been consulted however no formal response has been received regarding to this current Discharge of Condition application. It is important to note that LLFA was consulted previously on Discharge of Condition application DET/MAL/17/05154 and having assessed the submitted above documents which accompanied that planning application, LLFA had raised no objection in relation to the principle of the maintenance of the surface water drainage system. Having regard to the additional advice that has been received from Anglian Water and the advice that is expected to be provided at the committee meeting, it is expected that the advice of the statutory consultees will be able to be afforded more weight and as such it is considered that there will be grounds to enable the discharge of the condition.

**5.3 Condition 13 of OUT/MAL/14/01016**

**5.3.1 Condition 13 states:-**

*'No development approved by this permission shall be commenced until a scheme for the improvement of the existing foul and surface water drainage system has been submitted to and approved in writing by the local planning authority. The scheme needs to set out the phasing of the development in terms of dwellings built and occupied alongside the foul and surface water system improvements needed. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until each phase of the scheme for improvement of the*

*existing foul and surface water drainage system has been completed and confirmation obtained of available permitted capacity in the network and at the treatment works'*

5.3.2 To discharge the above planning condition, the Applicant has submitted the following information:-

- 132915-R3 (0) – Drainage Statement Site A
- 132915-R5 (00) – SuDS Calculations Site A
- 307 P5 – SuDS Strategy Layout
- 308 P4 – Foul Drainage Strategy
- North Fambridge Phasing Plan – 14-03-2018

### 5.3.3 Foul Drainage

5.3.3.1 In January 2014 a joint Drainage Position Statement issued by The Environment Agency, Anglian Water Services (AWS) and Essex County Council SUDS Team in response to a consultation from Maldon District Council concerning the availability of infrastructure capacity in the Latchingdon Waste Water Treatment Works catchment to serve 800 new homes. This consultation included the 105 homes on the North Fambridge sites, comprising this site and the one at nearby Manor Farm. In summary, this statement concluded that the additional wastewater from 800 homes could not be treated at Latchingdon.

5.3.3.2 Further assessment was carried out, with the most recent being the statement prepared in November 2017 which is included at **APPENDIX 1**. In comparison to the first assessment, it is advised that the reduced number of dwellings, from 800 to 105, could be mitigated by providing storage capacity on site (and with some local additional storage at the nearby Avenue Pumping Station) to ensure that the additional waste water would only be discharged at times of day when there is capacity in the sewer network. During any times of day when the sewer flows reach their peak level, the waste would be stored there, until the peak flow levels fall to an acceptable level.

### 5.3.4 Mitigation Works

5.3.4.1 The Development Impact Assessment (DIA) considered the site specific implications of collecting and treating the new flows from this site and the associated Manor Farm development. It concluded that the potential adverse impact of the new waste water flows could be mitigated by a combination of on-site and off-site measures. In addition, no properties on this site could be connected to the sewer until the on and off-site mitigation are in place.

5.3.4.2 It is proposed that a new on-site pumping station will be provided with upstream below ground tanks with a capacity of 68m<sup>3</sup> to store the wastewater until it is pumped to the Avenue Road Pumping Station, but only at the times of day when there is capacity in the existing sewer network. Suitable times for pumping will be monitored using Real Time Controls (RTC) which will remotely sense flows in the downstream sewer, which will trigger the pumped discharge, but only when capacity is available. With respect to this solution it is noted that correspondence from Anglian Water dated 14/05/18 set out the following:

*“Real Time Control (RTC) or Inhibit Control systems have only fairly recently been adopted by Anglian Water as a satisfactory method for providing an effective and cost efficient foul water mitigation solution. The strategy envisages a control interface linking the discharge from the development to restrict discharge to the existing foul water network during conditions where it is inundated with surface water. In this case the development conveyance pumping station would be inhibited by levels monitored in the sewerage adjacent The Avenue pumping station. Storage within the development drainage may be located within the conveyance pumping station wet well, development foul water drainage suitably oversized, a dedicated storage tank or a combination of these. The storage volume will be sufficient to restrict discharge from the larger of the development sites for up to 24 hours. Although a relatively recent approach, this type of solution is being widely employed across the UK; Anglian Water currently operates upwards of 200 installations across our area.”*

5.3.4.3 Similarly, outside the site curtilage at Avenue Road, some local additional underground retention storage (33m<sup>3</sup>) will be provided to hold the waste at the pumping station for this site and Manor Farm (**RES/MAL/17/00766**, **DET/MAL/17/05142**, and **DET/MAL/18/05092**), before it can be pumped away, via the sewer under Fambridge Road for recycling at Latchingdon Sewage Works, when the peak flow levels fall to an acceptable level. If the existing sewer network capacity is restricted for an extended period, the storage capacity provided would be sufficient to store the average hourly flow from the development (Dry Weather Flow) for up to 35 hours. However if the tanks fill to their capacity another form of disposal would be required e.g. tankering off site.

#### 5.3.5 Maintenance of Foul Water Infrastructure

5.3.5.1 The off-site works at Avenue Road will be funded by the developer using the Sewer Requisition Procedure under Section 98 of the Water Industry Act. Anglian Water will design and construct these works. The on-site works will be designed and constructed by the developer in accordance with details that will be approved by Anglian Water under Section 104 of the Water Industry Act. Anglian Water will supervise the works to ensure that they are constructed in accordance with their specification.

5.3.5.2 It has been confirmed that after the works are satisfactorily completed and a twelve month maintenance period has elapsed, the on-site works, including the tanks and pumps, will be operated and maintained by Anglian Water along with the Avenue Road pumping station and the downstream infrastructure which connect to Latchingdon.

#### 5.3.6 Surface Water Drainage

5.3.6.1 With regard to the surface water drainage, it has been noted that there have been surface water flooding incidents in North Fambridge, however these are not due to flooding from rivers but the low permeability of the underlying soils in the area can lead to uncontrolled surface water run-off from undeveloped agricultural land during more extreme rainfall events, particularly in circumstances where the catchment is already saturated. This could cause ponding in low-lying areas if the ditches and watercourses are not maintained to permit this water to flow freely downstream into the river system. It is the riparian owners' responsibility (person who own land or



property next to a river and have responsibility to enable flow without obstruction), under the scrutiny of the Lead Local Flood Authority (Essex County Council), to clear any blockages of these ordinary watercourses. In this case the main outfall from the site is via the culvert under Fambridge Road in the south east corner of the site, which is almost completely blocked.

5.3.6.2 The sustainable drainage strategy for this site would include a mix of interconnected drainage features that include garden soakaways, permeable paving filter drains, swales, wetland and infiltration/attenuation basins. The discharge from these features will be controlled near the point where it flows into the existing culvert under Fambridge Road. The control feature will be a vortex flow device e.g. Hydrobrake. Vortex controls provide a reliable low maintenance flow management mechanism because they have no moving parts and they are designed to minimise the risk of blockages. Through natural filtration, this system will also enhance the quality of water that flows from the site and it will enhance the value of the amenity land within the development.

#### 5.3.7 Maintenance of Surface Water Drainage

5.3.7.1 The upstream on-site drainage features will be suitable for adoption and future maintenance by Anglian Water Services. However, the downstream features within the eastern amenity space will be managed in perpetuity by a residents' management company. This body will also maintain the landscaping in this area of the site.

#### 5.3.8 Conclusion

5.3.8.1 Based on the above, the Applicant has concluded that the Drainage Statement Site A (132915-R3 (0)) dated 13 July 2017 has demonstrated that a robust foul drainage impact mitigation strategy has been agreed with the Anglian Water Services, which is the drainage authority responsible for the conveyance and treatment of wastewater flows. This strategy will include both on-site and off-site storage and a real time control system to ensure that there will be no increase in foul sewer flood risk due to the development. The mitigation scheme must be implemented before any new properties are occupied. In addition, a sustainable surface water drainage strategy has been agreed in principle with the Lead Local Flood Authority (LLFA, Essex County Council) and the Environment Agency. This drainage strategy will reduce the pre-development risk of flooding to the roads and downstream properties by restricting the post-development discharge to the average annual flow rate and by removing the blockage from the existing culvert. It is noted that the EA are keen to seek additional confirmation that the improvement works will be in place prior to the occupation of any dwellings, but in this regard it is considered that comfort can be drawn from the fact that the condition states "No occupation of dwellings approved by this permission shall occur until each phase of the scheme for improvement of the existing foul and surface water drainage system has been completed and confirmation obtained of available permitted capacity in the network and at the treatment works"

#### 5.3.9 Anglian Water Services (AWS)

5.3.9.1 The latest correspondence from Anglian Water Services dated 11 July 2018 has advised that the foul and surface water drainage scheme is considered to be acceptable. Moreover, they are satisfied that the strategy as submitted is, as far as

reasonably practicable, effective in dealing with the proposed foul flows from the development.

5.3.9.2 AWS have worked with the developer to ensure a drainage strategy has been produced which ensures that no detriment is caused to the existing operational performance by the flows from the proposed development. Therefore AWS recommends that Condition 13 is discharged in full.

5.3.9.3 As part of the Discharge of Condition application, the Applicant has provided Maldon District Council with a phasing strategy for the development which sets out that the pumping station and drainage connection will be provided prior to the first occupation of a dwelling at the site. Anglian Water Services have also considered the Phasing and Delivery Plan dated 14 March 2018 which forms a part of Condition 13 and has considered that the phasing element of this condition has been met. The on-site and off-site drainage works will be undertaken in line and completed ahead of the first occupation. In relation to the Waste Water treatment, it is not Anglian Water's practice to seek to hold the developer liable through the planning system for the funding of any infrastructure upgrades to water recycling centres (WRC) or to solve existing issues. Investment in WRC is triggered by a number of risks, including growth and regulatory changes and process deterioration. The growth element of the future risk is known, therefore AWS are satisfied that this element of the condition can be discharged as the prioritisation has commenced.

#### 5.3.10 Conclusion

5.3.10.1 On the basis of the advice received from AWS, it is considered that the surface and foul water drainage scheme is adequate. Therefore Condition 13 of outline planning permission OUT/MAL/14/01016 can be discharged.

### 5.4 **Condition 17 of OUT/MAL/14/01016**

5.4.1 Condition 17 states:

*'Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times'*

5.4.2 In email correspondence dated 20 December 2017 for the previous Discharge of Condition application (**DET/MAL/17/05154**), ECC Highway Authority had confirmed that they have assessed the following information submitted by the Applicant with regard to details showing the means to prevent the discharge of surface water from the development onto the highway:-

- 307 P5 – SuDS Strategy Layout
- 132915-R1 (0) Flood Risk Assessment Site A
- 132915-R3 (0) Drainage Statement Site A
- 132915-R5 (00) SuDs Calculations Site A

- 5.4.3 Based on the above information submitted, the Highway Authority has no adverse comments to make with regard to the discharge of Condition 17, but reminds the Applicant that the discharge of this condition does not absolve the developers' obligations under S38/278 for drainage details to be technically agreed with the Highway Authority. Insofar the details submitted it is considered that this condition can be discharged.

## **5.5 Condition 31 of OUT/MAL/14/01016**

- 5.5.1 Condition 31 states:

*'No development shall commence until a detailed wastewater strategy has been submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details and retained as such thereafter'*

- 5.5.2 Condition 31 in relation to wastewater strategy was recommended by Anglian Water Services (AWS) in the 2014 outline planning application. Condition 31 is caveated by Condition 32 which reads *'pursuant to condition 31 above, no dwelling hereby approved, or approved as part of the reserved matters referred to in condition 1 of this permission, shall be occupied until the wastewater strategy has been carried out in complete accordance with the approved details'*.

- 5.5.3 For Condition 31, the Applicant has submitted the following documents to the Council for consideration:-

- 132915-R3 (0) Drainage Statement Site A

- 5.5.4 Based on the document submitted by the Applicant, it was concluded that the Drainage Statement has demonstrated that a robust foul drainage impact mitigation strategy has been agreed with the Anglian Water, which is the drainage authority responsible for the conveyance and treatment of wastewater flows. This strategy will include both on-site and off-site storage and a real time control system to ensure that there will be no increase in foul sewer flood risk due to the development.

- 5.5.5 The Applicant acknowledges that the mitigation scheme must be implemented before any new properties are occupied. In addition, a sustainable surface water drainage strategy has been agreed in principle with the Lead Local Flood Authority (LLFA, Essex County Council) and the Environment Agency. This drainage strategy will reduce the pre-development risk of flooding to the roads and downstream properties by restricting the post-development discharge to the average annual flow rate and by removing the blockage from the existing culver.

- 5.5.6 The Environment Agency (EA dated 12 January 2018) has noted that this wastewater strategy condition was recommended by Anglian Water Services and therefore expects this to take into account the permitted capacity position at Latchingdon treatment works. As stated above Condition 31 is caveated by Condition 32 which requires physical works to have been carried out and being operational prior to the dwellings being occupied and therefore it is considered that the latest request from the Environment Agency in respect of clarification as to when works will be undertaken to improve the existing capacity is dealt with by this condition.

5.5.7 A consultation response was received by Anglian Water Services (AWS) dated 11 July 2018 which clarifies that a wastewater strategy is referring to the Water Recycling Centres (WRC) and AWS are responsible for all and any upgrades to the WRC. Anglian Water Services have advised that it is not their practice to hold the developer liable through the planning system for the funding of any infrastructure upgrades to Water Recycling Centres (WRC). Investment in WRC is triggered by a number of risks, including growth and regulatory changes and process deterioration. The growth element of the future risk is known, therefore AWS are satisfied that the condition can be discharged as investment prioritisation has commenced.

5.5.8 AWS will plan and invest accordingly in WRC and advised that it is not for the developer to make provision for this. It is therefore advised that planning condition 31 can be discharged in this respect.

## **5.6 Condition 33 of OUT/MAL/14/01016**

5.6.1 Condition 33 states:

*'No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained as such thereafter'*

5.6.2 Condition 33 in relation to foul water strategy was recommended by Anglian Water Services (AWS) in the 2014 outline planning application. Condition 33 is caveated by Condition 34 which reads *'pursuant to condition 33, no dwelling hereby approved, or approved as part of the reserved matters referred to in condition 1 of this permission, shall be occupied until the foul water strategy has been carried out in complete accordance with the approved details'*.

5.6.3 For Condition 33, the Applicant has submitted the following documents to the Council for consideration:-

- 132915-R3 (0) – Drainage Statement Site A
- 308 P5 – Foul Drainage Strategy

5.6.4 Based on the document submitted by the Applicant, it was concluded by the applicant that the Drainage Statement has demonstrated that a robust foul drainage impact mitigation strategy has been agreed with the Anglian Water, which is the drainage authority responsible for the conveyance and treatment of wastewater flows. This strategy will include both on-site and off-site storage and a real time control system to ensure that there will be no increase in foul sewer flood risk due to the development.

5.6.5 The Applicant again acknowledges that the mitigation scheme must be implemented before any new properties are occupied. In addition, a sustainable surface water drainage strategy has been agreed in principle with the Lead Local Flood Authority (LLFA, Essex County Council) and the Environment Agency. This drainage strategy will reduce the pre-development risk of flooding to the roads and downstream properties by restricting the post-development discharge to the average annual flow rate and by removing the blockage from the existing culver.

- 5.6.6 The Environment Agency has previously noted that this foul water strategy condition was recommended by Anglian Water Services and therefore expects this to take into account the permitted capacity position at Latchingdon treatment works. Condition 33 is caveated by Condition 34 which requires physical works to have been carried out and being operational prior to the dwellings being occupied.
- 5.6.7 A consultation response was received by Anglian Water Services dated 14 March 2018 stating that the purpose of the foul water drainage strategy is to establish a method of connecting the development flows without creating additional detriment to the operation of the sewerage pipes / system. In response to a pre-planning enquiry, AWS undertook a desktop assessment that identified a network reinforcement solution in support of the outline planning application. Following their achieving outline planning approval Barratt David Wilson Homes (BDW) approached AWS to carry out a detailed assessment of their proposed drainage strategy (including the new pumping station design) and of any potential detriment caused by their proposal. BDW entered into a S98 Underwriting Agreement with AWS that allowed this assessment to be completed to ensure that the required S98 works could be completed ahead of their first occupation.
- 5.6.8 This detailed analysis has provided an alternative, more reliable solution employing storage upstream of the connection point and discharge control on the development pumping station. This provides a more effective mitigation of the predicted additional risk posed by the development. The agreed foul water strategy employs a control on the development pumping station to ensure that the development only discharges when there is sufficient capacity within the foul water network. The onsite drainage has been designed to provide sufficient storage capacity to accommodate flows while the discharge is inhibited.
- 5.6.9 Under the terms of the S98 agreement the onsite elements of the work will be completed by BDW and the offsite works will be completed by AWS. BDW will install additional storage within the development site. The discharge control will be installed by AWS under the S98 sewer requisition scheme and delivery of this off-site work will be programmed to coincide with the onsite works to ensure that they are completed ahead of the first occupation.
- 5.6.10 The onsite infrastructure and pumping station has been submitted to Anglian Water for adoption, under a Section 104 agreement. Anglian Water will adopt this infrastructure and will therefore operate, control and maintain said infrastructure. As the developer will provide the additional storage capacity to enable this strategy the foul water drainage conditions in respect of this site can be discharged. It is therefore advised that Condition 33 can be discharged in this respect.
- 5.6.11 Based on the above submission, the strategy submitted has drawn on extensive modelling and analysis and sufficient mitigation is planned. Therefore AWS has recommended that Condition 33 of OUT/MAL/14/01016 is discharge in full.

## **6. ANY RELEVANT SITE HISTORY**

- **OUT/MAL/14/00186** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible

commercial and community floor space and a 1.8ha village green and public open space. Refused: 11 August 2014

- **OUT/MAL/14/01016** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floor space, a 1.8ha village green and public open space. Approved: 18 March 2016
- **RES/MAL/17/00776** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application **OUT/MAL/14/01016** (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space.) Approved: 6 February 2018

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Fambridge Parish Council	<ul style="list-style-type: none"> <li>• Insufficient capacity at Latchingdon Water Recycling Centre</li> <li>• Same set of documents are being resubmitted with this application with very little new information from the developer</li> <li>• The use of tankers as is not acceptable</li> <li>• A strategy should show committed actions, timescales, and funding sources; none of these have been addressed by Anglian Water's responses</li> <li>• The reassurances from Anglian Water that they will do what is required by the situation does not constitute a strategy</li> </ul>	Noted in the officer report

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No adverse comments to make, but please note that any discharge permission given does not absolve the developers obligations under S38/278 for drainage details to be technically agreed	Noted in the report
ECC Sustainable Drainage Systems (SUDs)	No response received at the time of writing this report. Any comments received will be reported on the Members Update.	The LLFA was consulted previously on Discharge of Condition application DET/MAL/17/05142 and having assessed the submitted above documents which accompanied that planning application, LLFA had raised no objection in relation to the principle of the maintenance of the surface water drainage system. The submissions are no different and therefore weight can be afforded to the original response.
Environment Agency	Conditions 12, 13, 31 and 33 can be discharged but they wish additional confirmation that the improvements to Latchingdon Water Recycling Centre will be in place.	Noted in the report
Anglian Water Services	Conditions 12, 13, 31 and 33 can be discharged.	Noted in the report. The content of their latest submissions is also included at <b>APPENDICES 2 and 3.</b>

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services (EHS)	EHS need to be satisfied that no residents will be adversely affected by noise and odour from the siting of the tanks and pumping station before the conditions can be discharged.	Ac condition to address this matter was imposed under the terms of the reserved matters application. A discharge of condition application in relation to this matter (DET/MAL/18/05041) was refused under delegated powers on 15/05/18.

### 7.4 Representations received from Interested Parties

7.4.1 No letters received.

## 8. RECOMMENDATION

That the following conditions be **DISCHARGED**:

Conditions	Discharged
12	Yes
13	Yes
17	Yes
31	Yes
33	Yes