



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
DISTRICT PLANNING COMMITTEE (SPECIAL)
23 OCTOBER 2019

Application Number	DET/MAL/19/05116
Location	Land West of Fambridge Road, North Fambridge
Proposal	Compliance with conditions notification 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 floorspace, a 1.8ha village green and public open space) Condition 13 - Foul & surface water drainage. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy.
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Under Planning Performance Agreement (PPA)

1. RECOMMENDATION

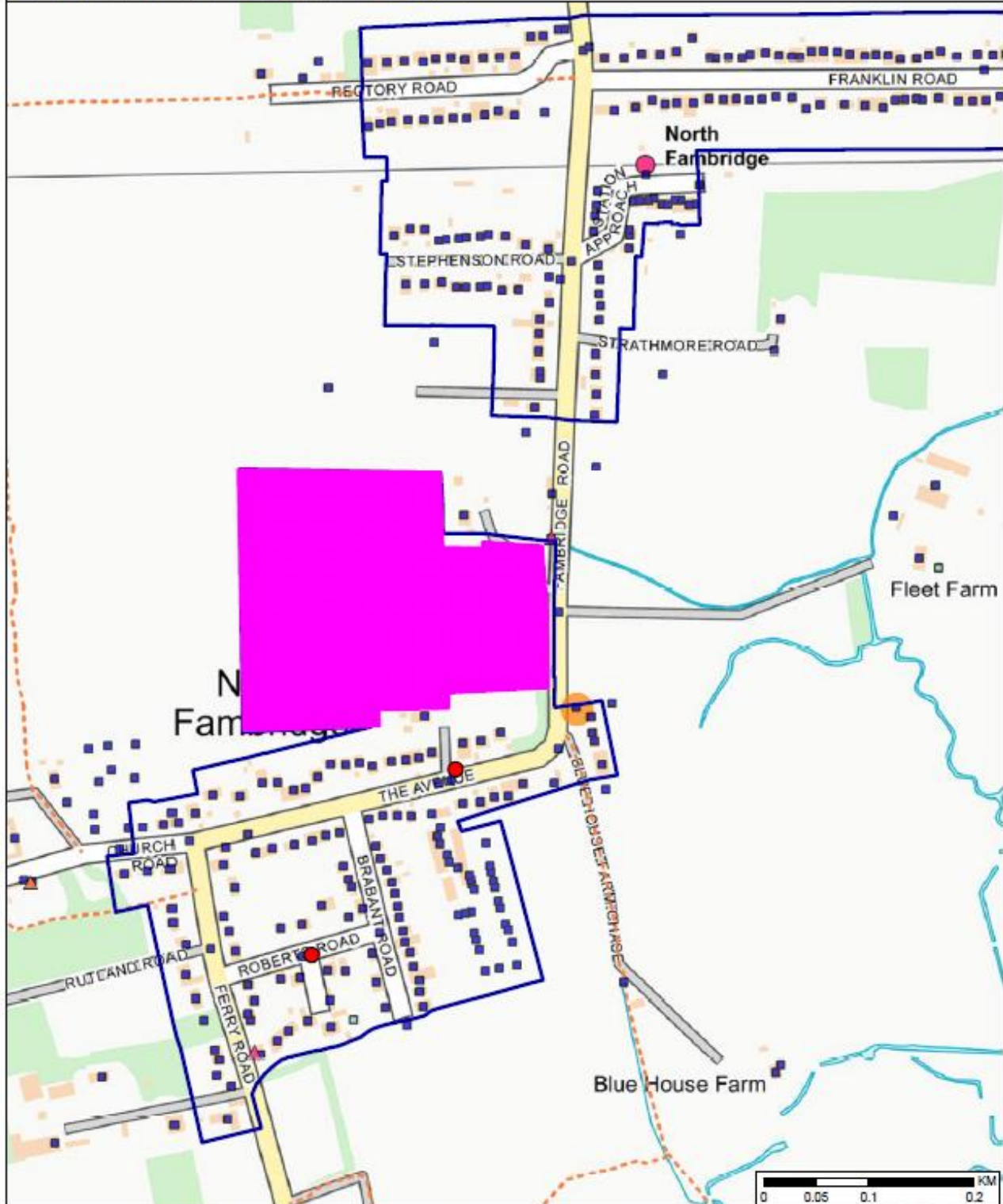
The recommendation is to discharge the conditions as set out in Section 8 of the report.

2. SITE MAP

Please see overleaf.

19/05116/DET

Land West Of Fambridge Road, North Fambridge



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Maldon District Council 100018588 2014

Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: NW Area Planning Committee

Date: 02/10/2019

3. SUMMARY

3.1 **Proposal**

3.1.1 This discharge of conditions application seeks the discharge of conditions 13, 31 and 33 attached to outline consent OUT/MAL/14/01016.

3.1.2 Outline consent OUT/MAL/14/01016 was granted on 18 March 2016 for the following description of development:

“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 floorspace, a 1.8ha village green and public open space.”

3.1.3 Reserved matters consent has also subsequently been approved under reference RES/MAL/19/00252 on 29 May 2019.

3.1.4 The three conditions that the applicant wishes to discharge are conditions 13, 31 and 33 which read as follows:

“13. 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.

REASON To ensure an adequate method of foul water disposal with no deterioration in water quality or harm to the water environment or general amenity arising from flooding, in accordance with policy CON5 of the Maldon District Replacement Local Plan and Policies D2 and H4 of the submission Maldon District Local Development Plan.

31 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.

REASON In order to prevent damage to the environment and harm to the amenity of residential occupiers in the locality, in accordance with policies BE1 and CON5 of the adopted Maldon District Replacement Local Plan, and policies D1 and I1 of the Submission Maldon District Local Development Plan.

33 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.

***REASON** In order to prevent damage to the environment and harm to the amenity of residential occupiers in the locality arising from flooding, in accordance with policies BE1 and CON5 of the adopted Maldon District Replacement Local Plan, and policies D1 and I1 of the Submission Maldon District Local Development Plan.”*

3.2 Site Description

- 3.2.1 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).
- 3.2.2 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.
- 3.2.3 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 abut the southern boundary of the application site.

3.3 Relevant Planning History

- 3.3.1 There have been previous submissions to get conditions 13, 31 and 33 formally discharged under references DET/MAL/17/05154 and DET/MAL/18/05091; however both submissions were refused by the Council in relation to conditions 13, 31 and 33.
- 3.3.2 DET/MAL/17/05154 was submitted on 19 September 2017 and was formally refused on 15 May 2018. The reason given for refusing to clear the conditions was as follows:

“13 - Members at the North Western Area Planning Committee on 14 May 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of surface and foul water will be available to serve the development. Therefore Condition 13 of outline planning application OUT/MAL/14/01016 is not discharged.

31 - Based on the Drainage Statement A (132915-R3 (0)) submitted, Members at the North Western Area Planning Committee on 14 May 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of wastewater will be available to serve the development and therefore Condition 31 of outline planning application OUT/MAL/14/01016 is not discharged.

33 - Members at the North Western Area Planning Committee on 14 May 2018 determined that the submissions have not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of foul water will be available to serve the development and therefore Condition 31 of outline planning application OUT/MAL/14/01016 is not discharged.”

- 3.3.3 Following the Council's refusal to clear conditions 13, 31 and 33 under DET/MAL/17/05154 the applicant lodged an appeal and re-submitted a further discharge of conditions application under reference DET/MAL/18/05091.
- 3.3.4 DET/MAL/18/05091 was determined prior to the appeal decision relating to DET/MAL/17/05154 with the reason given by the Council for refusing to discharge the conditions as follows:

"13 - Members at the North Western Area Planning Committee on 06 August 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of surface and foul water will be available to serve the development. Therefore Condition 13 of outline planning application OUT/MAL/14/01016 is not discharged.

31 - Members at the North Western Area Planning Committee on 06 August 2018 determined that the submissions have not demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of wastewater will be available to serve the development and therefore Condition 31 of outline planning application OUT/MAL/14/01016 is not discharged.

33- Members at the North Western Area Planning Committee on 06 August 2018 determined that the submissions have not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of foul water will be available to serve the development and therefore Condition 33 of outline planning application OUT/MAL/14/01016 is not discharged."

- 3.3.5 The appeal decision relating to DET/MAL/17/05154 was issued on 7 March 2019 and approved the details submitted to clear conditions 31 and 33 and part approved part dismissed the details submitted in relation to condition 13. The appeal also dealt with conditions attached to a near by development site known as Manor Farm, The Avenue, North Fambridge. This site has outline and reserved matters consent for the erection of 30 dwellings under references OUT/MAL/14/01018 and RES/MAL/18/00558.
- 3.3.6 When outline consent was granted for the larger site at Land West of Fambridge Road it was subject to condition No. 13 which amongst other elements ensures that no dwellings shall be occupied until confirmation is obtained of available permitted capacity in the network and at the treatment works. No such condition restricting occupation until confirmation is obtained of available permitted capacity in the network and at the treatment works was attached to the Manor Farm development site.
- 3.3.7 The Inspector confirmed within his Decision "that whilst it has been demonstrated that surface water from the two sites would be adequately dealt with and that with the works proposed additional flows would not overload the local foul sewer network, problems would remain with capacity at the Water Recycling Centre (WRC)."
- 3.3.8 The Inspector went on to state that in relation to Land West of Fambridge Road "the requirement in condition 13 that no occupation of dwellings occurs until, amongst other matters, confirmation of the available permitted capacity at the treatment works offers sufficient control over the timing of improvements to ensure that any necessary works are implemented before the houses on this site place demands on the WRC. As

a result, waste and foul water from this development would not cause harm downstream to protected waters and habitat and the strategies required by conditions 31 and 33 can be approved”.

3.3.9 In relation to condition 13 the Inspector was happy to part allow the appeal and stated that *“the appeal....insofar as the drainage system improvement scheme required in relation to condition 13, should be allowed.”* The Inspector could not fully allow the appeal in relation to condition 13 as at this time the drainage scheme proposed intended to connect to the Latchingdon WRC which did not have available permitted capacity for the flows.

3.3.10 This current discharge of conditions application has been submitted with a revised foul and wastewater strategy which seeks to address the Inspectors comments in relation to the recent appeal decision, direct flows away from the Latchingdon WRC and align the strategies of this application site with those proposed for the smaller Manor Farm site.

3.4 Conclusion

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

Conditions imposed on outline planning application OUT/MAL/14/01016	Discharged?
13	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 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 91-95 Promoting healthy and safe communities
- 148-165 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- D1 Design Quality and Built Environment

- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of the development has already been agreed through the granting of outline consent OUT/MAL/14/01016 and the subsequent reserved matters consent RES/MAL/19/00252.

5.2 Foul and Wastewater

- 5.2.1 This discharge of conditions application relates to the conditions which require foul and wastewater strategies to be submitted to and agreed in writing by the Local Planning Authority prior to any work commencing on site as well as condition 13 which requires confirmation of available permitted capacity in the network and at the treatment works. As noted above conditions 31 and 33 have previously been discharged at appeal and condition 13 has been partially discharged at appeal. This new submission is proposing a revised foul and wastewater drainage strategy and is seeking to clear the element of condition 13 previously not discharged at appeal which relates to the confirmation of available permitted capacity in the network and at the treatment works.
- 5.2.2 The following information has been submitted in support of this discharge of conditions application:
- Site Location Plan – H7408-2A-SP-002
 - Foul Water Drainage Strategy – BDW Eastern Counties – 5 August 2019
 - Anglian Water – Pre-Development Report
 - Letter from the Environment Agency date 31 July 2019
 - S30 Agreement Overall Drainage Layout – H7408-3B-SP572 – Rev P3
 - S30 Agreement Layout Manor Farm – H7408-3B-SP-570 – Rev P3
- 5.2.3 The previous foul and wastewater arrangements proposed for this development (under DET/MAL/17/05154 and DET/MAL/18/05091) sought to connect into the existing local sewage network which drains to the Latchingdon WRC. However the Latchingdon WRC has no capacity to deal with any additional flows and the Environment Agency have advised that Latchingdon WRC has been flow non-compliant with the existing permit conditions for two years.
- 5.2.4 In order to overcome the capacity issues at the Latchingdon WRC the applicant has worked with Anglian Water to find a revised foul and wastewater strategy to serve the development. The revised foul and wastewater drainage strategy will direct flows to

the sewerage network draining to the South Woodham Ferrers WRC via a new rising main. As no local connections are made the developments will have no impact upon the headroom / capacity issues at Latchingdon WRC.

- 5.2.5 Anglian Water have examined the performance of South Woodham Ferrers WRC against its current flow permit and have reviewed this with reference to all predicted growth in the South Woodham Ferrers WRC catchment. It is confirmed that South Woodham Ferrers WRC has headroom within its current permit to take the flows from both North Fambridge development sites (Manor Farm and Land West of Fambridge Road).
- 5.2.6 Anglian Water has a duty to serve sites with planning permission and installation of the rising main is funded by Anglian Water through the zonal charge levy. The zonal charge forms part of the plot connection charges levied to all plots connected within the Anglian Water region.
- 5.2.7 Anglian Water's statutory powers allow the rising main to be installed in the public highway subject to the requisite highway opening notices. Where the rising main is to cross third party land the statutory powers extend to allow land entry subject to the necessary notices (S159 of the Water Industry Act 1991) being served and compensatory payments. This is not a planning consideration and is dealt with under separate legislation.
- 5.2.8 The submitted details regarding the foul and wastewater strategy include a Pre-Development report from Anglian Water Services (AWS) which states the following:

'The revised foul water drainage strategy involves the connection of both development sites flows to the sewerage network draining to the South Woodham Ferrers WRC, rather than utilise the local sewerage network serving North Fambridge.

The connection will be formed by a dedicated onsite sewage pumping station, located within the boundary of the West of Fambridge Road site. Foul water flows from The Manor Farm site will be connected to the foul water drainage on the West of Fambridge Road site via a connecting gravity sewer.

The off-site rising main conveying the new development flows to South Woodham Ferrers catchment will be installed by Anglian Water.'

- 5.2.9 The Foul Water drainage strategy prepared by David Wilson Homes gives additional information stating:

'The previous proposal was to connect to the existing AWS pumping station adjacent to the junction of Fambridge Road and The Avenue. This required the construction of a new onsite pumping station and pumped main (rising main) to discharge to an agreed connection point subject to providing controls and emergency storage at the proposed and existing pumping stations.

A revised strategy has been developed, which still requires a new onsite pumping station to be constructed by David Wilson Homes. AWS propose to construct a new rising main from the onsite pumping station to connect to their existing sewer on the

eastern edge of South Woodham Ferrers, which will convey flows to their treatment works at South Woodham Ferrers WRC. The onsite pumping station will be designed to accommodate flows from 105 dwellings plus the proposed commercial/community use in accordance with national standards and offered for adoption by AWS.

This revised strategy will therefore mean that no flows from the proposed Land West of Fambridge Road development will drain to the existing sewers and pumping station in North Fambridge and ultimately to Latchingdon WRC.'

- 5.2.10 Plans showing the technical detail of the overall drainage layout, phasing details as well as capacity detail for South Woodham Ferrers WRC have also been submitted. In relation to condition 13 and the capacity at the South Woodham Ferrers WRC the Pre-Development report from AWS states:

"In order to ensure a sustainable drainage strategy, we have examined the performance of South Woodham Ferrers WRC against its current flow permit.

We have reviewed this with reference to all predicted growth in the South Woodham Ferrers WRC catchment and we have consulted the principal developers / site promoters on their current anticipated development programmes.

The current flow permit limit at South Woodham Ferrers... indicates an available headroom of 348m³/day within the existing permit, which is more than sufficient to serve the two development sites.

Using the standard assumptions for calculating foul water, the combined volumetric loading from the development sites at West of Fambridge Road and Manor Farm in North Fambridge would be expected at approx. 39m³/day."

- 5.2.11 AWS and the Environment Agency have both been consulted on this discharge of conditions application and have raised no objection. Anglian Water has confirmed that they have no objection to the proposal and that they have been working closely with the applicant to ensure an effective strategy is delivered for the two sites. The Environment Agency has also raised no objection to the discharge of the condition and has stated:

'Following the submission of the revised drainage strategy, to which we have already provided comments under another application confirming we are satisfied with the new proposed rising main method to connect to the South Woodham Ferrers WRC, we are pleased to see that the applicant has now provided detailed plans of the on-site connection points for the new foul drainage network set to serve the Land West of Fambridge Road and Manor Farm sites. Plan drawings referenced H7408-3B-SP-570 Revision P3 and H7408-3B-SP-572 Revision P3, both dated July 2019, should be followed during construction works to ensure there are no misconnections to the existing network.

We are now satisfied any outstanding concerns have been addressed by the evidence submitted under this application, and have no further comments to make.'

- 5.2.12 The Environmental Health Officer has been consulted and advised that the whilst the principle of taking waste water flows from the development site to South Woodham

Ferrers WRC rather than to Latchingdon WRC is acceptable they were concerned about the siting of the pumping station on the southern aspect of the development site in the vicinity of the existing residential property.

- 5.2.13 The provision and position of the pumping station was agreed as part of the reserved matters consent and is not relevant to this discharge of conditions application.
- 5.2.14 Essex County Council (ECC) Sustainable Drainage Systems (SuDS) as the Lead Local Flood Authority (LLFA) were consulted on this discharge of conditions application as requested by the Environmental Health officer and originally raised a holding objection stating *“Very limited information is provided in relation to the surface water drainage scheme. If this application is looking to discharge a drainage condition full detail including a written report will need to be provided”*.
- 5.2.15 This current discharge of conditions application does not seek to clear any element of a condition relation to surface water drainage. Condition 13 has already been part discharged at appeal under DET/MAL/17/05154 which included full details of the surface water drainage system. The Inspector stated:

“In relation to condition 13, the appeal is allowed insofar as it relates to the improvement scheme sought and approval is granted for these details. As the latter part of this condition requires confirmation of works and actions prior to occupation that have not yet taken place, these are matters for the Local Planning Authority to assess compliance with and approval is not granted. As a result, the condition as a whole is not discharged.”

- 5.2.16 As the foul and wastewater drainage scheme is no longer proposing connecting to the Latchingdon WRC an upgrade of the WRC is no longer required to demonstrate that there is available permitted capacity in the network and at the treatment works and it is this final element of condition 13 that the applicant is seeking to discharge. The Foul Water drainage strategy prepared by David Wilson Homes states:

“The revised proposals have no impact on proposed SuDS or Flood Risk as have no hydraulic connectivity to the proposed SuDS, or the existing local ditches and sewers.”

- 5.2.17 The applicant provided confirmation of the extent of condition 13 they are seeking to discharge which was sent to ECC SuDS who then advised that they were in a position to remove their holding objection and now raise no objection to the proposal stating the following:

“The first half of condition 13 has already been discharged at appeal under reference DET/MAL/17/05154. This current submission (DET/MAL/19/05116) seeks to discharge the later element of the condition and does not relate to surface water.”

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 Condition 13 has already been part discharged at appeal under DET/MAL/17/05154. This current submission updates the phasing plan (which still sets out that the pumping station and drainage connection will be provided prior to the first occupation of a dwelling at the site) as well as providing confirmation of available capacity at South Woodham Ferrers WRC.

5.3.3 Overall it is considered that the information submitted in support of this discharge of conditions application has addressed the concerns previously raised by the Council and the Planning Inspector as no local connections are made and the development will have no impact upon the headroom/capacity issues at Latchingdon WRC. Full details have been submitted demonstrating that there is capacity at the South Woodham Ferrers WRC. Furthermore AWS and the Environment Agency (EA) has advised that they have no objection to the discharge of this condition.

5.4 Condition 31 of OUT/MAL/14/01016

5.4.1 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.”

5.4.2 Condition 31 in relation to wastewater strategy was recommended by 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”*.

5.4.3 Condition 32 requires the wastewater strategy to have been carried out in complete accordance with the approved details prior to the dwellings being occupied.

5.4.4 Overall it is considered that the information submitted in support of this discharge of conditions application has addressed the concerns previously raised by the Council and the Planning Inspector as no local connections are made and the development will have no impact upon the headroom / capacity issues at Latchingdon WRC.

Furthermore AWS and the EA have advised that they have no objection to the wastewater drainage scheme proposed.

5.5 Condition 33 of OUT/MAL/14/01016

5.5.1 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.”

5.5.2 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”.

5.5.3 Condition 34 requires the foul water strategy to have been carried out in complete accordance with the approved details prior to the dwellings being occupied.

5.5.4 Overall it is considered that the information submitted in support of this discharge of conditions application has addressed the concerns previously raised by the Council and the Planning Inspector as no local connections are made and the development will have no impact upon the headroom / capacity issues at Latchingdon WRC. Furthermore AWS and the EA has advised that they have no objection to the foul drainage scheme proposed.

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 floorspace and a 1.8ha village green and public open space. Refused - 11.08.2014.
- **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 floorspace, a 1.8ha village green and public open space. Approved Subject to S106 - 18.03.2016.
- **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 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Approved - 06.02.2018.
- **DET/MAL/17/05154** - Compliance with conditions notification of approved application 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 floorspace, a 1.8ha village green and public open space). Condition 5 - Materials. Condition 6 - Treatment

boundaries. Condition 8 - Trees. Condition 9 - Hedges. Condition 10 - Ecology Report. Condition 12 - Surface water drainage system. Condition 13 - Foul and surface water drainage system. Condition 14 - Visibility splays. Condition 17 - Surface water. Condition 18 - Finished ground and floor levels. Conditions 19 - On-site construction management plan. Condition 21 - Reptile mitigation strategy. Condition 22 - Mitigation and management strategy. Condition 23 - Archaeological assessment. Condition 24 - Programme of archaeological work. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy. Part Approved Part Refused - 15.05.2018 – Allowed on Appeal.

- **DET/MAL/18/05041** - Compliance with conditions notification RES/MAL/17/00766 (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 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.) Condition 9. Details of the sub-station and pumping station. Refused - 15.05.2018.
- **DET/MAL/18/05050** - Compliance with conditions notification 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 floorspace, a 1.8 ha village green and public open space) Condition 20 - Lighting strategy. Approved - 11.07.2018.
- **DET/MAL/18/05091** - Compliance with conditions notification of application 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 floorspace, a 1.8ha village green and public open space). Condition 12 - Surface water drainage system maintenance. Condition 13 - Foul and surface water drainage scheme. Condition 17 - Discharge of surface water onto highway. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy. Refused - 07.08.2018.
- **DET/MAL/18/05119** - Compliance of conditions notification of approved application 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 floorspace, a 1.8ha village green and public open space). Condition 25 - Risk assessment. Condition 26 - Detailed remediation scheme. Condition 27 - Remediation scheme commencement. Approved - 17.09.2018.
- **DET/MAL/18/05130** - Compliance with conditions notification 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 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.) Condition 9. Details of the sub-station and pumping station. Approved - 18.10.2018.
- **RES/MAL/19/00252** - Reserved matters application for the approval of appearance, landscaping, layout & scale for approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and

affordable dwellings, a village centre of up to 1,000 sqm of flexible commercial and community floorspace, a 1.8ha village green and public open space). Approved - 29.05.2019.

- **DET/MAL/19/05033** - Compliance with conditions notification of approved application 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 floorspace, a 1.8ha village green and public open space. Condition 5 materials. Condition 6 treatment boundaries. Condition 7 hard and soft landscape. Condition 8 tree survey. Condition 9 arboricultural method statement. Condition 16 car parking. Condition 19 construction management plan. Approved - 27.06.2019.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water Services	<p>Anglian Water recommends discharge of conditions 13 – Foul and Surface Water, 32 – Wastewater and 33 – Foul Water Strategy.</p> <p>Advise they have been working closely with the applicant and have an agreed drainage strategy. Foul flows from the site will be directed to South Woodham Ferrers Water Recycling Centre, where they is capacity within the current permit to treat the flows.</p>	Noted and referred to in section 5.2 of the report.
Essex County Council SuDS	<p>Advised no objection to the granting of planning permission based on the following:</p> <p>The first half of condition 13 has already been discharged at appeal under reference DET/MAL/17/05154. This current submission (DET/MAL/19/05116) seeks to discharge the later element of the condition and does not relate to surface water.</p>	Please refer to paragraphs 5.2.13 to 5.2.17.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	The Highway Authority has no adverse comments to make with regards to the compliance of condition no's 13, 31 and 33 for permission 14/01016/OUT.	Noted.
Environment Agency (EA)	<p>Satisfied to now recommend the discharge of conditions 13, 31 and 33.</p> <p>Following the submission of the revised drainage strategy, to which the EA have already provided comments under another application confirming we are satisfied with the new proposed rising main method to connect to the South Woodham Ferrers WRC, the EA are pleased to see that the applicant has now provided detailed plans of the on-site connection points for the new foul drainage network set to serve the Manor Farm and Land West of Fambridge Road sites. Plan drawings referenced H7408-3B-SP-570 Revision P3 and H7408-3B-SP-572 Revision P3, both dated July 2019, should be followed during construction works to ensure there are no misconnections to the existing network.</p> <p>The EA are now satisfied any outstanding concerns have been addressed by the evidence submitted under this application, and have no further comments to make.</p>	Noted and referred to in section 5.2 of the report.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>Advises that the Environment Agency and Essex County Council Lead Local Flood Authority must be consulted on this application.</p> <p>Whilst the principle of taking waste water flows from the development site to South Woodham Ferrers WRC rather than to Latchingdon WRC is acceptable the EHO is concerned about the siting of the pumping station on the southern aspect of the development site in the vicinity of the existing residential property.</p> <p>Seeks clarification that in addition to the proposed adoptable sewers detailed in drawing H7408-3B-SP-572 Revision P3 and H7408-3B-SP-570 Revision P3 Anglian Water will be responsible for pipe work/sewers shared by more than one property.</p>	<p>Noted. The EA and the LLFA have both been consulted.</p> <p>The position of the pumping station is not for consideration as part of this submission and was agreed under the reserved matters consent.</p> <p>It has been confirmed that it is the intention that Anglian Water will be responsible for pipe work / sewers shared by more than one dwelling subject to technical approval.</p>

7.3 Representations received from Interested Parties (*summarised*)

- 7.3.1 A number of letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concerns over the funding for the new sewage system.	Anglian water have confirmed they will fund the new rising main.
MDC should maintain the position that no houses should be built until the rising main to SWF WRC has been constructed and connected.	There is no requirement under the conditions attached to OUT/MAL/14/01016 for any agreed foul and wastewater scheme to be implemented prior to commencement but it must be in place prior to occupation (conditions 32 and 34)
4" main seems very narrow and likely to be blocked even if the waste is pumped.	Anglian Water have confirmed that the 4" (or 100mm) nominal bore rising main is a suitable standard for this purpose and is in fact the same as the current rising main from Franklin Road PS, which serves the whole of N Fambridge.
The proposed siting for the pumping station is not acceptable and likely to	This application is not to consider the position of the pumping station – this

Objection Comment	Officer Response
lead to noise and odour nuisance.	has already been agreed.

8. **RECOMMENDATION**

That the following conditions be **DISCHARGED**

Conditions imposed on outline planning application OUT/MAL/14/01018	Discharged?
13	Yes
31	Yes
33	Yes