



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
14 MAY 2018**

Application Number	DET/MAL/17/05142
Location	Manor Farm The Avenue North Fambridge Essex
Proposal	Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 4 - Samples of external surfaces. Condition 5 - Archaeological assessment. Condition 8 - Finished ground and finished floor levels. Condition 12 - On-site construction management plan. Condition 15 - Responsibility of maintenance of surface water drainage system. Condition 16 - Foul water strategy. Condition 18 - Investigation and risk assessment. Condition 25 - Removal of trees & hedgerows. Condition 26 - Siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers. Condition 27 - Ecological mitigation measures. Condition 29 - Wastewater strategy.
Applicant	David Wilson Homes - C/O Agent
Agent	Mr. Andy Butcher - Strutt And Parker
Target Decision Date	6 February 2018
Case Officer	Yee Cheung
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Director of Planning & Regulatory Services' Discretion for the consistency reasons

1. RECOMMENDATION


The recommendation is to discharge the following conditions as set out in Section 3.2 of the report.

2. SITE MAP

Please see overleaf.

Manor Farm The Avenue North Fambridge
DET/MAL/17/05142



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee
	Date:	01/05/2018
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site comprises farm buildings which have been unused for a number of years as part of an agricultural holding and an area of grassland. Adjoining the site, but outside of the application area is the Manor Farm farmhouse which is to be retained in residential use. Adjoining the farmhouse also on The Avenue frontage is a brick built former stable block which is currently used for storage ancillary to the dwelling. The remaining buildings lie behind the road frontage and are clustered along the western boundary of the site. These are agricultural style buildings which are used for the storage of a variety of materials and machinery, including hay. There are also areas of concrete hardstanding. The total site area is 1.25 hectares.
- 3.1.2 The site lies to the south of The Avenue which is the main residential street in the southern part of North Fambridge. The Avenue is residential in character with detached dwellings set back from the road on large plots. To the west of the site are properties in Brabant Road which are also detached on large plots. These properties typically have rear gardens in the order of 40 metres and there is mature vegetation along the common boundary with the application site. The eastern boundary of the site comprises a mature hedgerow and the southern boundary is a low broken hedgerow.
- 3.1.3 In the approved Local Development Plan, the application site is within the defined settlement boundary of North Fambridge. To the south is the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). Blue House Farm which is a Local Nature Reserve run by the Essex Wildlife Trust lies to the east beyond Blue House Farm Chase. The application site lies in Flood Zone 1.
- 3.1.4 Outline planning permission with all matters reserved was granted in 2016 (OUT/MAL/14/01018 dated 11 January 2016) for the proposal of up to 30 dwellings to be erected on this site. The outline planning application was granted subject to an Unilateral Undertaking Legal Agreement to secure School Transport Contribution and 30% of affordable housing. It is important to note that the principle of development on this site has been established by virtue of outline planning application OUT/MAL/14/01018 approved by the Council. While the Council can now demonstrate a Five Year Housing Land Supply this does not count against the scheme.
- 3.1.5 At the North Western Area Planning Committee on 5 February 2018, Members had raised serious concerns regarding foul drainage flooding for the site and the surrounding area. It was suggested that the planning conditions imposed on OUT/MAL/14/01016 for the development of 75 houses on land to the west of Fambridge Road, which the Council is currently dealing with under the Discharge of Condition application (reference: DET/MAL/17/05154) should be determined by the North Western Area Planning Committee.
- 3.1.6 Following consultation with the Director of Planning & Regulatory Services, it was agreed that the Discharge of Conditions application DET/MAL/17/05142 for Manor Farm to also go before Members at the North Western Area Planning Committee for

the reason of consistency as the sites are in close proximity to each other although they are not intrinsically linked.

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:-

Conditions imposed on outline planning application OUT/MAL/14/01018	Discharged?
4	Yes
5	Yes
8	Yes
12	No
15	Yes
16	Yes
18	No
25	Yes
26	Yes
27	Yes
29	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 2012 including paragraphs:

- Achieving Sustainable Development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 1 – Building a Strong, Competitive Economy
- Section 4 – Promoting Sustainable Transport
- Section 5 – Supporting High Quality Communication Infrastructure
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting Healthy Communities

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

- S1 – Sustainable Development.
- S2 – Strategic Growth.
- S8 – Settlement Boundaries and the Countryside.
- D1 – Design and Quality and Built Environment.
- D2 – Climate Change and Environmental Impact of New Development.
- D4 – Renewable and Low Carbon Energy Generation.
- D5 – Flood Risk and Coastal Management.
- H1 – Affordable Housing.
- H2 – Housing Mix.
- H4 – Effective Use of Land.

- N1 – Green Infrastructure Network.
- N2 – Natural Environment and Biodiversity.
- N3 – Open Space, Sport and Leisure.
- T1 – Sustainable Transport.
- T2 – Accessibility.
- I1 – Infrastructure and Services.

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Essex Design Guide
- Car Parking Standards
- Maldon District Design Guide (MDDG)

5 MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Outline planning permission OUT/MAL/14/01018 was approved on 11 January 2016 with all matters reserved for up to 30 dwellings. Accompanied with the outline planning permission was a signed and dated Section 106 legal agreement to provide contributions as listed in Section 3.1.4 of the officer report.

5.1.2 As part of the outline planning application approval OUT/MAL/14/01018, 30 planning conditions were imposed. Out of the 30 conditions, 16 conditions imposed on OUT/MAL/14/01018 were pre-commencement planning conditions (Conditions: 4, 5, 6, 7, 8, 11, 12, 15, 16, 18, 19, 22, 25, 26, 27 and 29), however the Applicant is seeking to discharge 11 of the planning conditions imposed under this current DET/MAL/17/05142 only (Conditions: 4, 5, 8, 12, 15, 16, 18, 25, 26, 27 and 29). These planning conditions are listed below and summarised in Section 3.2.1 of this report. The five planning conditions that they Applicant are not seeking to discharge under this current DET/MAL/17/05142 relates to archaeology, Level 3 of the ‘Codes for Sustainable Homes’, lighting strategy, contamination (remediation scheme), and visibility splays (Conditions: 6, 7, 11, 19 and 22) and will need to be dealt with by a subsequent Discharge of Condition application. Conditions 9, 10, 14, and 28 stipulated that details in relation to Potential Flood Risk of the site; Hard and Soft Landscaping; Surface Water Drainage Scheme Specification, and Housing Mix to be incorporated into the submission that accompanied the Reserved Matters application. These were clearly shown within the plans and in the form of supporting information under the Reserved Matters application RES/MAL/17/00766. However, this Reserved Matters application was refused at the North Western Area Planning Committee on 3 April 2018. Despite the Reserved Matters application being refused, it is still possible to determine this Discharge of Condition application which relates to planning conditions imposed on the outline planning permission OUT/MAL/14/01018.

Condition 4 of OUT/MAL/14/01018 states:-

- 5.1.3 *'No development shall take place until details including samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved'*
- 5.1.4 As part of the Discharge of Condition application (DET/MAL/17/05142), the Applicant has submitted a Materials Plan (Drawing No: 746. 204.06 dated 19.02.2018). It is proposed that the dwellings and associated garages will be constructed using the external materials as listed below:-
- Brick: Red Multi (Wienerberger Colorado Red Multi or similar)
 - Brick: Yellow (Wienerberger Arizona Yellow or similar)
 - White Boarding (HardiePlank Light Mist or similar)
 - Render (Weber Monocouche Chalk or similar)
 - Tile: Red Plain Tile (Forticrete Mixed Russet)
 - Tile: Grey Plain Tile (Redland Richmond 10)
 - Facia and Soffit - White UPVC
 - Rainwater Goods - Black UPVC
 - Front Doors – Black
 - Garage Doors – Black
 - Windows – White UPVC
- 5.1.5 The proposed external materials are considered to complement each other and will result in a holistic development of an acceptable appearance. The external materials listed above are therefore considered acceptable and therefore Condition 4 of outline planning application OUT/MAL/14/01018 can be discharged.

Condition 5 of OUT/MAL/14/01018 states:-

- 5.1.6 *'No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work'*
- 5.1.7 For Condition, the Applicant has submitted a Written Scheme of Investigations which has been assessed by the Archaeology Team at Essex County Council. The Archaeology Team has been agreed for this site and both phases of excavation have been undertaken. A single cremation burial was recovered, of probable Bronze Age date. No further archaeological fieldwork will be required for the site and it was advised this condition to be discharged. As such, Condition 5 of outline planning application OUT/MAL/14/01018 can therefore be discharged.

Condition 8 of OUT/MAL/14/01018 states:-

- 5.1.8 *'Prior to the commencement of the development detailed drawings showing the finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved'*
- 5.1.9 The Site Levels Layout plan submitted (Drawing No: Site B 132915-301-5 Revision P4 dated 21.02.2018 prepared by RSK) shows the finished ground and finished floor levels of the development in relation to the levels of the surrounding area. The height of the dwellinghouses is considered to be fairly consistent in height. The site gradient is relatively even across the site therefore the height of the dwellings would not appear prominent or visually intrusive when viewed from the wider rural area. It is therefore considered that Condition 8 of the outline planning application OUT/MAL/14/01018 can be discharged.

Condition 12 of OUT/MAL/14/01018 states:-

- 5.1.10 *'No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of an on-site Construction Management Plan detailing:*
- *phasing of the development;*
 - *times during which all construction activities will take place;*
 - *measures to prevent the tracking out of mud and debris onto the highway;*
 - *measures to manage noise and dust emissions during construction;*
 - *details of parking areas for construction vehicles and construction workers vehicles;*
 - *protective fencing to secure the site.*

All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details'

- 5.1.11 A Construction Management Plan (CMP) (Project No. H7408 July 2017 Revision - 17.07.2017) was submitted to accompany this Discharge of Condition application. Within the CMP, a layout plan (Drawing No: H7408_2A_SP_001 dated 17.07.2017) was submitted which shows the construction sequence for Area 1 (to the south of the site), Areas 2 and 3 to the east and west, and Area 4 (to the north). This construction sequence would begin from the south and gradually moving northwards keeping traffic movements to a minimum. A main site compound will be located on the Land West of Fambridge Road site (planning reference: RES/MAL/17/00776 and DET/MAL/17/05154) with satellite welfare being provided to the Manor Farm site. Within the Manor Farm site, there will be a satellite compound which will be temporarily located to the north east of site on the proposed public open space.
- 5.1.12 The CMP submitted (Drawing No: H7408_2A_SP_001 dated 17.07.2017) also shows a construction link from the site at land to the west of Fambridge Road where construction vehicles would be travelling via Crouch Road, a private access, to Manor Farm. While the Highway Authority was consulted and raises no objection to the submission, the Council has grave concerns that the amenity of the existing occupiers

at 'East View', 'Riverbona' and 'Seventeen Seventy' would be affected by noise and disturbance of vehicles using this private access as a short cut to the satellite compound. The CMP makes reference to the management of noise and dust emission from during construction from the stockpile of materials, plant movements will be restricted and the use of radios by contractors on site, however, there were no mentioning of the type of vehicles or number of vehicle movements to and from and between the two site, which could significantly impact on the amenity of the existing occupiers along The Avenue. Based on the CMP submitted, it is considered that the details are unsatisfactory and Condition 12 of the outline planning application OUT/MAL/14/01018 cannot be discharged at this stage.

Condition 15 of OUT/MAL/14/01018 states:-

- 5.1.14 *'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'*
- 5.1.15 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 Strategy:-

'As part of the planning permission for the development at Manor Farm, North Farnbridge 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 roads and driveways. Storm water runoff from dwellings will be drained via cellular soakaway tanks where infiltrations 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 spaces.'

Surface Water Management:-

'Highway on site is not to be offered for adoption and will remain private. The roads are to be constructed using permeable paving which is to be maintained by a private management company once works have been completed and handed over. At this early stage of the project it cannot be confirmed who the management company will be.'

'The main surface water piped network will be run within the private 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 and will be

run within as easement ensuing full access is maintained at all times for Anglian Water Services Ltd. All maintenance for these elements of the surface water system will be the responsibility of David Wilson Homes until such times as the network is adopted after which all maintenance obligations will transfer to Anglian Water.'

'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.'

- 5.1.16 Based on the information submitted, Essex County Council (Lead Local Flood Authority (LLFA)) has assessed the Flood Risk Assessment and the associated documents which accompanied the planning application and has no objection in relation to the principle of the maintenance of the surface water drainage system. Condition 15 of outline planning application OUT/MAL/14/01018 can therefore be discharged.

Condition 16 of OUT/MAL/14/01018 states:-

- 5.1.17 *'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'*
- 5.1.18 Condition 16 in relation to foul water strategy was recommended by Anglian Water Services (AWS) in the 2014 outline planning application. Condition 16 is caveated by Condition 17 which reads *'Pursuant to condition 16, 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'*.
- 5.1.19 For Condition 16, the Applicant has submitted the following documents to the Council for consideration:-
- Drainage Statement Site B (132915-R4(0) dated 13 July 2017
 - Site B SUDS Hydraulic Modelling calculations (132915-R6(00) dated July 2017
 - Site Drainage Plan Site B (Drawing No: 302-5 Revision P4 dated 21.02.2018)

- 5.1.20 Based on the above documents submitted by the Applicant, AWS (dated 29 March 2018) has provided the following comment:-

The purpose of the conditions that we request is to ensure that additional flows do not have a detrimental impact on existing network operational performance.

The analysis has been carried out to provide a drainage strategy which has enabled us to recommend discharge of the following conditions.

Anglian Water Services has an obligation, under Section 98 of the Water Industry Act 1991, to provide a new sewer from the existing sewer network, upon receipt of a sewer requisition. Where it is identified that flows from the new sewer will cause detriment to the existing sewerage network AWS can recover a proportion of the reasonable costs incurred in providing mitigation by way of further sewerage works

in consequence of the sewer requisition. Consequential sewers provided in this way are limited in the following ways:

- 1- *They may only remove any additional operational risk to the sewerage network caused by the provision of the new sewer, and not more: in other words they cannot provide betterment of said network.*
- 2- *They may not extend to sewerage works intended to rectify an existing deficit in the system.
This is because they are provided purely in consequence of the requisitioned sewer.*
- 3- *It is only sewerage works that may be provided and not treatment facilities. This is because the Act only allows for the provision of a 'sewer' then the developer cannot be held liable for costs associated with providing additional capacity at Water Recycling Centre (WRC). The limit of this statutory obligation has been tested.
Alternatively, if no new sewer is required (and therefore no new requisition made), a developer may simply seek a connection to the existing sewerage network, thus avoiding the sewerage undertaker's ability to provide necessary consequential works at the developer's cost. In these cases, sewerage undertakers generally seek planning conditions to achieve the same effect as the requisition process. Accordingly, the planning conditions we request in respect of an acceptable sewer network are operated to no greater effect than the requisition process; in other words it is operated subject to the same limitations.*

5.1.21 Analysis has confirmed that the connection of flows from this development has no significant impact on the performance of the foul water sewerage system therefore AWS has advised that the foul water drainage conditions in respect of this site can be discharged.

5.1.22 The Environment Agency (EA) has assessed the information (Drainage Statement Site B prepared by RSK) which covers both surface water and foul water drainage. EA note that paragraph 2.2 'Foul Drainage' makes reference to the Anglian Water Development Impact Assessment (DIA) carried out following the granting of outline permission. The DIA advises the impact could be mitigated by providing storage capacity on site at the nearby Avenue Pumping Station. Paragraph 3.1 'Mitigation Works' goes on to describe in more detail the proposed arrangements for dealing with foul water from this development site. In the light of the findings of the DIA and the proposed mitigation works, which would appear to provide an operational solution, the EA has advised that Condition 16 can be discharged.

5.1.23 Having considered the specialist's advice above (Anglian Water Services and the Environment Agency), Condition 16 of outline planning application OUT/MAL/14/01018 can therefore be discharged.

Condition 18 of OUT/MAL/14/01018 states:-

5.1.24 *'Notwithstanding the details submitted with this application, no development shall commence until an investigation and risk assessment has been submitted to and*

approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;*
- (ii) an assessment of the potential risks to:*

- *Human health,*
- *Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
- *Adjoining land,*
- *Groundwaters and surface waters,*
- *Ecological systems*
- *Archaeological sites and ancient monuments;*

(iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.'

- 5.1.25 In the Applicant's Updated application form for approval of details reserved by condition received by the Council on 29 December 2017, it specifically lists condition 18 of outline planning application OUT/MAL/14/01018 to be discharged.
- 5.1.26 No details have been provided in relation to any investigation and risk assessment of the site for the Council to be able to assess whether there are any contamination on site. In this instance, the Council cannot discharge condition 18 of outline planning application OUT/MAL/14/01018 at this stage details have been submitted to the Council for consideration.

Condition 25 of OUT/MAL/14/01018 states:-

- 5.1.27 *'No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection on and off site as follows:*
- *Tree survey detailing works required;*
 - *Trees to be retained;*
 - *Tree retention protection plan;*
 - *Tree constraints plan;*
 - *Arboricultural implication assessment;*
 - *Arboricultural method statement (including drainage service runs and construction of hard surfaces).*

No development shall commence until fencing and ground protection to protect the trees and hedgerows shall be erected, details to be submitted and approved as per

BS5837:2012, and ground protection been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.'

- 5.1.28 Based on the Arboricultural Method Statement prepared by James Blake Associates Ltd dated 4 December 2017 (reference: JBA 17/004 AR02 Rev A), the Tree Officer has assessed the details submitted and advised that the Arboricultural Report satisfactorily identifies the constraints offered by the trees and the Arboricultural Method satisfactorily demonstrates how the trees will be protected. Condition 25 of outline planning application OUT/MAL/14/01018 can therefore be discharged.

Condition 26 of OUT/MAL/14/01018 states:-

- 5.1.29 *'No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of the boundaries for the public seating and play area as well as the landscaped amenity area. The screening as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter'*
- 5.1.30 The External Works Plan (Drawing No: 746.231.05 dated 19.02.2018) submitted by the Applicant shows the treatment of all boundaries within the site. For private amenity spaces, the blue lines on the plan depicts 1.8 metre high close boarded fences. For Plots 1, 14, 19, 22 and 30, the orange lines indicate that a 1.8 metre high screen wall (brick to match adjacent dwelling) to be erected and would separate gardens from highways within the site. The purple lines show a 0.45 metre high timber knee rail fence with associated maintenance access gate. The maintenance gates as shown on Drawing No: JBA 04/176-DT6 dated March 2007 shows the access gates to be 0.45 metre in height.
- 5.1.31 The boundary treatment as shown on Drawing No: 746.231.05 dated 19.02.2018 are considered acceptable. It is therefore advised that Condition 26 of outline planning application OUT/MAL/14/01018 can be discharged.

Condition 27 of OUT/MAL/14/01018 states:-

- 5.1.32 *'Prior to the commencement of the development including any demolition or clearance works, a scheme detailing ecological mitigation measures to protect and relocate where necessary any protected species that may be present on the site and other measures as detailed in the 'extended phase one habitat survey' submitted as part of the application, shall be submitted to and approved in writing by the Local*

Planning Authority. The scheme shall include measures to avoid site clearance works outside of the bird nesting season and the compensatory provision of bird and bat nesting boxes within the site. The development shall be carried out and completed in accordance with the approved mitigation scheme’

5.1.33 Based on the Outline Ecological Mitigation Strategy dated July 2017 submitted, the Ecologist has assessed the information and considers it to be acceptable. Further, Natural England has been consulted and in an email correspondence dated 28 February 2018, NE has raised no objection to discharge condition 27. It is recommended the condition to be discharged. Condition 26 of outline planning application OUT/MAL/14/01018 can therefore be discharged.

Condition 29 of OUT/MAL/14/01018 states:-

5.1.34 *‘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’*

5.1.35 Condition 29 in relation to wastewater strategy was recommended by Anglian Water Services (AWS) in the 2014 outline planning application. Condition 29 is caveated by Condition 30 which reads *‘pursuant to condition 29 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’*.

5.1.36 For Condition 29, the Applicant has submitted the following documents to the Council for consideration:-

- Site Drainage Plan Site B (302-5 Rev P3 dated 05.2017)
- Drainage Statement Site B (132915-R4(0) dated 13 July 2017)

5.1.37 Based on the document submitted by the Applicant, it has been 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.

5.1.38 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.

5.1.39 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 29 is caveated by Condition 30 which

requires physical works to have been carried out and being operational prior to the dwellings being occupied.

5.1.40 A consultation response was received by Anglian Water Services (AWS) dated 14 March 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's advised that it is not in 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 invest prioritisation has commenced. It is therefore advised that planning condition 29 can be discharged in this respect.

6 ANY RELEVANT SITE HISTORY

- 02/00951/FUL - Proposed erection of one detached dwelling house.
Approved: 30.12.2002
- 11/00753/AGR - Construction of farm track. Prior Approval Not Required:
13.09.2011
- 13/00473/OUT - Outline planning application for up to 30 dwellings.
Refused: 11 February 2014
- 14/01018/OUT - Outline planning application for up to 30 dwellings.
Approved: 11.01.2016
- 17/00766/RES - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings).
Refused: 04.04.2018

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Farnbridge Parish Council	Concerns regarding the sewerage and surface water	Noted in the report

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	Condition 12	Noted in the report
ECC Archaeology	Condition 5	Noted in the report
ECC Sustainable Drainage Systems (SUDs)	Condition 15	Noted in the report
Environment Agency	Conditions 16 and 29	Noted in the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water Services	Conditions 16 and 29	Noted in the report
Natural England	Condition 27	Noted in the report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Tree Officer	Condition 25	Noted in the report
Coast and Countryside / Ecology Officer	Condition 27	Noted in the report
Environmental Health Services	Condition 18	Noted in the report

7.4 Representations received from Interested Parties

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- S A Cooper River View Cottage Brabant Road North Fambridge
- Mrs. JL Cooper River View Cottage Brabant Road North Fambridge
- Mr. K P Cooper River View Cottage Brabant Road North Fambridge

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Anglian Water Services (AWS) says that there is insufficient capacity at Latchingdon WRC • The Environment Agency (EA) says that there is insufficient foul water capacity at Latchingdon WRC • Sewerage flooding incidents • AWS continues to ignore the residents • Holding tanks only provide 24hrs of storage where flood / storm conditions can last for several days – Holding tanks should have 72hrs of storage • Condition for waste water has not been complied with • SUDs should be managed by AWS or the Local Authority, not by a private management company • No street lighting details submitted 	Noted in the report under Conditions 15, 16, 19.

8 RECOMMENDATION

8.1 Conditions to be Discharged:-

Conditions	Discharged
4	Yes
5	Yes
8	Yes
15	Yes
16	Yes
25	Yes
26	Yes
27	Yes
29	Yes

8.2 Conditions not to be Discharged:-

Conditions	Discharged
12	No
18	No