

PLANNING COMMITTEE DATE: 30 October 2024

REFERENCE NO F/YR24/0304/F

SITE ADDRESS: Land East of Fern House, Birds Drove, Gorefield

PROPOSAL: Change of use of land to gypsy traveller's plot involving the siting of 2 x residential mobile homes and 2 x touring caravan, the formation of hardstanding, in-filling of ditch (to create vehicular access) and erection of 1.8m high fencing and a gate with 2.15m high brick piers (retrospective)

UPDATE:

1. Environment Agency Comments in Full

- 1.1 To provide clarity to the Committee, the comments from the Environment Agency are provided in full below, particularly given that Flood Risk is a key issue of consideration.

Thank you for your consultation dated 24 April 2024. We have reviewed the documents as submitted and are raising an in principle objection to this planning application on flood risk grounds. Please find further information on our position and non-mains drainage in the relevant sections below.

Flood Risk

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and planning practice guidance (PPG). We recommend that planning permission is refused on this basis.

NPPF Annex 3 classifies development types according to their vulnerability to flood risk. PPG Table 2 provides guidance on which developments are incompatible with certain Flood Zones. This site lies within Flood Zone 3a which is land defined by the PPG as having a high probability of flooding. The development is classed as highly vulnerable in accordance with Annex 3 of the NPPF. Table 2 of PPG makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

Although the site is located within flood zone 3a, it is located in an area which benefits from flood defences. We have produced hazard maps for this area and the site is located within an area which would not be affected should a breach occur. You should therefore determine if the Sequential Test has been met.

If you are minded to approve this application contrary to our advice, we require the following condition to be included as part of the planning permission.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref ECL123/Alexandra Design, Dated February 2024, compiled by Ellingham Consulting Ltd.) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 300mm above existing ground level.*
- The static caravans should be secured to the ground using an adequate mechanism such as chains and ground anchors.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason *To reduce the risk of flooding to the proposed development and future occupants*

Non-Mains Drainage

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

- 1. Connection to the public sewer*
- 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)*
- 3. Septic Tank*

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by us, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any

other foul soakaway and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

2. Officer Comments

- 2.1 As set out in the initial committee report, the overall position of the Environment Agency is one of objection. However, the further comments provided in respect of their position highlights that the site falls within an area that benefits from flood defences and therefore consideration should be given to the sequential test, as assessed in the committee report.
- 2.2 Further to this, they request the imposition in the event of an approval to ensure that the mitigation measures set out in the supporting FRA are implemented to improve the flood resilience of the scheme.
- 2.3 As such, the assessment as set out in the initial committee report remains the same.

Recommendation:

GRANT – The above update does not alter the original recommendation and proposed conditions as set out on page 130 of the agenda.