

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

03 May 2018

Dear Councillor

You are summoned to attend the meeting of the;

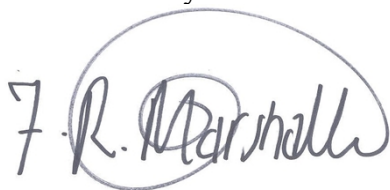
## **NORTH WESTERN AREA PLANNING COMMITTEE**

on **MONDAY 14 MAY 2018 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fiona Marshall', enclosed within a hand-drawn oval.

Chief Executive

### COMMITTEE MEMBERSHIP

#### CHAIRMAN

Councillor Mrs M E Thompson

#### VICE-CHAIRMAN

Councillor E L Bamford

#### COUNCILLORS

J P F Archer  
H M Bass  
M F L Durham, CC  
J V Keyes  
D M Sismey  
A K M St. Joseph  
Miss S White

*Ex-officio non-voting Members:* Councillor Mrs P A Channer, CC

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**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**MONDAY 14 MAY 2018**

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1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 22)

To confirm the Minutes of the meeting of the Committee held on 3 April 2018, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **RES/MAL/17/01474 - Land East of Malone Cottage, Maypole Road, Wickham Bishops** (Pages 23 - 44)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

6. **DET/MAL/17/05142 - Manor Farm, The Avenue, North Fambridge** (Pages 45 - 60)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

7. **DET/MAL/17/05154 - Land West of Fambridge Road, North Fambridge** (Pages 61 - 98)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

8. **FUL/MAL/18/00283 - Hornbeams, Blue Mills Hill, Wickham Bishops** (Pages 99 - 112)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

9. **FUL/MAL/18/00288 - 9 The Glebe, Purleigh** (Pages 113 - 120)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

10. **Any other items of business that the Chairman of the Committee decides are urgent**

11. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

12. **Enforcement Update** (Pages 121 - 200)

To receive and note the report of the Director of Planning and Regulatory Services (copy enclosed).

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## Reports for noting:

In accordance with the recent Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
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### **Note:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 6 – 15.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

## **NOTICES**

### **Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

### **Fire**

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

### **Closed-Circuit Television (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-on-Crouch Neighbourhood Development Plan (2017)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
  - The Planning and Compensation Act 1991
  - The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
  - The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
  - The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
  - The Town and Country Planning (Development Management Procedure) (England) Order 2015
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

## Supplementary Planning Guidance and Other Advice

### i) Government policy and guidance

- National Planning Policy Framework (NPPF) and Technical Guidance
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

### ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon Design Guide)
- Essex and Southend on Sea Replacement Waste Local Plan 2017

### iii) Maldon District Council

- Five Year Housing Land Supply Statement 2016 / 17
- Maldon Design Guide - 2017
- Central Maldon and Heybridge Masterplan - 2017
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement –2006
- Wickham Bishops Village Design Statement – 2010
- Althorne Village Design Statement - 2015
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
3 APRIL 2018**

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**PRESENT**

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor E L Bamford
Councillors	J P F Archer, H M Bass, M F L Durham, CC, J V Keyes, D M Sismey, A K M St. Joseph and Miss S White

**957. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda.

**958. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs P A Channer, CC.

**959. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 5 March 2018 be received.

**Minute No. 854 – Apologies for Absence**

The Chairman informed the meeting that apologies had been received from Councillor D M Sismey.

**RESOLVED**

- (i) that subject to the above amendment the Minutes of the meeting of the Committee held on 5 March 2018 be confirmed.

**960. DISCLOSURE OF INTEREST**

Councillor M F L Durham CC declared that he was also a Member of Essex County Council and, as such, he had a non-pecuniary interest in relation to any matter pertaining to that organisation.

Councillor J V Keyes declared a non-pecuniary interest in relation to Agenda Item 12 – MLA/MAL/17/00582 – Land Opposite 34 Hall Raod, Great Toham, Essex, as he was also a Member of Great Totham Parish Council.

Councillor H M Bass declared a non-pecuniary interest in respect of Agenda Item 7 – RES/MAL/17/01474 – Land East of Malone Cottage, Maypole Road, Wickham Bishops, Essex, as he lived in the same road.

The Committee received the reports of the Director of Planning and Regulatory Services and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

**961. RES/MAL/17/00766 - MANOR FARM, THE AVENUE, NORTH FAMBRIDGE, ESSEX CM3 6LZ**

<b>Application Number</b>	<b>RES/MAL/17/00766</b>
<b>Location</b>	Manor Farm The Avenue North Fambridge Essex CM3 6LZ
<b>Proposal</b>	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)
<b>Applicant</b>	David Wilson Homes
<b>Agent</b>	Mr Andy Butcher - Strutt And Parker
<b>Target Decision Date</b>	9 March 2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	North Fambridge
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor Miss S White

The Officer presented the report to the Committee and drew attention to the Members' Update regarding a letter from BDW Western Counties requesting that the application be deferred to the 3 May 2018 North Western Area Planning Committee meeting. Furthermore an email had been received from the applicant to the same effect.

Following the Officer's presentation, Parish Councillor Ms Sandra Nunn, North Fambridge Parish Council, an Objector, and Mr Sean Martin, the Agent, addressed the Committee.

A brief discussion ensued regarding the issue of deferrals and withdrawals and it was agreed that decisions of this nature were for the Committee alone following discussion of the relevant applicant and officer report. It was not by request from the applicant and/or agent.

Members further debated the housing mix which was deemed to be disproportionate and not reflective of the needs for the District.

Councillor Miss S White proposed that the application be refused in accordance with the Officer's recommendation. This was duly seconded and upon a vote the motion was carried.

**RESOLVED** that this application be **REFUSED**, for the following reason:

- 1 The proposal would result in a housing mix which would fail to accord with the requirement of Condition 28 of outline planning permission OUT/MAL/14/01018 or with the Council's Strategic Housing Market Assessment (SHMA 2014). As such, the proposal would fail to provide a sustainable, mixed community as required by Policy H2 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework.

**962. DET/MAL/17/05154 - LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE, ESSEX**

<b>Application Number</b>	<b>DET/MAL/17/05154</b>
<b>Location</b>	Land West Of Fambridge Road North Fambridge Essex
<b>Proposal</b>	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 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space). <b>Condition 5</b> - Materials. <b>Condition 6</b> - Treatment boundaries. <b>Condition 8</b> - Trees. <b>Condition 9</b> - Hedges. <b>Condition 10</b> - Ecology Report. <b>Condition 12</b> - Surface water drainage system. <b>Condition 13</b> - Foul and surface water drainage system. <b>Condition 14</b> - Visibility splays. <b>Condition 17</b> - Surface water. <b>Condition 18</b> - Finished ground and floor levels. <b>Conditions 19</b> - On-site construction management plan. <b>Condition 21</b> - Reptile mitigation strategy. <b>Condition 22</b> - Mitigation and management strategy. <b>Condition 23</b> - Archaeological assessment. <b>Condition 24</b> - Programme of archaeological work. <b>Condition 31</b> - Wastewater strategy. <b>Condition 33</b> - Foul water strategy.
<b>Applicant</b>	David Wilson Homes - C/O Agent
<b>Agent</b>	Mr Andy Butcher - Strutt And Parker
<b>Target Decision Date</b>	6 February 2018
<b>Case Officer</b>	Yee Cheung, TEL: 01621
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Chief Executive Discretion

It was noted from the Members' Update that a letter had been received from BDW Eastern Counties requesting that the application be deferred to 3 May 2018 North Western Area Planning Committee meeting. This was due to not having an adequate response from Natural England.

Following the Officer's presentation of the report, Mr Kevin Boden, an Objector, Parish Councillor Ms Sandra Nunn, North Fambridge Parish Councillor and Mr Sean Martin, the Applicant addressed the Committee.

Members debated the application and agreed the response from Natural England was imperative to the application.

Councillor M F L Durham, CC, proposed that the application be deferred. This was duly seconded and upon a vote, the motion was carried with eight Members in favour of deferring the application.

**RESOLVED** that this application be **DEFERRED** for the reason cited above:

1. An updated report will be submitted to committee once a further response is available from Natural England

**963. RES/MAL/17/01474 - LAND EAST OF MALONE COTTAGE, MAYPOLE ROAD, WICKHAM BISHOPS, ESSEX**

<b>Application Number</b>	<b>RES/MAL/17/01474</b>
<b>Location</b>	Land East Of Malone Cottage Maypole Road Wickham Bishops
<b>Proposal</b>	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/15/00267 allowed on appeal APP/X1545/W/15/313309 (Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works)
<b>Applicant</b>	Mr Steve Wheelhouse - Moody Homes Ltd
<b>Agent</b>	Mr Mark Morgan - Petro Designs Ltd
<b>Target Decision Date</b>	05.04.2018
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In - This application has been called in by Councillor H M Bass on the grounds that the Parish Council has expressed concerns.

The Officer presented the report to the Committee and drew attention to the Members' Update which contained details of responses from Essex Police regarding the proposed footpath and Essex Fire & Rescue Service concerning the access road and turning facilities. Essex Police commented that in order to secure the footpath it would have to be gated. Essex Fire & Rescue had reviewed the application since the Members' Update and determined that access was compliant.

Following the Officer's presentation Mr Phillip Kratz, a Supporter, and Parish Councillor Mr Stephen Nicholas, Wickham Bishops Parish, addressed the Committee.

A debate ensued where concerns were raised regarding the housing mix, landscaping and in particular the central footpath. It was felt that the footpath could lead to security issues and that the gate option was not secure.

Councillor Miss S White proposed that the application be deferred. This was duly seconded and upon a vote being taken the motion was carried with seven members for deferral and one abstention.

**RESOLVED** that this application be **DEFERRED** for the following reason:

1. To give the Applicant the opportunity to amend the footpath.

**964. FUL/MAL/17/01475 - THE STABLE AT PALE PITT FARM, LATCHINGDON ROAD, PURLEIGH, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/01475</b>
<b>Location</b>	The Stable At Pale Pitt Farm, Latchingdon Road, Purleigh, Essex
<b>Proposal</b>	Conversion of existing building to dwelling
<b>Applicant</b>	Mrs T D'Cruz-Roberts
<b>Agent</b>	Mr Russell Forde - Smart Planning Ltd
<b>Target Decision Date</b>	05 April 2018
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillors J P F Archer and Miss S White Departure from the Local Plan

Following the Officer's presentation, Mr Russell Forde, the Agent addressed the Committee.

Members discussed the application and the suitability of the design and proximity to the road. The Development Management Team Leader advised that the converted building, in relation to proximity to the road remained as per the existing building, the alterations were only to existing windows.

Councillor Miss A White proposed to refuse the application contrary to the Officer's recommendation and this was duly seconded. Upon a vote being taken the result was tied, the Chairman exercised her casting vote and the application was approved in accordance with the Officer's recommendation.

**RESOLVED** that this application be **APPROVED**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall accord with that shown on drawings; 17.4229/M001, 17.4229/M006, 17.4229/E102, 17.4229/E103A, 17.4229/E104A, 17.4229/E105A, 17.4229/E106, 17.4229/P201, 17.4229/P202A, 17.4229/P203A and 17.4229/P204A specifically referenced on this decision notice.
3. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking

or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

5. No development shall take place until a scheme for the provision and implementation of a surface water drainage scheme has been submitted to the Local Planning Authority for approval in writing. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the development.
6. Prior to occupation, the dropped kerb vehicular crossing of the footway / highway verge shall be centrally aligned with the site access and shall be no more than 6.0 metres wide. Any kerb stones outside the six metre dropped kerb crossing shall be reinstated to full height.
7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
8. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
9. 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 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.
10. No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority,

seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

**965. FUL/MAL/18/00095 - LAND ADJACENT TO LANGFORD WATERWORKS, HATFIELD ROAD, LANGFORD, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/00095</b>
<b>Location</b>	Land Adjacent To Langford Waterworks Hatfield Road Langford Essex
<b>Proposal</b>	Proposed 3 No. detached properties with associated garage, parking and access drives
<b>Applicant</b>	Mr Terry Brunning - Sunbury Developments LLP
<b>Agent</b>	N/A
<b>Target Decision Date</b>	29.03.2018
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>LANGFORD</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – The application has been called in by Councillor H M Bass on the grounds that Langford and Ulting Parish Council Parish Council has expressed concern regarding the development

It was noted that the Members’ Update contained detail of additional comments from Urban Design and Housing

Following the Officer’s presentation Parish Councillor Ms Irene Allen, Langford and Ulting Parish Council, addressed the Committee.

A debate ensued regarding the lack of affordable housing within the scheme and reference was made to the comments from the Urban Design Officer. However it was noted that given there was already extant planning permission it was difficult to find valid reasons for refusing the application. This was corroborated by the Development Management Team Leader.

A vote was taken on the Officer’s recommendation to approve and was carried with three in favour, including the Chairman’s casting vote, two against and four abstentions.

**RESOLVED** that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 1515-PL001, 1515 PL08, 1515 PL09, 1515-PL101 Rev A, 1515-PL102 Rev A, 1515-PL103 Rev A, 1515-PL104 Rev A, 1515-PL105 Rev A, 1515-PL106 and 1515-PL107.
- 3 No development shall take place until samples of the facing material to be used have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.
- 4 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the

local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

- 5 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter
- 6 Prior to the first occupation of the proposed dwellings, each of the proposed vehicular accesses shall each be constructed to a width of 4.8 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6 metres of the highway boundary.
- 8 The development shall not be occupied until such time as the car parking and turning areas have been provided in accord with the details shown in Drawing Numbered SP/200. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.
- 9 Prior to the first occupation of Plot 8 hereby permitted, the first floor window in the north west serving an en-suite elevation shall be glazed with opaque glass and shall be retained as such thereafter.
- 10 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer windows, or other form of additions or openings shall be constructed in the roofs or gable walls of the dwellings hereby permitted without planning permission having been obtained from the Local Planning Authority.

966. **OUT/MAL/18/00111 - LAND ADJACENT TYE MEADOW, SPAR LANE, PURLEIGH, ESSEX**

<b>Application Number</b>	<b>OUT/MAL/18/00111</b>
<b>Location</b>	Land Adjacent Tye Meadow Spar Lane Purleigh Essex
<b>Proposal</b>	The demolition of existing outbuilding and erection of a detached 2 bedroom bungalow
<b>Applicant</b>	Mr Russell Nunn
<b>Agent</b>	Raymond Stemp Associates
<b>Target Decision Date</b>	21.03.2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – This application has been called in by Cllr White on the grounds of local interest

Noted that a Members’ Update had been received from the Applicant to show that the site was in their ownership and therefore had addressed the concerns raised in the letter of representation.

Following the Officer’s presentation, Miss Eliza Hampson, the Agent for the applicant, addressed the Committee.

Members noted that the problem with this application was that it could end up in a ribbon row development along the entire length of the road.

The Management Development Team Leader informed the Committee that it was contrary to policy S8 of the Local Development Plan.

Councillor Archer, Ward Member, proposed that the application be refused in accordance with the Officer’s recommendation and this was duly seconded and agreed.

**RESOLVED** that the application be **REFUSED** for the following reasons:

- 1 Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is in a rural location outside of the defined settlement boundary for Purleigh where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, the proposed development would be an unwelcome visual intrusion into an undeveloped part of the countryside, resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District Local Development Plan, the Maldon District Design Guide, and the core planning principles and guidance contained in The National Planning Policy Framework.

**967. FUL/MAL/18/00145 AND LBC/MAL/18/00146 - THE BELL PUBLIC HOUSE, THE STREET, PURLEIGH, ESSEX CM3 6QJ**

<b>Application Number</b>	<b>FUL/MAL/18/00145</b>
<b>Location</b>	The Bell Public House, The Street, Purleigh
<b>Proposal</b>	Proposed extension to existing public house with internal alterations and replacement doors and windows.
<b>Applicant</b>	Mr & Mrs Julian Webb
<b>Agent</b>	Mr D Taylor – AFT Design
<b>Target Decision Date</b>	27 March 2018
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Miss S White – public interest

<b>Application Number</b>	<b>LBC/MAL/18/00146</b>
<b>Location</b>	The Bell Public House, The Street, Purleigh
<b>Proposal</b>	Proposed extension to existing public house with internal alterations and replacement doors and windows.
<b>Applicant</b>	Mr & Mrs Julian Webb
<b>Agent</b>	Mr David Taylor – AFT Design
<b>Target Decision Date</b>	27 March 2018
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Miss S White – public interest

Noted that a Members’ Update had been received detailing internal consultee comments and an additional letter of objection.

Following the Officer’s presentation, Mr John Challis, an Objector and Miss Kirsten Webb, the Applicant, addressed the Committee.

Members debated the difficulties faced by businesses like this by virtue of its listed status and location. It was acknowledged that granting this consent would make no difference to the amount of traffic in the area. Furthermore the improvements were necessary to provide better working conditions for staff.

Councillor Miss S White requested that an additional condition be included limiting the first floor usage to storage and cooking only. The Development Management Team Leader accepted the additional condition which would ensure that the use of the development would not prejudice the number of car parking available on site.

Councillor Miss S White then proposed that the application be approved in accordance with the Officer’s recommendation and upon a vote been taken the motion was carried.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings referenced 540/01A, 540/02B, 540/03E, 540/09E, 540/04B, 540/05B, 540/06B, 540/07C, 540/08C, 540/10D, 540/11B, 540/12B, 540/13B, 540/14B and L40220-1 and specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
- 4 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 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 secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
6. No development, including any site clearance or groundworks of any kind shall take place within the site until a landscaping scheme, to include a cross section of the grass verges and parking bays has been submitted to and approved in writing by the local planning authority.
7. Prior to the first use of the proposed development the car parking and turning area, should be provided in accord with the details shown in the Drawing Numbered 540/09/E. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter. The agreed scheme shall be implemented prior to the first occupation of the development and retained as such in perpetuity.
8. No development shall take place until a scheme for the provision and implementation of a surface water drainage scheme has been submitted to the Local Planning Authority for approval in writing. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the development.
9. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 10 The development hereby permitted shall not be occupied until a scheme for the ventilation of the building and the treatment of smells and fumes including the

details of the attenuation of all equipment shall first have been submitted to and approved in writing by the local planning authority. The works as approved shall be installed and operational prior to the first use of the building and retained as such thereafter.

- 11 Prior to the commencement of the development hereby approved an Arboricultural Method Statement, written in accordance with BS:5837:2012 to show the excavation works within the root protection areas as shown on the submitted Arboricultural Report will be submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement must include a supervision schedule and tree protection measures. The development hereby approved must then be carried out in accordance with the approved Arboricultural Method Statement.
- 12 No development shall commence until a trial trench along the foundation line has been dug to determine if tree roots are a constraint. Evidence of the findings within the trench and details of the foundations to be used for the development hereby permitted shall then be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.
- 13 The ground and first floor level of the development hereby approved as shown on Drawing No: 540/11/ B dated June 2017 shall be used for kitchen and storage purposes only and not as any form of function room or event space.

LBC/MAL/18/00146

GRANT LISTED BUILDING CONSENT subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings referenced 540/01A, 540/02B, 540/03E, 540/09E, 540/04B, 540/05B, 540/06B, 540/07C, 540/08C, 540/10D, 540/11B, 540/12B, 540/13B, 540/14B and L40220-1 and specifically referenced on this decision notice
3. No works shall commence until samples of the roof tiles, brick and weatherboarding for the works hereby approved have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the details as approved and retained as such thereafter.
4. The brick plinth for the works hereby approved shall be laid in a Flemish Bond.
5. No development shall commence until large scale drawings (1:20) have been submitted to show all new window frames, external doors and door frames and section details at 1:2 of the head, jamb, cill and glazing bars. The details shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
6. All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.

**968. MLA/MAL/17/00582 - LAND OPPOSITE 34 HALL ROAD, GREAT TOTHAM, ESSEX**

<b>Application Number</b>	<b>MLA/MAL/17/00582</b>
<b>Location</b>	Land Opposite 34 Hall Road Great Totham Essex
<b>Proposal</b>	Application to the part relinquishing of Section 52 Agreement (MAL/408/84) dated 10/10/1984 relating to land at the rear of Seagers and Millways
<b>Applicant</b>	Mr M Payne - J & M Developers
<b>Agent</b>	Miss A Lai - Smart Planning Ltd
<b>Target Decision Date</b>	08 February 2018
<b>Case Officer</b>	Mark Woodger, TEL: 01621 875851
<b>Parish</b>	<b>Great Totham</b>
<b>Reason for Referral to the Committee / Council</b>	No scheme of delegation applies.

The Chairman advised the Committee that given this application contained certain legal matters the Committee would be going into private session assuming the motion was passed to do so. In the interim she proposed that the report be presented followed by public speaking and then consider the resolution to go into private session

The Development Management Team Leader presented the report to the Committee and this was followed by Mr R P Garrod of 42 Seagers, Great Totham, an Objector, Parish Councillor Frank J Delderfield, Great Totham Parish Council, and Mr R Forde, the Applicant's Agent, addressing the Committee.

**969. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business Appendix 1 to the report associated with Agenda Item 12 – MLA/MAL/17/00582 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

The proposal was duly seconded and the resolution was carried.

The Chairman then adjourned the meeting for a short time to enable the members of the public to leave the Council Chamber.

There followed a discussion on the legal advice received in relation to the planning application MLA/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham.

Following the discussion the Chairman adjourned the meeting to enable members of the public to return to the Council Chamber.

**970. RESUMPTION IN OPEN SESSION**

The meeting reconvened, the Chairman welcomed back the members of the public for the outcome of the private session on Agenda Item 12 – MLA/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham.

Councillor J V Keyes proposed that the decision on this application be referred to Full Council and this was duly seconded by Councillor D M Sismey. A vote was taken and carried unanimously.

**RESOLVED** that consideration of planning application MLA/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham, be deferred to the Council for determination.

**971. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT**

A discussion ensued on how best to manage enforcement issues in the future. It was felt that rather than having a special meeting to discuss these issues it take the form of a report on the Area Planning Committee agenda on a quarterly basis.

Councillor H M Bass proposed that this process be adopted and it was duly seconded by Councillor J V Keyes. Upon a vote being taken the motion was carried unanimously.

**RESOLVED** that enforcement reports be reported to the Area Planning Committee on a quarterly basis.

There being no further items of business the Chairman closed the meeting at 10.33 pm.

MRS M E THOMPSON  
CHAIRMAN



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

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

<b>Application Number</b>	<b>RES/MAL/17/01474</b>
<b>Location</b>	Land East Of Malone Cottage Maypole Road Wickham Bishops
<b>Proposal</b>	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/15/00267 allowed on appeal APP/X1545/W/15/313309 (Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works)
<b>Applicant</b>	Mr. Steve Wheelhouse - Moody Homes Ltd
<b>Agent</b>	Mr. Mark Morgan - Petro Designs Ltd
<b>Target Decision Date</b>	05.04.2018
<b>Case Officer</b>	Yee Cheung 01621 876220
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	This Reserved Matters application was deferred from the last North Western Area Planning Committee on 3 April 2018 to address the issue of the proposed footpath.

**1. RECOMMENDATION**


**APPROVE** subject to the conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Land East of Malone Cottage, Maypole Road, Wickham Bishops**  
**RES/MAL/17/01474**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee
	Date:	01/05/2018
	MSA Number:	100018588
<p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p>		

### **3. SUMMARY**

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

- 3.1.1 This planning application was presented to Members at the North Western Area Planning Committee on Tuesday 3 April 2018 with an officer recommendation to approve the Reserved Matters application subject to conditions. At the planning committee meeting, it was recommended that the application to be deferred as there were concerns regarding the position of the footpath which could lead to security issues to the rear of Plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 if the entrance gate was not secured properly. The Applicant has been given the opportunity to address the footpath issue through the deferral of the application. The revised Site Layout Plan (Drawing No: 0998 09T) submitted has shown the footpath being reduced in length and now serves Plot 11 only.
- 3.1.2 The application site extends to about 1.5ha and is an open field which lies between the roads of Maypole Road and Great Totham Road and is enclosed by a strong line of existing hedges and trees on both road frontages. The site is open pasture and is laid to grass and unkempt.
- 3.1.3 To the north, north-west and west of the site lies residential properties, whereas to the south of the site lies a training / activity centre and camp site used by the Maldon and East Essex District Scouts.
- 3.1.4 Outline planning permission (reference: OUT/MAL/15/00267) was allowed on appeal in 2016 (Appeal Ref: APP/X1545/W/15/3133309 dated 8 March 2016) to construct 14 houses with a single access point onto both road frontages. The proposal was in outline format with only the detailed matter of the access to the site to be considered at the time. All other detailed matters such as the appearance, landscaping, layout and scale were reserved and are now being considered in this Reserved Matters application.
- 3.1.5 The outline planning application was accompanied by a formal Planning Obligation (Unilateral Undertaking), made under Section 106 of the Act, dated 13 November 2015, and signed by the Applicant. The Obligation covenants the landowners, in general terms, in the event of planning permission being granted, to ensure the provision of 5 units of affordable housing on site.
- 3.1.6 This planning application is a reserved matters application for the approval of appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/15/00267. Access was considered at the outline application stage.
- 3.1.7 In terms of layout, the 14 dwellings are proposed within the site where 5 dwellings are in a linear road fronting arrangement accessed by an access point off Maypole Road to the south. To the north of the site, 9 dwellings are also in a linear road fronting arrangement accessed by an access point off Great Totham Road. Each access point would lead to an internal access road which would run along the frontage of the dwellings. The internal access roads would be set back from both Maypole Road and Great Totham Road with an area of greensward as well as a new hedgerow and tree planting along the internal access road to the north in front of Plots 10, 11, 12, 13 and 14, between Plot 9 and 10 and across the south east to north west direction to form the

rear boundaries and private amenity areas between the proposed 9 residential properties fronting north and the 5 residential properties fronting south of the site.

3.1.8 To the rear of Plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, the original Site Layout Plan showed a private footpath proposed which was to be shared between the future occupiers of the site. This private footpath has been amended as shown on Site Layout Plan (Drawing No: 0998 09T) to now serve only residential property Plot 11. The removal of the footpath means that substantial landscaping can be introduced to the rear garden of these properties which will provide a green link which runs in south east - north west direction.

3.1.9 The proposed dwellings would be a combination of 2, 3, 4 and 5 bedroom units in the form of detached and semi-detached two storey dwellings. Out of the 14 dwellings, 9 dwellings (Plots, 1, 2, 3, 4, 5, 6, 7, 8, and 9) would be open market properties and 5 dwellings (Plots 10, 11, 12, 13 and 14) would be affordable housing.

3.1.10 There are seven dwelling types proposed:

3.1.11 Plots 1, 3 and 7 (Open Market)

The type of dwelling on Plots 1, 3 and 7 will be a detached ‘L-shaped’ and of two-storeys in height. Plots 1 and 3 will be located to the south of the site and Plot 7 located to the north of the site. The dwelling would measure approximately 13 metres wide, 14.4 metres when measured at its deepest point and 9.6 metres to ridge level. At ground floor, there would be a sitting room, hallway, dining room, open plan kitchen and breakfast room, utility room and a family room. Five bedrooms (two with en-suite), a family bathroom and a balcony area are proposed at first floor level. Each dwelling would have detached double garage.

Each dwelling would have the following size private amenity space:-

<b>Plot No.</b>	<b>Private Amenity Space (Approx.)</b>
Plot 1	1065 metres squared
Plot 3	410 metres squared
Plot 7	410 metres squared

3.1.12 Plots 2 and 8 (Open Market)

Plots 2 and 8 are detached two storey dwellings which would measure approximately 13.3 metres wide by 12.9 metres deep and a ridge height of 8.7 metres. The dwellings would have two gable end projections to the front elevation and a twin gable end element to the rear. Internally each dwelling would contain a sitting room, dining room, study, open plan kitchen / family room and breakfast area, and a utility room at ground floor with four bedrooms all with an en-suite. Each dwelling would have detached double garage.

Each dwelling would have the following size private amenity space:-

<b>Plot No.</b>	<b>Private Amenity Space (Approx.)</b>
Plot 2	565 metres squared
Plot 8	435 metres squared

### 3.1.13 Plots 4 and 6 (Open Market)

Plots 4 and 6 are detached two storey dwellings which would measure 13.1 metres wide by a maximum of 14.7 metres deep with a ridge height of 8.3 metres. The dwellings would have a gable end feature centrally located to the front elevation with one dormer window on one side. Two dormer windows are also proposed to the front elevation with further two to the rear. There is a two-storey gable end which projects rearwards forming the breakfast area at ground floor and the master bedroom with an en-suite at first floor. In addition to the breakfast area at ground floor, there will also be a kitchen, lounge, study, dining room, w.c. and a large hall. At first floor, four bedrooms, a bathroom and an additional en-suite to Bedroom 2 are proposed. Each dwelling would have detached double garage.

Each dwelling would have the following size private amenity space:-

<b>Plot No.</b>	<b>Private Amenity Space (Approx.)</b>
Plot 4	425 metres squared
Plot 6	470 metres squared

### 3.1.14 Plots 5 and 9 (Open Market)

Plots 5 and 9 are detached two-storey dwellings. Each dwelling would have a gable end feature to the front and rear elevation. Two dormers are also proposed to the front and rear elevation of each dwelling. The dwellings would measure approximately 12.1 metres wide by 12.3 metres deep with a ridge height of 7.5 metres. Internally each dwelling would contain a dining room, lounge, study, kitchen, family room, w.c and a utility room. Five bedrooms are proposed at first floor level (two with en-suite) and a family bathroom. Each dwelling would have detached double garage.

Each dwelling would have the following size private amenity space:-

<b>Plot No.</b>	<b>Private Amenity Space (Approx.)</b>
Plot 5	370 metres squared
Plot 9	450 metres squared

3.1.15 Plots 1, 2, 3, 4, 5, 6, 7, 8 and 9 would all have a double detached garage. Each garage would measure approximately 6.3 metres wide, 7.4 metres deep with a ridge height between 4.9 metres and 5.3 metres. The roof designs of the garage that can be found would be pitched and half-hipped.

### 3.1.16 Plots 10, 11 and 12 (Affordable Housing)

Plots 10, 11 and 12 forms a two-storey terrace property with a gable end feature to the front elevation of Plot 12. The building measures dwelling measures approximately 16.1 metres wide, 9.3 metres deep with a height of 8.6 metres to ridge level. At ground floor for Plots 10 and 11, there would be a living room, kitchen and a w.c. Two bedrooms and a bathroom are proposed at first floor level. At the ground floor of Plot 12, a kitchen, an open plan dining room / living room, w.c and a hallway is proposed. Three bedrooms and family bathroom is proposed at first floor level. Six

off-street parking spaces are provided and are located directly to the front of the properties.

The dwelling would benefit from the following size private amenity space:-

<b>Plot No.</b>	<b>Private Amenity Space (Approx.)</b>
Plot 10	120 metres squared
Plot 11	65 metres squared
Plot 12	130 metres squared

### 3.1.17 Plots 13 and 14 (Affordable Housing)

Plots 13 and 14 are a pair of two-storey semi-detached properties with a gabled end forward projection. Each dwelling measures approximately 6.2 metres wide, 8.7 metres deep with a ridge height of 8.1 metres. Internally, each dwelling would comprise of a living room, kitchen, hallway and a w.c at ground floor level. Two bedrooms and a bathroom are proposed at first floor level. Four off-street parking spaces are provided and are located directly to the front of the properties.

The dwelling would benefit from the following size private amenity space:-

<b>Plot No.</b>	<b>Private Amenity Space</b>
Plot 13	110 metres squared
Plot 14	150 metres squared

3.1.18 This Reserved Matters application is a resubmission following a recent refusal by Reserved Matters application RES/MAL/17/00719. The reason for refusal is set out below:-

*'Wickham Bishops is a settlement that is Arcadian in character with the landscape dominating the appearance of the village with existing development interspersed amongst the landscape. The proposed development as a result of its poor layout, lack of permeability, site coverage, urban form, its unsympathetic design and appearance, the scale and bulk of the development, would lead to the creation of a cramped form of development resulting in an unacceptable impact on the character of the site and surrounding area. The proposed development would be out of character with the distinctive Arcadian context of the surrounding area at this transitional position at this edge of a village location and nearby rural countryside landscape. As such the proposal is contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.'*

3.1.19 The current Reserved Matters application seeks to address the above reason for refusal.

## **3.2 Conclusion**

3.2.1 The principle of the application site accommodating 14 residential dwellings has already been established at appeal through the granting of outline planning permission OUT/MAL/15/00267. This application is therefore to consider the appearance, landscaping, layout and scale of the development.

- 3.2.1 It is considered the overall development is a logical extension of the existing linear development along Maypole Road and Great Totham Road. On balance, it is considered that the scheme is an improvement to the previous submission RES/MAL/17/00719 and has addressed the cramped form of development, the degree of spaciousness between properties, site coverage, and the segregation of the five affordable units that are located to the north eastern corner of the site. In this instance, the proposal would accord with Policies S1, S8, D1, H4 and T2 of the Local Development Plan (LDP), the Maldon District Design Guide (MDDG), and the National Planning Policy Framework (NPPF).

#### **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:**

- 7, 8, 14, 17, 49, 50, 56, 57, 58, 60, 61, 64, 69

##### **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 Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D5 – Flood Risk and Coastal Management
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- 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)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide (MDDG)

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development**

- 5.1.1 Outline planning permission (reference OUT/MAL/15/00267) was granted on appeal on 8 March 2016 and allows for a development of 14 dwellings. This therefore

establishes that the principle of the development of the site for housing has been considered acceptable. This application is a reserved matters application for the approval of appearance, landscaping, layout and scale in relation to approved outline planning application OUT/MAL/15/00267.

## **5.2 Housing Land Supply**

- 5.2.1 The Council can demonstrate in excess of a five year supply of housing and this is set out in the Council's Five Year Housing Land Supply Statement and the Council's Advisory Note, both dated September 2017. This is a material planning consideration. However this application is to consider the reserved matters of appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/15/00267 and therefore the principle of the development has already been established.

## **5.3 Housing Mix**

- 5.3.1 The proposal would provide nine x four or bedroom dwellings (open market), one x three bedroom dwelling (affordable) and four x two bedroom dwellings (affordable). Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50 of the NPPF where it requires local authorities to "*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*" and "*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*". In this instance, the proposed dwellings would therefore assist in meeting the housing shortfall need as set out in the SHMA and Policy H2 of the LDP. The provision of four x two bedroom dwellings (affordable) would contribute to the identified affordable housing need and would be a material consideration in favour of the proposal. While it is noted that the remainder of the dwellings comprise of three or more bedrooms and would result in the abundance of large market housing (nine) would be contrary to the requirements of Policy H2, it is important to note that no planning conditions or any informative were imposed on the outline planning application OUT/MAL/15/00267 (appeal decision: APP/X1545/W/15/3133309), or included within the S106 legal agreement, it effectively means that Council has no control on the housing mix and therefore the Applicant can determine the housing mix without the need for any approval from the Council. It is clear in planning law that the Council cannot refuse a Reserved Matters approval due to unacceptable housing mix unless a condition has been imposed to require such a matter to be agreed at the Reserved Matters stage. It is therefore considered the Council has to accept the housing mix provided in this Reserved Matters submission.

## 5.4 Affordable Housing

- 5.4.1 In terms of affordable housing provision, Policy H1 of the LDP states that all housing developments of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.
- 5.4.2 In this current Reserved Matters application, the following affordable housing mix is proposed:-

Affordable Units	No. of Bedrooms
Plot 10	2 – Terrace
Plot 11	2 – Terrace
Plot 12	3 – Terrace
Plot 13	2 – Semi-detached
Plot 14	2 – Semi-detached

- 5.4.3 As part of the outline planning application, a Unilateral Undertaking was submitted (dated and signed) by the Applicant regarding the provision of 5 affordable housing on this application site. This has been acknowledged and accepted by the Planning Inspectorate in Paragraphs 4 and 32 of the appeal decision APP/X1545/W/15/3133309. Whilst it is noted that the affordable housing provided may not adhere to the Wickham Bishops Housing Needs Survey which has been independently assessed in 2017 for the policies of the Wickham Bishops Neighbourhood Plan, it would be considered unreasonable for the Council to amend the affordable housing provisions or refuse the application on this basis as the proposal accords with the requirements set out in Policy H1 of the LDP and the signed legal agreement which was a material consideration when the Planning Inspectorate determined the appeal.

## 5.5 Design and Impact on the Character of the Area

- 5.5.1 Policy D1 of the LDP is applicable to the consideration of design. This policy coupled with the NPPF aim to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.
- 5.5.2 The NPPF states in paragraph 56 that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”* and in paragraph 64 *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 5.5.3 In addition to the above, it is also pertinent to note that in December 2017, the Local Planning Authority (LPA) adopted the MDDG which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also

the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.

- 5.5.4 In the appeal decision (reference: APP/X1545/W/15/3133309), the Planning Inspectorate acknowledged that Wickham Bishops is a village that is recognised for its Arcadian layout with the landscape forming the dominant appearance with the dwellings interspersed within landscape and the Council suggests that Arcadian developments are typically low density developments.
- 5.5.5 At the time of the appeal, the Planning Inspectorate had considered the character of the land from within the application site itself and from the adjoining lanes. It was noted that *‘by standing in the centre of the field, built development in the form of houses and other buildings are prominent around most of the boundaries of the site. To the north are buildings associated with the sports ground and detached houses; to the north-west there is a commercial garage and housing; to the west there are a range of forms of houses along Maypole Road; and to the south there are a few detached houses and the large buildings associated with the northern part of the Scout complex.’* This depiction of the site and surrounding has not changed since the appeal decision.
- 5.5.6 The application site is mostly an open field without trees but enclosed by a hedge, the overall character of surrounding land is one of built development albeit one with a verdant form stemming from surrounding woodland and trees. The Planning Inspectorate noted that the two road frontages to Great Totham Road and Maypole Road fell well with the confines of the village indicated by the 30mph limit and notwithstanding the parish boundary with Great Totham near the south-eastern boundary of the site.
- 5.5.7 In the outline planning application submission, the illustrative layout plans showed the density of housing proposed in this outline application amounts to less than 10 dwellings per hectare which is a low density of development thus demonstrates that the overall scale of development proposed can be accommodated on site with plot sizes and a general form that is consistent with the wider pattern of the surrounding part of the village. The illustrative layout at the time also showed that there was ample scope for additional landscaping around the site, between the houses and along the road frontages to complement the recognised Arcadian character of the village and it also indicatively showed a pedestrian / cycle link through the site.
- 5.5.8 Based on the illustrative layout plan submitted at the time, it was considered the development of this site, the scale of development proposed in this outline application would be likely to result in a form of development which would be consistent with the character and appearance of the area and would not harm it in accordance with policy D1 of the LDP for which the Council’s accepts.
- 5.5.9 In the previous refusal for the Reserved Matters application (RES/MAL/17/00719), the principal concerns were regarding the layout of the dwellings which resulted in the cramped form of development, the degree of spaciousness between properties, site coverage, lack of connectivity across the site, and the segregation of the five affordable units that are located to the north eastern corner of the site. The Urban Design Officer has been consulted and has raised similar concerns as previous regarding the development proposal.

- 5.5.10 The earlier submission showed a communal footpath which would have allowed the future occupiers of the site to gain access through the site onto Great Totham Road to the north and beyond. As concerns were raised regarding the security to the rear of Plots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, the Reserved Matters application was deferred from the North Western Area Planning Committee (3 April 2018) for this to be addressed. The revised Site Layout Plan (Drawing No: 0998 09T) shows this communal footpath being reduced in length and now runs between Plots 9 and 10 and to the rear of Plots 10 and 11. This footpath will serve Plot 11 only and will allow the future occupiers of this Plot to take waste / refuse outside the house to the bin collection point and not through the house in accordance with the MDDG. As the footpath has been reduced in length, Essex Police (Designing out Crime) is satisfied as the proposal would now offer adequate security to the rear of the properties.
- 5.5.11 In terms of scale and appearance of the development, the nine detached units (open market properties) are either 4 bedroom or 5 bedroom dwellings with detached garages. The units have not changed in scale, bulk, height, design and appearance. The fundamental change is the amalgamation of the Plots 10, 11 and 12 (affordable units) which has resulted in the formation of a terrace property, but with the design and appearance of a detached dwelling, has allowed more room within the plot, giving the opportunity for the open market dwellings and garages to be repositioned and staggered. This gives the impression of spaciousness when viewed in the street scene which overcomes the issue in relation to the cramped form of development and the spaciousness between each property. Plots 13 and 14 (affordable units) would also have the design, appearance and floor area of a detached dwelling which would result seamless and integrated approach to the private and affordable housing when viewed along Great Totham Road.
- 5.5.12 Policy H2 of the LDP states that wherever possible affordable housing should be located in a way that ensures the homes are integrated with the rest of the development. While it is noted that all five affordable houses are located to the north eastern corner of the site and not policy compliant, it is considered the design and appearance of affordable housing have been designed that is indistinguishable from those built for the open market as already mentioned above.
- 5.5.13 The dwellings proposed range between 7.5 metres and 9.6 metres in height to ridge level. As the dwellings are set back from the highway by about 11 metres and in some cases 28 metres along Maypole Road and Great Totham Road, it is not considered that the height of the dwellings would not appear dominant or out of character when viewed in the street scene or the wider context. Having considered the repositioning of the dwellings and garages and the spaciousness between the plots, it is considered that the development, on balance, has addressed some element in the reason for refusal. The development would therefore accord with policies S1, D1 and H4 of the LDP, the MDDG, and Government advice contain in the NPPF.

## **5.6 Impact on Residential Amenity**

- 5.6.1 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland /

infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.

- 5.6.2 In the previous application RES/MAL/17/00719, concerns were raised by local residents in terms of additional traffic to the site, conflict arising over the relationship between the new housing on the application site and the adjacent scouting complex particularly when used for shooting activities and archery, overlooking from Plot 14 onto the Scout complex, and that Plot 6 would have an adverse impact on the existing occupiers at Romney.
- 5.6.3 With regard to the additional traffic top the site, the Planning Inspectorate had considered this aspect in Paragraph 33 of the appeal decision and the Highway Authority has not raised any objection to the proposal subject to conditions.
- 5.6.4 In terms of the shooting activities and archery at the Scout complex, the Planning Inspectorate has considered this and commented that the onus is on the operators of the Scout complex to ensure that sports of shooting and archery do not encroach onto other land outside of their site, also it was considered reasonable for the housing scheme to ensure some additional solid fencing to be erected along the south eastern boundary of the site. Based on the resubmission, it is noted that the Applicant has liaised with Archery GB / Scout Camp and a provisional agreement has been drawn up between the two parties that Moody Homes Ltd would be providing safety netting on the shared boundary. While the design, appearance and height of the safety netting is not shown or being considered in this Reserved Matters application, it is important to note that such netting would require planning permission particularly if it exceeds 2 meter in height.
- 5.6.5 With regard to overlooking from Plot 14 onto the Scout complex, the first floor window in question serves the landing and provides light to the stairwell. As this window does not serve a habitat room, a condition can be imposed for it to obscure glazed should the application be approved.
- 5.6.6 Concern was previously raised regarding the close proximity of the detached garage at Plot 6 to the existing occupiers at Romney. In this Reserved Matters application (Drawing No: 0998 / 09R), it shows the garage to be positioned between 3 and 5 metres away from the shared boundary with Romney. Further, a 1.8 meter high fence would be erected between Plot 6 and Romney and the roof design has become a pitched roof which means that the impact on the existing occupiers at Romney, particularly with regard to loss of light, would be reduced as the garage roof slopes away from the shared boundary.
- 5.6.7 In the light of the above assessment it is considered that subject to appropriate conditions the development would accord with policy D1 of the LDP with regard to impact upon neighbouring residential occupiers.

## **5.7 Access, Parking and Highway Safety**

- 5.7.1 The Council's adopted Vehicle Parking Standards ('VPS') state that for two / three bedroom houses a maximum of two car parking spaces. For four bedroom or more dwellings, a maximum of three car parking spaces should be provided.

- 5.7.2 Access and egress to the site was considered at the outline stage and is therefore not a Reserved Matter for consideration with this application. The submitted plans show that access to and from site would be taken from Maypole Road and Great Totham Road.
- 5.7.3 Essex County Council Highways have been consulted on the application and have advised that the proposal is acceptable subject to conditions relating to the bellmouth junction with Great Totham Road, visibility splays, dropped kerbs for vehicles and pedestrians along Maypole Road, surfacing materials, car parking, details of storage of bicycles for each dwelling, the piping of ditches / water courses, a Construction Method Statement (CMS) and a Residential Travel Information Pack, all to be submitted to and approved by the Council. These conditions are also imposed by the Planning Inspectorate as they were considered reasonable and necessary to ensure that there is proper access to the site with adequate sight lines in the interests of highway safety and therefore need not be repeated in this application.
- 5.7.4 The proposal has evolved significantly since the submission of the outline planning permission OUT/MAL/15/00267 which was allowed by the Planning Inspectorate in 2016. In the outline planning permission, a pedestrian / cycle link was shown which provided a link (north - south direction across the site) connecting Maypole Road to Great Totham Road. It is important to note that the original plans considered by the Planning Inspectorate at the time were for illustrative purposes only.
- 5.7.5 Following the above, a revised Site Layout Plan (Drawing No: 0998 09T dated 4 April 2018) was submitted for the Council for consideration. This footpath has now been reduced in length and only serves Plot 11. Essex Police (Designing out Crime) has been consulted in this respect and advised that the proposal offers adequate security to the rear. The gated entry to the footpath for access will need to be fitted with a spring return mechanism to ensure that the gate remains closed. The detail of this gate can be submitted to and approved by the Council should the application be approved.
- 5.7.6 A letter of representation was received concerning the lack of connectivity across the site (north to south direction). While a pedestrian / cycle link was shown in the outline planning permission OUT/MAL/15/00267, it is important to note that the plans considered by the Planning Inspectorate were for illustrative purposes. At present, there is no connectivity across the site or any footway access on the road frontage of Maypole Road for pedestrians to walk along. Therefore it is considered that the use of a new link across the site, if proposed, from Maypole Road and Great Totham Road by the local community could be dangerous and would be of limited benefit to the local community as pedestrians would have to cross Maypole Road, outside Hamara, then onto the site to reach Great Totham Road. As such, the Council considers that the absent of a footpath would be safer to the local community.
- 5.7.7 A meeting was held between the Parish Council and the case officer on 18 April 2018 to discuss the benefits of a footpath across the site (north / south) and providing connectivity to Footpath 13 which connects to the primary school, tennis club, playing field and the doctor's surgery which are located to the northern part of the village. It was also discussed that pedestrians crossing at Maypole Road would be safer than crossing at the multiple junctions at Fiveways Corner. Further, it was briefly discussed that if a footpath was provided across the site, there could be a possibility

that Wickham Bishops Parish Council would be able to adopt it. The case officer advised at the meeting that the Council cannot consider this and can only consider the plans presented in front of them when determining the application.

- 5.7.8 In terms of access and egress for emergency vehicles, the Fire and Rescue Services has advised that the proposal conforms to the Requirement B5 of Approved Document B of the Building Regulations (response dated 3 April 2018) and no objection has been raised in relation to the proposal.

## **5.8 Private Amenity Space and Landscaping**

- 5.8.1 The development proposes two, three, four and five bedroom dwellings. EDG provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The EDG states that 3 or more bedroomed houses should have a private amenity space of at least 100m<sup>2</sup> and that houses of 1 or 2 bedrooms should have at least 50m<sup>2</sup>. This policy requirement is also reflected in Section C07 'Residential Outdoor Amenity' of the MDDG. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. All of the residential dwellings proposed as part of the development would exceed the standard set within the EDG and MDDG.
- 5.8.3 In terms of landscaping, in the previous Reserved Matter submission, the Tree Officer advised that there are no significant trees on site, however it has been noted that trees off-site at Prances and in the garden of Romney should be protected from any detrimental effects of development, including post-development pressure to prune as this is likely to happen if new properties are built close to neighbouring trees. Following a site inspection, the Tree Officer could not see any trees at Mapstones that would be worthy of specific protection through a Tree Preservation Order, however the boundary hedge should be protected from the effects of the development.
- 5.8.4 The hedge along Great Totham Road contains a diverse mixture of species and is raised upon an old hedge-bank. The hedgerow itself has not been managed well in recent years and as such, the Elm in the hedgerow is suffering from Dutch Elm disease. It is still suckering from the base and there are many other interesting plants at the base of the hedge, including Ferns. The Tree Officer has advised that this boundary should be retained, protected from any development activity and enhanced by appropriate management and planting. The submitted plans suggest that large sections of hedgerow will be lost to the creation of visibility splays in both directions along Maypole Road and Great Totham Road. The Tree Officer considers that the developer should explore possibilities for retaining as much as possible of the original hedgerow plants and the ground they are growing in, along with the plants and seed bank that will be in the soil, by the transplantation of existing trees and hedgerows. This has been carried out elsewhere in the District where it has proven to be successful (RWE Npower, Bradwell in 2010 - Planning reference: FUL/MAL/10/01080 and Appeal reference: APP/X1545/A/11/2151681/NWF).
- 5.8.5 Such method would allow existing mature hedgerow plants to not only provide character in appearance, but carry with them ecological characteristics, essential to the surrounding wildlife. Whilst this part of Wickham Bishops is becoming urbanised, the village is still surrounded by important woodland and grassland sites. The

retention of a hedgerow network will help the movement of flora and fauna between these sites, helping biodiversity for the future.

- 5.8.6 In this current Reserved Matters application, the Tree Officer has raised concerns in relation to the trees located on the boundary of Plot 14 and that the trees located on the eastern boundary are protected by a Tree Preservation Order. As these issues were not highlighted previously or featured in the a reason for refusal, it is considered that by introducing a new reason for refusal would be unreasonable considering that such issues can be dealt with by carefully worded planning conditions.
- 5.8.7 Overall subject to certain changes which can be achieved via a planning condition the proposed landscaping is considered to be appropriate for the application site and the wider setting in accordance with policy D1 of the LDP. It is considered that the additional soft landscaping to be introduced onto the site would provide adequate screening to the proposed dwellings and car parking area. On balance, the proposal would accord with policy D1 of the LDP.

## **5.9 Other Material Considerations**

- 5.9.1 Paragraph 109 of the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by... recognising the wider benefits or ecosystem services...and minimising impacts upon biodiversity and providing net gains in biodiversity where possible'*. Policy N2 of the LDP on natural environment and biodiversity is also applicable.
- 5.9.2 The Coast and Countryside Officer has assessed the Reserved Matters application and whilst concerns has been raised regarding the lack of an ecology report, the Planning Inspectorate did not discuss this in the appeal decision or had imposed conditions for the subsequent submission of such report. In this instance, it would be unreasonable for the Council to introduce or impose a new condition requiring the submission of an ecology report.

## **5.10 Planning Balance**

- 5.10.1 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development.
- 5.10.2 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the LDP which emphasises the need for sustainable development.
- 5.10.3 Economically the proposal would provide employment for the construction phase of the development and would provide dwellings with new residents that will financially contribute to the local economy through existing local services and businesses.
- 5.10.4 Socially the proposal would provide 14 new dwellings with open market (9 units) and affordable housing (5 units) for the District. The proposal would also provide dwellings with adequate sized private rear gardens. The design, appearance, layout

and the position of the affordable housing is considered to be in keeping with the open market dwellings when viewed along Great Totham Road which accords with the NPPF in relation inclusive and mixed community.

5.10.5 With regard to the environmental aspect of this proposal, it is proposed to retain and trim back existing landscaping to the site boundaries and to introduce additional soft landscaping into the site which would assist in softening the streetscape along Maypole Road and Great Totham Road. This is considered acceptable in accordance with Policy D1 of the LDP.

5.10.6 On balance, it is considered that the development proposal meets the three dimensions to sustainable development when viewed as a whole and is therefore recommended for an approval subject to conditions.

## 6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/14/00582** - Outline Planning Application For Residential Development Comprising 37 Dwellings, With The Matters Of Access And Layout Submitted For Determination. Refused: 2 October 2014
- **OUT/MAL/15/00267** - Outline Planning Application With Some Matters Reserved For The Residential Development Of 14 Dwellings, Garages And Associated Works. Refused: 4 August 2015. Allowed on Appeal: 8 March 2016
- **RES/MAL/17/00719** - Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application **OUT/MAL/15/00267** allowed on appeal APP/X1545/W/15/313309 (Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works). Refused: 16.10.2017

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Noted that the proposal has addressed concerns raised by neighbouring property; the Scouts archery activities. However, the housing mix does not accord with the Wickham Bishops Housing Need Survey; no condition to protect the green link; increased separation of the affordable units from open market houses; no footway	Noted in Sections 3.1, 5.4, 5.6 and 5.7 of the report. Wickham Bishops Parish Council has been re-consulted on 6 April 2018 in relation to the amended Site Layout Plan.

Name of Parish / Town Council	Comment	Officer Response
	<p>from Maypole Road an Great Totham Road; the parking area for the affordable homes would impact on the sensitive rural location</p> <p>Additional comment has been received dated 28 April 2018 stating that the Parish Council is grateful to Moody Homes for their kind offer.</p>	<p>No information has been received by the Council from Moody Homes regarding their kind offer.</p>

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	<p>No objection subject to conditions.</p> <p>ECC Highways has advised in an email correspondence dated 4 April 2018 that the Highway Authority would not adopt any independent footway through sites that are not scheduled for adoption into the network. Based on the Site Layout Plan submitted, the footpath would not be adopted as it only joins onto private land that is not connected to the highway. The Highway Authority would not be able to access the land for maintenance or inspection purposes.</p>	<p>Noted in Section 5.7 of the report</p>
Essex Police (Designing out Crime / Secure by Design)	<p>Following the submission of the revised Site Layout Plan, the proposal would now offer adequate security to the rear of the properties (response dated 11 April 2018)</p>	<p>Noted in Section 5.7 of the report</p>
Essex Fire and Rescue	<p>The proposal conforms to</p>	<p>Noted in Section 5.7.8 of</p>

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Service	the Requirement B5 of Approved Document B of the Building Regulations (response dated 3 April 2018)	the report.

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Urban Design Officer	Object: This application has not demonstrated that the 14 dwellings with access approved will be sustainable in terms of movement and access and the connections between people and places and inclusive design.	Noted in Section 5.5 of the report
Coast and Countryside Officer	A minimum of a Preliminary Ecological Appraisal should have been submitted	Noted in Section 5.9 of the report
Tree Officer	Need additional information to show how trees would be protected during the course of the development	Noted in Section 5.8 of the report
Environmental Health Services	No further observations on the reserved matters application	Noted comment

### 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:

- Sophie Burns, Hamara, Maypole Road, Wickham Bishops, Essex

<b>Objection Comment</b>	<b>Officer Response</b>
The cut through has been removed The plans does not show where the access point on site in relation to existing residential properties	Noted in Section 5.7 of the report

## 8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.  
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall accord with that shown on drawings No's 0998/ 01F, 02, 03A, 04, 05D, 07, 08A, 09T, 10C, 11, 13 and 14 which specifically referenced on this decision notice and which forms part this permission.  
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Maldon District Local Development Plan.
- 3 No development shall take place until written details or 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.  
REASON: In order to ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 All footways should be provided at no less than 2.0m in width.  
REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.
- 5 No development shall take place, including any ground works or works of demolition until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and under body washing facilities
- REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Maldon District Local Development Plan.
- 6 Prior to the first occupation of Plot 1 hereby permitted, the first floor window in the south eastern flank elevation serving the en-suite shall be glazed with opaque glass shall be retained as such thereafter.  
REASON: To protect the amenity of the neighbouring residential property in accordance with policy D1 of the Maldon District Local Development Plan
- 7 Prior to the first occupation of Plot 14 hereby permitted, the first floor window in the south eastern flank elevation serving the landing shall be glazed with opaque glass shall be retained as such thereafter.  
REASON: To protect the recreational area located to the south eastern boundary of the site in accordance with policy D1 of the Maldon District Local Development Plan
- 8 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout

of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

- 9 Prior to any works carried out to the hedge or the removal of the hedge alongside the highway boundary (Maypole Road and Great Totham Road), a method statement setting out measures for the removal, storage and replanting of the hedge shall be submitted to and approved in writing by the Local Planning Authority. Its details shall include the planting of at least 3 hedgerow trees which shall be container grown standard English oaks. This planting scheme shall include the time of planting, the quantity and size of plants, method of planting, mulching, staking etc. and aftercare. The development shall be carried out in accordance with the approved details. If within a period of 5 years from the date of the planting of any tree, that tree or any tree planted in replacement for it, or in the case of any part of the hedgerow, that part of it, or any part planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or hedgerow plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

REASON: To protect the visual amenity of the area in accordance with Policies D1 and N2 of the Maldon District Local Development Plan.

- 10 Details of the gate entrance hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved and retained as such thereafter.

REASON: To ensure that adequate security is being provided within the site in accordance with Policy D1 of the Maldon District Local Development Plan

**INFORMATIVE**

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.
- 2 The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
- 3 The Applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - i. No waste materials should be burnt on the site, instead being removed by
  - ii. licensed waste contractors;
  - iii. No dust emissions should leave the boundary of the site;
  - iv. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - v. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 4 Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.
- 5 Please note that the provision of a safety netting or a bund on the south eastern boundary of the site shared with the Archery GB / Scout Camp would require planning permission.

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

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

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

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

### **7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
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

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

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
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

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

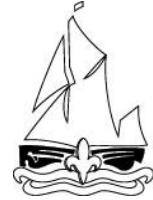
## 8 RECOMMENDATION

### 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



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

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

<b>Application Number</b>	<b>DET/MAL/17/05154</b>
<b>Location</b>	Land West Of Fambridge Road North Fambridge Essex
<b>Proposal</b>	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 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space). <b>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.</b>
<b>Applicant</b>	David Wilson Homes - C/O Agent
<b>Agent</b>	Mr Andy Butcher - Strutt And Parker
<b>Target Decision Date</b>	6 February 2018
<b>Case Officer</b>	Yee Cheung 01621 876220
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Chief Executive Discretion  This Discharge of Conditions application was deferred from the last North Western Area Planning Committee - Agenda 6 (3 April 2018) to address Conditions 13, 22 and 33 of outline planning application <b>OUT/MAL/14/01016</b> .

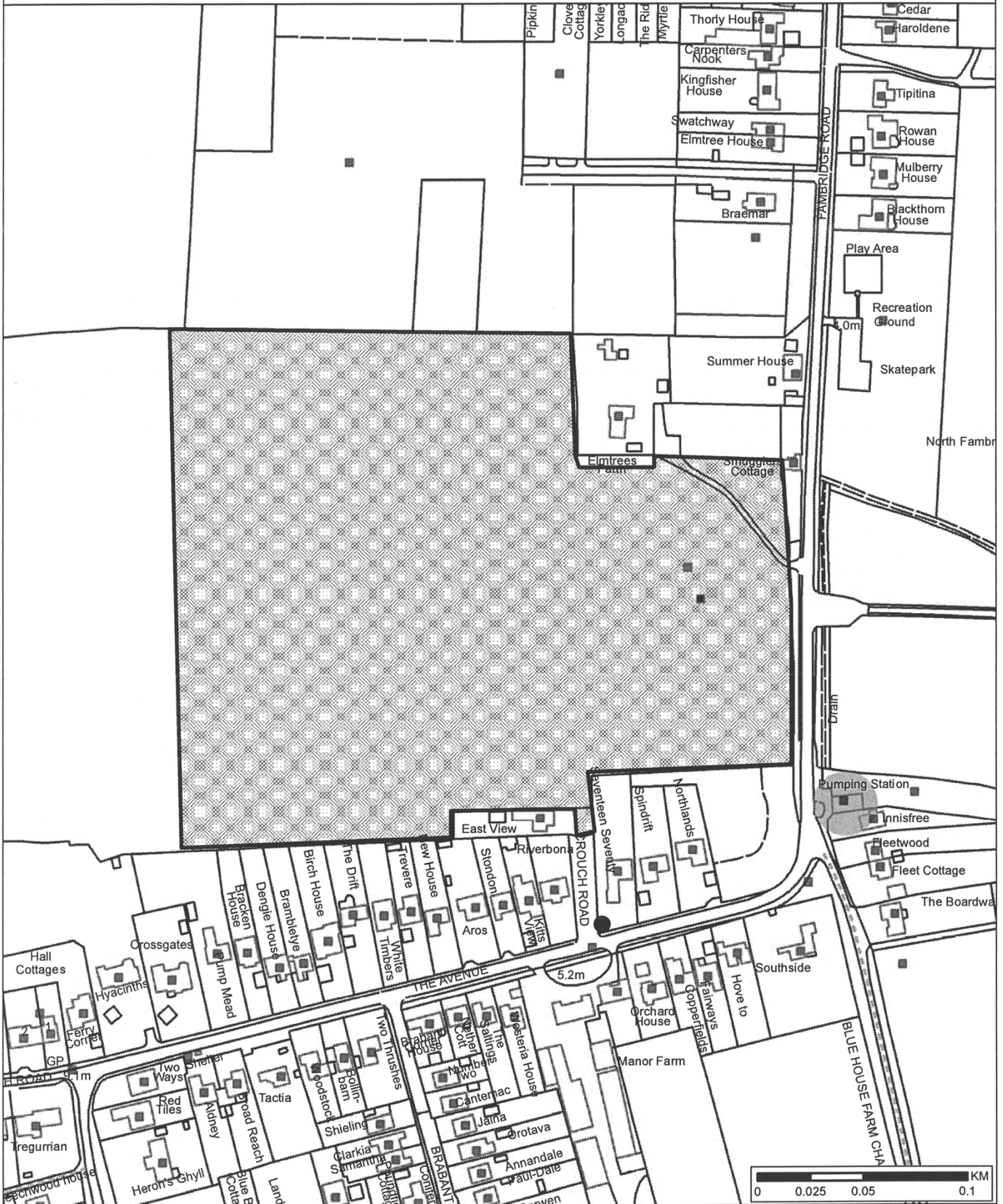
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land West Of Fambridge Road North Fambridge**  
**DET/MAL/17/05154**



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

[www.maldon.gov.uk](http://www.maldon.gov.uk)

### **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 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, 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. Following consultation with the Chief Executive, it was agreed that the Discharge of Conditions application DET/MAL/17/05154 to go before committee as requested by Members.

### 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 14/01016/OUT	Discharged?
5	Yes
6	Yes
8	Yes
9	Yes
10	Not Required
12	Yes
13	Yes
14	Not Required
17	Yes
18	Yes
19	Yes
21	Yes
22	Yes
23	Yes
24	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 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 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 Section 106 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 17 of the planning conditions imposed under this current DET/MAL/17/05154 only (Conditions: 5, 6, 8, 9, 10, 12, 13, 14, 17, 18, 19, 21, 22, 23, 24, 31 and 33). These planning conditions are listed below and summarised in Section 3.2.1 of this report. The four planning conditions that they Applicant are not seeking to discharge under this current DET/MAL/17/05154 relates to contamination and lighting strategy for the site (Conditions 20, 25, 26 and 27) and will need to be dealt with by a subsequent Discharge of Condition application. Conditions 7, 11, 15 and 16 stipulated that details in relation to Hard and Soft Landscaping; Surface Water Drainage Scheme Specification, Details of Internal Footways; and Car Parking Provisions required details to be incorporated into the submission that accompanied the Reserved Matters application and was clearly shown within the plans approved under the Reserved Matters application RES/MAL/17/00776.

**Condition 5 of OUT/MAL/14/01016 states:-**

- 5.1.4 *'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'*
- 5.1.5 As part of the Discharge of Condition application (DET/MAL/17/05154), the Applicant has submitted a Materials Plan (Drawing No: 745. 204.06 dated 4.12.2017). 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 (Redland Duoplain Rustic Brown)
  - 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
  - Block Paving – Marshalls Brindle / Marshalls Natural
- 5.1.6 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 5 of outline planning application OUT/MAL/14/01016 can be discharged.

**Condition 6 of OUT/MAL/14/01016 states:-**

- 5.1.7 *'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 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'*
- 5.1.8 The External Works Plan (Drawing No: 745.231.04 dated 4.12.2017) 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, 3, 7, 23, 26, 27, 29, 30, 37, 38, 41, 46, 49, 61 and 63, 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.

5.1.9 The boundary treatment as shown on Drawing No: 745.231.04 dated 4.12.2017 are considered acceptable. It is therefore advised that Condition 6 of outline planning application OUT/MAL/14/01016 can be discharged.

**Condition 8 of OUT/MAL/14/01016 states:-**

5.1.10 *'No trees within the site shall be felled, cut back, damaged or removed, unless as shown on the approved plans or as 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 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 shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has 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 the Landscape and Arboriculture Assessment 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'*

5.1.11 Based on the Arboricultural Method Statement prepared by James Blake Associates Ltd dated 30 November 2017 (reference: JBA 17/005 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.

5.1.12 The Tree Officer has advised that details of an Arboricultural Supervision Schedule and a retained arborist should be provided prior to works commencing. This element of tree protection has been secured by virtue of planning condition 4 which was imposed on RES/MAL/17/00776 which was approved at the North Western Area Planning Committee on 5 February 2018.

5.1.13 Therefore it is considered that Condition 8 of outline planning application OUT/MAL/14/01016 can be discharged.

**Condition 9 of OUT/MAL/14/01016 states:-**

- 5.1.14 *'No hedges within the site shall be removed, cut back in any way, or damaged, except as shown on the approved plans or otherwise as first agreed in writing with the local planning authority. No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The ground protection shall be laid as per the Landscape and Arboriculture Assessment in accordance with British Standard 5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing 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. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the local planning authority. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge 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'*
- 5.1.15 Details for the protection of the hedges have been submitted and formed a part of the Arboricultural Method Statement prepared by James Blake Associates Ltd dated 30 November 2017 (reference: JBA 17/005 AR02 Rev A), the Tree Officer has assessed the details submitted and advised that the Arboricultural Report satisfactorily identifies the constraints offered by the hedges and the Arboricultural Method Statement satisfactorily demonstrates how the hedges will be protected.
- 5.1.16 The Tree Officer has advised that details of an Arboricultural Supervision Schedule and a retained arborist should be provided prior to works commencing. This element of hedge protection and associated soft landscaping has been secured by virtue of planning condition 4 which was imposed on RES/MAL/17/00776 which was approved at the North Western Area Planning Committee on 5 February 2018.
- 5.1.17 Therefore it is considered that Condition 9 of outline planning application OUT/MAL/14/01016 can be discharged.

**Condition 10 of OUT/MAL/14/01016 states:-**

- 5.1.18 *'The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Reports which are attached to and forms part of this permission: Extended Phase 1 Habitat Survey ref MH234 dated 5 February 2014 and additional letter dated 14th May 2014, reference MH234-01, both by T4 Ecology Ltd, unless otherwise agreed in writing by the local planning authority'*.
- 5.1.19 While the Applicant has listed Condition 10 as a condition to be discharged, it is noted that the wording of this condition does not require the Applicant to submit

further information to the Council for consideration providing that the development will be carried out in with the terms and specifications contained within the Ecology Reports which were attached to the outline planning application OUT/MAL/14/01016 (Extended Phase 1 Habitat Survey ref MH234 dated 5 February 2014 and additional letter dated 14th May 2014, reference MH234-01, both by T4 Ecology Ltd). It is therefore considered that this condition cannot be discharged.

**Condition 12 of OUT/MAL/14/01016 states:-**

5.1.20 *'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'*

5.1.21 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 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:

5.1.22 *'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.'*

- 5.1.23 Based on the information submitted, Essex County Council (Lead Local Flood Authority LLLFA) 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 12 of outline planning application can therefore be discharged.

**Condition 13 of OUT/MAL/14/01016 states:-**

- 5.1.24 *'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'*

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

- Suds Strategy Layout (Drawing No: 307 Suds Strategy Layout Revision P3) dated 12 July 2017
- Foul Drainage Strategy ((Drawing No: 308 Foul Drainage Strategy Revision P2) dated 7 July 2017
- Drainage Statement Site A (132915-R3 (0)) dated July 2017
- Site A SUDS Hydraulic Modelling calculations (132915-R5(00)) dated July 2017

Foul Drainage

- 5.1.26 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.

- 5.1.27 Further assessment was carried out in 2015 on the existing sewers by AWS and it was understood 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.

### Mitigation Works

- 5.1.28 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 onsite and offsite measures. In addition, no properties on this site could be connected to the sewer until the on and offsite mitigation are in place.
- 5.1.29 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. 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 and DET/MAL/17/05142), 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 off disposal would be required e.g. tankering off site.

### Maintenance

- 5.1.30 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.
- 5.1.31 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.

### Surface Water Drainage

- 5.1.32 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, 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.

- 5.1.33 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.

#### Maintenance

- 5.1.34 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.

#### Conclusion

- 5.1.35 Based on the above, the Applicant has concluded that the Drainage Statement Site A (132915-R3 (0)) dated 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.

#### Assessment

- 5.1.36 The latest consultation responses from Anglian Water Services, the Environment Agency, Essex Wildlife Trust and Natural England are included at Appendix 1 to this committee report, but the overall assessment will be discussed below.

#### Anglian Water Services (AWS)

- 5.1.37 As set out within the latest correspondence from Anglian Water Services dated 14 March 2018, it has been considered that the foul and surface water drainage scheme is considered to be acceptable. Moreover, they are satisfied that the phasing of development is acceptable.
- 5.1.38 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.

5.1.39 As part of the Discharge of Condition application, the Applicant has provided Maldon District Council with a phasing strategy for the development. 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 invest prioritisation has commenced.

#### Habitat Regulations Assessment

5.1.40 Based on the specialist advice from Anglian Water Services, the Local Planning Authority has been able to undertake a Habitat Regulations Assessment and conclude that the proposed development would not be likely to have a significant effect on the SSSI.

#### Environment Agency (EA)

5.1.41 The input of Anglian Water Services (AWS) and the outcome of the Habitat Regulations Assessment have been acknowledged by the Environment Agency. In their most recent submission dated 19 April 2018, copy attached as Appendix 1 at the back of this report, EA has accepted that AWS has confirmed that the development at land to the west of Fambridge Road and Manor Farm, The Avenue will have no significant impact on the performance of the foul water sewer system. This is because the foul water flow from development on land to the west of Fambridge Road site will be controlled and only discharged when there is sufficient capacity in the network and underground storage will be installed to hold back foul water at times of high flow. In terms of foul water flow from the development at Manor Farm, it is understood that this can be connected by gravity.

#### Natural England and Essex Wildlife Trust

5.1.42 Concerns were raised to the proposals by Natural England (NE) and Essex Wildlife Trust (EWT) on the grounds that the development of the site could cause water pollution and has been identified as a potential impact to the sensitive area. These concerns were initially raised prior to the most recent comments from Anglian Water Services. Both NE and EWT have been given opportunity to comment further following the most recent input by AWS.

5.1.43 In NE's latest submissions, set out that while water pollution has been identified as a potential impact to the sensitive area, further discussions was held between NE and the Environment Agency to confirm that the agreed sewerage network solution for the development presents no additional risks to the designated sites above the current situation. Furthermore, the Environment Agency has advised that the implementation of the foul water strategy for the development will inevitably result in the issue of a new discharge permit for Latchingdon Water Recycling Centre (WRC); the possible effects on the designated sites will be assessed during the determination of the permit which will reflect the determination of this application and include appropriate conditions to ensure there is no unacceptable impact to the designated sites.

- 5.1.44 Essex Wildlife Trust (EWT) maintain their objection and will only remove their objection if the wordings contained within the S106 legal agreement, appended to the outline planning application OUT/MAL/14/01016, was amended. The S106 legal agreement was signed and dated on 18 March 2016 which sets out Ecological Contribution to include the following:- To secure a sum of £44,025, to include leaflets, installation of information boards/signs, improvement to the existing playfield/playground, security fence to the public footpath and the monthly monitoring of birds (for a period of five years).
- 5.1.45 EWT wish the words: ‘playfield/playground’ to be omitted and request an additional financial contribution of £40,000 (for reed beds and protective fencing) to be included in the S106 legal agreement. It should be noted that a Discharge of Condition application is not an appropriate place to seek a Section 106 agreement or the modification of the existing Section 106 legal agreement. In this regard, it is considered that it would be unreasonable for the Local Planning Authority to make the requests that have been suggested by Essex Wildlife Trust. Moreover, it should be noted that Essex Wildlife Trust are not a statutory consultee and as such, whilst their advice is given weight, it cannot be afforded the same weight as advice from Natural England who are a statutory undertaker.

#### Conclusion

- 5.1.46 On the basis of the advice received from AWS, it is considered that the surface and foul water drainage scheme is adequate and following the advice of the EA and NE, it is considered that the drainage solutions would not have a harmful impact on designated, protected habitats. Therefore Condition 13 of outline planning permission OUT/MAL/14/01016 can be discharged.

#### **Condition 14 of OUT/MAL/14/01016 states:-**

- 5.1.47 *‘Prior to commencement of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times’*
- 5.1.48 As part of the outline planning permission OUT/MAL/14/01016, the point of access to the site off Fambridge Road, as presented within the Transport Assessment and Transport Addendum, both prepared by Cottee Transport Planning on February 2014, was assessed by the ECC Highways. The wording of the condition from ECC Highways does not require the Applicant to submit further details for Condition 14 to be discharged. The case officer has had discussions with ECC Highways on 19 February 2018 and it was advised that the Applicant now needs to implement the works in line with the original submission. Therefore this condition cannot be discharged.

#### **Condition 17 of OUT/MAL/14/01016 states:-**

- 5.1.49 *‘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'*

5.1.50 In an email correspondence dated 20 December 2017, ECC Highway Authority has 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:-

- 13795 - 307-P3 SuDS Strategy Layout (RSK)
- 132915-R3(0) Drainage Statement Site A (RSK)
- 132915-R5(00) SuDS Calculations Site A (RSK)
- 132915-R1(0)-FRA-Site A Flood Risk Assessment & Surface Water Drainage Strategy (RSK)

5.1.51 Based on the information submitted, the Highway Authority has no adverse comments to make with regard to the discharge of Condition 17. In this respect, it is considered that this condition can be discharged.

**Condition 18 of OUT/MAL/14/01016 states:-**

5.1.52 *'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'*

5.1.53 The Site Levels Layout plan submitted (Drawing No: 132915-301-P4 dated 04.12.2017 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 are considered to be fairly consistent in height and it is evident that the site level is higher to the west and gradually lowers to the east of the site. The proposed development would reflect this topography and therefore Condition 18 of the outline planning application can be discharged.

**Condition 19 of OUT/MAL/14/01016 states:-**

5.1.54 *'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 manage noise and dust emissions during construction.*
- *Protective fencing to secure the site.*
- *Construction site access details*
- *The parking of vehicles of site operatives and visitors*
- *Loading and unloading of plant and materials*
- *Storage of plant and materials used in constructing the development*

- *Wheel and underbody washing facilities*
- *Measures to prevent the tracking out of mud and debris onto the highway*

*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, unless otherwise agreed in writing by the local planning authority’.*

5.1.55 In an email correspondence dated 20 December 2017, ECC Highway Authority has confirmed that they have assessed the Construction Management Plan dated July 2017 (prepared by David Wilson Homes) and have no adverse comments to make with regard to the discharge of Condition 19, but has raised concerns in relation to the construction access proposed to the south of the site along Crouch Road which is a private road. It was advised that the Applicant should demonstrate to the satisfaction of the Council that the Applicants have a legal right of way over it for the purposes of construction. The construction access via Crouch Road was discussed in Section 5.4.3 of the Reserved Matters application (RES/MAL/17/00776) that this was a civil matter for the Applicant and other interested parties to resolve as it falls outside the planning remit. If third party interest prevents use, a new Construction Management Plan may be required under the terms of a new application.

5.1.56 Condition 19 of outline planning application OUT/MAL/14/01016 can therefore be discharged.

**Condition 21 of OUT/MAL/14/01016 states:-**

5.1.57 *‘Prior to the commencement of the development, including any clearance works, a comprehensive Reptile Mitigation Strategy shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out and completed in accordance with the approved mitigation scheme’*

5.1.58 To discharge Condition 21, the Applicant had submitted an Ecological Method Statement prepared by JBA 17/005 HW/CA/KS/PL. The Coast and Countryside Officer has assessed the submitted statement and considers that it is sufficient to discharge Condition 21 ‘Reptile Mitigation Strategy’ but the works would need to be carried out in conjunction with Condition 10 ‘Ecological Method Statement’ and any recommendations in the original Ecological Survey (Extended Phase 1 Habitat Survey ref MH234 dated 5 February 2014 and additional letter dated 14th May 2014, reference MH234-01, both by T4 Ecology Ltd).

5.1.59 It is therefore considered that Condition 21 of outline planning application OUT/MAL/14/01016 can be discharged.

**Condition 22 of OUT/MAL/14/01016 states:-**

5.1.60 *‘Prior to the commencement of development details of an on-site mitigation and management strategy relating to the design of the green space for recreational activity purposes shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details’*

5.1.61 For this condition, the Applicant has submitted the following information for consideration:-

- JBA 17/005-01 Rev I Detailed Soft Landscape Proposals for POS James Blake Associates
- JBA 17/005-02 Rev I Detailed Soft Landscape Proposals for POS James Blake Associates
- JBA 17/005-03 Rev I Detailed Soft Landscape Proposals for POS James Blake Associates
- JBA 17/005-04 Rev I Detailed Soft Landscape Proposals for POS James Blake Associates
- JBA 17/005-05 Rev I Detailed Soft Landscape Proposals for POS James Blake Associates
- JBA 17/005-SK01 Rev E - Landscape Masterplan for Plots and POS dated December 2017
- Addendum Statement; Recreation facilities provision within green infrastructure areas at 'Land West of Fambridge' and 'Manor Farm, Fambridge' James Blake Associates

5.1.62 The Coast and Countryside Officer has assessed the submitted information and is satisfied that the recreation land for the site is more extensive than commonly seen with housing developments of a similar size. It is considered that this would offer the opportunity for a variety of passive and more active recreation within the boundary of the site which helps to take the pressure off the adjacent Special Protection Area (SPA) and therefore would not result in any increased erosion of biodiversity or ecological value from the provision of this new development.

5.1.63 Further by ensuring that the open spaces are laid out in a manner that is sympathetic and reflective of the wider landscape and ecological characteristics, the green infrastructure would provide a valuable habitat for flora and fauna and one that is free from agricultural practices, such as chemicals / pesticides, which will ensure that sites like this act as a reservoir for invertebrates in years to come.

5.1.64 During dialogue with Natural England, it has been highlighted that Condition 22 was imposed due to the fact that a Habitat Regulations Assessment (HRA) could not be undertaken at the time of the outline application. Following the receipt of input from consultees, a HRA was prepared by the Council on 22 March 2018 and was subsequently forwarded onto Natural England for consideration. In NE's consultation response dated 19 April 2018, NE has acknowledged that On-Site measures have been considered and proposed which has included a number of open spaces designed and managed in the long-term to maximise opportunities for day-to-day recreational activity on site, including attractive circular walks etc. NE is satisfied with this aspect of the mitigation package and considers that it will help minimise the need for new residents to leave the development site on a routine basis to walk their dogs etc. in and around the nearby designated sites.

5.1.65 With regards to Off-Site measures NE is largely satisfied with this aspect of the mitigation package and considers that the financial contribution towards visitor management (£44,025) will help make the nearby designated sites more resilient to the predicted increase in recreational pressure. These elements have already been secured through the S106 legal agreement dated 18 March 2016.

5.1.66 Based on the information provided in support of the application, Natural England's view is that the proposal is unlikely to have a significant effect on the Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar site or Essex Estuaries Special Area of Conservation (SAC). They also consider that the proposal is unlikely to adversely affect the underpinning Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI).

NE therefore has no objection to the discharging of the above condition.

5.1.67 Condition 22 of outline planning application OUT/MAL/14/01016 can be discharged.

**Condition 23 of OUT/MAL/14/01016 states:-**

5.1.68 *'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'*

5.1.69 The Historic Environment Officer at Essex County Council has noted that the excavation has been completed for this site and a post-excavation and publication programme has been put in place and has advised for this condition to be discharged. Based on this advice, it is concluded that Condition 23 of outline planning application OUT/MAL/14/01016 to be discharged.

**Condition 24 of OUT/MAL/14/01016 states:-**

5.1.70 *'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 secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work'*

5.1.71 The Historic Environment Officer at Essex County Council has noted that the excavation has been completed for this site and a post-excavation and publication programme has been put in place and has also advised for this condition to be discharged. It is concluded that Condition 24 of outline planning application OUT/MAL/14/01016 to be discharged.

**Condition 31 of OUT/MAL/14/01016 states:-**

5.1.72 *'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'*

- 5.1.73 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'*.
- 5.1.74 For Condition 31, the Applicant has submitted the following documents to the Council for consideration:-
- Drainage Statement A (132915-R3 (0))
- 5.1.75 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.
- 5.1.76 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.
- 5.1.77 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.
- 5.1.78 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 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 invest prioritisation has commenced. It is therefore advised that planning condition 31 can be discharged in this respect.

**Condition 33 of OUT/MAL/14/01016 states:-**

- 5.1.79 *'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'*

- 5.1.80 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'*.
- 5.1.81 For Condition 33, the Applicant has submitted the following documents to the Council for consideration:-
- Foul Drainage Strategy – Drawing No: 308 Rev P5 dated 06.2017
  - Drainage Statement A (132915-R3 (0))
- 5.1.82 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.
- 5.1.83 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.
- 5.1.84 The Environment Agency (EA dated 12 January 2018) has 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.
- 5.1.85 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.
- 5.1.86 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 development onsite drainage has been designed to provide sufficient storage capacity to accommodate flows while the discharge is inhibited.

- 5.1.87 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.
- 5.1.88 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.
- 5.1.89 Concerns were raised by EWT and NE, as discussed in relation to Conditions 13 and 22 above, it is considered that these concerns have been adequately addressed. It is noted that EWT still have reservations and wish for further measures to be put in place. However, it is considered that these requests are unnecessary and unreasonable and it is noted that Natural England has set out that the condition can be discharged. It is therefore recommended that Condition 33 of outline planning application OUT/MAL/14/01016 can be discharged.

#### **Other Considerations**

- 5.1.90 Letters of representation were received concerning the surface water and foul drainage for the site. As part of the Discharge of Conditions application, the Environment Agency, Anglian Water Services (AWS) and ECC SUDs Team were all consulted for their specialist advice. While it is noted that the local residents has suggested that the Surface Water SUDs should be managed by AWS or the Local Authority and not by a private management company, this element cannot be changed by the Council as this has already been agreed in the submitted legal agreement which has been signed and dated by all the relevant parties.

### **5 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.

## 6 CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 6.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
N/A	N/A	N/A

### 6.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	Conditions 14, 17 and 19	Noted in the report
ECC Archaeology	Conditions 23 and 24	Noted in the report
Essex Wildlife Trust	Other Considerations	Noted in the report
ECC Sustainable Drainage Systems (SUDs)	Conditions 11 and 12	Noted in the report
Environment Agency	Conditions 13, 31 and 33	Noted in the report
Anglian Water Services	Conditions 13, 31 and 33	Noted in the report

### 6.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Tree Officer	Conditions 8 and 9	Noted in the report
Coast and Countryside Officer	Conditions 10, 21 and 22	Noted in the report

### 6.4 Representations received from Interested Parties

6.4.1 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 J L 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"> <li>• Anglian Water Services (AWS) says that there is insufficient capacity at Latchingdon WRC</li> <li>• The Environment Agency (EA) says that there is insufficient foul water capacity at Latchingdon WRC</li> </ul>	Noted in the report

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Sewerage flooding incidents</li> <li>• AWS continues to ignore the residents</li> <li>• Holding tanks only provide 24hrs of storage where flood / storm conditions can last for several days – Holding tanks should have 72hrs of storage</li> <li>• Condition for waste water has not been complied with</li> <li>• SUDs should be managed by AWS or the Local Authority, not by a private management company</li> <li>• No street lighting details submitted</li> </ul>	

## 7 RECOMMENDATION

### 7.1 Conditions to be Discharged:-

<b>Conditions</b>	<b>Discharged</b>
5	Yes
6	Yes
8	Yes
9	Yes
12	Yes
13	Yes
17	Yes
18	Yes
19	Yes
21	Yes
22	Yes
23	Yes
24	Yes
31	Yes
33	Yes

### 7.2 Conditions that are not pre-commencement or need details to be agreed:-

10	Not required to be discharged
14	Not required to be discharged

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Appendices for North Western Area Planning Committee

- 1 The Environment Agency and Anglian Water Services - Joint Consultation Response dated 6 February 2018
- 2 Anglian Water Services received by the Council on 14 March 2018
- 3 The Environment Agency dated 19 April 2018
- 4 Natural England dated 19 April 2018

Maldon District Council  
Planning Department  
Princes Road  
Maldon  
Essex  
CM9 5DL

**Our ref:** AE/2017/122088/03-L01  
**Your ref:** 17/05154  
**Date:** 06 February 2018

Dear Sir/Madam

**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 FLOORSPEACE, 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 - ONSITE CONSTRUCTION MANAGEMENT PLAN. CONDITION 20 - LIGHTING. 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. LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE, ESSEX.**

Following our earlier letter dated 12 January 2018 – this set out a number of issues we wished to have clarification on from Anglian Water Services (AWS) - we subsequently met with representatives of AWS and Barratt David Wilson Homes (BDWH) in order to discuss the issues raised by us in that letter. The points detailed below were the subject of discussions during our meeting and would advise the Council that we agreed in principle with the conclusions reached on each point.

1. Confirmation that the mitigation solution approved for the development connection is intended to address the impact on the sewerage network. It will not affect the predicted exceedence of the Dry Weather Flow (DWF) permit at Latchingdon Water Recycling Centre (WRC).

2. The mitigation solution is designed to ensure that flows from the development will not discharge to the network during periods of high surcharge and will not therefore, create additional detriment.
3. Due to the regulatory constraints to funding sewer requisition schemes (Section 98 of the Water Industry Act 1991), mitigation solutions that are designed to enable new development connections are not intended to resolve pre-existing network performance issues. However, the provision of active control and upstream attenuation for this development will offer the potential for closer integration with the existing sewage pumping stations and this in turn will provide more operational flexibility in managing the prevailing network performance risks. Furthermore, the installation of the network monitor that is integral to mitigation solution, will provide additional permanent data collection on the network performance. This provides greater verification of modelled simulations and diagnostic evidence in support of further capital investment.
4. AWS acknowledge that assumptions on the impact on water quality relating to the final effluent discharge from Latchingdon WRC cannot be relied upon with a prevailing DWF permit exceedence. Ultimately, the sanitary consent standard set for the FE discharge will need to be reviewed prior to determining a revised discharge consent that reflects the extent of new development expected in the catchment. However, the degree of the water quality impact of this development cannot be determined at this stage nor can we be certain on the amount of catchment growth on which to assess future water quality impact and so define what physical modifications to the WRC are needed. Determining this will require a period of analysis and investment planning far exceeding the practicable programming for the development.
5. The purpose of the AWS original condition relating to sewage treatment capacity was to ensure that the developer provided sufficient information on the service requirement date to enable AWS to commence investment planning. It is considered that this requirement has been satisfied and the projected exceedence of the DWF permit at Latchingdon has been identified in the investment planning for AMP7 (2020-25). It should be noted that the AWS investment plan will be subject to approval by Ofwat and the appropriate governance to ensure the whole life value (TOTEX) justifies the investment, so we cannot be more specific on the WRC investment at this stage.
6. The necessary lead-in time for investment to enhance WRC capacity and also the general uncertainty around future catchment growth, inevitably creates a time lag between the occupation of early elements of the planned new development and the provision of the required WRC enhancement. The water quality impacts that may occur during this period will be managed by AWS through the normal engagement with Environment Agency compliance teams.

We were given to understand during the meeting that AWS have held discussions with BDWH concerning detailed design for the foul water disposal requirements and we are happy this aspect is being progressed by the two parties. We are now able to recommend the part discharge of condition 13. However, this should not be taken as implying that the volumetric or quality parts of the discharge consent for Latchingdon WRC can be exceeded. We would expect AWS to continue to carry out their obligations – they are of course aware of these - as regards effluent and flow compliance such that a breach does not occur.

Yours faithfully



**Andrew Hunter**  
**For Sustainable Places Team**

Direct dial 020 302 58346

Direct e-mail [planning.ipswich@environment-agency.gov.uk](mailto:planning.ipswich@environment-agency.gov.uk)

cc Strutt & Parker Ltd

End

3



## **North Fambridge**

### **Manor Farm and Land West of the Avenue**

Anglian Water Services Ltd.

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#### **Preface**

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 can not 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 can not 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.

**For Manor Farm, North Fambridge (30 C3 dwellings)**

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 the foul water drainage conditions in respect of this site can be discharged.

***Anglian Water recommends foul water conditions are discharged in full.***

**For Land West of The Avenue, North Fambridge (75 C3 dwellings).**

**Condition 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.”*

As discussed above, it is not Anglian Water’s practice to request the developer to fund improvements to the existing sewerage network beyond that required to address the development only. We 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.

BDW have provided Maldon District Council with a phasing strategy for the development. 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.

Again, as discussed above, 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). 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 we are satisfied that this element of the condition can be discharged as invest prioritisation has commenced.

***Anglian Water recommends discharge of condition 13***

**Condition 31 (relating to WRC capacity)**

*“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.”*

Again, it is not Anglian Water's practice to hold the developer liable through the planning system for the funding of any infrastructure upgrades to water recycling centres. 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 we are satisfied that the condition can be discharged as Invest prioritisation has commenced

***Anglian Water recommends discharge of condition 31***

### **Condition 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."*

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 system. In response to a pre-planning enquiry AW 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) diligently 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.

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 development onsite drainage has been designed to provide sufficient storage capacity to accommodate flows while the discharge is inhibited.

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 drainage. 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.

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.

**Anglian Water recommends discharge of condition 33**

**Conclusion**

The off-site control will be implemented in line with the developer's programme of on-site works and completed prior to occupation of any dwellings.

Anglian Water are therefore satisfied that the wastewater and foul drainage conditions associated with both manor Farm and land West of The Avenue can be discharged.

Jack Haynes  
Natural England

**Our ref:** AE/2017/122088/06-L01  
**Your ref:** 17/05154

**Date:** 19 April 2018

Dear Jack

**LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE, ESSEX.**

Thank you for your e mail of 10 April 2018. We have reviewed the Habitats Regulation Assessment from Maldon DC. The determination of the screening exercise is a matter for yourselves and the council, however, the following information may be useful.

Anglian Water Services state in their note dated 13 March 2018 that both Manor Farm and Land to the west of The Avenue will have no significant impact on the performance of the foul water sewer system.

- Foul water flow from the development at Manor Farm can be connected by gravity.
- Foul water flow from development on land to the west of The Avenue site will be controlled and only discharged when there is sufficient capacity in the network. Underground storage will be installed to hold back foul water at times of high flow.

This appears to us to be satisfactory.

AWS have also stated there will be no significant impact on the performance of the foul water sewer system. Our interpretation of this is that there should be no likely significant effect, LSE, to designated sites as the network will essentially be performing as it is now.

We are unable to say the development will make the existing situation better. AWS state that for sewers provided under S98 of the Water Industry Act 1991 they may only remove any additional operational risk to the sewerage network caused by the provision of the new sewer. Betterment of the network cannot be provided.

Franklin Road sewage pumping station (SPS) is part of the existing foul sewerage infrastructure in North Fambridge and is permitted to discharge in an emergency to avoid foul water flooding nearby properties. The permit contains a condition requiring the company to maintain an alarm to provide an alert for pumping station failure. The emergency overflow at Franklin Road SPS may need to operate at some point in the future however this this would occur with or without the development.

I have also attached our letter of 20 March 2018.

Yours sincerely

A handwritten signature in black ink that reads "Graham Steel". The signature is written in a cursive style with a large initial 'G'.

**Mr GRAHAM STEEL**  
**Sustainable Places - Planning Advisor**

Direct dial 02 03 02 58389

Direct e-mail [graham.steel@environment-agency.gov.uk](mailto:graham.steel@environment-agency.gov.uk)

Date: 19 April 2018  
Our ref: 242443  
Your ref: DET/MAL/17/05154 PP-06219074



Yee Cheung  
Maldon District Council

[dc.planning@maldon.gov.uk](mailto:dc.planning@maldon.gov.uk)

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
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Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Yee,

**Planning consultation:** Compliance with conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75market and affordable dwellings, a village centre of up to 1,000sq 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 20 - Lighting. 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 – HABITATS REGULATIONS ASSESSMENT (HRA) SCREENING

**Location:** Land West Of Fambridge Road, North Fambridge, Essex

Thank you for your consultation on the above dated 22 March 2018 which was received by Natural England the same day. Thank you also for allowing us additional time within which to provide our response.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF ADVICE**

**Based on the information provided in support of the application, Natural England's view is that the proposal is unlikely to have a significant effect on the Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar site or Essex Estuaries Special Area of Conservation (SAC). We also consider that the proposal is unlikely to adversely affect the underpinning Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI).**

**We therefore have no objection to the discharging of the above conditions.**

## DETAILED ADVICE

### Advice under the Conservation of Habitats & Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended)

#### ***Internationally and nationally designated sites – NO OBJECTION***

We welcome that a Habitats Regulations Assessment (HRA) has now been carried out following our previous advice to your authority (our ref: 239701, dated 12<sup>th</sup> March 2018). In line with that advice, Stage 1 of the HRA process (screening for a likely significant effect (LSE)) has been undertaken based on the information provided in support of the application at this stage.

Taking into account the information provided by the applicant and the advice of the Environment Agency and Anglian Water, your HRA screening concludes that the discharging of Conditions 13, 22 and 33 will not result in a LSE to the Crouch and Roach Estuaries SPA and Ramsar site or Essex Estuaries SAC for the following reasons:

#### **i) Condition 22 – Recreational disturbance**

On-site measures have been considered and proposed which include a number of open spaces designed and managed in the long-term to maximise opportunities for day-to-day recreational activity on site, including attractive circular walks etc.

**Taking this into account, Natural England is satisfied with this aspect of the mitigation package and considers that it will help minimise the need for new residents to leave the development site on a routine basis to walk their dogs etc. in and around the nearby designated sites. We recommend that these provisions are fully secured through the S106 legal agreement as is proposed.**

Off-site measures have been proposed in the form of a financial contribution (£44,025) towards visitor management measures at the Blue House Farm Essex Wildlife Trust reserve (part of the Crouch and Roach Estuaries), to be implemented prior to occupation of the development. This is proposed to include the production of leaflets, installation of information boards/signs, improvement to the existing playfield/playground, security fence to the public footpath and the monthly monitoring of birds for a period of five years.

**Taking this into account, Natural England is largely satisfied with this aspect of the mitigation package and considers that it will help make the nearby designated sites more resilient to the predicted increase in recreational pressure. However, as has been highlighted by the Essex Wildlife Trust, the financial contribution should fund designated site mitigation only and not improvements to playfields/ playgrounds which appear unrelated. Once this issue has been resolved and agreed with the Essex Wildlife Trust, we recommend that these provisions are fully secured through the S106 legal agreement as is proposed.**

#### **ii) Conditions 13 and 33 – Water pollution**

As previously advised, water pollution has also been identified as a potential impact pathway to the Crouch and Roach Estuaries and we welcome that this has also been assessed through the HRA screening process, which concludes 'no LSE' in this respect. Having reviewed the HRA and discussed this matter further with the Environment Agency as experts in this field (122088 v6, correspondence attached), it is our understanding that the agreed sewerage network solution for the development presents no additional risks to the designated sites above the current situation. Furthermore, the Environment Agency has advised that the implementation of the foul water strategy for the development will inevitably result in the issue of a new discharge permit for Latchingdon Water Recycling Centre (WRC); the possible effects on the designated sites

will be assessed during the determination of the permit which will reflect the determination of this application and include appropriate conditions to ensure there is no unacceptable impact to the designated sites.

**On this basis, we therefore agree that a LSE to the designated sites from water pollution can be ruled out at this stage.**

This concludes Natural England's advice at this stage which we hope you will find helpful.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Jack Haynes using the details given below . For any new consultations, or to provide further information on this consultation, please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

**Jack Haynes**

Land Use Operations Norfolk & Suffolk Team

Email: [jack.haynes@naturalengland.org.uk](mailto:jack.haynes@naturalengland.org.uk)

Tel: 0208 02 64857

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

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

<b>Application Number</b>	<b>FUL/MAL/18/00283</b>
<b>Location</b>	Hornbeams, Blue Mills Hill, Wickham Bishops, Essex, CM8 3LQ
<b>Proposal</b>	Demolition of existing house and detached garage and proposal for replacement dwelling with integrated garage and associated landscape scheme.
<b>Applicant</b>	Mr R Brewster
<b>Agent</b>	Mr Darren Furniss - KTB Architecture
<b>Target Decision Date</b>	07/06/18
<b>Case Officer</b>	Hilary Baldwin 01621 854477
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Major Planning Application Member Call In The item has been called in by Councillor H Bass on the grounds of public interest.

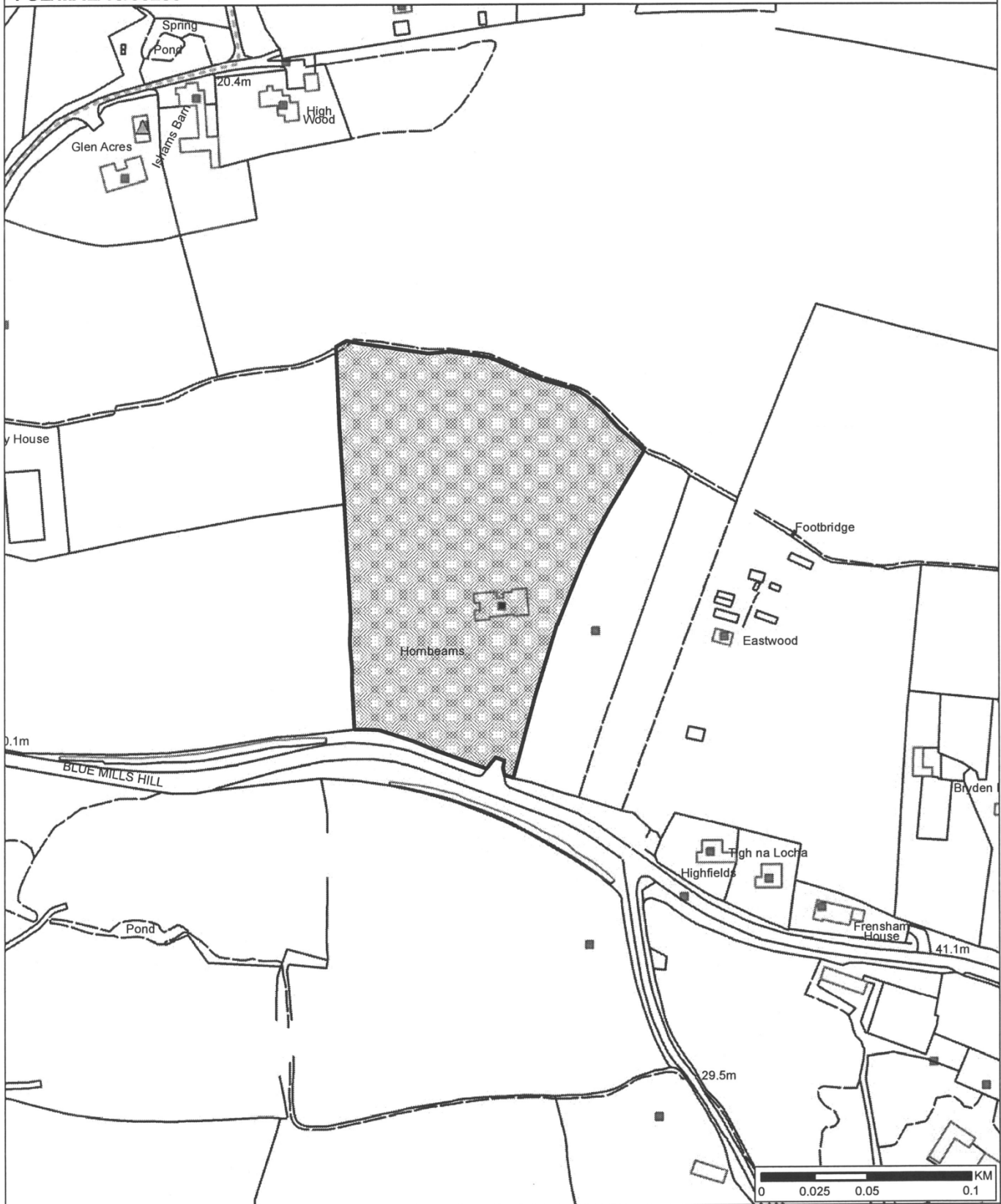
1. **RECOMMENDATION**


**GRANT PLANNING PERMISSION** subject to the conditions as detailed in Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

**Hornbeams, Blue Mills Hill, Wickham Bishops**  
**FUL/MAL/18/00283**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee
	Date:	01/05/2018
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the north of Blue Mills Hill, close to the junction with Mope Lane. The site is outside the settlement boundary of Wickham Bishops.
- 3.1.2 The site hosts a four storey dwelling that is built into the changing ground levels, thereby appearing to be a 9.9 metre tall, two storey dwelling to the front (south) elevation and a 13 metre tall, three storey dwelling to the rear (north) with rooms to the roof, served by dormers to all sides. The existing building has a maximum width of 31 metres and a maximum depth of 16 metres, with a footprint of approximately 240 square metres at lower ground level and 286 at upper ground level and a floorspace of approximately 1000 square metres.
- 3.1.3 The site also features a two storey garage building that measures 16.2 metres by 7.3 metres, with a maximum height of 6.1 metres. The site also features substantial tree planting, a manmade lake to the north of the dwelling and a vehicle access from Blue Mills Hill.
- 3.1.4 Planning permission was granted under the terms of application **HOUSE/MAL/16/00923** for substantial extensions to the existing dwelling to the front and rear which would have maintained the maximum height of the dwelling, but increased the floorspace by approximately 240 square metres.
- 3.1.5 This application seeks planning permission to demolish the existing dwelling and erect a replacement dwelling. The proposed dwelling would be located in a similar position to the existing dwelling and would feature accommodation over a total of four floors (including a small basement and mezzanine) with a total floorspace of approximately 1300 square metres.
- 3.1.6 The lower ground floor would measure a maximum of 42.5 metres wide and 29 metres deep, being built into the ground levels, thereby resulting in the south elevation being below the adjacent ground level. The ground floor area would measure 730 square metres in area, excluding an open internal courtyard at the centre of the building. A basement area would also be provided at the north east corner of the building to contain plant.
- 3.1.7 The upper ground floor would be generally ‘L’ shaped in arrangement with a maximum length of 32.5 metres at the east elevation and 42.5 metres at the north elevation and a floor area of approximately 506 square metres. The first floor accommodation would feature flat roofs being built to varying heights, with the garage at the south end having a height of 4 metres above the adjacent ground level and the north end of the building having a height of 8.2 metres above the lower ground level to the north. The central part of the building would feature a sculptural staircase with the roof height above this section raised to a height of 9.4 metres above the ground levels to the south. At the south end of the building, an integral triple garage would be provided.

- 3.1.8 At first floor (described as the mezzanine level), located at the north west corner of the building, a 70 square metre snug/study/night kitchen would be provided to the main bedroom along with a void area above the bedroom. This element of the building would measure 10.6 metres by 10.8 metres with a mono-pitched roof built to a maximum height of 12.9 metres and a minimum height of 10.5 metres (relative to the ground levels to the north).
- 3.1.9 The building would have a modern architectural styling with a significant amount of glazing, bronze metal cladding and light brickwork. The building would appear to feature a number of segments that are linked together rather than a conventional dwelling, with glazing used extensively to link the blocks and provide skylights. The building would feature a bronze coloured canopy projecting to the south of the tallest part of the building that would create an entrance feature to the main bedroom. The dwelling would be surrounded by various formal amenity areas including patio areas at lower ground floor level, a drop off area and large driveway to the south of the building at upper ground floor level and various areas of formal planting. The main part of the flat roof would be built as a sedum roof, with PV panels towards the south end of the roof.
- 3.1.10 At the south of the building, the access to the site would be provided in the same location. 7 metres to the north of the south boundary would be a gatehouse that would measure 5.4 metres deep and 3.4 metres wide with a sedum and louvered roof built to a height of 2.7 metres. This structure would contain air conditioning and air source heat pump equipment. A new 2 metre tall, bronze tone entry gate would be provided adjacent to that structure and a below ground water tank would be provided to the south of that building, beneath a grasscrete 'service area.' Close to the south west corner of the site, the applicant proposes the erection of a mower store that would measure 2.8 metres by 3.9 metres and 2.8 metres tall. A bin store is also proposed adjacent to the entrance that would measure 2.29 metres by 0.9 metres and 1.2 metres tall.
- 3.1.11 The submitted plans show extensive landscaping works which appear to include the following:
- Sculptured and contoured ground levels consisting of two hillocks to the south west of the dwelling and one to the south.
  - Native hedgerow planting at the boundaries of the site.
  - New Tree planting, particularly to the west side of the building to enclose a gap between existing tree coverage.
  - A stepped walkway to the west side of the dwelling and stepped soft landscaped area to the east with a Jacuzzi built within a terrace area.
- 3.1.12 Details of integral lighting schemes to all amenity areas about the building have also been submitted.

## **3.2 Conclusion**

- 3.2.1 The proposed replacement dwelling would be of a larger size than the existing large dwelling at the site and of a much more modern design, with a greater number of domestic structures at the entrance to the site. However, it is considered that the proposal is compliant with all aspects of policy H4 and would not cause harm in terms

of residential amenity or highway safety. It is considered that the proposal offers the opportunity to undertake an interesting development, with a substantial increase in landscaping and a reduction of the prominence of built form at the site. It is therefore considered that the proposal can be found acceptable.

#### **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:**

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 28 - Supporting prosperous rural economy
- 29-41 - Promoting sustainable transport
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

##### **4.2 Approved Maldon District Local Development Plan (July 2017) Policies:**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

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

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

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its approved Development Plan unless material considerations indicate otherwise [Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990) and paragraph 196 of the NPPF].

5.1.2 The site lies well outside the defined settlement boundaries of Wickham Bishops and is therefore considered to be in a countryside location for the purposes of planning policies.

5.1.3 Policy S1 of the Local Development Plan states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*

- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*

5.1.5 Policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (LDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.6 The abovementioned policies are in compliance with the National Planning Policy Framework (NPPF) which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements.

5.1.7 Policy H4 allows for the erection of replacement dwellings subject to the following criteria:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;

- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting; and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

5.1.8 The existing dwelling is described above and is substantial in terms of size and visual impact. The use of the building as a dwelling has not been abandoned and the dwelling is not temporary. Whilst being impressive in many respects, it is not considered that the building is of a design or relevance or importance to the landscape setting that would enable the Local Planning Authority to sustain an argument that the dwelling should be retained. The proposal is therefore considered to be compliant with criteria 1), 2) and 3).

5.1.9 The other criteria of this policy will be assessed in detail below, but subject to these considerations it is considered that there is no basis to object to the principle of replacing one dwelling with another in a countryside location.

## **5.2 Design and Impact on the Character of the Area**

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.

5.2.3 Paragraph 64 also states that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.

5.2.4 This principle of good quality design is reflected to the approved MDLDP. The basis of policy D1 of the approved MDLDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) *Height, size, scale, form, massing and proportion;*
- c) *Landscape setting, townscape setting and skylines;*
- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*

- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) *Energy and resource efficiency.*

- 5.2.5 It should be also noted that policies S2 and S8 seek to avoid new development outside defined development boundaries, with policy S8 stating that development will only be approved “*where the intrinsic character and beauty of the countryside is not adversely impacted upon*”. Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.
- 5.2.6 The existing dwelling is substantial in terms of size, scale and mass and therefore, even despite its setting well back from the public highway, has an imposing and dominating impact on the character and appearance of Blue Mills Hill. The extensions approved under the terms of the 2016 application at this site would further increase the size of the dwelling and increase the visual impact of the dwelling. In both circumstances, the visual impact is heightened by the large outbuilding to the side of the dwelling and the domesticated, manicured landscaping and entrance enclosures at the frontage of the site.
- 5.2.7 The proposed dwelling would have a footprint that is approximately 700 square metres, thereby being substantially larger than the 290 square metre footprint of the upper ground floor of the existing building and the 118 square metre garage building. However, the majority of this footprint would be built into the lower ground levels and would therefore not be visible from the public highway to the south and this would reduce the impact of the built form.
- 5.2.8 To demonstrate this, it is considered relevant to note that the floorspace of the building would be 150 square metres larger than the combined floorspace of the existing dwelling and garage building at the site. Therefore the ‘above ground’ element of the building is substantially reduced in comparison to the existing building. For these reasons, it is considered that the proposed dwelling is commensurate with the size of the existing dwelling and the plot on which it would sit and therefore it is considered that the proposal would accord with the requirement of criteria 4) of policy H4 as discussed above.
- 5.2.9 It is noted that each of the calculations set out above are made in relation to the existing buildings at the site and have no regard to the extensions that were approved under the terms of application **HOUSE/MAL/16/00923**. If compared to that substantially larger dwelling, which would have had a lower ground floor footprint of approximately 420 square metres and a total floorspace (excluding the garage building) of approximately 1230 it is considered that the contrast between the size of the dwellings is marginal. As with the above, it is noted that the proportion of the built form that would be at lower ground level would also be increased, thereby reducing the visual impact from the south.
- 5.2.10 The proposed dwelling would be visually striking in a wholly different manner than the existing dwelling. The majority of the building would be much lower in height, but a tower feature to the north-west corner would project to a height of 12.9 metres, which would be approximately 1 metre lower than the ridge height of the existing building.

- 5.2.11 The proposed dwelling would be of modern design and would not therefore be alike any other dwelling within the surrounding area. However, the same is also true of the existing dwelling. In this instance, noting that the building is viewed in isolation and therefore there is not an established streetscene or character that must be replicated, it is considered that there is scope to propose a dwelling that is of markedly different design and character.
- 5.2.12 The proposed development is of a modern design and it is considered that this is an appropriate location for such a design approach. Overall the design is considered to be acceptable.
- 5.2.13 Of more concern is the introduction of buildings to the south part of the site including the proposed gate house and mower store. The gate house would be a more substantial visual feature than the existing entrance enclosures and would therefore have a much greater visual impact on the streetscene and the character of the countryside. However, given the gains that would be derived from the reduction of the scale of above ground built form at the site and the indicative landscaping proposals which would soften the impact of the buildings, it is considered that the proposed gatehouse and gates, on balance, can be found acceptable. The same is also true of the proposed mower store which would be a small addition that can be screened by changing ground levels and landscaping.
- 5.2.14 For these reasons, it is considered that the proposal can be accepted to be in accordance with the design and scale requirements of policy H4 and the other design based policies and guidance that are set out within national and local planning policy documents.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 As set out above, the dwelling sits in relative isolation a significant distance from all neighbouring dwellings. It is therefore the case that the proposals would not cause a loss of light, privacy or outlook that is materially different or worse than the existing dwellinghouse.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policies D1, H4 and T2 of the approved MDLDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising four or more bedrooms require a maximum of three off-street parking spaces. This parking requirement would be met by this proposal.

5.4.3 The Highway Authority have assessed the proposal and raised no objection subject to a number of conditions. It is considered that these conditions would be able to be complied with and therefore imposing those restrictions would not be unreasonable. The means of access to the site and the parking provision is therefore considered to be acceptable.

## **5.5 Private Amenity Space and Landscaping**

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms. The site would be served by significant amenity space and would therefore comply with this requirement.

5.5.2 The submitted plans show the provision of significant landscaping within the site and native hedgerows at the boundaries of the site. It is considered that the landscaping provision would enhance the appearance of the site and mitigate the impact of the development and it is therefore considered that the hard and soft landscaping should be secured through the imposition of conditions.

5.5.3 The proposal has been accompanied by a tree planting plan. However, there is not considered sufficient detail within the plan in relation to tree protection and retention. A condition for such details can be appended to any grant of permission.

## **5.6 Other Material Considerations**

5.6.1 Following the advice of the Council's Environmental Health Officers, matters relating to surface and foul water drainage can be addressed through the imposition of conditions. It is noted that the proposed block plan includes the positioning of a septic tank. However, the agent has confirmed that the foul drainage will be disposed of by way of a package treatment plant.

5.6.2 The applicant has submitted an ecology assessment which contains a number of recommendations with respect to the means of undertaking construction works at the site and providing lighting at the site. It is considered that a condition can be imposed to ensure that the development is undertaken with the relevant and enforceable elements of this document and this will therefore ensure that there is not likely to be a harmful impact on protected species at the site. In any event, it is relevant to note that protected species are protected under the terms of other legislation.

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

- **FUL/MAL/98/00820** – Demolition of existing dwelling and erection of new house and garage - Approved
- **FUL/MAL/01/00590** - Demolition of existing dwelling and erection of new house and garage – Approved
- **FUL/MAL/07/00041** and **FUL/MAL06/01125** - Redesign and repositioning of garage approved under **FUL/MAL/01/000590** and new entrance piers/gates. – Both Approved

- **HOUSE/MAL/16/00923/** - Extend the existing house to the front, rear and sides, alterations to the existing facade treatment, remedial works to address water ingress and hard and soft landscaping to the front and rear garden. – Approved.
- It is noted that a number of applications have related to the land to the east of Hornbeams, but that is not of relevance to this proposal.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Wickham Bishops Parish Council	Support the application. It is considered that the proposed landscaping and alterations to the entrance would enhance the appearance and highway safety of the site.	Comments Noted and discussed where relevant above.

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No objection subject to the imposition of conditions.	Noted and discussed above.

### 7.3 **Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions.	Please refer to relevant paragraphs 5.6.1 of the report
Leisure and Liveability Officer	Support the proposal, but wishes to see formal hard and soft landscaping plans and further topographical details.	These matters are to be addressed through the imposition of conditions.

### 7.4 **Representations received from Interested Parties**

No representations have been received by the Local Planning Authority.

## 8. PROPOSED CONDITIONS

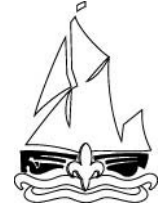
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall accord with that shown on drawing No's: HRB\_CP, HRB\_EX00\_P\_SP, HEB\_EX01\_P\_LGF, HRB\_EX02\_P\_GF, HRB\_EX03\_P\_1F, HRB\_EX04\_P\_2F, HRB\_EX06\_S\_A-A REV A, HRB\_EX07\_S\_B-B REV A, HRB\_EX08\_E\_C-C REV A, HRB\_EX09\_E\_D-D REV A, HRB\_EX10\_E\_E-E REV A, HRB\_EX11\_E\_F-F REV A, HRB\_EX12\_E\_G-G REV A, HRB\_EX13\_E\_H-H REV A, HRB\_EX14\_E\_GA REV A, MMX 207/1, MMX 207/2, HRB\_PR00\_P\_SP, HRB\_PR01\_P\_B, HRB\_PR02\_P\_LGF, HRB\_PR03\_P\_UGF, HRB\_PR04\_P\_M, HRB\_PR05\_P\_R, HRB\_PR06\_S\_A-A, HRB\_PR07\_S\_B-B, HRB\_PR08\_S\_C-C, HRB\_PR10\_S\_E-E, HRB\_PR11\_S\_F-F REV A, HRB\_PE13\_E\_H-H REV A, HRB\_PR14\_E\_J-J, HRB\_PR15\_E\_K-K REV A, HRB\_PR16\_E\_L-L, HRB\_PR17\_E\_CY, HRB\_SAB, HRB\_SAG, HRB\_SAL, HRB\_SLP, HRB\_TS, RB\_01.1, RB\_01.2, RB\_01.3, RB\_02.1, RB\_02.2, RB\_02.3, RB\_02.4, RB\_03.1, RB\_03.2, RB\_03.4, RB\_04.1, RB\_04.2A, RB\_04.2B, RB\_04.3, RB\_04.3, RB\_05.1, RB\_05.3, RB\_06.1, RB\_06.2, RB\_06.3, RB\_07.1, RB\_07.2 and RB\_07.3.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to the commencement of the development hereby approved, samples of all materials to be used in the external elevations of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the development shall only be undertaken using the approved materials.  
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development shall take place until full details of both hard and soft landscape works to be carried out including details of a planting implementation scheme, aftercare and maintenance and replacement programme out have been submitted to the Local Planning Authority for approval in writing. The scheme shall also include details of the planting of hedges at the site boundaries. The landscape works shall be carried out in accordance with the approved details with soft landscape works carried out within the first available planting season (October to March inclusive) following the occupation of the dwelling hereby approved.  
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development and the provision and guidance of the National Planning Policy Framework.
- 5 No development shall take place until a scheme for the provision and implementation of a surface water drainage scheme has been submitted to the Local Planning Authority for approval in writing. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the development.

- REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the Maldon District Local Development Plan.
- 6 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the approved Maldon District Local Development Plan.
- 7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no development as specified in Schedule 2, Part 1, Classes A, B, C, D, E or G other than those expressly authorized by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
- REASON: To enable the Local Planning Authority to safeguard the character and visual amenity of the approved dwelling and the area in accordance with policy D1 of the approved Maldon District Local Development Plan, the Maldon District Design Guide and the provisions and guidance as contained within the National Planning Policy Framework.
- 8 Prior to the first beneficial occupation of the dwelling hereby approved, the driveway and garage parking spaces shown on the approved plans which are attached to and form part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme. The parking spaces shall be retained for such purposes at all times thereafter.
- REASON: To ensure appropriate parking is provided in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan.
- 9 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 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)

The protective fencing and ground protection 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. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: To secure the retention of trees within the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan.

- 10 No development shall commence until details of existing ground levels and proposed finished ground and floor levels of the dwelling and all outbuildings at the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of visual amenity and the character and of the area in accordance with policy D1 of the approved Maldon District Local Development Plan.
- 11 All of the accommodation hereby approved shall only be used as a single dwelling and none of the accommodation shall be occupied as self-contained, independent residential accommodation.  
REASON: To ensure that the accommodation remains ancillary to the existing dwelling house and does not create a separate or independent unit in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan.
- 12 Unless otherwise demolished as part of the construction of the development hereby approved, all parts of the existing dwelling and garage building shall be demolished, with all waste materials removed from the site, within three months of the first occupation of the dwelling hereby approved.  
REASON: To ensure that the development is undertaken in accordance with the approved plans and in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan
- 13 In accordance with recommendations 2, 4, 5, 6, 7, 9, 10 and 11 of the Ecological and Biodiversity Appraisal (MKA Ecology Limited, Version 2, dated 05 February 2018).  
REASON: To ensure the conservation interests identified in the report are satisfactorily protected in accordance with policy N2 of the approved Maldon District Local Development Plan.



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

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

<b>Application Number</b>	<b>FUL/MAL/18/00288</b>
<b>Location</b>	9 The Glebe, Purleigh
<b>Proposal</b>	Installation of a step lift. Raised platform with guardrails, base and landing platform for steplift, concrete path around platform and steplift base. Widening of existing entrance door opening and fitting new entrance door and frame
<b>Applicant</b>	Mrs. Linda Davis
<b>Agent</b>	Mrs. C Dispirito - Maldon District Council
<b>Target Decision Date</b>	15/05/2018
<b>Case Officer</b>	Emma Worby 01621 854477
<b>Parish</b>	<b>PURLEIGH PARISH COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Mrs. C Dispirito - Maldon District Council

1. **RECOMMENDATION**


**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see overleaf.

**9 The Glebe Purliegh**  
**FUL/MAL/18/00288**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee
	Date:	01/05/2018
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the northern side of The Glebe in the settlement boundary of Purleigh. The site is occupied by a single storey semi-detached dwellinghouse with a large driveway area to the front and the east of the dwelling and several steps up to the main entrance on the eastern elevation.
- 3.1.2 Planning permission is sought for the installation of a step lift adjacent to the front door on the east elevation of the dwelling including a base, a raised platform and landing platform for the step lift. The application also proposes a concrete path around the step lift for access to the gate into the garden and the widening of the existing entrance door and a new entrance door and frame. The existing steps and handrails will be removed.
- 3.1.3 The proposed step lift would be 2.5 metres in length and 1.35 meters in width. The landing platform would be 1.2 metres in length and 1.2 metres in width and the raised platform would be 1.3 metres in length and 1.35 meters in width. The step lift would have a maximum height of 0.95 metres and the raised platform (including handrails) would have a maximum height of 1.67 metres.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development, by reason of its scale and location would not harm the appearance, character of the locality and, due to its relationship with the adjoining properties, the proposed development is not considered to result in any undue harm by way of overlooking or loss of amenity. In addition the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies D1, S1 and H4 of the approved Maldon District Local Development Plan (LDP).

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework (NPPF) 2012 including paragraphs:**

- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design
- 186-187 Decision-taking
- 196/198 Determining applications

#### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- D1 Design quality and the built environment
- H3 Accommodation for specialist needs
- H4 Effective use of land
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD
- Essex Design Guide (EDG)
- Car Parking Standards

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The principle of providing facilities in association with residential accommodation is considered acceptable in line with policies S1, H3 and H4 of the approved LDP.

#### **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

- 5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).

- 5.2.5 The proposed development would be located to the side of the existing dwelling, where the current entrance is located. Therefore it would be visible within the overall streetscene and would have some impact on the character of the area.
- 5.2.6 The proposed step lift and platform is relatively small in size but is not a traditional residential feature. The proposed platform is required to facilitate superior access for a resident that has restricted mobility. Due to the distance between the highway and the proposed development, of 12 metres and the discreet positioning at the side of the dwelling, it is considered that the visual impact would be lessened and therefore, on balance, it is not considered that the proposed would be harmful to the character and appearance of the site and the surrounding area to an extent that would justify refusal.
- 5.2.7 Due to the location of the front entrance door on the side elevation, its widening is not considered to have a significant impact on the streetscene and therefore it is not considered to result in any demonstrable harm to the host dwelling.
- 5.2.8 Therefore, it is considered that the development, by reasons of its scale, design and appearance would not result in a demonstrable harm to the character and appearance of the existing dwelling and the locality in accordance with policies D1 and H4 of the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.3.2 The proposed development would be 1.7 metres from the boundary of No.8 The Glebe to the east of the application site. Due to this distance and the scale of the works, it is not considered that the proposed development would result in any detrimental harm to the neighbouring occupiers. Due to its location on the east elevation, the proposed development would not be visible from the attached neighbouring property to the west No.10 The Glebe.
- 5.3.3 Therefore, is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The Council’s adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.4.3 The proposed development would result in the loss of one car parking space to the east of the dwelling to allow for the step lift and a path around it. However the site would still provide ample off road car parking provision, in excess of the car parking standard. Therefore there is no objection to the proposed development in terms of car parking. Furthermore, the benefits of accessibility outweigh any other harm identified.

**5.5 Private Amenity Space and Landscaping**

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.

5.5.2 The proposed development would not result in the loss of any private amenity space and therefore there are no objections on these grounds.

**6. ANY RELEVANT SITE HISTORY**

No relevant site history.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	The proposed development is sustainable, complies with planning legislation and does not conflict with policies contained within the adopted Maldon District Replacement Local Plan, emerging policies of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.	Comments noted

**8. PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, Block Plan, EX 1, SK1, SK1 Det. Rev A, ELEV.1 Rev A, ELEV. 2 Rev A.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.  
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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