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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

14 October 2019

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE

on **WEDNESDAY 23 OCTOBER 2019** at **7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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AGENDA
DISTRICT PLANNING COMMITTEE
WEDNESDAY 23 OCTOBER 2019

1. **Chairman's Notices (please see below)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 24)

To confirm the Minutes of the meeting of the District Planning Committee held on 19 September 2019 (copy enclosed).

4. **Disclosure of Interest**

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

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

5. **FUL/MAL/19/00561 - The Commodity Centre, Braxted Park Road, Great Braxted** (Pages 25 - 42)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

6. **DET/MAL/19/05116 - Land West of Fambridge Road, North Fambridge** (Pages 43 - 60)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

7. **DET/MAL/19/05117 - Manor Farm, The Avenue, North Fambridge** (Pages 61 - 74)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

8. **OUT/MAL/19/00556 - Manor Farm, The Avenue, North Fambridge** (Pages 75 - 100)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

9. **Appointment of Representatives on Liaison Committees** (Pages 101 - 102)

To consider the report of the Director of Strategy, Performance and Governance, (copy enclosed).

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

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. 5 – 8.
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

* 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. 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
- 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 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) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

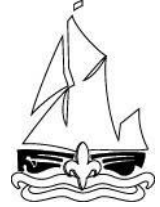
ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- 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 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- 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 SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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



**MINUTES of
DISTRICT PLANNING COMMITTEE
19 SEPTEMBER 2019**

PRESENT

Chairman	Councillor R G Boyce MBE
Vice-Chairman	Councillor Mrs P A Channer, CC
Councillors	E L Bamford, M G Bassenger, Miss A M Beale, Mrs J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, K W Jarvis, J V Keyes, C Mayes, C P Morley, C Morris, S P Nunn, N G F Shaughnessy, R H Siddall, W Stamp, C Swain, Mrs M E Thompson and Miss S White

404. CHAIRMAN'S NOTICES

The Chairman referred to the notices printed on the agenda.

405. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors V J Bell, M F L Durham CC, M R Edwards, K M H Lagan and Mrs J C Stilts.

406. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 4 July 2019 be approved and confirmed.

407. DISCLOSURE OF INTEREST

The following non-pecuniary interests were declared in respect of Agenda Item 5 – OUT/MAL/19/00741 – Land at Broad Street Green Road, Maypole Road and Langford Road, Great Totham / Heybridge Essex:

- Councillor Mrs P A Channer as an Essex County Councillor and she advised that Essex County Council had been consulted on various matters relating to this planning application and she highlighted some of these.
- Councillor C Morris as a Heybridge Parish Councillor.
- Councillor J V Keyes as a Great Totham Parish Councillor and Ward Member.
- Councillor R H Siddall as a Ward Member for Great Totham.

At this point in the meeting the Chairman introduced Mr Lee Sencier from Essex County Council.

408. OUT/MAL/19/00741 - LAND AT BROAD STREET GREEN ROAD, MAYPOLE ROAD AND LANGFORD ROAD, GREAT TOTHAM / HEYBRIDGE, ESSEX

Application Number	OUT/MAL/19/00741
Location	Land At Broad Street Green Road, Maypole Road And Langford Road Great Totham / Heybridge Essex
Proposal	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and (Viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).
Applicant	Countryside Properties & EC, MA & DC Watson & KL Watson-Knee
Agent	Mr Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	26 September 2019
Case Officer	Matt Leigh
Parish	Great Totham, Heybridge, Langford and Ulting
Reason for Referral to the Committee / Council	Environmental Impact Assessment Strategic site within the strategic submitted Local Development Plan Major Application

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested that all votes in relation to this application be recorded. This was duly seconded.

It was noted from the Members' Update that further consultation responses and letters of representation had been received. In response to the consultation response from the Essex County Council Sustainable Drainage Systems Team proposed conditions 10 and 11 had been updated.

During her presentation of the report, the Principle Planning Officer referred to the recent decision by the Council no to defend the reason for refusal relating to a previous

planning application on this site and drew Members' attention to the additional information submitted as part of this scheme.

At this point the Chairman moved the Officers' recommendation as set out in the report with amended conditions as set out in the Members' Update. This was duly seconded.

The Chairman reminded Members that this was a hybrid scheme and drew their attention to page 17 of the report which highlighted the development proposal and the eight parts relating to it.

Following the Officers' presentation an objector, Mr Salmon, Councillor S Burwood on behalf of Heybridge Parish Council and the Agent, Mr K Coleman addressed the Committee.

Prior to debate by Members, the Chairman referred to page 27 of the report and in particular the changes this application proposed in comparison to the previously refused application.

A lengthy debate ensued during which a number of Members commented on the application and raising a number of questions. During the debate Members were reminded that they had to determine the application before them and not any additional matters. In response to questions raised, the following information was provided by Officers:

- The Members' Update detailed the consultation response from the NHS. It was confirmed that the proposed development would include land for a medical facility and a financial medical contribution (as set out in the draft Section 106 terms). In addition there was a condition proposed which sought agreement of a phasing plan.
- In response to a question regarding proposed condition 10, Members were advised that the Local Planning Authority was the decision maker and the Council would be ultra vires to defer decisions relating to such matters to other parties. However, in order to make an informed and reasonable judgement the Council would consult with and take into account any material considerations received.
- Maintenance would be covered by condition 11 and agreed as part of the maintenance plan to be submitted at the Reserved Matters stage.
- The Lead Specialist Place provided detailed information regarding the previous consideration of applications on this site.
- In response to comment regarding the Council's Masterplans being endorsed rather than adopted, it was clarified that at that time the Council's Local Development Plan had not been adopted and therefore the Masterplans could not be adopted. The endorsement meant that they could still be used as material consideration for the decision-making process.
- Average density related to the aspects where there was residential dwelling and did not take into account the school area, roads etc.
- Dwellings per hectare related to the 1,138 proposed dwellings across the whole development.

- Phasing was part of any large-scale application. The need for infrastructure, financial contributions etc. were aimed to mitigate any harm created by the development and phasing was often based around ensuring that an area was compressed and used before there was any demonstrable harm.
- The Sustainable Drainage Systems submitted as part of this scheme met requirements, however it was noted that the proposed conditions required additional information which would be reviewed by the Lead Local Flood Authority at that time. Should any concern be raised additional information would be sought at this time.
- All proposed housing would meet the minimum standards required in accordance with the Council's policies.
- The Essex County Council Officer clarified that the flow of water from the site was from North to South. The County Council at this development stage would review Sustainable Drainage Systems (within the site boundary) and the implications of the new development on the local flood risk as produced by the development itself and not necessarily the existing flood risk.

Members were reminded that this was an outline application and any information not relevant for determination of this application would be brought forward as part of the reserved matters application, when submitted.

The Leader of the Council summed up the application reminding Members that this was a Local Development Plan allocated site and as such its sustainability had been agreed. He then proposed that question be put.

The Chairman put the proposal to approve the application as per the Officers' recommendations set out in the report and on the Members' Update. In accordance with the earlier proposal there was a recorded vote as follows:

For the recommendation:

Councillors E L Bamford, R G Boyce, Mrs P A Channer, J L Fleming, A S Fluker, B E Harker, M S Heard, M W Helm, K W Jarvis, J V Keyes, C Mayes, C P Morley, N G F Shaughnessy, R H Siddall, C Swain, Mrs M E Thompson and Miss S White.

Against the recommendation:

Councillors M G Bassenger, Miss A M Beale, C Morris and W Stamp.

Abstention:

Councillor S P Nunn.

The motion was thereby agreed.

RESOLVED that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to the conditions as detailed below:

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Appropriate contributions towards the following strategic infrastructure to support the delivery of the North Heybridge Garden Suburb (note that costs are estimates within the

Infrastructure Delivery Plan, and are subject to final agreement within the Section 106 (S106) agreement):

Public Transport:

- Contribution to Public Transport Improvements.

Travel Plan:

- Travel Plan monitoring fee.

Education:

- 56 place Early Years and Childcare (EY&C) facility (within Primary School).
- 56 place EY&C facility standalone (Commercial).
- Primary school.
- Secondary school Plume Lower School contribution.
- Secondary school Plume Upper School contribution.

Youth and Children's Facilities:

- Teen shelters, skateboard facilities, access to shared community facilities to serve Heybridge.
- Neighbourhood Equipped Areas for Play (NEAPS) and Local Equipped Areas for Play (LEAPS).

Health:

- Healthcare facility and contribution to medical facilities to serve North Heybridge.

Green and Blue infrastructure:

- Allotments to serve North Heybridge.
- Sports pitches and associated facilities.
- Open space to be provided in accordance with phasing plan.
- Sustainable Drainage System (SuDS).
- Management of all green and blue infrastructure by management company.

Affordable Housing:

- 30% scheme wide.

Biodiversity and Ecology

- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution
- Details of the management of Heybridge Wood.

CONDITIONS:

Section A – Time Limits, Approved Plans and Implementation

1. The elements of the development for which full planning permission is hereby granted (the relief road and utility infrastructure) shall begin no later than three years from the date of this decision.
2. The elements of the development for which full planning permission is hereby granted (the relief road and the substations) shall be carried out in complete accordance with the following approved drawings:

- CPMALDON.1/01J (Relief Road Overview)
 - CPMALDON.1/02G (Langford Road Roundabout)
 - CPMALDON.1/03F (Staggered Priority Junction Arrangement)
 - CPMALDON.1/04E (Central Priority Junction and Broad Street Green Rd Roundabout)
 - CPMALDON.1/05D (Langford Road Rd/ Northern Arm and Vertical Profile)
 - CPMALDON.108C (Relief Road Long Section – Langford Road end)
 - MBSK150720-1 (Maldon Road Centreline and Visibility)
 - 44006-C-A010B - Substation Location Plan
 - TC-STD-G-PRI gas governor
 - TC-STD-SS-01 brick built electricity substation
3. For all elements of the development other than those for which full planning permission have been granted (the relief road and the utility infrastructure) details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as the Reserved Matters) shall be submitted to the Local Planning Authority. No development within any part of the application site (other than preliminary ground works, or any works connected to the construction of the utility infrastructure or highway works specified in the approved plans listed at Condition 2) shall commence until approval of the details of the reserved matters for that part of the application site have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.
 4. The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
 5. Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
 6. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the first of the Reserved Matters to be approved.
 7. The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and shall be in accordance with the following approved Drawings:
 - 'Design Parameter Plan - Land Use' (Ref PRM-01 Rev R)
 - 'Design Parameter Plan - Building Heights' (Ref PRM-04 Rev Q)
 - 'Design Parameter Plan - Residential Density' (Ref PRM-05 Rev Q)
 - 'Design Parameter Plan – Green and Blue Infrastructure' (Ref PRM-02 Rev W)
 - 'Design Parameter Plan – Access and Movement' (Ref PRM-03 Rev P)

Section B – Pre-Commencement Conditions:

8. No development within any part of the site or phase of development (as defined on the Strategic Phasing Plan to be approved pursuant to Condition 7) shall commence until a Construction Environmental Management Plan (CEMP) for that part of the site or phase of the development has been submitted to and

approved in writing by the Local Planning Authority. The CEMP shall include the following aspects of construction:

- a) Indicative construction and phasing programme for that phase / part of the development.
- b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, storage areas / compounds, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.
- c) Construction hours and delivery times for construction purposes.
- d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports.
- e) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
- f) Procedures for dealing with any unexpected contamination that may be encountered during the construction process.
- g) Construction Ecological Management Plan, including details for mitigating the effects of construction on habitats and protected species in line with the assessment set out in the Environmental Statement.
- h) Measures for protecting trees and hedgerows during construction.
- i) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
- j) Water Management Plan detailing the measures to be used to prevent pollution into ground water supplies and to prevent flooding.
- k) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highways, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.

The details of the CEMP as agreed shall be implemented prior to any development commencing within the relevant phase of the development/part of the site to which it relates and shall remain in force for the duration of the construction period of that phase/part of the development. All construction infrastructure shall be removed from the site within three months of completion of the corresponding phase/part of the development.

9. No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment (prepared by an accredited archaeological consultant) to establish the archaeological significance of the site has been submitted to the Local Planning Authority and approved in writing. The archaeological assessment shall inform the implementation of a

programme of archaeological work, which may include a phased programme of works to enable the phased implementation of the development. The archaeological work shall be carried out in a manner that accommodates the approved programme of archaeological work.

10. No development within any part of the site or on any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to condition 12) shall take place until a surface water drainage scheme for that part of the site/phase of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of that part of the site, has been submitted to and approved in writing by the local planning authority. Where relevant, the submitted details shall include but not be limited to:

- Limiting discharge rates to 1 in 1 Greenfield runoff rates for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Required allowance of urban creep should be included in storage calculations.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall be implemented prior to occupation of that part of the development site to which the details relate.

11. The management and maintenance of watercourses within the site and the sustainable urban drainage network to be provided shall be in accordance with the general provisions of the SuDS Maintenance Proposals dated June 2019 submitted with the planning application. Prior to commencement of development within any part of the site or on any Phase of the development a Management and Maintenance Plan containing further specific details identifying who is responsible for the management and maintenance of all aspects of the proposed SuDS network within that part of the site / phase of

development shall be submitted to and approved in writing by the Local Planning Authority. The details of the Management and Maintenance Plan shall be implemented following first use / occupation of any property within that phase of the development / part of the site and shall be maintained in accordance with the approved details thereafter.

Section C – Details Required Prior to (or Concurrently with) the first Reserved Matters Application.

- 12 Prior to or concurrent with the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the triggers in the S106 accompanying this application for the provision of infrastructure and which covers the entire application site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
- a) The Relief Road with associated junctions at Langford Road, Maypole Road and Broad Street Green Road;
 - b) The utility infrastructure hereby approved.
 - c) The principal phases of both residential and non-residential development (including the Local Centre and education facilities) and the means by which vehicular access to each phase will be achieved;
 - d) The green infrastructure, including the sequencing of play space, playing pitch, youth facilities and allotment provision;
 - e) Strategic footpath and cycleway provision/crossings (both on and off-site) in accordance with the Access and Movement Parameter Plan.
 - f) The phasing of strategic foul and surface water features, including Sustainable Drainage System (SUDs);
 - g) Structural landscaping/planting provisions;
 - h) Environmental mitigation measures;
 - i) The acoustic barrier south of the Relief Road

The development shall be implemented in accordance with the approved Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

- 13 Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Strategic Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:
- a) details of who will be responsible for the management and maintenance of the entire Green Infrastructure and Blue infrastructure as defined by the Green and Blue Infrastructure Parameter Plan including broad long-term design objectives;
 - b) details of who will be responsible for the management and maintenance of allotments.

The Strategic Management and Maintenance Plan for the entire Green Infrastructure shall be implemented as approved in accordance with the Strategic Phasing Plan, unless otherwise varied in writing by Local Planning Authority

following the submission of revised details pursuant to this condition, and shall remain in place in perpetuity.

- 14 Prior to or concurrently with the submission of the first of the reserved matters application(s) within any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to condition 12), an Ecological Conservation Management Plan (ECMP) for that Phase shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application. The Plan shall set out the measures proposed for protecting the net biodiversity of the site as a result of development and shall include:

- a) Contractor responsibilities, procedures and requirements.
- b) Full details of appropriate habitat and species surveys, and reviews where necessary, to identify areas of importance to biodiversity.
- c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features.
- d) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site.
- e) A summary work schedule table, confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by.
- f) A programme for Monitoring to be carried out four times annually during the construction phase.
- g) Confirmation of suitably qualified personnel responsible for overseeing implementation of the ECMP commitments, such as an Ecological Clerk of Works, including a specification of the role.
- h) A programme for long-term maintenance, management and monitoring responsibilities.

No development within any phase shall commence until such time as the Ecological Conservation Management Plan relating to that phase has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan.

Section D – Other Commencement / Occupation Related Requirements

- 15 No development shall commence (except works required to facilitate further investigation and remediation) within the areas identified at risk of potential land contamination as identified in the Phase 1 contaminated land study Desk Study & Preliminary Geotechnical Assessment, Project No 44006 at Appendix A Figure 3, by Richard Jackson Ltd until a Phase 2 intrusive investigation and report into potential land contamination has been carried out. The investigation shall inform an updated conceptual model that identifies whether remediation

measures are required. If required, the report shall also include a remediation strategy. The Phase 2 report and remediation strategy shall be submitted to the local planning authority and implemented in accordance with the approved details prior to any other development in the areas identified.

- 16 No construction of residential buildings shall commence until a strategy to facilitate superfast broadband for future occupants of the residential buildings has been submitted to and approved in writing by the Local Planning Authority.

The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site- wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

- 17 No building intended for use for purposes falling within Use Classes A1, A2, A3, A4, A5, C2, C3, D1 or D2 as defined by the Town and Country (Use Classes) Order 1987 shall be erected above foundation level until details of the foul water drainage for that building have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation or first use of the built development to which it relates.

- 18 No development within a site for which reserved matters approval is sought shall take place until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains and public utilities) and their means of installation which pass underneath the canopy of any retained tree within, adjacent to, or which overhangs the development area, have been submitted to and approved in writing by the Local Planning Authority. The development of the reserved matters site shall be carried out in accordance with the approved details.

19. 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, other than those trees listed in Table 5 at Appendix 6 of the Arboricultural Impact Assessment dated 23/04/15 (Ref DFC 1247) and which fall within the area for the construction of the Relief Road as hatched red in the tree protection plans at Appendix 5 of that document. No development shall commence within any reserved matters area until information relating to that reserved matters area has been submitted to 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 / hedgerow survey detailing works required;
- Trees / hedgerow to be retained / removed;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural implication assessment;

- Arboricultural method statement (including drainage service runs and construction of hard surfaces);
- Trees offsite.

No development in any reserved matters area shall commence until fencing and ground protection to protect the retained trees/hedgerows within that reserved matters area have been erected in accordance with the details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

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

- 20 Prior to first residential occupation in any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to Condition 12) full details shall be submitted to and approved in writing by the Local Planning Authority of the proposed acoustic barrier to the south of the Relief Road relating to that Phase of the development, and which shall be provided prior to the occupation of any dwelling within the relevant Phase. The approved acoustic barrier shall be implemented in accordance with the approved details and retained in perpetuity.
- 21 Prior to the occupation of the 100th dwelling hereby approved the Relief Road shall be fully implemented and opened to the public from Langford Road to Maypole Road in accordance with the approved plans.
- 22 Prior to the occupation of the 350th dwelling hereby approved the Relief Road shall be fully implemented and opened to the public between Langford Road and Broad Street Green Road including all associated access, junctions and crossing points in accordance with the approved plans.
- 23 Prior to the completion of the Relief Road, details shall be submitted to and approved in writing by the Local Planning Authority for
- (a) a scheme of monitoring of the traffic conditions on Maypole Road between Holloway Road and the junction of Maypole Road with the Relief Road; and
 - (b) details of a scheme to provide priority for buses along Maypole Road south of the Relief Road, to be delivered within the highway boundary
- 24 The monitoring scheme agreed pursuant to Condition 23 shall not commence prior to the Relief Road being completed and open to the public. The monitoring data shall be submitted to the Local Planning Authority and Essex County Council in its capacity as Highway Authority within 3 months of the completion of the monitoring period.

No more than 500 of the dwellings hereby approved shall be occupied until the Local Planning Authority have confirmed in writing as to whether the scheme approved pursuant to Condition 23 is required to be implemented. If that notice requires implementation then no more than 600 residential units shall be occupied until the scheme approved pursuant to Condition 23 has been implemented in full.

- 25 Prior to first occupation of any dwelling within the proposed development, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented for a period

- commencing from the first occupation of any dwelling at the application site and ending 1 year after the occupation of the 1,100th dwelling at the application site or some other time period as may be agreed in writing by the Local Planning Authority in connection with any details submitted pursuant to this condition.
- 26 Upon the first occupation of each dwelling, a Residential Travel Information Pack (Pack) for sustainable transport shall be provided for that dwelling, such Pack shall include free travel vouchers for use with the relevant local public transport operator with the details of such Pack first having been submitted to and approved by the Local Planning Authority prior to the occupation of the first dwelling.
- 27 After the occupation of the 500th dwelling but prior to the occupation of the 750th dwelling, a noise validation survey shall be undertaken to verify the amenity noise levels to the rear of the gardens of Poplar Grove and properties fronting onto Langford Road. The survey results shall be submitted in writing to the local planning authority. In the event that the results show noise levels exceed WHO 55bD the developer shall write to the owners of the properties to offer to construct a standard solid wooden boundary fence up to 1.8m high, and if requested to do so by the owners of the property within 28 days of being written to, shall install the said fence(s) prior to the occupation of the 751st dwelling.

Section E – Matters to be included in Reserved Matters applications

- 28 Any reserved matters applications submitted relating to access, where a highway within that phase is to include a bus stop (as specified within any Public Transport Strategy that is agreed pursuant to the Section 106 agreement that relates to the permission hereby granted), shall include full details of the bus stop that is to be provided and details of the timing of the provision of the bus stop. The provision of the bus stop infrastructure within the application site shall include but is not limited to the following:
- Details of raised height kerbs and shelters;
 - Real time passenger information signs;
 - Bus routes to have a minimum carriageway width of 6.75 metres.
- 29 Any reserved matters application detailing the layout of the development shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with drawing number PRM-03 Rev P 'Design Parameter Plan – Access and Movement. The cycle routes shall be appropriately hard surfaced and, where provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.
- 30 Any reserved matters application(s) relating to layout and/or access including residential or commercial buildings shall include details of all types of vehicle parking proposed including the number, location and design of any enclosed structures within the site. Prior to the occupation of any dwelling/building within that reserved matters site the parking areas relating to that dwelling/building shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 31 Any reserved matters application(s) including residential or commercial buildings shall be accompanied by details of facilities for the covered, secure

parking of bicycles for use in connection with those buildings. Prior to the occupation of any dwelling/building the facilities for that dwelling / building shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose.

- 32 Any reserved matters application made pursuant to this approval seeking the approval of landscaping details required by Condition 3 shall include a detailed landscape scheme with designs and specifications for the associated reserved matters site. Where relevant to that part of the site, this shall substantially accord with the details stated within the submitted Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement). The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the Council's endorsed Strategic Design Code. The landscape designs and specifications for that reserved matters site shall include the following:

Soft Landscaping

- Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees / hedges / shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants. Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- The landscape treatment of roads (primary, secondary, tertiary and green) through the reserved matters site.
- A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the reserved matters site as appropriate.
- Full details of any proposed alterations to existing watercourses / drainage channels
- Details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the reserved matters site to be carried out including soil quantities, topsoil storage to BS 3882: 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works.

Hard Landscaping

- Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the reserved matters site.
- Full details, including cross-sections, of all bridges and culverts.
- Utility routes, type and specification.

- The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns / brackets.
- 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- Details of all hard surfacing materials (size, type and colour)

The details submitted for both hard and soft landscaping shall include a schedule for the implementation of the proposed works along with a Management and Maintenance Plan which shall include the following information:

- planting, grass cutting, weeding and pruning schedules;
- inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.);
- a programme of management activities and monitoring and operational restrictions;
- a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);

The landscaping within the reserved matters site areas shall be implemented in accordance with the approved landscape designs and specifications and the schedule for the implementation of the proposed works approved pursuant to this condition unless an alternative programme for provision is agreed in writing by the Local Planning Authority. The agreed Management and Maintenance Plan shall also be implemented in accordance with the agreed schedule and shall remain in place in perpetuity.

- 33 Any reserved matters application shall be accompanied by details relating to the location, design, specification, management and maintenance of the recycling facilities. These details shall identify the specific positions of where wheeled bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved recycling facilities shall be provided for the dwelling / building to which they relate prior to the occupation of that dwelling/building.

Section F – Compliance Conditions

- 34 Any trees or plants provided as part of any landscaping scheme for a reserved matters site which, within a period of five years of the planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written consent to any variation.
- 35 Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens unless otherwise approved as part of the reserved matters approvals.
- 36 Prior to the installation of any external lighting (other than street lighting to adopted road or domestic security lighting), a lighting strategy for that phase of the development (as agreed pursuant to condition 12 of this permission),

including details of the location and type of fixtures and fittings, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be implemented in accordance with the approved details and once implemented shall be retained in accordance with the approved scheme.

37 Pursuant to Condition 11 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.

38 The development shall be carried out in accordance with the housing mix as stated below:

Bedrooms	Percentage
1 or 2	Minimum (min.) 50
3	Minimum (min.) 30
4+	No more than 20

39 Not less than 4% of the dwellings hereby approved shall be smaller dwellings (1 or 2 bedroom) that do not exceed single storey in height.

Section G – Conditions Specific to the Playing Fields

40 No development of playing field provision shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
- (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (iii) a noise impact assessment relating to the use of the playing pitches detailing a scheme of future mitigation measures.

The approved schemes shall be carried out in full and in accordance with the Strategic Phasing Plan agreed pursuant to condition 12. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

41 Prior to the occupation of the sports playing pitches, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The community use agreement shall be implemented as approved at all times.

42 There shall be no floodlighting installed within the sports playing pitches or within the sports pitches at the primary school unless otherwise agreed in writing by the Local Planning Authority.

Section H - Conditions Specific to the Local Centre

- 43 Prior to or concurrently with the submission of any application for reserved matters approval for the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', details of the distribution and size of all units within the Local Centre for use within Classes A1, A2, A3, A4, A5, and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Local Centre shall be completed in accordance with the approved size, mix and distribution.
- 44 The hours of use for any units falling within Classes A1, A2, A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', shall take place between:
- Monday to Saturday07:00 to 23:00 hours
- Sundays and Bank Holidays.....10:00 to 17:00 hours
- 45 Deliveries to and collections from any units falling within Classes A1, A2, A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured red on the 'Design Parameter Plan - Land Use', shall take place between:
- Monday to Saturday07:30 to 19:00 hours
- Sundays and Bank Holidays.....None
- 46 No development of the commercial units within the Local Centre shall commence until details of the means of commercial refuse/recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority for any units falling within Classes A1, A2, A3, A4, A5, and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use'. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the commercial units within the Local Centre and retained for such purposes at all times thereafter.
- 47 No installation of any extract ventilation system, compressors, generators, refrigeration equipment, or any other fixed plant shall be installed to any building within the Local Centre (as coloured red on the design parameter plans unless the details of such equipment have been submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property.
- Only the details as agreed shall be installed and shall be maintained for the duration of its usage thereafter.
- 48 The rating level resulting from any amplified sound used within any units falling within Classes A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall not exceed the background noise level when measured in accordance with British Standard BS4182:2014, at a point one metre from the external façade of the nearest noise sensitive receptor.

The meeting closed at 8.27 pm.

R G BOYCE MBE
CHAIRMAN



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

**to
DISTRICT PLANNING COMMITTEE (SPECIAL)
23 OCTOBER 2019**

Application Number	FUL/MAL/19/00561
Location	The Commodity Centre, Braxted Park Road, Great Braxted
Proposal	Change of use of land to a Lorry marshalling area, additional car parking and associated landscaping.
Applicant	Routebuy Ltd.
Agent	Mr Russell Forde – Smart Planning Ltd
Target Decision Date	EOT 30.09.2019
Case Officer	Devan Lawson
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Partially sited within a Strategic site within the Local Development Plan

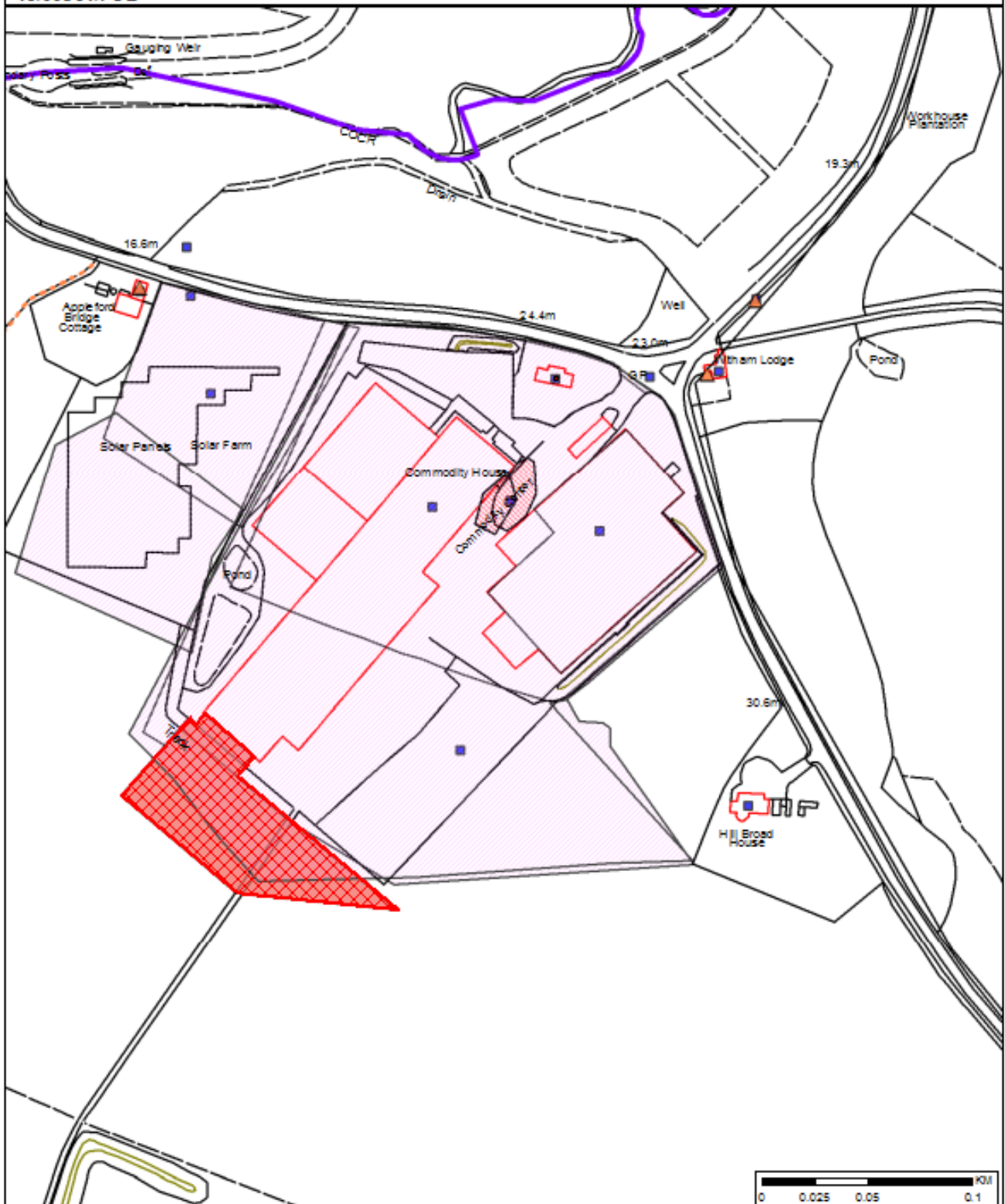
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The Commodity Centre, Braxted Park Road
19/00561/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Council (Extraordinary)
	Date:	11/06/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southwestern side of Great Braxted Road, outside of a defined settlement boundary. The site measures 0.55ha (hectares) and is partially located with site E1(s) an allocated employment site under policy E1 of the Local Development Plan (LDP). The part of the site located within the strategic employment site is inclusive of the access and a small area to the north of the application site. The remainder of the site is therefore considered to be countryside as specified by policy S8 of the LDP.
- 3.1.2 The areas surrounding the application site are rural in nature, with exception of sporadic housing development and the wider employment site. The land to the south and northeast of the application site rises and is therefore, partially hidden from public view.
- 3.1.3 The application site consists of an area of hardstanding and parts of the adjacent fields. The area of hardstanding to the rear of the site is currently used for the parking of lorries. The applicant advises that the hardstanding was implemented for construction management purposes in relation to the construction of the warehouse approved under the terms of application FUL/MAL/16/00645. However, the hardstanding is unlawful as it did not form part of the historic application and has never benefited from planning permission.
- 3.1.4 In relation to the above, this application is retrospective in nature and seeks planning permission for the hardstanding associated with lorry marshalling to the rear of the site. Part of the existing, unlawful hardstanding will be retained, measuring approximately 0.14ha and an additional area of hardstanding to the northwest of the existing unlawful hardstanding will be created to the rear of warehouse E, measuring 0.22ha. The hardstanding will also include 14 car parking spaces. An area of existing unlawful hardstanding located to the south of the application site and measuring 0.14ha is proposed to be removed. However, as this is not lawful and does not fall within the application site, any perceived betterment is not something that can be considered as part of the determination process of this application or imposed through a condition.
- 3.1.5 The hardstanding will have a permeable road scalping surface finish.
- 3.1.6 An area of landscaping is proposed to the east of the application site which the applicant refers to as woodland in plan NC18.4441-P201 b. The area will consist of 111 trees and 327 shrub layer species. In addition to the 'woodland' area, a number of trees and hedges will be planted around the perimeter of the hardstanding.

3.2 Conclusion

- 3.2.1 Having regard to the above assessment, although the proposal would have an urbanising impact on the countryside, it would be seen in context with the adjacent employment site, which it would serve. Furthermore, the proposal includes a sufficient amount of landscaping, which can be finalised by a condition, ensuring a soft edge is provided to the built form. In addition, the proposal would serve an

allocated employment site under policy E1 of the LDP and would therefore, would contribute to the District's economic prosperity. Therefore, it is considered the benefits arising from this would outweigh the identified harm on the character and appearance of the countryside.

4. MAIN RELEVANT POLICIES

4.1 The National Planning Policy Framework (2019) (NPPF)

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 58 Enforcement
- 59-66 Delivering a sufficient supply of homes
- 80 Building a strong, competitive economy
- 83-84 Supporting a prosperous rural economy
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- E1 Employment

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD)
- Maldon District Design Guide SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Policy E1 of the Maldon District LDP encourages employment generating developments and investment in the District to support the long term growth vision

outlined in the Council's Economic Prosperity Strategy (EPS). This will be achieved through the regeneration, modernisation and expansion of existing employment sites, and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies contained within the Plan.

- 5.1.2 Proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings would be viewed favourably, especially where this supports the retention of existing businesses and / or provides employment space that meets the current needs of local businesses in the District. The Council will support improvements to the quality of all employment sites and will work with partners to maintain their viability by encouraging the provision of adequate infrastructure and supporting facilities.
- 5.1.3 The Commodity Centre in Great Braxted is identified as E1(s) in the LDP and the Policies Map as a site allocated for employment development. Planning permissions for development will only be permitted for employment purposes if the proposed use falls under Use Class B1, B2 and B8. In this instance, the proposed works as outlined above appears to meet this requirement as the development is to be used ancillary to the existing business. However, it is noted that part of the application site falls outside of the designated employment site.
- 5.1.4 Policy E1 of the approved LDP states that 'The Council will encourage employment generating developments and investment in the District to support the long-term growth vision outlined in the Council's Economic Prosperity Strategy (EPS)'. However, it further continues adding that 'new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District'. The LDP identifies a need for 11.4ha of employment land over the plan period; however, this need is addressed in full within the allocated sites.
- 5.1.5 Policy E1 states that '*outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations*'. This should be read in conjunction with policies S1 and S8 of the LDP where it stipulates that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and Strategic Allocations, planning permission for the development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for, amongst other things, employment generating proposals, as stipulated in Policy S8(b) of the LDP.
- 5.1.6 The applicant has advised that the required change of use and associated landscaping and car parking is necessary as the use of the existing unlawful yard has improved the efficiency of loading operations and has provided safety benefits. However, there is no justification as to why this is required outside of the designated employment land areas. Nevertheless, taking a pragmatic stance it is clear that there is not available land within the existing allocated employment area that could accommodate the hardstanding. Furthermore, although the red line boundary does

not demonstrate a link between the application site and the wider employment site, due to the type of development proposed it is clear that the proposal would have an ancillary relationship to the wider employment site.

- 5.1.7 Whilst there is some land within the designated employment area to the southeast of the existing buildings which is free from development and could potentially therefore, accommodate the area of hardstanding, it is noted that this area was intended to provide a landscape buffer in relation to the construction of warehouse approved under the terms of FUL/MAL/16/00645. Whilst it would appear that the condition was never discharged, it is considered given the proximity of this area of land to Braxted Park Road and the closest dwelling to the east of the application site, this location would be more prominent and would have a greater impact on both the character and appearance of the public realm and the intrinsic character and beauty of the countryside. Therefore, although this is a matter is addressed later in the report, given that the application site would appear to be a better location for the proposed development in terms of its impacts on the character and appearance of the area, it would not seem reasonable to suggest the proposal should have been located within the designated employment site.
- 5.1.8 Consideration has also been had to paragraph 107 of the NPPF (2019) which considers the importance of providing adequate overnight lorry parking facilities. Given that this development would serve an expanded distribution centre and the site will be used to store vehicles and machinery in association with the wider allocated employment area, it is considered that the site meets the aims of this paragraph and therefore, supports the principle of development in this location.
- 5.1.9 Having regard to the above assessment, whilst it is noted that the proposal, in part, falls outside of a designated employment site, it would serve an allocated employment site as identified within Policy E1 of the LDP. Furthermore, taking a pragmatic stance, it is clear that the proposal could not be adequately accommodated within the existing limits of the employment site due to the limited space available within the existing site and because the space which is available could not accommodate the proposal without resulting in significant harm to the character and appearance of the site, area or countryside. Therefore, the Council should seek to support the long-term growth vision outlined in the Council's Economic Prosperity Strategy (EPS), which is to achieve a strong, responsive and competitive local economy. For these reasons the principle of development is not objected to.

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 creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account local design standards, style guides in plans or supplementary planning documents.”

- 5.2.3 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 application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.6 The works being applied for have largely been carried out, with the exception of the hardstanding to the northwest and the woodland to the southeast. Prior to this the site was rural in nature and consisted of open agricultural land which contributed positively to the intrinsic character and beauty of the countryside. The Landscape Character Assessment (EB009a) which forms part of the Evidence Base for the Local Development Plan characterizes this area as part of the Blackwater River Valley. The landscape guidelines for this area suggest that it should be ‘ensured that new built development is in keeping with the landscape character.’
- 5.2.7 The development as carried out involves the intensive use of the land for employment purposes, with the provision of concrete hardstanding, which is considered to have an urbanising effect on the countryside contrary to Policy S8.

The extension of the employment site including the expansive area of hardstanding and associated paraphernalia for a B8 storage use is considered to result in detrimental urban sprawl into the countryside which would result in some harm to the intrinsic character and beauty of the countryside. Although this is less than if built form such as a building would be included. However, it is noted that the low-lying nature of the site in relation to the surrounding land, along with the proposed planting and woodland would provide some screening of these urban features. Furthermore, the development is located to the rear of the employment site and so the impacts on the intrinsic character and beauty of the countryside are slightly mitigated by this relationship. Therefore, on balance it is not considered that the proposed works would result in demonstrable harm to the intrinsic character and beauty of the countryside to a degree which would warrant refusal of the application.

- 5.2.8 The proposed woodland as stated above would provide a green buffer on the southeastern edge of the development and would soften the impacts of the employment site when viewed from the countryside to the southeast. However, there are concerns that the level of planting proposed is not in keeping within the existing landscape character. Whilst there are areas of dense tree planting in the surrounding area, adjacent to the application site is characteristic of open countryside. Therefore, it is considered that a condition should be imposed to agree the level of planting to ensure that a soft edge is provided to the development, but also the proposal respects the landscape character of the area.
- 5.2.9 As stated above, there is an existing unlawful area of hardstanding to the south of the application site, which does not fall within this application. Consequently, this is not a consideration for this application and a condition cannot be imposed as part of this application requiring its removal. Nevertheless, this can be dealt with through other appropriate means.
- 5.2.10 Having regard to the above assessment, although the proposal would have an urbanising impact on the countryside, it would be seen in context with the adjacent employment site, which it would serve. Furthermore, the proposal includes a sufficient amount of landscaping, which can be finalised by a condition, ensuring a soft edge is provided to the built form. In addition, the proposal would serve an allocated employment site under policy E1 of the LDP and therefore, would contribute to the District's economic prosperity. Therefore, it is considered the benefits arising from this would outweigh the identified harm on the character and appearance of the countryside.

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 nearest neighbouring dwelling is Hill Broad House, located approximately 166m to the northeast of the application site. The existing warehouses within the wider employment area are closer than this to the neighbouring dwelling. However, the existing buildings do provide some screening of the vehicle movements in the

site and therefore, provide a buffer between the neighbouring dwellings and the noise created by vehicle movements. By moving the vehicles to the rear of the site, noise will be able to travel further and will be louder within the neighbouring property. Nevertheless, it is considered that the provision of the marshalling area would likely result in a decrease in vehicle movements within the site and having a designated area for lorries will prevent the need for heavy goods vehicles to wait within the main highway, which is closer to the neighbouring property.

Furthermore, the applicant has submitted a Noise Impact Assessment, which considers that the development would not give rise to adverse detrimental noise impacts. Therefore, following consultation with Environmental Health, it is not considered that the development results in demonstrable harm by way of noise pollution, although a condition should be imposed restricting the hours that vehicle movements can take place within the site and engines can be running, to ensure that the neighbouring occupiers are not subject to unacceptable noise disturbance during unsociable hours.

5.3.3 Therefore, it is not considered that the outdoor parking and marshalling area would have an adverse impact on the amenity of the existing occupiers of that property to such a degree to warrant refusal.

5.3.4 For the reasons discussed it is not considered that the proposal would detrimentally impact on neighbouring amenity in accordance with policies D1 and H4 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 proposals, inter alia, to provide 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 minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.4.3 The proposed parking area will provide 14 additional car parking spaces to be used as an overflow parking area for yard operatives, and the proposed plans show that ten lorry spaces will be provided. Given that there is no increase in floorspace or employees as a result of the development it is considered that the site provides sufficient car and lorry parking provision.
- 5.4.4 In relation to highway safety, the marshalling area provides an area for lorries to wait, rather than waiting on the public highway, in the yard or within the access, which is also a private road through the centre of the allocated employment site providing access to Little Braxted Hall Estate. Therefore, the area allows lorries to wait in a safe, uncongested location until they are called forward for unloading. For this reason it is not considered that the proposal would be detrimental to highway safety or the free flow of traffic.
- 5.4.5 It should also be noted that the Local Highway Authority has raised no objection subject to conditions.

5.5 Other Matters

- 5.5.1 It is noted that the development has been carried out in part and may result in an increase in surface water runoff. Therefore, although the site lies in Flood Zone 1 it is noted that there may be some risk in relation to surface water runoff. The Lead Local Flood Authority (LLFA) were consulted on the application and initially raised a holding objection on the basis that there was insufficient information provided relating to:
- the existing surface water risk at the site
 - Discharge Rates
 - Water Treatment at the site
 - Maintenance plan
 - Infiltration testing
 - Drainage Plan
 - Exceedance flows
 - Detailing of SuDS components
- 5.5.2 Following the submission of further information by the applicant (The Commodity Centre, Great Braxted, Flood Risk Assessment & Drainage Strategy (Aug. 2019), The Commodity Centre, Great Braxted, Groundwater Investigation Report (Nov. 2018)) the LLFA raised another holding objection due to a lack of information showing the durability of the permeable paving structure and that the materials used were sufficient for the use of the hardstanding. In response the applicant submitted drawing 12292-SK03 showing a cross section of the road and the materials proposed to be used. The LLFA were then consulted for a third time and they confirmed that they now raise no objection to the proposal, but they recommend a covenant to be included with the deed to the land to ensure that Sustainable Drainage Systems (SuDS) features are maintained in the future.
- 5.5.3 It is not possible to impose covenants as part of a planning permission. However, it is possible to impose a condition requiring that the development is carried out in

accordance with the detail outlined within the Flood Risk Assessment and Drainage Strategy (Aug 2019) including the maintenance measures outlined at Appendix L.

- 5.5.4 In the interests of the natural environment it would be necessary to impose a condition requiring that surface water from the vehicle parking and service areas shall be passed through a storm by-pass oil inceptor. Furthermore, a condition should be imposed if the application were to be approved ensuring that any containers used for the storage of oil and other chemicals shall be stored in areas which do not drain to any watercourse, surface water sewer or soakaway. Given that the development has in part, already occurred, the first condition will be required to be submitted within three months of the decision or 11 months after an appeal has been made.

5.6 Pre-Commencement Conditions

- 5.6.1 No pre-commencement conditions are proposed.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/00/00469**- Proposed quarantine building for commodity centre. Approved.
- **FUL/MAL/00/00816** – Proposed quarantine building for commodity building - Revised plans. Approved.
- **FUL/MAL/01/00054**-Removal of condition no. 5 ref: FUL/MAL/00/0816 restricting the use of the proposed building to a quarantine area in exchange for the restriction of an equivalent area of the main building to quarantine purposes. Approved.
- **FUL/MAL/01/00890**-Non-compliance with condition 5 (ref: FUL/MAL/01/00054) to allow bulk storage and distribution of food commodities generally rather than limited solely to agricultural produce. Approved.
- **FUL/MAL/01/00891**-Non-compliance with condition 7 (ref: OUT/MAL/97/00122) to allow bulk storage and distribution of food commodities generally rather than limited solely to agricultural produce. Approved.
- **FUL/MAL/02/00604**-Extension to food Commodity warehouse to enable use of fixed racking system with net reduction in cargo. Approved.
- **FUL/MAL/03/01100**-Extensions to provide chilled storage, ancillary offices staff, changing and rest room facilities, fork lift garage and store. Approved.
- **FUL/MAL/03/01101** - Change of use from offices and caretakers flat to pair of semi-detached houses. Approved.
- **FUL/MAL/05/01010**-Variation of Condition 3 imposed upon Planning Permission FUL/MAL/03/01100 in relation to 278 sq m of office suite (restricted to Routebuy Ltd) to permit general Class B1 use. Approved.
- **FUL/MAL/08/00473**- Extension of existing food commodity warehouse. Approved.
- **FUL/MAL/09/00655**-Single storey rear extension to existing office building. Approved.

- **FUL/MAL/10/00847**- Proposed extension to existing warehouse. Approved.
- **15/05086/DET** - Compliance with conditions notification of FUL/MAL/10/00847 (Proposed extension to existing warehouse). Condition - 7. Travel management plan. Condition Cleared.
- **FUL/MAL/16/00645** - Extension to food commodities warehouse with associated landscaping. Approved.
- **16/05225/DET**- Compliance of conditions notification of approved application FUL/MAL/16/00645 (Extension to food commodities warehouse with associated landscaping) Condition 5 - Hard and soft landscaping. Condition 6 - Surface water drainage scheme. Condition 8 - Maintenance plan. Condition 12 - Vehicular facilities. Condition 13 - Parking provisions for bicycles and powered two wheelers. Conditions part cleared, part refused.
- **16/05230/DET** - Compliance with conditions notification FUL/MAL/16/00645 (Extension to food commodities warehouse with associated landscaping) Condition 14 - Construction Method Statement. Condition cleared.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	No objection	Noted

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection subject to conditions	Noted and addressed at section 5.4
Sustainable Drainage Systems	Two initial responses were received objecting to the application based on insufficient information. The third and final response received raised no objection but requested a covenant was placed on the land to ensure SuDS features are maintained in the future	Addressed at section 5.5

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No response received at the time of writing this report.	Noted
Natural England	No comments to make	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	The noise impact assessment and its addendum indicate that there will be negligible impact on the existing nearest noise sensitive premises including from Fork Lift Trucks (FLT's). Therefore, the site is suitable for use in terms of noise.	Addressed at section 5.3
Planning Policy	This application site is adjacent to the employment allocation E1(s) in the Maldon District Local Development Plan (approved 2017). LDP Policy E1 supports improvements to employment sites through the provision of infrastructure and supporting facilities, and the expansion of existing employment areas, subject to design, environment and infrastructure considerations	Addressed at section 5.1
Economic Development	Support – proposal will enable this well-established business to continue to trade and expand from their existing headquarters.	Noted

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters were received in relation to this application.

8. **PROPOSED CONDITIONS**

1 The development, with the exception of the landscaping, shall be carried out in accordance with the following approved plans and documents: 17.4443/M001, 17.4443/M002 Rev E, 17.4443/M003 Rev D, 17.4443/E101 Rev D, 17.4443/P201 Rev G, 17.4443/P205 Rev D, NC18.441-P201 Rev B, 12292-SK03 Rev A,
REASON: For the avoidance of doubt as to the extent of this permission.

2 No further development shall be carried out unless within three months of the date of this decision a scheme for the landscaping of the site, including details of changes to natural ground level and a timetable for its implementation, has been submitted for the written approval of the local planning authority.

The use hereby permitted shall cease and all hardstanding and stored items brought onto the land for the purposes of such use shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within three months of the date of this decision the above mentioned landscaping scheme shall have been submitted for the written approval of the local planning authority
- (ii) if within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
- (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable
REASON: To ensure the adequate landscaping of the site to mitigate the visual impact of the development in accordance with policies S8 and D1 of the Maldon District Local Development Plan.

3 The hard surfacing of the development hereby approved shall be constructed of grey coloured road planings / scalpings as detailed within the application form and as detailed on plan 12292-SK03 Rev A.
REASON To ensure that the development harmonises with the existing buildings within the site and to prevent increased surface water runoff in accordance with policies D1 and D5 of Maldon District Local Development Plan.

- 4 No further development shall be carried out unless within three months of the date of this decision a scheme for scheme detailing the means of preventing oil and other such liquid pollutants leaking / seeping into the land or controlling such leaking / seeping, has been submitted for the written approval of the local planning authority.

The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within three (3) months of the date of this decision a scheme detailing the means of preventing oil and other such liquid pollutants leaking/seeping into the land or controlling such leaking/seeping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation
- (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
- (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable

REASON: To ensure the provision of suitable pollution control measures in accordance with policies S8, D1 and D2 of the Maldon District Local Development Plan.

- 5 Any containers used for the storage of oil and other chemicals shall be stored in areas which do not drain to any watercourse, surface water sewer or soakaway.

REASON: To ensure the provision of suitable pollution control measures in accordance with policies S8, D1 and D2 of the Maldon District Local Development Plan.

- 6 The movement of vehicles and running of engines shall only be undertaken between 0700 hours and 1900 hours on weekdays and between 0700 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: To ensure the proposed use does not harm the amenities of nearby residents in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 7 No further development shall be carried out unless within three months of the date of this decision a scheme detailing any lighting to be installed at the site, has been submitted for the written approval of the local planning authority.

The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a scheme detailing any lighting to be installed at the site shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;
- (ii) if within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
- (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

REASON: To ensure the provision of suitable lighting without harming the character of the countryside in accordance with policies S8, D1 and D2 of the Maldon District Local Development Plan.

- 8 The hardstanding and parking shall be used only for purposes in conjunction with and ancillary to the primary use of the buildings labelled 'A Shed' 'B Shed', 'E Shed', 'K Shed' 'F Shed' on plan 17.4443/P201 G and shall not be used separately.

REASON: To ensure that the site is used as intended and so that the proposed use does not harm the amenities of nearby residents in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 9 The vehicle parking area and associated turning area as shown on planning drawing 17.4443/P205 Rev D shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

- 10 No external plant or machinery shall be used unless and until details of the equipment have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the abovementioned plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.

REASON: To ensure that the site is used as intended and so that the proposed use does not harm the amenities of nearby residents in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 11 Within 3 months of the date of this decision the measures, including the maintained measures, contained within the Flood Risk Assessment and Drainage Strategy a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place and retained in perpetuity. The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet this requirement.
REASON To prevent increased surface water runoff in accordance with policies D1 and D5 of Maldon District Local Development Plan.

INFORMATIVES:

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

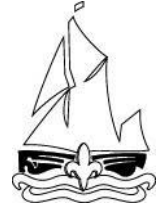
Where there is a requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

- 2 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning

Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.



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

**to
DISTRICT PLANNING COMMITTEE (SPECIAL)
23 OCTOBER 2019**

Application Number	DET/MAL/19/05116
Location	Land West of Fambridge Road, North Fambridge
Proposal	Compliance with conditions notification OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space) Condition 13 - Foul & surface water drainage. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy.
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Under Planning Performance Agreement (PPA)

1. RECOMMENDATION

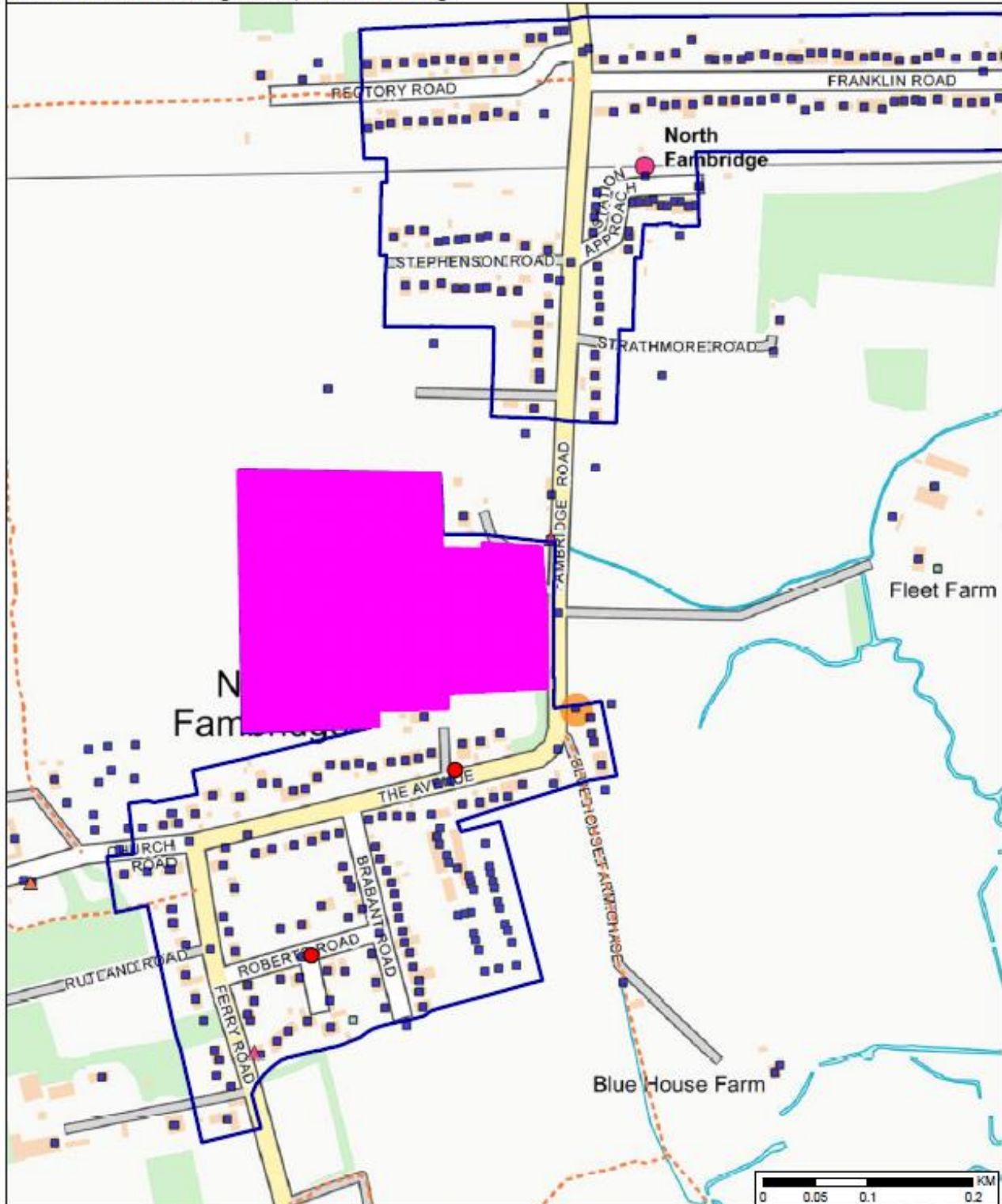
The recommendation is to discharge the conditions as set out in Section 8 of the report.

2. SITE MAP

Please see overleaf.

19/05116/DET

Land West Of Fambridge Road, North Fambridge



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Maldon District Council 100018588 2014

Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: NW Area Planning Committee

Date: 02/10/2019

3. SUMMARY

3.1 **Proposal**

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

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

“Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.”

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

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

“13. No development approved by this permission shall be commenced until a scheme for the improvement of the existing foul and surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme needs to set out the phasing of the development in terms of dwellings built and occupied alongside the foul and surface water system improvements needed. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until each phase of the scheme for improvement of the existing foul and surface water drainage system has been completed and confirmation obtained of available permitted capacity in the network and at the treatment works.

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

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

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

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

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

3.2 Site Description

- 3.2.1 The application site measuring approximately 6.19 hectares in size lies within the development boundary for North Fambridge. Before the Maldon District Local Development Plan was approved by the Secretary of State, the application site was located outside the development boundary for North Fambridge in the Maldon District Replacement Local Plan (2005).
- 3.2.2 The site is predominantly rectangular in shape and has an existing access off Fambridge Road, opposite the access to Fleet Farm. The topography of the site is gentle, with levels rising consistently and evenly from Fambridge Road towards the west.
- 3.2.3 The site forms part of a larger agricultural field and contains limited hedgerow and tree planting along its boundaries. Rear gardens of existing residential dwellings along The Avenue abut the southern boundary of the application site.

3.3 Relevant Planning History

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

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

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

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

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

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

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

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

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

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

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

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

3.4 Conclusion

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

Conditions imposed on outline planning application OUT/MAL/14/01016	Discharged?
13	Yes
31	Yes
33	Yes

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

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

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Foul and Wastewater

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.3 Condition 13 of OUT/MAL/14/01016

5.3.1 Condition 13 states:

“No development approved by this permission shall be commenced until a scheme for the improvement of the existing foul and surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme needs to set out the phasing of the development in terms of dwellings built and occupied alongside the foul and surface water system improvements needed. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until each phase of the scheme for improvement of the existing foul and surface water drainage system has been completed and confirmation obtained of available permitted capacity in the network and at the treatment works.”

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

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

5.4 Condition 31 of OUT/MAL/14/01016

5.4.1 Condition 31 states:

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

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

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

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

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

5.5 Condition 33 of OUT/MAL/14/01016

5.5.1 Condition 33 states:

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

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

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

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

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/14/00186** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace and a 1.8ha village green and public open space. Refused - 11.08.2014.
- **OUT/MAL/14/01016** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space. Approved Subject to S106 - 18.03.2016.
- **RES/MAL/17/00776** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Approved - 06.02.2018.
- **DET/MAL/17/05154** - Compliance with conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 5 - Materials. Condition 6 - Treatment

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

- **DET/MAL/18/05041** - Compliance with conditions notification RES/MAL/17/00766 (Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.) Condition 9. Details of the sub-station and pumping station. Refused - 15.05.2018.
- **DET/MAL/18/05050** - Compliance with conditions notification OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8 ha village green and public open space) Condition 20 - Lighting strategy. Approved - 11.07.2018.
- **DET/MAL/18/05091** - Compliance with conditions notification of application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 12 - Surface water drainage system maintenance. Condition 13 - Foul and surface water drainage scheme. Condition 17 - Discharge of surface water onto highway. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy. Refused - 07.08.2018.
- **DET/MAL/18/05119** - Compliance of conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 25 - Risk assessment. Condition 26 - Detailed remediation scheme. Condition 27 - Remediation scheme commencement. Approved - 17.09.2018.
- **DET/MAL/18/05130** - Compliance with conditions notification RES/MAL/17/00776 (Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.) Condition 9. Details of the sub-station and pumping station. Approved - 18.10.2018.
- **RES/MAL/19/00252** - Reserved matters application for the approval of appearance, landscaping, layout & scale for approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and

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

- **DET/MAL/19/05033** - Compliance with conditions notification of approved application OUT/MAL/14/01016 Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space. Condition 5 materials. Condition 6 treatment boundaries. Condition 7 hard and soft landscape. Condition 8 tree survey. Condition 9 arboricultural method statement. Condition 16 car parking. Condition 19 construction management plan. Approved - 27.06.2019.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

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

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

7.2 Internal Consultees (summarised)

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

7.3 Representations received from Interested Parties (summarised)

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

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

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

8. **RECOMMENDATION**

That the following conditions be **DISCHARGED**

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

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
DISTRICT PLANNING COMMITTEE (SPECIAL)
23 OCTOBER 2019

Application Number	DET/MAL/19/05117
Location	Manor Farm, The Avenue, North Fambridge
Proposal	Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 16 - Foul water strategy. Condition 29 - Detailed wastewater
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Under Planning Performance Agreement (PPA)

1. RECOMMENDATION

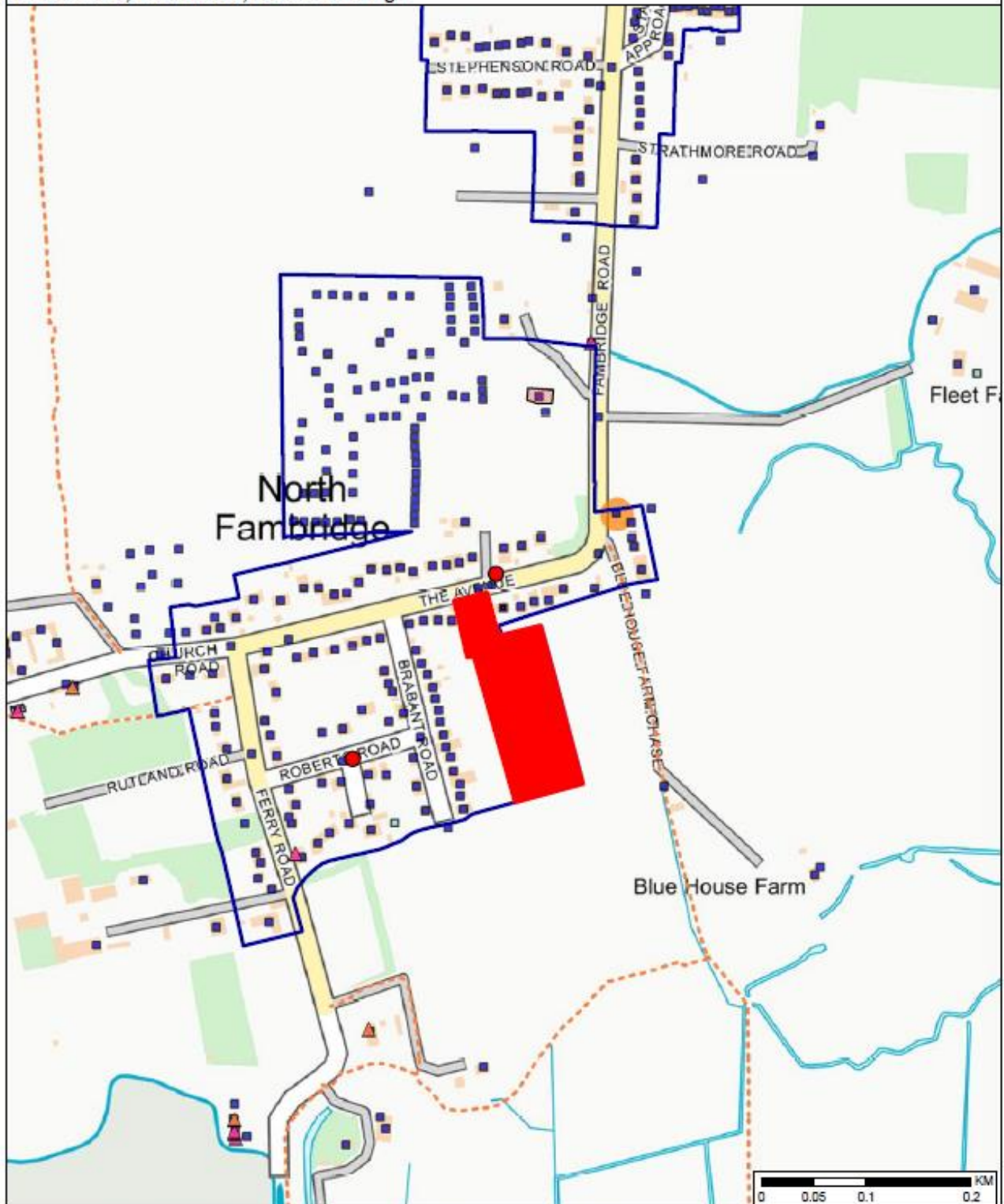
The recommendation is to discharge the conditions as set out in Section 8 of the report.

2. SITE MAP

Please see overleaf.

19/05117/DET

Manor Farm, The Avenue, North Fambridge



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Maldon District Council 100016586 2014

Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: NW Area Planning Committee

Date: 02/10/2019

Agenda Item no. 7

3. SUMMARY

3.1 Proposal

3.1.1 This discharge of conditions application seeks the discharge of conditions 16 and 29 attached to outline consent OUT/MAL/14/01018.

3.1.2 Outline consent OUT/MAL/14/01018 was granted on 11 January 2016 for the following description of development:

“Outline planning application for up to 30 dwellings”

3.1.3 Reserved matters consent has also subsequently been approved under reference RES/MAL/18/00558 on 17 July 2018.

3.1.4 The two conditions that the applicant wishes to discharge are conditions 16 and 29 which read as follows:

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

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

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

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

3.2 Site Description

3.2.1 The application site comprises farm buildings which have been unused for a number of years as part of an agricultural holding as well as 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.

- 3.2.2 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.
- 3.2.3 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.

3.3 Relevant Planning History

- 3.3.1 There have been previous submissions to get conditions 16 and 29 formally discharged under references DET/MAL/17/05142 and DET/MAL/18/05092; however both submissions were refused in relation to conditions 16 and 29.
- 3.3.2 DET/MAL/17/05142 was submitted on 19 September 2017 and was formally refused on 15 May 2018. The reason given for refusing to clear the conditions was as follows:

“16 - The North Western Area Planning Committee on 14 May 2018 determined that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of foul water is available to serve the development and therefore Condition 16 of outline planning application OUT/MAL/14/01018 is not discharged.”

“29 – At the North Western Area Planning Committee on 14 May 2018 it was concluded that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of wastewater is available to serve the development and therefore Condition 29 of outline planning application OUT/MAL/14/01018 is not discharged.”

- 3.3.3 Following the Council’s refusal to clear conditions 16 and 29 under DET/MAL/17/05142 the applicant lodged an appeal and re-submitted a further discharge of conditions application under reference DET/MAL/18/05092.
- 3.3.4 DET/MAL/18/05092 was determined prior to the appeal decision relating to DET/MAL/17/05142 with the reason given by the Council for refusing to discharge the conditions as follows:

“16 - The North Western Area Planning Committee on 06 August 2018 determined that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of foul water is available to serve the development and therefore Condition 16 of outline planning application OUT/MAL/14/01018 is not discharged.”

“29 - At the North Western Area Planning Committee on 06 August 2018 it was concluded that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of wastewater is available to serve the development and therefore Condition 29 of outline planning application OUT/MAL/14/01018 is not discharged.”

- 3.3.5 The appeal decision relating to DET/MAL/17/05142 was issued on 7 March 2019 and dismissed conditions 16 and 29 of the Manor Farm application. The appeal also dealt with conditions attached to a near by development site known as Land West of Fambridge Road, North Fambridge. This site is larger and has outline and reserved matters consent (under references OUT/MAL/14/01016 and RES/MAL/19/00252) for 75 market 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.
- 3.3.6 When outline consent was granted for the larger site at Land West of Fambridge Road it was subject to condition No. 13 which amongst other elements ensures that no dwellings shall be occupied until confirmation is obtained of available permitted capacity in the network and at the treatment works. No such condition restricting occupation until confirmation is obtained of available permitted capacity in the network and at the treatment works was attached to the Manor Farm development site.
- 3.3.7 The Inspector confirmed within his Decision “that whilst it has been demonstrated that surface water from the two sites would be adequately dealt with and that with the works proposed additional flows would not overload the local foul sewer network, problems would remain with capacity at the Water Recycling Centre (WRC)”.
- 3.3.8 The Inspector went on to state that in relation to the larger site Land West of Fambridge Road “the requirement in condition 13 that no occupation of dwellings occurs until, amongst other matters, confirmation of the available permitted capacity at the treatment works offers sufficient control over the timing of improvements to ensure that any necessary works are implemented before the houses on this site place demands on the WRC”.
- 3.3.9 When considering the appeal in relation to Manor Farm the Inspector concluded that “no such condition preventing occupation or the commencement of development until available permitted capacity at the WRC was confirmed was attached to the planning permission. Whilst conditions (Nos 17 and 30) attached to this permission prevent occupation of the houses on this site until the foul and wastewater strategies required for this development have been implemented, the submitted strategy does not include addressing capacity issues at the WRC. As a result, the 30 houses on this site could be built and occupied before the WRC has available capacity to deal with the additional flow from these dwellings”.
- 3.3.10 This current discharge of conditions application has been submitted with a revised foul and wastewater strategy which seeks to address the Inspectors comments in relation to the recent appeal decision.

3.4 Conclusion

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

Conditions imposed on outline planning application OUT/MAL/14/01018	Discharged?
16	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 2019 including paragraphs:

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

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of the development has already been agreed through the granting of outline consent OUT/MAL/14/01018 and the subsequent reserved matters consent RES/MAL/18/00558.

5.2 Foul and Wastewater

- 5.2.1 This discharge of conditions application relates to the conditions which require foul and wastewater strategies to be submitted to and agreed in writing by the Local Planning Authority prior to any work commencing on site. There are known capacity issues with the Latchingdon WRC which led to the previous attempts to discharge the existing conditions to be refused. The following information has been submitted in support of this discharge of conditions application:
- Site Location Plan – 746.200.02
 - Foul Water Drainage Strategy – BDW Eastern Counties
 - Anglian Water – Pre-Development Report
 - Letter from the Environment Agency date 31st July 2019
 - S30 Agreement Overall Drainage Layout – H7408-3B-SP572 – Rev P3
 - S30 Agreement Layout Manor Farm – H7408-3B-SP-570 – Rev P3
- 5.2.2 The previous foul and wastewater arrangements proposed for this development (under DET/MAL/17/05142 and DET/MAL/18/05092) sought to connect into the existing local sewage network which drains to the Latchingdon WRC. However the Latchingdon WRC has no capacity to deal with any additional flows and the Environment Agency have advised that Latchingdon WRC has been flow non-compliant with the existing permit conditions for 2 years.
- 5.2.3 In order to overcome the capacity issues at the Latchingdon WRC the applicant has worked with Anglian Water to find a revised foul and wastewater strategy to serve the development. The revised foul and wastewater drainage strategy will direct flows to the sewerage network draining to the South Woodham Ferrers WRC via a new rising main. As no local connections are made the developments will have no impact upon the headroom / capacity issues at Latchingdon WRC.
- 5.2.4 Anglian Water have examined the performance of South Woodham Ferrers WRC against its current flow permit and have reviewed this with reference to all predicted growth in the South Woodham Ferrers WRC catchment. It is confirmed that South Woodham Ferrers WRC has headroom within its current permit to take the flows from both North Fambridge development sites (Manor Farm and Land West of Fambridge Road).
- 5.2.5 Anglian Water has a duty to serve sites with planning permission and installation of the rising main is funded by Anglian Water through the zonal charge levy. The zonal charge forms part of the plot connection charges levied to all plots connected within the Anglian Water region.
- 5.2.6 Anglian Water's statutory powers allow the rising main to be installed in the public highway subject to the requisite highway opening notices. Where the rising main is to cross third party land the statutory powers extend to allow land entry subject to the necessary notices (S159 of the Water Industry Act 1991) being served and compensatory payments. This is not a planning consideration and is dealt with under separate legislation.

- 5.2.7 The submitted details regarding the foul and wastewater strategy include a Pre-Development report from Anglian Water Services (AWS) which states the following:

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

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

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

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

‘The previous proposal was to connect to the existing AWS sewer in The Avenue which discharges to the pumping station adjacent to the junction of Fambridge Road and The Avenue. This connection was to be via gravity directly to a manhole located in The Avenue.

A revised strategy has been developed which requires a new sewer to be laid from Manor Farm to the new onsite pumping station in the Land West to be constructed by David Wilson Homes. The sewer will be laid to cross The Avenue and follow Crouch Road. This sewer will be constructed under AWS statutory powers and offered for adoption by AWS.

This revised strategy will therefore mean that no flows from the proposed Manor Farm development will drain to the existing sewers and pumping station in North Fambridge and ultimately to Latchingdon WRC.’

- 5.2.9 Plans showing the technical detail of the overall drainage layout as well as capacity detail for South Woodham Ferrers WRC have also been submitted.

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

‘Following the submission of the revised drainage strategy, to which we have already provided comments under another application confirming we are satisfied with the new proposed rising main method to connect to the South Woodham Ferrers WRC, we are pleased to see that the applicant has now provided detailed plans of the on-site connection points for the new foul drainage network set to serve the Manor Farm and Land West of Fambridge Road sites. Plan drawings referenced H7408-3B-SP-570 Revision P3 and H7408-3B-SP-572 Revision P3, both dated July 2019, should be

followed during construction works to ensure there are no misconnections to the existing network.

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

- 5.2.11 The Environmental Health Officer has been consulted and advised that the whilst the principle of taking waste water flows from the development site to South Woodham Ferrers WRC rather than to Latchingdon WRC is acceptable they were concerned about the siting of the pumping station on the southern aspect of the development site in the vicinity of the existing residential property.
- 5.2.12 The pumping station is to be constructed on the larger development site known as Land West of Fambridge Road, North Fambridge which has outline and reserved matters consent (under references OUT/MAL/14/01016 and RES/MAL/19/00252). The provision and position of the pumping station was agreed as part of the reserved matters consent and is not relevant to this discharge of conditions application.
- 5.2.13 Essex County Council (ECC) Sustainable Drainage Systems (SuDS) as the Lead Local Flood Authority (LLFA) were consulted on this discharge of conditions application as requested by the Environmental Health Officer and has confirmed that they have no objection to the discharge of the conditions as the application is related to conditions not relevant to surface water drainage.

5.3 Condition 16 of OUT/MAL/14/01018

- 5.3.1 Condition 16 states:

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

- 5.3.2 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'*.
- 5.3.3 Condition 17 requires the foul water strategy to have been carried out in complete accordance with the approved details prior to the dwellings being occupied.
- 5.3.4 Overall it is considered that the information submitted in support of this discharge of conditions application has addressed the concerns previously raised by the Council and the Planning Inspector as no local connections are made and the development will have no impact upon the headroom/capacity issues at Latchingdon WRC. Furthermore AWS and the EA have advised that they have no objection to the foul drainage scheme proposed.

5.4 **Condition 29 of OUT/MAL/14/01018**

5.4.1 Condition 29 states:

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

5.4.2 Condition 29 in relation to wastewater strategy was recommended by 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.'*

5.4.3 Condition 29 requires the wastewater strategy to have been carried out in complete accordance with the approved details prior to the dwellings being occupied.

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

6. **ANY RELEVANT SITE HISTORY**

- **OUT/MAL/13/00473** - Outline planning application for up to 30 dwellings – Refused- 11.02.2014.
- **OUT/MAL/14/01018** - Outline planning application for up to 30 dwellings – Approved subject to S106 - 11.01.2016.
- **RES/MAL/17/00766** - 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.
- **DET/MAL/17/05142** - Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 4 - Samples of external surfaces. Condition 5 - Archaeological assessment. Condition 8 - Finished ground and finished floor levels. Condition 12 - On-site construction management plan. Condition 15 - Responsibility of maintenance of surface water drainage system. Condition 16 - Foul water strategy. Condition 18 - Investigation and risk assessment. Condition 25 - Removal of trees & hedgerows. Condition 26 - Siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers. Condition 27 - Ecological mitigation measures. Condition 29 - Wastewater strategy. Conditions Part Cleared Part Refused - 04.05.2018 – Appeal Part Allowed Part Dismissed – 07.03.2019
- **RES/MAL/18/00558** - 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) – Approved - 17.07.2018.

- **DET/MAL/18/05080** - Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 18. Investigation and risk assessment – Approved - 07.08.2018.
- **DET/MAL/18/05092** - Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 12. On-site construction management plan Condition 15. Responsibility of maintenance of surface water drainage system. Condition 16. Foul water strategy. Condition 29. Wastewater strategy – Conditions Part Cleared Part Refused - 07.08.2018.
- **DET/MAL/18/05122** - Compliance of conditions notification of approved application OUT/MAL/14/01018 Outline planning application for up to 30 dwellings. Condition 6. Site clearance or groundworks. Condition 7. Level 3 of the code for sustainable homes. Condition 19. Remediation scheme – Conditions Part Cleared Part Refused - 03.12.2018
- **OUT/MAL/19/00556** - Remove conditions 16 & 29 on approved application OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) and replace with a new condition – Pending Consideration.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water Services	Anglian Water recommends discharge of conditions 16 – Foul Water Strategy and 29 – Wastewater. Advise they have been working closely with the applicant and have an agreed drainage strategy. Foul flows from the site will be directed to South Woodham Ferrers Water Recycling Centre, where they is capacity within the current permit to treat the flows.	Noted and referred to in section 5.2 of the report.
Essex County Council SuDS	This application is related to conditions not relevant to surface water drainage therefore have no comments. However if any changes are proposed to surface water drainage then advise they should be re-consulted as part of a separate application.	Noted. No changes are proposed to the surface water drainage.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Satisfied to now recommend the discharge of conditions 16 and 29. Following the submission of the revised drainage strategy, to which the EA have already provided comments under another application confirming we are satisfied with the new proposed rising main method to connect to the South Woodham Ferrers WRC, the EA are pleased to see that the applicant has now provided detailed plans of the on-site connection points for the new foul drainage network set to serve the Manor Farm and Land West of Fambridge Road sites. Plan drawings referenced H7408-3B-SP-570 Revision P3 and H7408-3B-SP-572 Revision P3, both dated July 2019, should be followed during construction works to ensure there are no misconnections to the existing network. The EA are now satisfied any outstanding concerns have been addressed by the evidence submitted under this application and have no further comments to make.	Noted and referred to in section 5.2 of the report.

7.2 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Advises that the Environment Agency and Essex County Council Lead Local Flood Authority must be consulted on this application. Whilst the principle of taking waste water flows from the development site to South Woodham Ferrers WRC rather than to Latchingdon WRC is acceptable the EHO is concerned about the siting of the pumping	Noted. The EA and the LLFA have both been consulted. The position of the pumping station is not for consideration as part of this submission and was agreed under the reserved matters consent.

Name of Internal Consultee	Comment	Officer Response
	station on the southern aspect of the development site in the vicinity of the existing residential property.	

7.3 Representations received from Interested Parties (*summarised*)

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

Objection Comment	Officer Response
Concerns over the funding for the new sewage system.	Anglian water has confirmed they will fund the new rising main.
Maldon District Council (MDC) should maintain the position that no houses should be built until the rising main to SWF WRC has been constructed and connected.	There is no requirement under the conditions attached to OUT/MAL/14/01018 for any agreed foul and wastewater scheme to be implemented prior to commencement but it must be in place prior to occupation (conditions 17 and 30)
4" main seems very narrow and likely to be blocked even if the waste is pumped.	Anglian Water have confirmed that the 4" (or 100mm) nominal bore rising main is a suitable standard for this purpose and is in fact the same as the current rising main from Franklin Road PS, which serves the whole of N Fambridge.
The proposed siting for the pumping station is not acceptable and likely to lead to noise and odour nuisance.	This application is not to consider the position of the pumping station – this has already been agreed.

8. **RECOMMENATION**

That the following conditions be **DISCHARGED**

Conditions imposed on outline planning application OUT/MAL/14/01018	Discharged?
16	Yes
29	Yes

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
DISTRICT PLANNING COMMITTEE (SPECIAL)
23 OCTOBER 2019

Application Number	OUT/MAL/19/00556
Location	Manor Farm, The Avenue, North Fambridge
Proposal	Remove conditions 16 & 29 on approved application OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) and replace with a new condition.
Applicant	BDW Eastern Counties
Agent	N/A
Target Decision Date	8 November 2019 (Under PPA)
Case Officer	Julia Sargeant
Parish	North Fambridge
Reason for Referral to the Committee / Council	Member Call In Under Planning Performance Agreement (PPA)

1. RECOMMENDATION

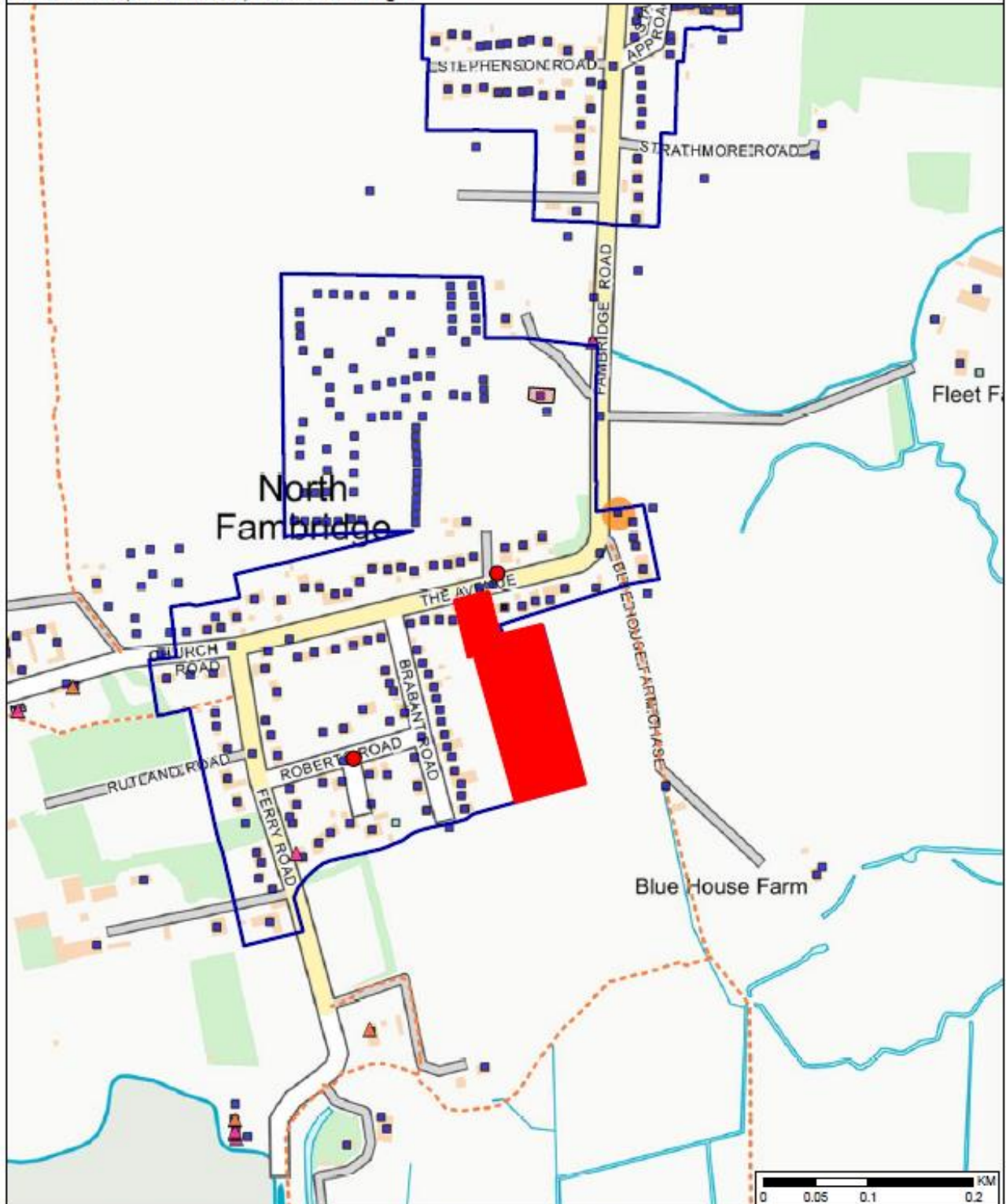
APPROVE subject to the applicant entering into a deed of variation legal agreement to tie the Section 106 legal agreement pursuant to the Town and Country Planning Act 1990 (as amended) attached to OUT/MAL/14/01018 to this permission to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.

19/00556/OUT

Manor Farm, The Avenue, North Fambridge



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Maldon District Council 100018588 2014

Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: NW Area Planning Committee

Date: 02/10/2019

Agenda Item no. 8

3. SUMMARY

3.1 **Proposal**

3.1.1 This application seeks the removal of two conditions attached to outline consent OUT/MAL/14/01018 and their replacement with a new condition under Section 73 of the Town and Country Planning Act 1990. Under this section a Local Planning Authority may amend or remove conditions but may not amend any other part of the permission. If approved a section 73 application results in the grant of a new planning permission and therefore the original permission remains intact.

3.1.2 Outline consent OUT/MAL/14/01018 was granted on 11 January 2016 for the following description of development:

“Outline planning application for up to 30 dwellings”

3.1.3 Reserved matters consent has also subsequently been approved under reference RES/MAL/18/00558 on 17 July 2018.

3.1.4 The two conditions that the applicant wishes to have removed from the outline consent are conditions 16 and 29 which read as follows:

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

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

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

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

3.1.5 The applicant is proposing a new condition which would read as follows:

“No occupation of dwellings approved by this permission shall occur until:

- 1) a foul and wastewater scheme has been submitted to and approved in writing by the Local Planning Authority;*
- 2) the foul and wastewater scheme referred to above is implemented, and*
- 3) there is confirmation obtained of available permitted capacity in the network and at the South Woodham Ferrers treatment works.*

The foul and wastewater scheme as agreed and implemented shall be retained as such thereafter.”

3.2 Site Description

- 3.2.1 The application site comprises farm buildings which have been unused for a number of years as part of an agricultural holding as well as 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.
- 3.2.2 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.
- 3.2.3 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.

3.3 Relevant Planning History

- 3.3.1 This Section 73 application relates to two outstanding pre-commencement conditions attached to outline consent OUT/MAL/14/01018. The conditions require the submission and agreement of a foul water strategy and a wastewater strategy for the development prior to any work commencing on site.
- 3.3.2 There have been previous submissions to get conditions 16 and 29 formally discharged under references DET/MAL/17/05142 and DET/MAL/18/05092; however both submissions were refused in relation to conditions 16 and 29.
- 3.3.3 DET/MAL/17/05142 was submitted on 19 September 2017 and was formally refused on 15 May 2018. The reason given for refusing to clear the conditions was as follows:

“16 - The North Western Area Planning Committee on 14 May 2018 determined that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of foul water is available to serve the development and therefore Condition 16 of outline planning application OUT/MAL/14/01018 is not discharged.”

“29 – At the North Western Area Planning Committee on 14 May 2018 it was concluded that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of wastewater is available to serve the development and therefore Condition 29 of outline planning application OUT/MAL/14/01018 is not discharged.”

- 3.3.4 Following the Council’s refusal to clear conditions 16 and 29 under DET/MAL/17/05142 the applicant lodged an appeal and re-submitted a further discharge of conditions application under reference DET/MAL/18/05092.

- 3.3.5 DET/MAL/18/05092 was determined prior to the appeal decision relating to DET/MAL/17/05142 with the reason given by the Council for refusing to discharge the conditions as follows:

“16 - The North Western Area Planning Committee on 06 August 2018 determined that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of foul water is available to serve the development and therefore Condition 16 of outline planning application OUT/MAL/14/01018 is not discharged.”

“29 - At the North Western Area Planning Committee on 06 August 2018 it was concluded that it has not been demonstrated to the satisfaction of the Local Planning Authority that adequate capacity for the handling and disposal of wastewater is available to serve the development and therefore Condition 29 of outline planning application OUT/MAL/14/01018 is not discharged.”

- 3.3.6 The appeal decision relating to DET/MAL/17/05142 was issued on 7 March 2019 and dismissed conditions 16 and 29 of the Manor Farm application. The appeal also dealt with conditions attached to a near by development site known as Land West of Fambridge Road, North Fambridge. This site is larger and has outline and reserved matters consent (under references OUT/MAL/14/01016 and RES/MAL/19/00252) for 75 market 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.
- 3.3.7 When outline consent was granted for the larger site at Land West of Fambridge Road it was subject to condition No. 13 which amongst other elements ensures that no dwellings shall be occupied until confirmation is obtained of available permitted capacity in the network and at the treatment works. No such condition restricting occupation until confirmation is obtained of available permitted capacity in the network and at the treatment works was attached to the Manor Farm development site.
- 3.3.8 The Inspector confirmed within his Decision “that whilst it has been demonstrated that surface water from the two sites would be adequately dealt with and that with the works proposed additional flows would not overload the local foul sewer network, problems would remain with capacity at the Water Recycling Centre (WRC)”.
- 3.3.9 The Inspector went on to state that in relation to the larger site Land West of Fambridge Road “the requirement in condition 13 that no occupation of dwellings occurs until, amongst other matters, confirmation of the available permitted capacity at the treatment works offers sufficient control over the timing of improvements to

ensure that any necessary works are implemented before the houses on this site place demands on the WRC”.

3.3.10 When considering the appeal in relation to Manor Farm the Inspector concluded that “no such condition preventing occupation or the commencement of development until available permitted capacity at the WRC was confirmed was attached to the planning permission. Whilst conditions (Nos 17 and 30) attached to this permission prevent occupation of the houses on this site until the foul and wastewater strategies required for this development have been implemented, the submitted strategy does not include addressing capacity issues at the WRC. As a result, the 30 houses on this site could be built and occupied before the WRC has available capacity to deal with the additional flow from these dwellings”.

3.3.11 This current Section73 application has therefore been submitted to address the Inspectors comments in relation to the recent appeal decision, to align the conditions on the manor Farm site closely with the larger development site and to ensure that there is control over the capacity at the WRC prior to the occupation of any dwelling.

3.4 Conclusion

3.4.1 It is considered that the removal of conditions 16 and 29 on approved application OUT/MAL/14/01018 and their replacement with a new condition as detailed in section 3.1.4 above would address the concerns raised within the previous Inspector’s appeal decision and would meet the six tests as set out in the NPPF at paragraph 55.

3.4.2 The principle of the development has already been agreed through the granting of outline consent OUT/MAL/14/01018 and the subsequent reserved matters consent RES/MAL/18/00558. Subject to appropriate conditions detailed within section 8 and subject to a deed of variation to tie this current Section 73 application to the existing Section 106 (S106) it is considered that the proposal would represent sustainable development and the benefits of the development would outweigh any identified harm.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 91-95 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 117-121 Making effective use of land

- 124-132 Achieving well-designed places
- 148-165 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- 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
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

- 30% Affordable Housing required
- School Transport Contribution

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990). In terms of the material considerations for Section 73 applications the NPPG states that local planning authorities should, in making their decisions, focus their attention on national and

development plan policies, and other material considerations which may have changed significantly since the original grant of permission. Furthermore paragraph 031 of the NPPG states *“In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A Local Planning Authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question”*.

5.1.2 The Local Development Plan (LDP), as approved, has been produced in light of the NPPF’s emphasis on sustainable development and Policy S1 promotes the principles of sustainable development encompassing the three interdependent objectives (economic, social and environmental) identified in the National Planning Policy Framework.

5.1.3 The principle of the development has already been agreed through the granting of outline consent OUT/MAL/14/01018 and the subsequent reserved matters consent RES/MAL/18/00558.

5.2 Foul and Wastewater

5.2.1 The application relates to the conditions which require foul and wastewater strategies to be submitted to and agreed in writing by the Local Planning Authority prior to any work commencing on site. There are known capacity issues with the Latchingdon WRC which led to the previous attempts to discharge the existing conditions to be refused.

5.2.2 In order to address the existing capacity constraints the proposed new condition would read as follows:

“No occupation of dwellings approved by this permission shall occur until:

- 1) a foul and wastewater scheme has been submitted to and approved in writing by the Local Planning Authority;*
- 2) the foul and wastewater scheme referred to above is implemented, and*
- 3) there is confirmation obtained of available permitted capacity in the network and at the South Woodham Ferrers treatment works.*

The foul and wastewater scheme as agreed and implemented shall be retained as such thereafter.”

5.2.3 The above referenced condition would allow work to start on site but not permit any dwellings to be occupied until the foul and waste water schemes had been submitted, agreed and implemented, and confirmation obtained of available permitted capacity in the network and at the South Woodham Ferrers treatment works. This would ensure that the foul and wastewater from the proposed development would not cause any harm to the water environment downstream.

5.2.4 The NPPG offers guidance in relation to development where there is inadequate wastewater infrastructure and states that: “The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases,

local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out”.

- 5.2.5 The proposed condition would accord with the NPPG as it would not permit occupation until the necessary improvements to the public sewage system have been carried out.
- 5.2.6 The original foul and wastewater arrangements proposed for this development (under DET/MAL/17/05142 and DET/MAL/18/05092) sought to connect into the existing local sewage network which drains to the Latchingdon WRC. However the Latchingdon WRC has no capacity to deal with any additional flows and the Environment Agency have advised that Latchingdon WRC has been flow non-compliant with the existing permit conditions for two years.
- 5.2.7 In order to overcome the capacity issues at the Latchingdon WRC the applicant has worked with Anglian Water to find a revised foul and wastewater strategy to serve the development. The revised foul water drainage strategy will direct flows to the sewerage network draining to the South Woodham Ferrers WRC via a new rising main. As no local connections are made the developments will have no impact upon the headroom / capacity issues at Latchingdon WRC.
- 5.2.8 Anglian Water have examined the performance of South Woodham Ferrers WRC against its current flow permit and have reviewed this with reference to all predicted growth in the South Woodham Ferrers WRC catchment. It is confirmed that South Woodham Ferrers WRC has headroom within its current permit to take the flows from both North Fambridge development sites (Manor Farm and Land West of Fambridge Road).
- 5.2.9 Anglian Water has a duty to serve sites with planning permission and installation of the rising main is funded by Anglian Water through the zonal charge levy. The zonal charge forms part of the plot connection charges levied to all plots connected within the Anglian Water region.
- 5.2.10 Anglian Water’s statutory powers allow the rising main to be installed in the public highway subject to the requisite highway opening notices. Where the rising main is to cross third party land the statutory powers extend to allow land entry subject to the necessary notices (S159 of the Water Industry Act 1991) being served and compensatory payments. This is not a planning consideration and is dealt with under separate legislation.
- 5.2.11 Anglian Water and the Environment Agency have both been consulted on this application. Anglian Water has confirmed that they have no objection to the proposal and that they have been working closely with the applicant to ensure an effective strategy is delivered for the two sites. The Environment Agency have also stated that following formal confirmation from Anglian Water Services that these two development sites will be accepted via connection to a rising main that will take foul flows to South Woodham Ferrers WRC, they are satisfied that the proposed replacement of conditions 16 and 29, attached to outline permission for OUT/MAL/14/01018, and subsequent rewording to form a single condition would be acceptable.

- 5.2.12 The Environmental Health Team has also been consulted on the proposal and have advised that they have no objections to the principal of the proposal. The Environmental Health team have requested reassurance that connections will be in a timely manner so that the properties on the development are not standing empty for any length of time. Anglian Water have advised that they have a duty to serve sites with planning permission and have committed funds to complete this strategy with enabling works having already begun with a projected completion date of October 2020.
- 5.2.13 Overall it is considered that the proposal would address the concerns raised by the inspector within the previous appeal decision, would accord with guidance within the NPPG and meet the six tests for conditions as set out in the NPPF. It would prevent any occupation of the dwellings until the foul and wastewater schemes had been submitted, agreed and implemented, and confirmation obtained of available permitted capacity in the network and at the South Woodham Ferrers treatment works.

5.3 Six Tests as Set Out in NPPF Paragraph 55

- 5.3.1 It is necessary to assess the proposed new condition against the six tests that planning conditions have to meet as set out in NPPF paragraph 55. Paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they are:

- Necessary;
- Relevant to planning, and
- to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects

5.3.2 Necessary

- 5.3.2.1 The condition is necessary to make the development acceptable in planning terms and ensure that the development would not result in any harm to the water environment downstream.

5.3.3 Relevant to Planning

- 5.3.3.1 The condition relates to planning objectives and is within the scope of the permission to which it is attached. It follows NPPG guidance in relation to development where there is inadequate wastewater infrastructure and does not control matters that are subject to specific control elsewhere in planning legislation.

5.3.4 Relevant to the Development

- 5.3.4.1 The condition is relevant to the development and justified in order to ensure appropriate foul and wastewater strategies are in place for the development. The condition does not remedy a pre-existing problem but seeks to ensure appropriate infrastructure is in place for the proposed development.

5.3.5 Enforceable

5.3.5.1 The condition is considered to be enforceable. It would be possible to detect a contravention of the condition and seek a remedy should it be breached. The condition includes wording in a negative form as a Grampian condition – it is designed to prevent occupation until there is confirmation of available permitted capacity in the network and at the treatment works (linked to the provision of supporting infrastructure which is one common use of a Grampian condition).

5.3.6 Precise

5.3.6.1 The condition is considered to be precise and clear.

5.3.7 Reasonable in all other respects

5.3.7.1 The condition is considered to be reasonable in all other respects and it does not place unjustified or disproportionate burdens on the applicant.

5.3.8 Given the above assessment it is considered that the proposed condition meets the six tests as set out in paragraph 55 of the NPPF.

5.4 **Housing Land Supply, Need, Mix and Affordable Housing**

5.4.1 Housing Land Supply

5.4.1.1 On 19 February 2019 the Government published the results of the first Housing Delivery Test (HDT), which stated that the Maldon District had passed the HDT (101%) and as a result does not need either an Action Plan or 20% buffer. Consequently the buffer in the 2017 / 18 Five Year Housing Land Supply Statement (5YHLS) has been amended to 5%. This change results in the Council being able to demonstrate 6.34 years' worth of housing supply against its identified housing target. As there is a sufficient supply of housing land in the District and the Council's housing provision policies are not out-of-date, NPPF paragraph 11d is not engaged in this case.

5.4.1.2 The application site already has extant outline and reserved matters consent and currently forms part of the Council's housing land supply.

5.4.2 Affordable Housing

5.4.2.1 In terms of affordable housing provision outline consent OUT/MAL/14/01018 was granted with 30% affordable housing provision which was secured through a S106 legal agreement.

5.4.2.2 LDP policy H1 would now require 40%, however at the time of the original determination of OUT/MAL/14/01018 30% affordable housing was policy compliant. Section 73(2) of the Town and Country Planning Act states "*On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted*". As both outline consent and reserved matters consent for the development has already been granted, and would remain intact if this consent is granted, this represents the fall-back position in

relation to this site. This Section 73 application has been submitted to address infrastructure capacity constraints and the previous appeal inspector's comments and it would be unreasonable for the Council to now try to seek a higher amount of affordable housing provision as at the time of original determination the application was policy compliant.

- 5.4.2.3 The 30% affordable housing would be secured through a deed of variation which would tie this current Section 73 application to the existing S106.

5.5 Layout, Scale, Design and Impact on the Character of the Area

- 5.5.1 Policy D1 of the approved LDP is applicable to the consideration of design. This policy coupled with the NPPF, aims to ensure good design taking into account matters including architectural style, historic environment, natural environment, 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. The Maldon District Design Guide SPD (MDDG SPD) supplements Policy D1 Design and Built Environment and was adopted December 2017.
- 5.5.2 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.
- 5.5.3 This current application relates to an outline consent and the removal of conditions 16 and 29 and the imposition of a new condition in relation to foul and wastewater would not impact upon the layout, scale, design or impact upon the character and appearance of the area. No material considerations in this regard have altered significantly since the granting of OUT/MAL/14/01018.

5.6 Nature Conservation and Biodiversity

- 5.6.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity*'.
- 5.6.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.6.3 The application site lies close to the Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI). This SSSI is part of the Crouch and Roach Estuaries Special Protected Area (SPA) and Ramsar site. The site is also close to the Essex Estuaries Special Area of Conservation (SAC) and the Blue House Farm nature reserve.
- 5.6.4 Since the granting of outline consent OUT/MAL/14/01018 Natural England and a number of Essex Local Planning Authorities have begun preparing a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast. This development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that,

without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

- 5.6.5 However only new residential developments where there is a net increase in dwelling numbers are included in the RAMS. In this instance outline and reserved matters consent has already been granted for the development and the principle of developing the site has been accepted. The granting of this Section 73 application would not result in any net increase in dwelling numbers from those already granted under the outline and reserved matter consent and it would therefore be unreasonable for the Council to seek a RAMS contribution.

5.7 Impact on Residential Amenity

- 5.7.1 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).
- 5.7.2 Full consideration of the impact of the proposed development upon residential amenity was undertaken in reference to outline consent OUT/MAL/14/01018 and no material considerations have altered in relation to this.

5.8 Access, Parking and Highway Safety

- 5.8.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to include 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 to 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.
- 5.8.2 The Council’s adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.8.3 This Section 73 application relates to an outline planning consent and full details of access and parking were considered under the associated reserved matters consent (RES/MAL/18/00558). The removal of conditions 16 and 29 and the imposition of a new condition in relation to foul and wastewater would not impact upon any highway considerations for the development.

5.9 Private Amenity Space and Landscaping

- 5.9.1 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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.9.2 This Section 73 application relates to an outline planning consent and full details of private amenity space and landscaping were considered under the associated reserved matters consent (RES/MAL/18/00558). The removal of conditions 16 and 29 and the imposition of a new condition in relation to foul and wastewater would not impact upon any private amenity space and landscaping considerations for the development.

5.10 Flood Risk

- 5.10.1 Policy D5 of the approved LDP provides local flood risk considerations and seeks to direct development to the lower risk zones, which this site falls within.
- 5.10.2 The site falls within the lowest flood risk area, Flood Zone (FZ) 1. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered 'appropriate' in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1. The status of the site in relation to flood risk has not altered since the granting of the extant outline and reserved matters consents.

5.11 Education

- 5.11.1 Outline consent OUT/MAL/14/01018 was granted with a school transport contribution as requested by Essex County Council (ECC) Education which was secured through a S106 legal agreement. The school transport contribution would be secured through a deed of variation which would tie this current Section 73 application to the existing S106.

5.12 Conditions

- 5.12.1 In determining section 73 applications the NPPG advises that "To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning Authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission".
- 5.12.2 This Section 73 application relates to an outline consent that already has its reserved matters approved and a number of the conditions discharged. The conditions will therefore need to be updated to reflect the reserved matters consent granted as well as the discharged conditions. Furthermore pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to

refuse the whole permission. Any outstanding pre-commencement conditions will therefore be updated accordingly.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/13/00473** - Outline planning application for up to 30 dwellings – Refused- 11.02.2014.
- **OUT/MAL/14/01018** - Outline planning application for up to 30 dwellings – Approved subject to S106 - 11.01.2016.
- **RES/MAL/17/00766** - 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.
- **DET/MAL/17/05142** - Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 4 - Samples of external surfaces. Condition 5 - Archaeological assessment. Condition 8 - Finished ground and finished floor levels. Condition 12 - On-site construction management plan. Condition 15 - Responsibility of maintenance of surface water drainage system. Condition 16 - Foul water strategy. Condition 18 - Investigation and risk assessment. Condition 25 - Removal of trees & hedgerows. Condition 26 - Siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers. Condition 27 - Ecological mitigation measures. Condition 29 - Wastewater strategy. – Conditions Part Cleared Part Refused - 04.05.2018 – Appeal Part Allowed Part Dismissed – 07.03.2019.
- **RES/MAL/18/00558** - 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) – Approved - 17.07.2018.
- **DET/MAL/18/05080** - Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 18. Investigation and risk assessment – Approved - 07.08.2018.
- **DET/MAL/18/05092** - Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 12. On-site construction management plan Condition 15. Responsibility of maintenance of surface water drainage system. Condition 16. Foul water strategy. Condition 29. Wastewater strategy – Conditions Part Cleared Part Refused - 07.08.2018.
- **DET/MAL/18/05122** - Compliance of conditions notification of approved application OUT/MAL/14/01018 Outline planning application for up to 30 dwellings. Condition 6. Site clearance or groundworks. Condition 7. Level 3 of the code for sustainable homes. Condition 19. Remediation scheme – Conditions Part Cleared Part Refused - 03.12.2018.
- **DET/MAL/19/05117** - Compliance with conditions notification OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Condition 16 - Foul water strategy. Condition 29 - Detailed wastewater – Pending Consideration.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
North Fambridge Parish Council	Recommend refusal for the following reason: Consider it would be unwise to accept the proposed new sewer as a plan/strategy at this early stage and that it would be prudent to obtain Ofwat's assurance that the proposed funding plan would be allowed. In addition a legal and enforceable undertaking should be obtained from Anglian Water regarding the provision of the new sewer. The Inspector's decision remains until such a sewer has been laid and tested and just the promise of a sewer is insufficient.	Please see section 5.2 of the report. Anglian Water have a duty to serve sites with planning permission and installation of the rising main is funded by Anglian Water through the zonal charge levy. The proposed new condition would prohibit occupation until the foul and wastewater strategies have been submitted, agreed, implemented and capacity in the network confirmed.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water Services	No objection to the proposal. Anglian Water advise they have been working closely with the applicant to ensure an effective strategy is delivered for the two sites. It can be seen from the submitted documents that Anglian Water are now in delivery of a new strategy which overcomes all the Inspectors concerns. Advise that their engagement with the applicant will continue throughout delivery of the strategy.	Noted and referred to in section 5.2 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Sustainable Drainage Systems (SuDS)	Advise that this does not relate to surface water drainage and therefore have no further comments accordingly in relation to this application. Advises of conditions to consider if relevant to the application.	Noted. The conditions referred to are not relevant to the application as this is a Section 73 application and nothing in relation to the surface water drainage scheme already approved is altering.
Environment Agency (EA)	Following the formal confirmation from Anglian Water Services that these two development sites will be accepted via connection to a rising main that will take foul flows to South Woodham Ferrers WRC, the EA are satisfied that the proposed replacement of conditions 16 and 29, attached to outline permission for OUT/MAL/14/01018, and subsequent rewording to form a single condition would be acceptable. The EA are satisfied with the evidence presented in the Pre-Development Report, referenced 'N Fambridge FW Drainage Strategy – Version 2' and dated 22/07/2019, confirming the revised plans to send foul water flows to South Woodham Ferrers Water Recycling Centre (WRC). It is reassuring to see that the strategy has considered the implications of the two development sites on the current permit at South Woodham Ferrers in combination with the wider growth within the catchment. The strategy confirms that there is adequate capacity within the existing permit at South Woodham Ferrers to accommodate the additional foul flows from these developments as well as from other sites that are expected as part of the Growth Agenda. The EA recommends an informative be attached to any consent granted to	Noted and referred to in section 5.2 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	detail the level of information that will be required to discharge the proposed condition.	

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Advises that whilst in principle the proposal would appear acceptable Environment Services would like some reassurances that firstly the strategy will be implemented as proposed and secondly that connections will be in a timely manner so that the properties on the development are not standing empty for any length of time.	If this Section 73 consent is granted it would be subject to appropriate conditions – including the one recommended- which would then require full details of the foul and wastewater schemes to be submitted for approval. The condition would then require the schemes to be implemented as approved. In terms of timing Anglian water have a duty to serve sites with planning permission. It is not possible to tie the consent into a timeframe but this is true of most developments.

7.4 Representations received from Interested Parties (*summarised*)

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

Objection Comment	Officer Response
Removal of these conditions would allow builder to complete and sell the properties and then who could stop the purchaser from moving into their new house.	Prior to occupation conditions are standard and would bring the Manor farm site in line with the larger Land West of Farnbridge Road site.
Should the properties be left empty there is a great risk of squatters.	Prior to occupation conditions are standard use.
The current water systems are only just suitable now and I am sure that the extra houses already approved and built put an	The supporting information demonstrates that the dwellings would not connect into the local network and therefore will not

Objection Comment	Officer Response
extra load on an already struggling system.	impact on the existing system.
No new dwellings can be built until a new sewage system is built to run alongside the old one.	Prior to occupation conditions are standard and would bring the Manor farm site in line with the larger Land West of Fambridge Road site.
Any new sewage system must be built to handle the surface water issues that exist.	Surface water drainage issues from the site are dealt with under separate conditions and through the reserved matters approval.
On occasion of heavy rainfall existing homes are already subject to flooding by raw sewage due to overloading of the existing system.	Noted. The proposed new condition would ensue the development would not connect into the existing system.
South Woodham Ferrers WRC has minimal capacity.	Anglian water and the EA have confirmed capacity for the development.
The cost of the new sewage system would make it an impossible undertaking.	Anglian Water have a duty to serve developments with planning permission and have advised funding is in place.
Concerns over who will pay for the new sewage system as Anglian water is a private company.	Anglian water has confirmed they will fund the new rising main.
New condition omits the requirement for the development to be in accordance with the submitted proposals.	Proposed new condition was revised and subject to further consultation including requirement for scheme to be in accordance with submitted proposals.
Manor Farm is the first phase of the development and would unlock the whole of the build stage on both developments.	Manor Farm and larger site at land West of Fambridge Road are separate consents and can be implemented separately.
If confirmation of system capacity is not available, then the Council would come under considerable pressure to allow alternative means of removing sewage so that the houses could be occupied.	The Council has a duty to consider applications submitted.
The foul and wastewater strategies are different issues and should be dealt with by different conditions.	It is standard for conditions to address more than one element at a time.
The site is partly below the 5metre mark and is in an area identified by the EA as liable to flood risk.	The site is not within the Flood risk zones defined by the EA.
There has been no mention of the ditch which runs along the back of the properties in Brabant Road – this is also part of the water system and needs to be addressed before any building work commences.	Ditches would form part of the surface water details which are dealt with under a different condition and the reserved matters consent already granted.
No legal basis for the proposal to be sanctioned as it will result in harm to the villagers of North Fambridge and result in health and safety risks.	This application has been submitted under S73 of the Town and Country Planning Act. The Council as the Local Planning Authority (LPA) has a duty to

Objection Comment	Officer Response
	determine this application and take into account all comments from consultees as well as all material considerations.
The proposed Anglian Water revised foul water drainage strategy is a promise rather than a legally binding contract.	Anglian Water have a duty to serve developments with planning permission and have advised funding is in place.
Any new condition must be worded to insist the development be in accordance with the submitted proposals with no occupation before the new Anglian Water off-site rising main is completed and tested.	Details of the proposed new condition can be found in section 3.1.1 of this report.
4" main seems very narrow and likely to be blocked even if the waste is pumped.	Anglian Water have confirmed that the 4" (or 100mm) nominal bore rising main is a suitable standard for this purpose and is in fact the same as the current rising main from Franklin Road PS, which serves the whole of North Fambridge.
The proposed siting for the pumping station is not acceptable and likely to lead to noise and odour nuisance.	This application is not to consider the position of the pumping station – this has already been agreed.
Only one road in and out of the village which crosses the railway bridge – MDC need to ensure the bridge is sufficiently strong to cope with the heavy construction traffic.	This application is not to consider access arrangements or construction management – these matters have already been agreed.

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF SECTION 106 AGREEMENT

HEADS OF TERMS OF DEED OF VARIATION / SECTION 106 AGREEMENT:

- 30% Affordable Housing required
- School Transport Contribution

CONDITIONS:

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters"), for which approval was granted under reference RES/MAL/18/00558 on 7 July 2018. The development shall be carried out fully in accordance with the details as approved.
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be begun by 17 July 2020. The development shall be carried out as approved.

REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be constructed in accordance with the finished ground and finished floor levels agreed under DET/MAL/17/05142 and detailed on the submitted Site Levels Layout plan (Drawing No: Site B 132915-301-5 Revision P4 dated 21.02.2018 prepared by RSK) unless further details showing the finished ground and finished floor levels of the development in relation to the levels of the surrounding area are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved.

REASON In order to protect the visual amenity of the area and to safeguard the residential amenity of adjacent occupiers in accordance with policy D1 of the Approved Maldon District Local Development Plan, and the NPPF and Planning Policy Guidance (PPG).

- 4 The hard landscape works approved under RES/MAL/18/00558 (as specified on External Works Plan Drawing No: 746.231.07 dated 05.06.2018) shall be carried out as approved prior to the beneficial occupation of the development hereby approved and retained as such thereafter.

REASON To ensure that the hard landscaping is carried out in a timely manner and that the external materials used for the construction of the development is appropriate to its site and surroundings in accordance with Policy D1 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

- 5 The tree protection and soft landscape works approved under RES/MAL/18/00558 as per the following details and Drawing No:-

- JBA 17/004-SK01 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
- JBA 17/004-SK02 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
- Measured Works Schedule Revision B dated 15.05.2018 prepared by James Blake Associates Ltd
- Landscape Management and Maintenance Plan (JBA 17/004 Rev B dated 15.05.2018) prepared by James Blake Associates Ltd
- Arboricultural Method Statement (JBA 17/004 AR02 Rev D dated 4 May 2018) prepared by James Blake Associates Ltd
- Landscape Programming (JBA 17/004-01 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
- Landscape Programming (JBA 17/004-02 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
- Tree Protection Plan (JBA 17/004-02 TP01 Revision C dated 26.04.2018) prepared by James Blake Associates Ltd

shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development. 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, 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 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 Approved Maldon District Local Development Plan, and the NPPF and PPG.

- 6 Prior to the first occupation of the development hereby approved, a lighting strategy for the development, including the details of any street lights shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be installed and retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

REASON In the interests of visual amenity, the neighbouring rural countryside and highway safety in accordance with policy D1 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

- 7 The construction of the development hereby approved shall be carried out in accordance with the construction management plan approved under DET/MAL/18/05092 and detailed in the following submissions:

- Construction Management Plan – Rev D – dated July 2018
- Crouch Road Access Plan (BDW_2A_SP_004 Revision A)
- Construction Management Layout Plan (BDW_2A_SP_001 Revision D)

The construction management plan shall be implemented prior to any development commencing on site and shall remain in force for the duration of the construction period of the development. All construction infrastructure shall be removed from the site within three months of completion of the development.

REASON In the interests of protecting the amenities of adjacent occupiers during construction, having regard to policy D1 the Approved Maldon District Local Development Plan, the NPPF and PPG.

- 8 Prior to the first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel information pack for sustainable transport which shall be submitted to and approved in writing by the Local Planning Authority. The travel information pack shall be provided on first occupation of each of the new dwellings.

REASON In the interest of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D1, T1 and T2 of the Approved Maldon District Submission Local Development Plan the NPPF and PPG.

- 9 The surface water drainage scheme approved as part of RES/MAL/18/00558 (Flood Risk Assessment & Surface Water Drainage Strategy (132915-R7(01)-FRA-Site B dated 10 May 2018) shall be implemented prior to the first occupation of the development.

REASON To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with policy D5 of the Approved Maldon District Submission Local Development Plan the NPPF and PPG.

- 10 The surface water drainage scheme as referred to in condition 9 shall be managed and maintained in accordance with the details agreed under DET/MAL/17/05142 unless further 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.

REASON To ensure the surface water drainage scheme is satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Approved Maldon District Local Development Plan and the NPPF and PPG.

- 11 No occupation of dwellings approved by this permission shall occur until:
- 1) a foul and wastewater scheme has been submitted to and approved in writing by the Local Planning Authority;
 - 2) the foul and wastewater scheme referred to above is implemented, and
 - 3) there is confirmation obtained of available permitted capacity in the network and at the South Woodham Ferrers treatment works.

The foul and wastewater scheme as agreed and implemented shall be retained as such thereafter.

REASON To prevent the increased risk of pollution to the water environment and to prevent an increased risk of flooding to existing property in accordance with policy D5 of the Approved Maldon District Submission Local Development Plan and the NPPF and PPG.

- 12 The approved remediation scheme agreed under DET/MAL/18/05122 (WSP Remediation Strategy dated September 2018) must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' 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.

REASON To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

- 13 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
REASON To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.
- 14 Prior to the commencement of the development, and in accordance with plan reference b/PvPTheAvenue.1/01, received on 21 October 2014 under OUT/MAL/14/01018, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
REASON To provide adequate inter-visibility between vehicles using the access and those in the existing highway in the interests of highway safety, efficiency and accessibility in accordance with policy T2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.
- 15 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access there from. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until such time as the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of such dwelling.
REASON In the interests of highway safety, efficiency and accessibility in accordance with policies T1 and T2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.
- 16 Prior to the first occupation of the development a scheme works setting out details of the access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- The construction of the access by way of a bellmouth with minimum radii of 6 metres;

- The provision of two pedestrian dropped kerb crossing points with appropriate tactile paving across the bellmouth;
- The provision of a 1.8 metres wide footway to the east of the access, for approximately 25-30 metres to tie in with the existing footway outside of the property known as Orchard House.

The access shall be implemented as per the approved scheme of works.

REASON In the interests of highway safety and improving accessibility to the site and locality in accordance with policies T1 and T2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

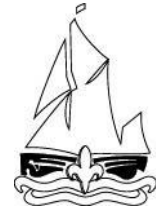
- 17 The boundary treatment erected as part of the development hereby permitted shall be as agreed under DET/MAL/17/05142 (as shown on Drawing No: 746.231.05 dated 19.02.2018) unless further details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers are 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.

REASON In order to safeguard the amenities of neighbouring residents and in the interests of visual amenity in accordance with policy D1 the Approved Maldon District Local Development Plan, the NPPF and PPG.

- 18 The development hereby permitted shall be carried out in accordance with the Outline Ecological Mitigation Strategy dated July 2017 approved under DET/MAL/17/05142 unless a further scheme detailing ecological mitigation measures are 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.

REASON To ensure appropriate protection for protected species and to mitigate for other impacts on the ecology of the site in accordance with policy N2 of the Approved Maldon District Local Development Plan, the NPPF and PPG.

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REPORT of DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE

**to
DISTRICT PLANNING COMMITTEE (SPECIAL)
23 OCTOBER 2019**

APPOINTMENT OF REPRESENTATIVES ON LIAISON COMMITTEES / PANELS

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to remind Members of the existing representatives on Liaison Committees / Panels and for new appointments to be made for 2019 / 20.

2. RECOMMENDATION

That the Committee appoints representatives to the bodies detailed below, for the ensuing municipal year.

3. SUMMARY OF KEY ISSUES

- 3.1 Following the recent changes to the Committee structure, agreed by the Council, it is necessary to review the representatives appointed to service on Liaison Committees / Panels. A review has been undertaken and Liaison Committees / Panels aligned from the old Programme Committees to the new main Committees.
- 3.2 Members are therefore asked to nominate representatives to serve on the following Liaison Committees / Panels, aligned to the District Planning Committee, for the ensuing municipal year.

Body	Current Representative(s)	Change proposed from October 2019
Member representative for Heritage and Design	Chairman of the Planning and Licensing Committee (or their substitute)	Chairman of the District Planning Committee (or their substitute)
Sense of Place Board (Minute 704 – 17/12/15)	Chairman of the Planning and Licensing Committee	Chairman of the District Planning Committee (or their substitute)

Background Papers: None.

Enquiries to: Tara Bird, Committee Services Officer, (Tel. 01621 875791).

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