



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
13 JANUARY 2021**

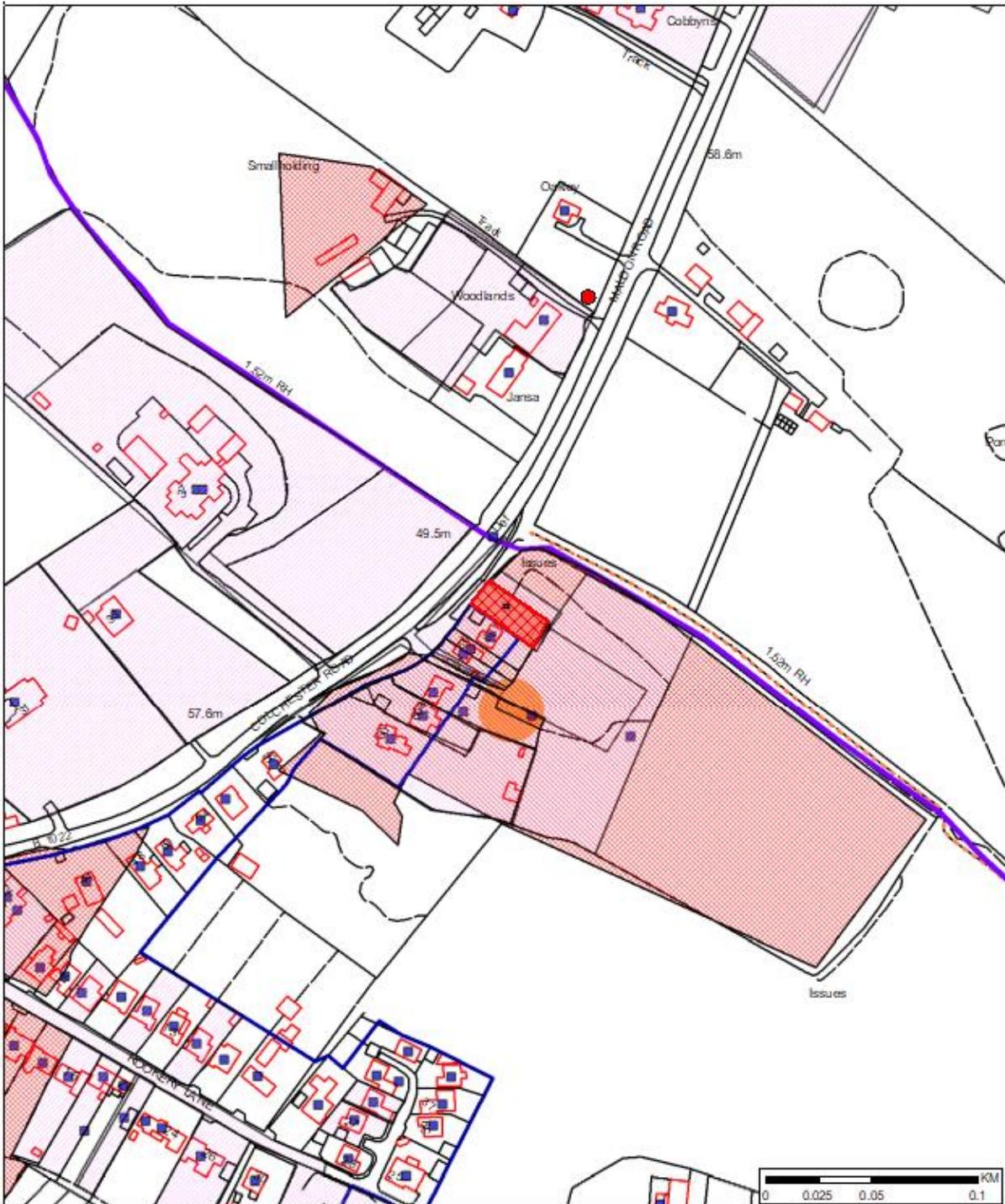
Application Number	20/01076/FUL
Location	70 Colchester Road Great Totham
Proposal	New dwelling
Applicant	Mr Harry Cooper
Agent	Mr Neil Cooper - Signature Group TM LTD
Target Decision Date	16.12.2020 EOT requested
Case Officer	Hannah Bowles
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Departure from Local Plan.

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Not Set
	Date:	20/12/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is a parcel of undeveloped land measuring approximately 500sqm, located on the north-eastern side of Colchester Road. The site is located immediately adjacent to but outside of the settlement boundary of Great Totham. The area surrounding the site is semi-rural in nature, with a mix of residential development and open countryside within the immediate vicinity of the site.

3.1.2 Planning permission is sought for the construction of a residential dwelling. The proposed dwelling would front Colchester Road with a vehicular access point and a parking and turning area located to the front of the dwelling and private amenity space located to the rear.

3.1.3 The proposed dwelling would measure a maximum of 17.6m in depth, would have a maximum width of 11.3m and would have a ridge height of 9.1m. The proposed finish materials are brick walls, roof tiles and UPVC windows.

3.1.4 This application is a resubmission following the refusal of application reference 20/00867/FUL which proposed a new dwelling at the application site. The reason for refusal is as follows:

'The proposed development would have an unacceptable visual impact on the site and surrounding area due to the fenestration scheme proposed across the front elevation of the dwelling which appears incohesive and cluttered. The prominence of the dwelling within the streetscene cumulatively, with the design and number of the windows and the proposed use of black UPVC, would fail to respect the existing and established traditional character of the area resulting in an out of keeping development which is visually jarring when viewed from the public realm. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019) and policies D1 and H4 of the Maldon District Local Development Plan.'

3.1.5 The above reason for refusal relates solely to the detrimental visual impact that the previously proposed dwelling would have on the site and surrounding area. No concerns in relation to the principle of the development, sustainability of the site, impact on the amenity of the neighbouring occupiers, parking provision, highway safety or private amenity space were raised.

3.1.6 The proposed scheme, when compared to the previously refused scheme has been amended; the fenestration scheme across the front elevation has been simplified and the level of glazing has been reduced. The proposed finishing materials which were previously slate roof tiles, render and cladding and black UPVC windows have been revised to unspecified roof tiles, brick walls and UPVC windows (colour not specified).

3.1.7 In addition to the above, it is pertinent to note that applications 13/00787/OUT and 17/00800/RES granted permission for a dwelling at the application site. Whilst this permission expired on 28 September 2019, this is a material planning consideration in the determination of this application.

3.2 Conclusion

- 3.2.1 This application is a resubmission following the refusal of application reference 20/00867/FUL. The reason for refusal related solely to the detrimental visual impact the appearance of the proposed dwelling would have on the site and streetscene. The amendments to scheme are considered to have overcome the previous reason for refusal.
- 3.2.2 The application site has previously been found to be a sustainable location for residential development, under the terms of approved application 13/00787/OUT. Given that there have been no significant changes to the site or surrounding area that would alter the stance previously taken, no objection to the principle of the development is raised. It is considered that the proposal would have an acceptable visual impact on site and the character and appearance of the area. No objection is raised in relation to the impact of the development on residential amenity or the provision of off-street car parking or amenity space. Therefore, subject to appropriate conditions, the development is acceptable and in accordance with the aims of the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 54 – 57 Planning conditions and obligations
- 184 – 202 Conserving and enhancing the historic environment
- 117 – 123 Making effective use of land
- 80 – 84 Building a strong, competitive economy

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Maldon District Vehicle Parking Standards SPD (VPS)
- Maldon District Design Guide SPD (MDDG)
- Planning Practice Guidance (PPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Maldon District Local Development Plan (MDLDP).
- 5.1.2 The planning history of a site, as detailed above, is a material planning consideration and is pertinent to be considered as part of the assessment of the proposal.
- 5.1.3 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the five year housing land supply (5YHLS).
- 5.1.4 Where a Local Planning Authority is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the ‘tilted balance’. This is set out in paragraph 11d of the NPPF which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.”

- 5.1.5 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces local plan policies that do not comply with the requirements of the NPPF.
- 5.1.6 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out-of-date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or that specific policies in this framework indicate development should be restricted’.

- 5.1.7 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF.
- 5.1.8 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The local development plan through policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability within the current local plan. Policy S1 allows for new development within the defined development boundaries, however, the Council cannot demonstrate an up to date five year supply of deliverable housing. Therefore, on this basis, sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF.
- 5.1.9 Paragraph 78 of the NPPF states that:

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’

- 5.1.10 The application site is located outside but adjacent to the defined settlement boundary of Great Totham North. At the time of the previously refused application 20/00867/FUL, it was concluded that the application site was located in a sustainable location and no objection to the principle of constructing a dwelling at the application site was raised. In reaching this conclusion consideration was given to the previously approved permission 13/00787/OUT. The 2013 application was initially refused by the LPA but was allowed through the appeals process. The Inspector for the appeal concluded *‘Taking all of the above into account, I conclude that the development would constitute sustainable development, when assessed against the policies in the Framework as a whole’*. The appeal decision and findings of the Planning Inspector carry significant weight in the determination of this application. In addition, at the time of the previously refused application 20/00867/FUL, the Council could demonstrate a 5YHLS, the Council’s position in this regard has changed and a 5YHLS can no longer be demonstrated, which further weighs in favour of the proposal. Therefore, it is considered that the principle of constructing a dwelling at the application site is acceptable.
- 5.1.11 The main consideration in the determination of this application is if the amendments to the scheme have overcome the previous reason for refusal, which related to the detrimental visual impact that the proposed appearance of the previously refused dwelling would have on the site and surrounding area.

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 any local design standards or 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:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- 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 MDDG (2017).

5.2.5 The application site is located in a semi-rural area and is a vacant plot of land located at the north eastern end of a row of existing dwellings. The dwellings within the immediate vicinity of the site are detached dwellings that front the highway. The individual design and appearance of the dwellings vary. However, the dwellings are all traditional in terms of appearance and finish.

5.2.6 The application is a re-submission of a refused application reference 20/00867/FUL. The previous reason for refusal related to the detrimental visual impact the development would have on the site and surrounding area. The main concerns, as set out within the reason for refusal, related to the proposed fenestration scheme across the front elevation of the proposed dwelling and the proposed finishing materials.

5.2.7 The fenestration scheme has been amended, the previously refused application proposed twelve long thin windows, of differing lengths, across the front elevation of the proposed dwelling, which was considered to appear cluttered and out of keeping with the traditional dwellings to the south of the site. In addition, the finishing materials were largely out of keeping with materials prevalent within the streetscene.

- 5.2.8 The fenestration scheme across the front elevation of the dwelling has been amended under the terms of this application. The level of glazing has been reduced and the windows are traditional in form, which is considered to be in keeping with the dwellings to the south of the site. Therefore, the amendments in this respect are considered to overcome the concerns raised at the time of the previous application.
- 5.2.9 In terms of finishing materials, those proposed at the time of the previous application, namely render and cladding to the walls, slate roof tiles and black UPVC windows, would have exacerbated the harm of the appearance of the dwelling. It is considered a more traditional pallet of materials, to reference the existing residential development within the area, would result in a more visually in keeping dwelling. The use of bricks to the walls is considered to be acceptable. The type of roof tiles and colour of the bricks and UPVC windows have not been specified and therefore, a condition to ensure details are submitted to the LPA for approval should be imposed, should the application be approved.
- 5.2.10 The dwelling proposed under the terms of this application is largely in line with the previously approved dwelling under reference 17/00800/RES, in terms of layout. The main changes when compared to the previously approved dwelling relate to the scale and appearance of the proposal. The proposed dwelling is deeper and wider than that previously approved and the previously approved detached garage, which was located to the front of the dwelling, is proposed to be attached to the southern side elevation of the dwelling.
- 5.2.11 In terms of scale, the proposed dwelling is larger in terms of width and depth, increasing the footprint of the dwelling by 28sqm when compared to the dwelling previously approved, it should be noted that the maximum ridge height has not increased. The increased scale of the proposal arises mainly from the infilling of the area between the previously approved detached garage and dwelling. It is not considered that the increased scale has a significant visual impact on the site or surrounding area. Therefore, no concerns in terms of the scale are raised.
- 5.2.12 The proposed dwelling, when viewed from the rear is considered to be of limited architectural merit, given the level and arrangement of the proposed glazing. However, given that limited views from the public realm would be available of the rear elevation, on balance this aspect is not objected to.
- 5.2.13 Given the above assessment and having regard to the planning history of the site, the amendments to the previously refused scheme are considered to have overcome the previous reason for refusal. In addition, the form of the proposed dwelling is similar to that previously approved under reference 17/00800/RES and whilst the footprint of the proposed dwelling has increased by 28sqm, when compared to that previously approved, it is not considered to harm the visual amenity of the area. Therefore, it is not considered that the proposed dwelling would have a detrimental impact on the site or streetscene, in accordance with policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking,

outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

- 5.3.2 The application site abuts one residential property, no. 68 Colchester Road, which is located to the south of the application site. The southern side elevation of the dwelling would be located around 2.8m from the northern side elevation of the neighbouring property.
- 5.3.3 In terms of overlooking, there are only ground floor windows proposed in the south facing side elevation of the proposed dwelling and the rear windows would only provide views of the rear section of the adjacent garden. Therefore, it is not considered that the proposed dwelling would result in any significant overlooking to the adjacent dwelling or its occupiers.
- 5.3.4 The proposed dwelling is set at a lower ground level than the dwelling at no. 38 and follows the building line. Therefore, it is not considered that the proposal would result in an overbearing impact or significant loss of light. In addition, it is noted that the proposed dwelling is sited only marginally closer to the southern boundary of the site than that previously approved under 13/00787/OUT and 17/00800/RES and the ridge height of the dwelling has not been increased.
- 5.3.5 Therefore, having regard to the above assessment, no concerns in relation to a detrimental impact on the residential amenity of the neighbouring occupiers are raised.

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 proposed dwelling would accommodate four bedrooms resulting in a requirement of three of street car parking spaces. The integral garage would provide a parking space and the area to the front of the dwelling is large enough to accommodate the remaining two spaces. Therefore, an acceptable level of parking provision would be provided at the site.
- 5.4.3 The Highways Authority have not provided comments for this application. However, they were consulted at the time of the previous application (17/00800/RES) and did not raise an objection to the proposal in terms of access or highway safety. The proposed use of the site and the vehicular access point have not been altered since the assessment of the previous application and on this basis, no concerns in this respect are raised.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposed dwelling would accommodate four bedrooms resulting in a requirement for 100m² of private amenity space. A private amenity area in excess of 200m² would be provided to the rear of the dwelling. Therefore, no concerns in this respect are raised.
- 5.5.3 Limited information has been submitted with the application in terms of hard and soft landscaping and boundary treatments. A condition to ensure full details are submitted to the LPA for approval, should be imposed should the application be approved.

5.6 European Designated Sites

- 5.6.1 The application site falls within the ‘Zone of Influence’ for one or more (Blackwater Estuary SPA and Ramsar site, Colne Estuary SPA/Ramsar site and Dengie SPA and Ramsar site) of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.6.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE’s requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

5.6.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.6.4 The Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £125.58 and thus, the developer contribution should be calculated using this figure. A Unilateral Undertaking to secure the abovementioned contribution has been sent to the applicant and subject to its completion the impact of the development will be mitigated.

5.7 Planning Balance and Sustainability

5.7.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of ‘sustainable development’ providing for an economic, social and environmental objective as set out in the NPPF.

5.7.2 In economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional dwelling may support local businesses within the settlement such as shops and services. This would however be limited given the scale of the proposal. Any economic benefits would therefore be considered to be minimal.

5.7.3 In social terms the development should assist in supporting a strong, vibrant and healthy community. The site is considered to be located in an area where there is access to facilities and is not remote from day to day services without the unavoidable need for the use of a private car. However, due to the scale of the proposal for one dwelling, the social benefits are considered to be minimal.

5.7.4 In relation to environmental sustainability, it is considered that the development of the site for residential purposes would have an acceptable visual impact, in this instance. Whilst the proposal would result in the inevitable domestication of the site, which is not normally supported within the countryside, the planning history of the site is a material consideration which outweighs the harm arising from the inherent domestication.

5.8 Other Matters

5.8.1 The Council’s Environmental Health Service has been consulted and raised no objection to the proposal subject to conditions for surface water drainage, foul drainage and land contamination. It is noted that the Inspector for the appeal for application reference 13/00787/OUT included the recommended conditions within the

approval. Therefore, the recommended conditions will be imposed, should the application be approved.

6. ANY RELEVANT SITE HISTORY

- **20/00867/FUL** - New dwelling – **Refused**
- **17/00809/FUL** - Proposed temporary siting of caravan and container for development purposes (Retrospective) – **Approved**
- **17/00800/RES** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/13/00787 (Extend access drive and erect two storey detached house and detached garage, lay out parking and amenity areas) – **Approved**
- **13/00787/OUT** - Extend access drive and erect two storey detached house and detached garage, lay out parking and amenity areas. – **Refused Appeal Allowed**
- **12/00933/OUT** - Extend access drive and erect two storey detached house and detached garage, lay out parking and amenity areas. – **Refused**

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to their installation, written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented

prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 5 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To ensure that adequate provision is made for foul water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 6 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling hereby approved and these works shall be carried out as approved. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the

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

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON

In the interest of the character and appearance of the area in accordance with policy D1 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

- 7 Prior to the occupation of the dwelling hereby permitted, the vehicular access shall be constructed in accordance with the details shown on drawing number sk.2113.1 and retained as such thereafter.

REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy D1 and T2 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance in accordance D1 and T2 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

- 9 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

REASON To ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy D1 and T2 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

INFORMATIVES

- a. The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
- b. 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.

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

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

- d. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.
- e. It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.
- f. The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- g. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road,
Chelmsford,
CM2 5PU.