



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 JUNE 2021**

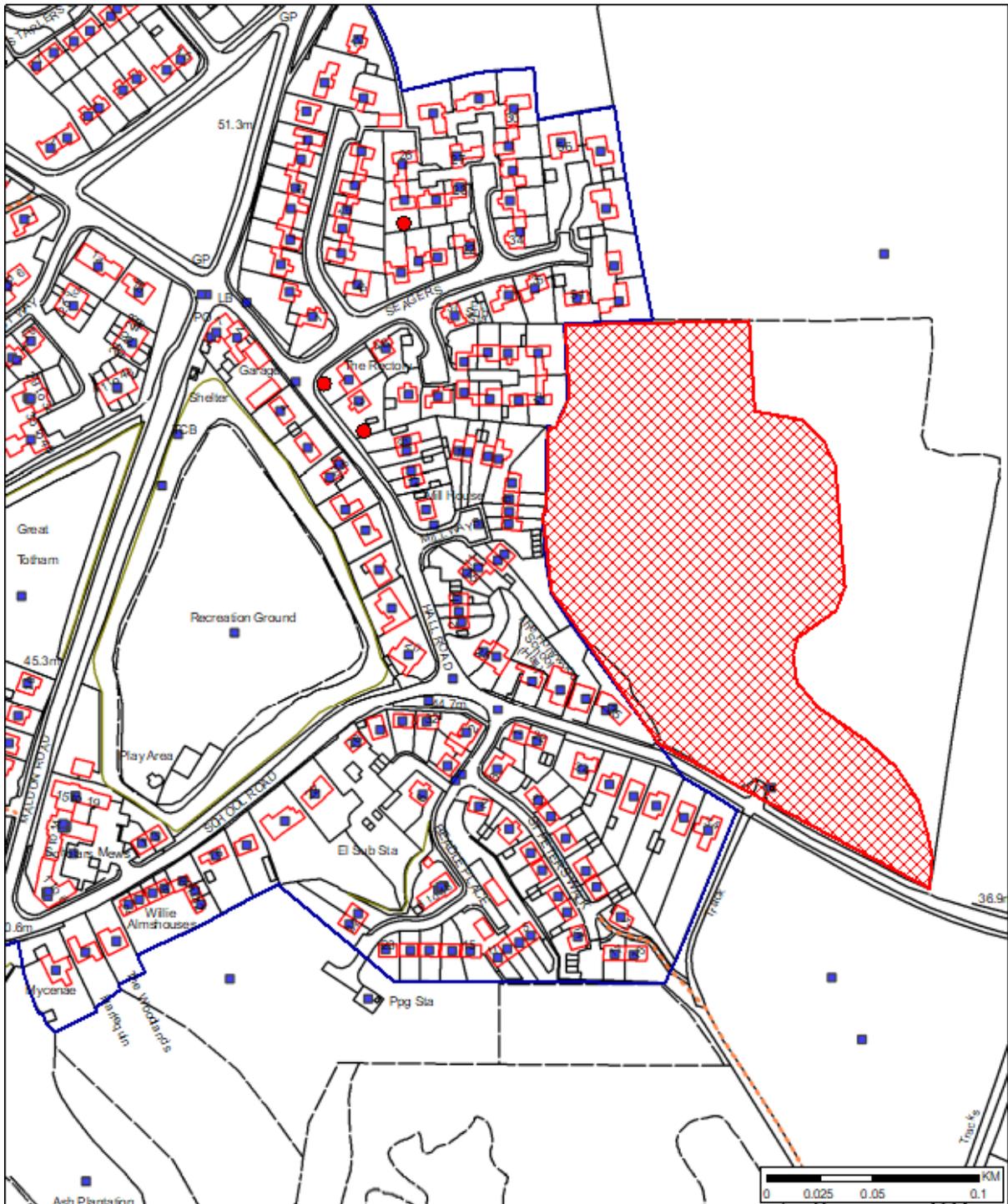
Application Number	20/00428/FUL
Location	Land Opposite 34 Hall Road, Great Totham
Proposal	Erection of 30 dwellings with associated access and landscaping.
Applicant	Lynton Homes Limited
Agent	Mr Russell Forde - Smart Planning Ltd
Target Decision Date	19.08.2020 EOT 25.09.2020
Case Officer	Hannah Bowles
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Major Application Departure from the Local Plan

1. RECOMMENDATION

APPROVE 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 conditions as detailed in Section 8.

2. SITE MAP

Please see below.



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Not Set
Date:	17/06/2020
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located to the north of Hall Road, outside but adjacent to the settlement boundary of Great Totham. The site is approximately 1.84 hectares in size and is located on the eastern edge of the village of Great Totham. The site is undeveloped and is currently in a natural state, laid to grass with vegetation covering parts of the site and around the boundaries. The site was formerly used as a gravel pit which has since been back filled and is undulated in appearance.
- 3.1.2 There is open and undeveloped countryside to the east of the site, the southern boundary of the site fronts Hall Road, the western boundary abuts the settlement boundary and the rear garden of several properties, along with the majority of the northern boundary.
- 3.1.3 There is an existing access point from Hall Road along the southern boundary of the site, which is positioned almost directly opposite No. 34 Hall Road. The access is currently a concrete hardstanding leading to a metal entrance gate. The area of land immediately east of the site is also within the Applicant's ownership (as edged in blue on the location plan).

Proposal

- 3.1.4 Planning permission is sought for the construction of 30 dwellings, with associated access and access road, parking, private amenity spaces, two areas of public open space and landscaping.
- 3.1.5 In terms of layout the site would be accessed from Hall Road, the access road would run from the access point, which has been moved in a westward direction when compared to the existing access. The first area of public open space is immediately to the west of the proposed access. Plots 1-12 and 18-19 are positioned along the eastern side of the access road. Plots 13-17 and 28 are located along the western side of the access road, to the north of the first area of public open space. The access road branches off the west providing access to plots 29 and 30 and continues round in a north-west direction, with plots 19-28 set around the second area of public open space in a cul-de-sac arrangement.
- 3.1.6 18 of the proposed dwellings would be open market and 12 would be affordable housing units (40%).
- 3.1.7 The following dwelling types are proposed:
- 3.1.8 Plots 1-4 (affordable housing)

Plots 1-4 are one bedroom flats which are contained within a building measuring 13m wide, 11.4m deep and 8m to the ridge. The building would be finished with a side facing gable roof form and would feature a front facing gable projection. Internally the flats are identical with an open plan kitchen and living room, bedroom and bathroom. The proposed finish materials would be grey Marley Eternit cedral weatherboarding, Marley Eternit slimline fibre cement slate roof tiles and uPVC windows.

A pitched roof bin and cycle store measuring 4.3m by 3.6m with a ridge height of 3.8m would serve the flats. A communal amenity area in excess of 400sqm could be provided to the rear of the building. A dedicated parking space for each unit would be provided to the north east of the building.

3.1.9 Plots 5-8 (affordable housing)

Plots 5, 6, 7 and 8 are a row of two bedroom terrace dwellings. The proposed building would measure 21.3m wide, 11.4m deep and 8.7m to the ridge. The building would be finished with a side facing gable roof form and each unit would have a single storey lean to element to the rear. Internally the dwellings are identical with a hall and WC, living room, kitchen/diner and utility room at ground floor and two bedrooms and a bathroom at first floor. The proposed finish materials would be off-white Marley Eternit cedar weatherboarding, Marley Eternit slimline fibre cement slate roof tiles and uPVC windows.

Plot No.	Private Amenity Space	Parking Spaces
Plot 5	65 metres squared	2
Plot 6	53 metres squared	2
Plot 7	55 metres squared	2
Plot 8	110 metres squared	2

3.1.10 Plots 9-10 (affordable housing)

Plots 9 and 10 are a pair of semi-detached three bedroom dwellings. The proposed building measures 15.1m wide, 9.3m deep and 8m to the ridge. The building would be finished with a side facing gable roof form with two front facing gables which feature bay windows at ground floor level and a single storey flat roof projection would be located to the rear of each dwelling. Internally the dwellings are identical with a hall, WC, living room, kitchen/diner and utility room at ground floor and three bedrooms, one with an en-suite and family bathroom at first floor level. The proposed finish materials would be yellow rustic brick, acme single camber clay plain tile red sand faced and uPVC windows.

Plot No.	Private Amenity Space	Parking Spaces
Plot 9	125 metres squared	2
Plot 10	75 metres squared	2

3.1.11 Plots 11-12 (affordable housing)

Plots 11 and 12 are a pair of semi-detached two bedroom dwellings. The proposed building measures 10.7m wide, 11m deep and 7.7m to the ridge. The building would be finished with a side facing gable roof form and would feature an open sided storm porch with a single storey lean to element to the rear. Internally the dwellings are identical with a hall, WC, living room, kitchen/diner and utility room at ground floor and two bedrooms both with en-suites at first floor level. The proposed finish materials would be atherstone red brick façade, acme single camber clay plain tile farmhouse brown and uPVC windows.

Plot No.	Private Amenity Space	Parking Spaces
Plot 11	75 metres squared	2
Plot 12	50 metres squared	2

3.1.12 Plots 13, 14, 25 and 26 (open market)

The dwellings within plots 13 and 14 and 25 and 26 would be the same house type as that described above for plots 9 and 10. The only differences are that the footprint would be slightly larger at 15.6m wide and 10.5m deep and the finish materials, which are proposed to be yellow rustic brick, acme single camber clay plain tile red sand faced and uPVC windows.

To the rear of plots 13 and 14 a carport is proposed to provide one space to each dwelling. The carport would measure 7.6m wide, 7.6m deep and 4m to the ridge. A further space would be provided to the east for plot 13 and to the west for plot 14.

To the north of plot 25 a double garage is proposed to serve the dwelling. The garage would measure 7.6m by 7.6m with a ridge height of 5.3m, two roller shutter doors would be located along the front elevation and a pedestrian doorway on the side elevation. This would provide two car parking spaces for the dwelling within plot 25.

To the south of plot 26 is a shared garage block (with plot 29) that would provide five car parking spaces. The building would measure 16.6m wide, 7.6m deep and 4.9m to the ridge. It would have three secure bays, with garage doors and two open bays. This building would provide one secure bay for plot 26 and a further space to the front of the garage.

Plot No.	Private Amenity Space	Parking Spaces
Plot 13	85 metres squared	2
Plot 14	110 metres squared	2
Plot 25	80 metres squared	2
Plot 26	112 metres squared	2

3.1.13 Plots 15, 16 and 17 (open market)

The dwellings within plots 15, 16 and 17 are in the form of a row of three 3-bedroom terrace dwellings. The proposed building measures 23.6m wide, 10.7m deep and 9.2m to the top of the ridge. It would have a pitched roof form with two large front facing gables, each unit would have a single storey rear element. Internally units 15 and 17 are handed replicas with a hall, living room, utility room and open plan kitchen / dining / family room at ground floor level and three bedrooms, one with an en-suite and a family bathroom at first floor level. Unit 16 would provide a hallway, living room, study, utility room and an open plan kitchen / dining / family room at ground floor level and three bedrooms, one with an en-suite and a family bathroom at first floor level. The proposed finish materials would be off-white render façade to the front facing gable ends and atherstone red brick façade to the centre unit, Marley Eternit slimline fibre cement slate roof tile and uPVC windows.

The parking provision for terrace dwellings would be located in a shared garage block to the west of the building. The garage block would measure 15.7m wide, 7.6m deep and 5.3m to the ridge. Three secure parking bays, one to serve each unit and a shared bicycle and bin store would be accommodated within the building. A further space to serve each unit would be provided to the front of the garage bays.

Plot No.	Private Amenity Space	Parking Spaces
Plot 15	115 metres squared	2
Plot 16	90 metres squared	2
Plot 17	110 metres squared	2

3.1.14 Plots 18, 24 and 30 (open market)

The dwelling within plots 18, 24 and 30 is a four bedroom detached property. The dwelling measures 13.3m, including the single storey lean to element along the side elevation, 9.8m deep and 7.7m to the ridge. The dwelling would have a side facing gable roof form with two bay windows along the front elevation and a rear facing gable projection. The ground floor would accommodate a hall, living room, study, kitchen / diner and utility room and the first floor would accommodate four bedrooms, two with an en-suite and two with a shared en-suite. The proposed finish materials would be a red brick plinth, off-white Marley Eternit cedar weatherboarding, Marley Eternit slimline fibre cement slate roof tiles and uPVC windows.

Each dwelling would be served by a two bay garage providing two spaces with parking provision to the front of the garage which provides a further two spaces.

Plot No.	Private Amenity Space	Parking Spaces
Plot 18	185 metres squared	4
Plot 24	240 metres squared	4
Plot 30	290 metres squared	4

3.1.15 Plots 19, 22 and 28 (open market)

The dwelling within plots 19, 22 and 28 is a detached four bedroom property. The dwelling measures 10.4m wide, 11.5m deep and 8m to the top of the ridge. The dwelling would have a side facing gable roof form with two flat roof bay windows and a flat roof storm porch and a large rear facing gable projection. The ground floor would accommodate a hall, dining room, living room, WC, utility room and kitchen and breakfast area and the first floor would provide four bedrooms two with en-suites and a family bathroom. The proposed finish materials would be atherstone red brick façade, acme single camber clay plain tile farmhouse brown and uPVC windows.

The parking provision to serve the dwellings would be provided in the form of a two bay garage, with further parking provision to the front of the garage providing a further two spaces.

Plot No.	Private Amenity Space	Parking Spaces
Plot 19	195 metres squared	4
Plot 22	185 metres squared	4
Plot 28	115 metres squared	4

3.1.16 Plots 20, 23 and 29 (open market)

The dwelling within plots 20, 23 and 29 is a detached four bedroom property. The dwelling measures 10.6m wide, 12.6m deep, including the bay window to the front of the property, and 7.7m to the top of the ridge. The dwelling would have a side facing gable roof form with two hipped roof bay windows and a large rear facing gable projection. The ground floor of the dwelling would provide a WC, dining room, living room and large open plan kitchen / dining / family room and a utility room and the first floor would accommodate four bedrooms, two with en-suites, a family bathroom and a study. The proposed finish materials would be an atherstone red brick façade, Marley Eternit slimline fibre cement slate roof tiles and uPVC windows.

A double garage is proposed to serve the dwellings within plots 20 and 23 with two further spaces provided to the front of the garages. To the north of plot 29 is a shared garage block (with plot 26). This building would provide two secure bays for plot 29 and two further parking spaces to the front of the garage.

Plot No.	Private Amenity Space	Parking Spaces
Plot 20	140 metres squared	4
Plot 23	230 metres squared	4
Plot 29	280 metres squared	4

3.1.17 Plot 21 (open market)

The dwelling within plot 21 would be the same house type as that described above for plots 20, 23 and 29. The only difference is the proposed finish materials which are yellow rustic brick, acme single camber clay plain tile red sand faced and uPVC windows.

A double garage, located to the north of the dwelling, would provide space to park two cars with two additional parking spaces to the front of the garage. The private amenity area would be provided in excess of 185sqm.

3.1.18 Plot 27 (open market)

The dwelling within plot 27 would be the same house type as that described above for plots 19, 22 and 28. The only difference is the proposed finish materials which are a red brick plinth, off-white Marley Eternit cedar weatherboarding, Marley Eternit slimline fibre cement slate roof tiles and uPVC windows.

A double garage would provide space to park two vehicles with two additional parking spaces to the front of the garage. The usable private amenity area would measure around 95sqm.

Background information

3.1.19 This application follows the expiration of approved application 16/00289/OUT, which lapsed on 14 March 2020. Application 16/00289/OUT was initially refused by the North West Planning Committee meeting on 3 October 2016 contrary to officers recommendation to approve planning permission, due to the impact of the proposal on the character and appearance of the area. This decision was subsequently appealed, and the appeal was allowed on 14 March 2017.

3.1.20 The number of units and housing mix have not been altered when compared to the previously allowed scheme and only minor changes to the indicative layout submitted with 16/00289/OUT have been made, following comments made by the Inspector in his decision to allow the appeal.

Planning Obligations

3.1.21 The Planning Obligations sought relate to the production and distribution of a Residential Travel Plan and Pack, Education Contributions, Highways Improvement Works, Affordable Housing provision, Open Space and the required RAMS Contribution.

3.2 Conclusion

- 3.2.1 This application follows two previous applications for residential development at the application site. The most recent and relevant planning history relates to reference 16/00289/OUT, which was refused by the Council for one reason relating to the impact of the development on the character and appearance of the area. This decision was subsequently appealed and the appeal was allowed in March 2017. Although the application has expired, given that there have been no significant changes to the site or surrounding area it is considered that this historic application carries significant weight in the determination of this application and it is considered to be a material consideration that outweighs the conflict with the Local Development Plan (LDP).
- 3.2.2 The Council, given the single reason for refusal previously on application 16/00289/OUT, and the Planning Inspector have not historically objected to the principle of residential development at the application site and it is not considered that there are any justifiable reasons to alter this stance. The proposed scheme is largely in line with the illustrative layout submitted at the time of application 16/00289/OUT, which was found to be acceptable by the Planning Inspector, subject to minor changes which have been addressed within this proposal. The appearance, layout and scale of the scheme are considered to be of an acceptable quality which assimilates into the settlement immediately adjacent to the western boundary of the application site. In addition, no concerns in relation to the impact upon residential amenity are raised.
- 3.2.3 The assessment of the application demonstrates that the proposed development would be acceptable having regard to all other material considerations subject to conditions and planning obligations where required.
- 3.2.4 Therefore, given that the proposal is not considered to harm the character and appearance of the area, the amenity of the neighbouring occupiers and provides adequate parking and amenity space the proposal is considered to be in accordance with the policies of the LDP and the guidance contained within 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 Achieving sustainable development
- 11 The presumption in favour of sustainable development
- 47-50 Delivering a sufficient supply of homes
- 102-105 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-128 Achieving well-designed places
- 170-177 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 and Coastal Management
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development and Sustainability

5.1.1 Planning permission is sought for the construction of 30 dwellings outside but immediately adjacent to the settlement boundary of Great Totham South.

5.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require 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 LDP.

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 (LPA) 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 position is set out in paragraph 11d, together with its footnote 7, 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.”

Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.1.5 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan (LP) policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).
- 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 and relevant policies in the LP. It is noted that the inspector, in considering the appeal against the Councils refusal of the outline planning application stated at paragraph 37 of the appeal decision "Overall therefore, I conclude that the proposal would amount to sustainable development and so is supported by the presumption in favour of sustainable development set out in Framework paragraph 14. These considerations outweigh the proposals limited conflict with LP Policies H1 and S2 (now LDP policies S1 and S8)" (Parenthesis added).
- 5.1.8 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current LP. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme
- 5.1.9 In this instance, as stated above a previous application for the same proposal, reference 16/00289/OUT, was initially refused but subsequently allowed at appeal. The planning history of the site is a material consideration that carries significant weight and weighs heavily in favour of the proposal. In this respect, an objection to the principle and sustainability which encompasses accessibility to services, has not historically been raised by the LPA or the Planning Inspectorate.

5.1.10 At the time of the previous application and appeal the Council could demonstrate a 5YHLS. The approved MDLDP was still at draft stage and the NPPF has been revised since the determination of the previous application. However, there has been no material change in that policy position that would justify a change in the stance previously taken by the LPA and the Inspector. In addition, it is noted there have not been changes to the site or surrounding area of any significance that would affect this position. Therefore, it would be considered to be unreasonable to raise an objection on the ground of sustainability or the principle of the development in this location. The below conclusion drawn by the Planning Inspector is considered to be highly relevant in the determination of this application:

'The Council contends that it can demonstrate a five year supply of housing land in the District. This has not been disputed by the appellant. Nevertheless, the provision of 30 dwellings would make a meaningful contribution to the supply of housing and, in accordance with Framework paragraph 47, merits a measure of support for the proposal. I have also found that the provision of 12 affordable housing units would be a benefit. Future occupiers could be expected to make a worthwhile contribution to the vitality of the community. Consequently, I consider that the proposal would make a positive contribution to the social role. Taking into account my conclusions on the main issue and the other considerations above, I find that proposal would be neutral with regard to the environmental role. Overall therefore, I conclude that the proposal would amount to sustainable development and so is supported by the presumption in favour of sustainable development set out in Framework'

5.1.11 The Outline permission has expired and cannot be implemented as a Reserved Matters application was not validly submitted within the required period following the approval of the scheme on appeal. However, the stance previously taken by the LPA and the appeal findings are still relevant and in the interests of fairness and consistency it is appropriate to give them full weight.

5.1.12 Therefore, given the planning history of the site and the stance previously taken by the LPA and the Planning Inspectorate, it is considered that the proposed development would comply with policies S1, S8 and T2 of the MDLDP.

5.2 Affordable Housing and Housing Mix

Affordable Housing

5.2.1 This application is proposing the provision of 30 dwellings which triggers the requirements for Affordable Housing under Policy H1 of the MDLDP 2014 - 2029.

5.2.2 The proposal triggers the 40% affordable housing requirement under policy H1 of the LDP. The affordable housing requirement on 30 units at 40% is 12 units. The scheme proposes that 12 of the 30 dwellings would be affordable dwellings and would comprise of the following:

- 4 x 1 bedroom flats
- 6 x 2 bedroom houses
- 2 x 3 bedroom houses

5.2.3 The Affordable Scheme detailing tenure, cost and allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement. The Council's Strategic Housing Team have been consulted on the application and have confirmed that the application is meeting the required number and size of affordable housing units having regard to the Nationally Described Space Standards, Strategic Housing Market Assessment (SHMA) and Policy H1 of the LDP.

Strategic Housing fully supports the application which will meet the affordable housing needs of the district.

Housing Mix

5.2.4 The application seeks permission for the following mix of unit sizes and types:

	Market Housing	Affordable Housing	Total
1 bedroom unit		4 (flats)	4
2 bedroom unit		6	6
3 bedroom unit	7	2	9
4 bedroom unit	11		11
Total	18 units	12 units	30 units

5.2.5 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the SHMA shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. Policy H2 of the LDP encourages the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.

5.2.6 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. As detailed above, 10 units (33%) would be smaller 1 and 2 bedroom dwellings and 18 units (67%) would be larger 3 bedroom plus units.

5.2.7 The proposed housing mix is not in line with the 60% smaller 40% larger split set out within the SHMA. However, it is in line with the housing mix proposed at the time of the previously approved application 16/00289/OUT; it is noted that the Inspector for the appeal stated *'The officer's report for the appealed application found that the proposed housing mix and provision of affordable housing would meet the requirements of the Council's Strategic Housing Market Assessment and would help to meet the housing needs of the District. There is nothing substantive in the Council's appeal statement to invalidate that conclusion. The proposed mix of house types could be secured by condition and the affordable housing provision by a Planning Obligation. Consequently, the proposal draws support from ELP [Emerging Local Plan] Policy H2.'* Subsequently a condition was imposed to secure the housing mix. Attention is also drawn to the Council's housing officers' support for the scheme at 7.3 of the report below. Therefore, given the planning history and the stance taken in respect of the housing mix, it is considered that it would be unreasonable to object to the proposal on this basis.

5.3 Design and Impact on the Character of the Area

5.3.1 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.

5.3.2 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”.

5.3.3 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.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.5 The application site lies outside of the defined development boundary of Great Totham South. 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. However, given the Councils lack of a 5YHLS, the tilted balance is engaged and the LDP policies that seek to direct development to within settlement boundaries are out of date and no longer carry primary weight in the decision making process (set out at 5.1.1-5.5.7 above). As also explained above, the allowed appeal against the refusal of the outline scheme 16/00289/OUT is a material consideration of significant weight, and it has been found that there is no conflict with point (ii) of paragraph 11d of the framework which states *“(ii) any adverse impacts of doing so (granting permission) would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.3.6 The application site is located at the eastern edge of the settlement boundary of Great Totham South. The western boundary of the site abuts residential development within Millways and Seagers and a small number of dwellings located at the western end of Hall Road. The eastern boundary of the site abuts open land within the same ownership as the applicant. The application site is part of a former gravel pit which was subsequently subject to landfill. The land rises to the north and is characterised by a gently undulating surface with scattered trees, low level scrub

vegetation and rough grassland. The site and surrounding area have not significantly changed since the determination of the 2016 appeal.

- 5.3.7 The development of the currently open and undeveloped site, for 30 residential dwellings would sustainably change the character and appearance of the edge of settlement site. However, the planning history of the site is a material consideration that weighs heavily in favour of the proposed development. Application 16/00289/OUT, which proposed 30 dwellings at the application site, was allowed on appeal. The Inspector for the appeal stated the following:

'Inevitably, the built form and domestic activity associated with residential development would have an urbanising effect on the site. Nevertheless, even allowing for two storey development on the higher, northern part of the site, the effect would be visually contained and, for the reasons set out above, the development would not impact significantly on the wider landscape.'

'The vehicle and pedestrian movements generated by the development, as well as domestic activity, would lead to some noise and disturbance. However, the site adjoins established residential development to the west and south and, although, currently undeveloped, it cannot be regarded as remote or isolated. As such, I am not persuaded that the likely level of noise and disturbance would materially erode the tranquillity of the countryside.'

'Therefore, I find that the proposal would not be harmful to the character and appearance of the area'

- 5.3.8 As stated above, it is not considered that the site or surrounding area has significantly changed since the determination of the 2016 application. Therefore, it would be unjustifiable to discount the findings of the Inspector. The principle of 30 dwellings on the application site, subject to the layout, scale and appearance is considered to have an acceptable visual impact on the character and appearance of the site and surrounding area.

- 5.3.9 In terms of the proposed layout, the site would have a single vehicular access point from Hall Road, the access track would curve through the site, running from the access point, which has been moved around 20-25m to the west when compared to the existing access point. The first area of public open space is located immediately to the west of the access point. Plots 1-12 and 18-19 are positioned along the curve of the eastern side of the access road. Plots 13-17 and 28 are located along the western side of the access road, to the north of the first area of public open space. The access road branches off the west providing access to plots 29 and 30 and continues round in a north-west direction, with plots 19-28 set around the second area of public open space in a cul-de-sac arrangement.

- 5.3.10 The layout is not sustainably different from the illustrative layout that was before the Inspector for the allowed appeal and therefore the following comment is considered to be relevant in the assessment of this application:

'The dwellings would be arranged with rear gardens adjoining the eastern boundary. The layout would, therefore, be fairly loose and responsive to the site's location at the edge of the settlement.'

- 5.3.11 The only significant change to the illustrative layout submitted with the 2016 application is the adjustment to the location of the access point which has been shifted by around 20-25m in a westward direction, to allow plots 1-10 to benefit from

deeper plots and to allow space for a deeper planting belt along this part of the eastern boundary. This element has been revised in response to the following comments from the Planning Inspector: *'I have reservations about the siting of plots 1 to 10 which would be close to the eastern site boundary. I also consider that the planting belt all the way along that boundary should be significantly deeper.'* Plots 1-10 in the illustrative layout ranged between 3.8m-10.4m from the eastern boundary of the site. The alteration to the layout has resulted in plots 1-10 being set between 7.5m-24m from the eastern boundary. A thick planting belt ranging between 2.6m-7m would be located along the eastern boundary, separated from the rear gardens it would abut. The alterations to the layout are considered to have achieved a softer and more gradual transition into the countryside, appeasing the concerns raised by the Inspector in relation to the illustrative layout.

5.3.12 In addition, the proposed development is not considered to contrast with the existing developments within the settlement in terms of the orientation and density. The loose urban grain, two areas of public open space and generous landscaping along the eastern boundary would enable the development to integrate well with the countryside immediately adjacent to the site. Overall, the proposed layout is considered to have an acceptable visual impact.

5.3.13 The development surrounding the site is an eclectic mix of dwellings in terms of house types, scale, design and appearance. There are examples of fairly recent developments and repetitive house types within the adjacent settlement. The proposed development provides a mix of house types of differing scales and design and appearance with differing finish materials.

5.3.14 In terms of scale the proposed dwellings are all two storeys with a ridge height ranging between 7.7m-9.2m. The footprint of the individual dwellings are of a similar scale to the existing dwellings within 'Seagars' and 'Millways'. In terms of appearance, as detailed within the summary section of this report there are a range of dwelling types proposed within the development. However, all would take a traditional style and form. The dwellings would be finished with a traditional palette of materials.

5.3.15 The scale of the proposed dwellings are considered to be cohesive with the existing development within the adjacent settlement. Therefore, the height, width and depth of the proposed units are not objected to. There are examples of detached, semi-detached and terrace dwellings within the immediate surrounding area. Whilst flats are not a prevalent form of development within the area, the proposed block of flats has been designed sympathetically and are considered to respect the existing character and appearance of the area and are cohesive with the units within the proposed development. Therefore, no concerns in respect of the house types are raised.

5.3.16 In terms of appearance, the dwellings are considered to be traditional in appearance which is considered to respect the established character of the settlement, to which the application site is attached. In addition, the development is considered to appear cohesive as a development as a whole. Policy H2 requires that the design and appearance of affordable housing is indistinguishable from market housing. In that respect it is noted that the affordable housing follows the same design principles and qualities as the open market housing and would therefore comply with the requirements of policy H2.

5.3.17 Given the above, it is considered that the proposed development of the site for 30 dwellings would have an acceptable impact on the site and surrounding area. The

appearance, layout and scale of the proposal is considered to be of an acceptable quality and would not harm the character and appearance of the site or surrounding area. Therefore, it is considered to accord with the criteria of policies D1 and H4 of the LDP, the MDDG, and guidance and provision as contained in the NPPF.

5.4 Impact upon Historic Interest of Listed Building

- 5.4.1 A grade II listed building lies to the south west of the application site; 'Honywood School'. Given the significant amount of modern development that surrounds the listed building, it is not considered that the proposed development would harm its significance or setting.

5.5 Impact on Residential Amenity

- 5.5.1 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).
- 5.5.2 The application site abuts residential properties along the north and west boundaries of the application site and there are residential properties opposite the southern boundary of the site, located on the opposite side of Hall Road.
- 5.5.3 The apartment block proposed to occupy plots 1-4 is located adjacent to the southern boundary of the site and it is the closest proposed building to the dwellings which are located opposite the southern boundary of the site. To the south and on the opposite side of Hall Road the closest residential dwellings are 34 Hall Road and 32 Hall Road. Given the minimum separation distance of 19.9m between the proposed building and neighbouring dwellings and the proposed vegetation which would run along the southern boundary of the site, it is not considered that the proposed flats would result in overlooking, a loss of light or have an overbearing effect on these neighbouring properties. An area of public open space is located opposite plots 1-4, adjacent to the southern boundary of the site. Therefore, there are no further proposed units that would detrimentally impact the neighbouring dwellings which lie to the south of the site.
- 5.5.4 Plot 14 is adjacent to the western boundary of the site and is one of a pair of semi-detached dwellings. The western side elevation of this proposed dwelling faces the rear garden of 35 Hall Road with a separation distance of 8.7m between the shared boundary and 16.7m between the western side elevation of the proposed dwelling and rear elevation of the neighbouring dwelling. Given the separation distance it is not considered that the proposed dwelling would result in a loss of light or have an overbearing impact to the detriment of the adjacent neighbouring occupier. In terms of overlooking there is a first floor window proposed on the west side elevation, however, this serves a bathroom and therefore it can be conditioned to be glazed.
- 5.5.5 Plot 30 is adjacent to the western boundary of the site and the rear garden of this plot abuts the ends of the rear gardens of 33 Hall Road and 9 Millways. The proposed dwelling within plot 30 would be 15m from the shared boundary and a minimum of 38m from the neighbouring dwellings. Given the separation distance and the orientation of the proposed building in relational to the neighbouring properties, it is not considered that this dwelling would detrimentally impact the residential amenity of the neighbouring occupiers.

- 5.5.6 Plot 29 is just north west of plot 30 and would also abut the rear garden of 9 Millways. There would be a separation distance of 6.7m between the rear elevation of the proposed dwelling and the shared boundary and a distance in excess of 20m dwelling to dwelling. Further, given the orientation of the dwelling at 9 Millways the proposed dwelling would not have a direct view of the rear elevation of the neighbouring dwelling. Given the latter, it is not considered that the proposed dwelling would detrimentally impact 9 Millways by way of a loss of light nor would it have an overbearing impact. Whilst it is noted that due to the presence of windows in the first floor of the rear elevation of the dwelling within plot 29, part of the neighbouring rear garden would be visible from this property, it is not considered that the level of overlooking would be so detrimental as to warrant a reason for refusal.
- 5.5.7 The rear gardens of plots 25 and 26, which would occupy semi-detached dwellings, abut the rear gardens of 8 Millways, 7 Millways, 6 Millways and 5 Millways. The existing dwellings at 5, 6, and 7 Millways would be directly back to back with the proposed semi-detached dwellings with a separation distance ranging from 22.7m-24m. The distance is considered to prevent a significant loss of amenity in terms of a loss of light, dominating effect and overlooking. Whilst it is noted that the proposed semi-detached dwellings would have some impact particularly in terms of overlooking, given the first floor windows on the rear elevation, it is not considered to be so detrimental as to warrant a reason for refusal.
- 5.5.8 Plots 23 and 24 are adjacent to the northern boundary of the site. Plot 24 would abut the rear garden of 51 Seagers and plots 23 and 24 would abut the rear garden of 52 Seagers. In respect of the impact of the proposal on 51 Seagers, there is a minimum separation distance of 21.2m, which is considered to prevent a significant impact in terms of a loss of light or an overbearing impact. Whilst there is a proposed window on the first floor of the rear gable projection which faces the rear elevation of 51 Seagers the distance is considered to minimise any significant overlooking issues. Similarly, in respect of the impact on 52 Seagers, the distance between the proposed dwellings and the neighbouring dwelling, which is a minimum of 19m is considered to minimise any significant impacts in terms of a loss of light, overlooking or an overbearing impact.
- 5.5.9 The remaining proposed plots are not directly adjacent to neighbouring properties and are further from the neighbouring dwellings than the aforementioned plots. Therefore, no concerns in relation to plots 5-12, 15-22, 27, 28 or 30 and their impact on upon the residential amenity are raised.
- 5.5.10 There are six garage blocks adjacent or in close proximity to the western boundary of the site. However, given that these are single storey structures and the nature of the intermittent use, it is not considered that they would detrimentally impact the amenity of the surrounding neighbouring properties.
- 5.5.11 Internally within the development the dwellings have all been designed to minimise the impacts of overlooking and a loss of light where possible. It is considered the living conditions of the future occupiers would be acceptable.
- 5.5.12 Overall it is considered that subject to appropriate conditions the development would accord with LDP policy D1 with regard to impact upon neighbouring occupiers

5.6 Access, Parking and Highway Safety

- 5.6.1 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.

- 5.6.2 As detailed within the summary section of this report all of the proposed dwellings would meet the parking standards set out in the adopted VPS SPD. Nine visitor parking spaces are also shown on the submitted plans, which is in excess of the adopted standards of 1 visitor space per four dwellings. Furthermore, the garage sizes proposed would all meet the space standard set in the adopted VPS SPD. With regard to parking provision the proposal accords with policies T2 and D1 of the LDP.
- 5.6.3 A Transport Statement dated March 2016 has been submitted with the application. Essex County Council Highways Authority (ECC) has been consulted and have assessed the proposal and submitted information. They have confirmed that the scale of the development and the associated vehicle movements are not expected to have a significant impact upon the local highway network subject to conditions. Therefore, no concerns in terms of highway safety are raised.
- 5.6.4 The proposed access point would be relocated slightly to the west of the existing access point, taken from Hall Road. No concerns, subject to conditions, in respect of the proposed access point have been raised by the Highways Authority, therefore, the proposed access point is considered to be acceptable.
- 5.6.5 As part of the application it is proposed to slightly widen Hall Road adjacent to the site, to the west. This would ensure a minimum carriageway width of 5.0m. The widening would extend as far as the site access before tapering back to the existing carriageway width to the east of the access. The Highways Authority are supportive of the proposal stating *'The highway works proposed will not only help facilitate the development but will also help improve highway efficiency and accessibility for all highway users in the locality. The Highway Authority is therefore satisfied that the impact of the proposals would not be detrimental to highway safety and efficiency in the vicinity.'*
- 5.6.6 The Highways Authority have recommended conditions in relation to the road widening, bus stop improvements and the implementation and distribution of a Residential Travel Information Pack. These requirements would be secured via a Planning Obligation.
- 5.6.7 Given the above assessment no concerns in respect of access, parking or highway safety are raised.

5.7 Private Amenity Space, Landscaping and Trees

- 5.7.1 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 (MDG) 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.
- 5.7.2 The private amenity space for each proposed dwelling is shown within the summary section of this report. All dwellings except plots 10, 13, 16, 25 and 27 would meet the

private amenity space standards. Plots 13, 16, 25 and 27 are three bedroom dwellings which would have private amenity space totalling 75 square metres, 90 square metres, 90 square metres, 80 square metres and 95 square metres respectively. Three bedroom dwellings should have 100 metres squared of private amenity space. However, given the two areas of proposed public open space, on balance the departure from the abovementioned standards is not considered to be unacceptable to such a degree to warrant refusal of the application. Therefore, no objection is raised to the reduced amenity space provision for these four plots.

- 5.7.3 In respect of the proposed hard and soft landscaping scheme and boundary treatments, a detailed scheme has been submitted within the application documents on plans reference 20.053/LA01 Rev C and 20.053/LA02 Rev C.
- 5.7.4 The hard landscaping scheme shows that the access and access track would be tarmacked along with the adjacent footpaths and conservation kerb and edging would be used where necessary, up to plots 19 and 28. Block paving would be laid for the accesses branching off the main access track to serve the individual plots, the same block paving would be used to continue the access road for plots 20-26 and 29-30. A different coloured block paving would be used to demark the parking spaces. A buff block paving would be used for the pathways and patios serving the dwellings. The details submitted, which include the types and colours of the proposed materials, are considered to be acceptable and a condition to ensure that the hard landscaping is carried out in accordance with the submitted details will be imposed should the application be approved.
- 5.7.5 The soft landscaping scheme shows that the vast majority of the boundaries of the site will be bordered by a native hedgerow mix and native thicket planting. Within the site, the areas of public open space, private amenity spaces and small sections to the front of a select number of properties will be laid to grass, with a number of new trees planted within these areas. In addition, beech hedging, and evergreen flowering hedging will be used in various areas around the site to break up the areas of hardstanding. The Council's Tree Consultant has advised that the information is acceptable, subject to further information, with the exception of the proposed Laurel which would be used to define or separate the frontage of plots. It is suggested that another species that offers better seasonal amenity and eco net gain is used. In addition, further detail in relation to the species, size and number of trees and shrubs will be required to ensure that the tree species are planted with suitable space to develop and with consideration for their characteristics, so they do not become a nuisance. Therefore, a condition to ensure that this information is provided will be imposed, should the application be approved.
- 5.7.6 The proposed boundary treatments to bound the application site include a 1.8m high close boarded fence which would be erected along the western boundary of the site and the majority of the northern boundary, it would also run along the eastern boundary of the site between the private amenity spaces and proposed landscaping buffer and to separate these areas. A 1.2m high post and rail fence would run along the eastern boundary enclosing the landscaping buffer and along parts of the northern and front boundary of the site, either side of the vehicular access. Within the site to enclose the front and rear gardens of the proposed dwellings a mix of 1.8m high close boarded fencing, 1.2m high vertical galvanised black painted bar railings with matching gates, 1.8m high soft red brick wall and 0.6m high treated timber rails on timber posts are proposed. The details submitted, are considered to be acceptable and a condition to ensure that the boundary treatments are carried out in accordance with the submitted details will be imposed should the application be approved.

5.7.7 An Arboricultural Method Statement and Tree Protection Plan (TPO) have been submitted with the application. The information provided is sufficient in relation to the protection of the trees which are proposed to be retained. Further information in relation to a schedule for the Arboricultural Supervision which is required prior to the development beginning, to ensure the protection measures are installed, will need to be provided to the LPA. Therefore, a condition in this respect will be imposed, should the application be approved.

5.8 Flood Risk and Drainage

5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.

5.8.2 The site is more than 1 hectare in size, the Environment Agency (EA) and the NPPG requires a Flood Risk Assessment (FRA), although the site does not fall within a high risk flood zone. The site falls within Flood Zone 1 and is identified in the FRA to be at low risk of flooding from fluvial or tidal forces.

5.8.3 Essex County Council (ECC), the Lead Local Flood Authority initially raised an objection to the proposal. However, additional information was received during the course of the application, which demonstrates that the proposal would not increase the risk of surface water flooding. Therefore, no objection to the proposal on the grounds of flood risk and drainage are raised, subject to conditions regarding a detailed surface water drainage scheme for the site, surface water run-off / groundwater, and maintenance plan to be submitted and approved by the Council.

5.9 Nature Conservation

5.9.1 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.*'

5.9.2 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.

5.9.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

5.9.4 The application has been accompanied by a Phase 1 Habitat Survey (DF Clark 2016), an Ecological Survey Update (DF Clarke 2018), and the Reptile Translocation Report (DF Clark 2019). These reports relate to the likely impacts of development on protected species and priority species & habitats and recommend mitigation measures to protect the wildlife on this site.

5.9.5 The Council's Ecology Consultant has assessed the information provided and confirms that it demonstrates that the proposed development could be undertaken

without an unacceptable impact on the wildlife at the site. Conditions have been recommended in relation to the mitigation and enhancement measures, a biodiversity enhancement strategy and a wildlife sensitive lighting design scheme, these conditions will be imposed should the application be approved.

- 5.9.6 In terms of off-site impacts, Natural England (NE) have advised that this development falls within the 'Zone of Influence' (Zol) 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 (MDC), 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. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.9.7 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.9.8 NE anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.9.9 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.9.10 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £125.58 per dwelling.

5.9.11 To accord with NE's requirements, a Essex Coast RAMS 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, as follows:

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

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the previously listed sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- 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.

Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £3,767.40 is necessary. The applicant has signed and submitted a legal agreement in this respect. Therefore, as long as this contribution is met the harm will be adequately mitigated.

5.10 Land Contamination

5.10.1 The application site is a former gravel pit and landfill site which operated from 1979 - 1989 and was licensed from 1979 - 1994 to receive inert, industrial, commercial and household wastes, described as solid, non-hazardous builders' rubble, soil and excavated material. Also, according to our records, a former landfill site is located to the south east of the development site, adjacent to the other side of Hall Road.

5.10.2 The following documents have been submitted in relation to land contamination; Richard Jacksons Engineering Consultants Ground Investigation Report of March 2016 (ref: 44569 – Rev (B)), Richard Jacksons Engineering Consultants Geo-environmental Assessment of December 2017 (ref: 44569) and Richard Jacksons Engineering Consultants Letter Report of 19 March 2030 (ref: KB/44569).

5.10.3 The EA has been consulted and have assessed the above information. They have stated that the site is located above a Secondary A Aquifer (Glaciofluvial Sand and Gravel deposits) and the application overlies a Water Framework Directive (WFD) groundwater body, and is also in a WFD drinking water protected area. The site is considered to be of moderate environmental sensitivity. The historic and future use could present potential pollutant linkages to controlled waters. Consideration for the risk posed by surface water drainage and foundations will need to be undertaken. In addition, it is noted that the conclusion of the reports submitted by the Applicant was that no further investigation or remediation related to ammonia or nickel was required. Whilst it is agreed that no further investigation is required for nickel, the EA disagree with the conclusion with respect to ammonia as the evidence this is based on is insufficient.

5.10.4 Notwithstanding the above, both the EA and EH have not raised an objection to the application subject to a number of conditions in relation to land contamination.

Therefore, no objection is raised in this respect and the recommended conditions will be imposed, should the application be approved.

5.11 Education

5.11.1 The Education Department at ECC have assessed the application and the additional demand the proposed residential development would have on local childcare provision, primary education, secondary education and school transport.

5.11.2 In respect of early year and childcare provision, ECC has a statutory duty to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. ECC, to meet its statutory duties, must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The development would result in an additional 2.7 places being required within the Great Totham Ward or within a 3 mile radius of the development. Therefore, a developer contribution is requested by ECC to mitigate the impact of the development.

5.11.3 In respect of primary education provision, the development would sit within a Priority Admissions Area of Great Totham Primary School, which offers up to 60 places per year group in Key Stage 1 and 64 in Key Stage 2. The school is full in most year groups and there is a waiting list for Reception in September. Looking at the wider area, forecasts for the Maldon and Heybridge area which are set out in the Essex School Organisation Service's 10 Year Plan to meet demand for school places suggest that up to 73 additional Reception places will be required by the end of the plan period. It is therefore proposed that a financial contribution is made towards creating these additional places within the Maldon and Heybridge planning area or within a 3 mile radius of the development. The development would result in an additional 7 places being required. Therefore, a developer contribution is requested by ECC to mitigate the impact of the development on local primary school provision.

5.11.4 No request is being sought towards secondary education. However, given the proximity of the site to the nearest secondary school, which is over 3 miles from the development, a secondary transport contribution is requested.

5.11.5 The Education Department has therefore requested a Section 106 legal agreement to be completed should the application be approved for early years and childcare provision, primary school provision and home to school transport for secondary school. The applicant has agreed to this request.

5.12 Planning Obligations

5.12.1 The NPPF at paragraph 56 advises that 'Planning obligations should only be sought where they meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.'

5.12.2 As detailed above, planning obligations are sought for affordable housing provision, RAMS, a residential travel plan, highway improvements and early years, primary education and secondary school transport provision contribution. In addition, the public open space and its future maintenance will be secured via a planning obligation.

6. ANY RELEVANT SITE HISTORY

- **09/00219/FUL** - Erection of two box stable block with tack room. Refused: 08.05.2009.
- **09/00600/FUL** - Erection of new stable block containing two stables and tack room, with grazing land. Refused: 14.09.2009.
- **11/00278/FUL** - Installation of a 'Nissen hut' within a secure compound for a temporary period of 12 months. Refused: 26.05.2011.
- **13/00786/OUT** - Erection of 50 no. market and affordable housing units, and a community pocket park, accessed from existing Hall Road access point. Refused: 03.07.2014 – Dismissed on Appeal: 29.06.2015.
- **16/00289/OUT** - Residential development. Refused: 05.10.2016 – Allowed on Appeal: 14.03.2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>Object</p> <ul style="list-style-type: none"> • Intrusive visual impact upon the area and its surroundings • Unwelcome domestic activity to the site presenting an inappropriate and insensitive urbanising effect having a damaging impact upon the character and appearance of this edge of settlement. • These reasons for refusal have been tested and found to be material and sound at a planning appeal in June 2015 which dismissed an application for development on the same site. • Concerns in relation to traffic generation and road safety. • Concerns in relation to the effect on the habitat for wildlife including slow worms, grass snakes and lizards. • Outside of settlement boundary and the Council has a Five Year 	Noted and dealt with in the main body of the report.

Name of Parish / Town Council	Comment	Officer Response
	<p>Housing Land Supply.</p> <ul style="list-style-type: none"> • Reference to emerging neighbourhood plan • Surveys showed that electors in the Parish firmly reported that they do not want any large scale development in the Parish. • The Parish Council believes that for the scale of development contained in this application should rest on the LDP and draft Neighbourhood Plan rather than being developer led. 	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No objection subject to conditions.	Discussed within section 5.6 of this report.
Natural England	No objection, general advice received.	Noted.
Anglian Water Services	No objection subject to conditions.	Noted.
SUDs	No objection subject to conditions.	Discussed within section 5.8 of this report.
Education Department	If planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on childcare, education and school transport.	Discussed within section 5.11 of this report.
Environment Agency	No objection subject to conditions.	Discussed within section 5.10 of this report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Housing Department	Support the application which will meet the affordable housing needs of the district.	Discussed within section 5.2 of this report.
Environmental Health	No objection subject to	Noted.

Name of Internal Consultee	Comment	Officer Response
	conditions.	
Tree Consultant	No objection subject to conditions.	Discussed within section 5.7 of this report.
Ecology	No objection subject to conditions.	Discussed within section 5.9 of this report.
Conservation Officer	No objection.	Discussed within section 5.4 of this report.

7.4 Representations received from Interested Parties

7.4.1 21 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
Outside of the settlement boundary of Great Totham	Please see section 5.1 of this report
Contaminated land	Please see section 5.10 of this report
Foul drainage concerns	Noted and condition recommended
Infant and Primary schools are at capacity and Senior schools are experiencing the same problem.	Please see section 5.11 of this report
Doctors Surgeries are full	Noted
Little work locally and there is insufficient parking at the local train stations for people to commute.	Please see section 5.1 of this report
Ecology and biodiversity concerns	Please see section 5.9 of this report
The Council has a five year housing land supply	Please see section 5.1 of this report
The village is in the process of producing a Neighbourhood Plan.	This document has not been adopted by MDC.
Increased traffic on small country lane	Please see section 5.6 of this report
Flooding concerns	Please see section 5.8 of this report
Development is not in keeping with the existing village.	Please see section 5.3 of this report
Highway safety concerns	Please see section 5.6 of this report
Ruin views from neighbouring properties	The loss of a view is not a planning consideration.
Contrary to policies in the Local Development Plan	Noted and addressed within the report.
Light pollution	Noted.
Environmental Impact	Noted
North Heybridge Garden Suburb has been approved and over 700 of these home fall within Great Totham.	Noted
Bungalows are required, not large detached properties.	Noted
There is only one bus service and no amenities serving Great Totham.	Please see section 5.1 of this report
Great Totham is a village not a town.	Noted
Lack of Police Officers in the area.	Noted
Overlooking concerns	Please see section 5.5 of this report
Lack of infrastructure to cope with all the development going on in the area.	Noted

Objection Comment	Officer Response
30 houses will urbanise the countryside area and completely ruin the village.	Please see section 5.3 of this report.
Capacity problem in the sewer	Noted and condition recommended
No community engagement by the developer.	Noted
The development would appear as an add on to the settlement.	Please see section 5.3 of this report.
The plan shows the general position, not the exact line of the boundaries.	If the application is approved, a condition to ensure that the developed is carried out in accordance with the plans, will be imposed.
Cramped and visually unappealing development with 'off the peg' housing from a developer's catalogue.	Please see section 5.3 of this report.
Noise concerns during construction works.	Noted
The local development plan has been adopted since the determination of the previous application.	Please see section 5.1 of this report
Under the LDP Great Totham does not have any specific requirement to deliver housing, employment or retail growth.	Noted
No provision for sustainable transport	Please see section 5.1 of this report
Concerns with regards to the landscaping scheme.	Please see section 5.7 of this report
Concerns with regards to the site levels.	Noted
An existing covenant applies	This is not a material planning consideration.
Approval could lead to further development.	This is not a material planning consideration.

8. PROPOSED CONDITIONS AND HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

APPROVE subject to the applicant entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to require the following planning obligations:

- Residential Travel Plan and Pack
- Education Contributions
- Highways Improvement Works
- Affordable Housing provision
- Public Open Space

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) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings 19.7013/M001, 19.7013/E101, 19.7013/P201G, 19.7013/P202, 19.7013/P203, 19.7013/M002, 19.7013/P204, 19.7013/P235, 19.7013/P234, 19.7013/P229, 19.7013/P225, 19.7013/P224, 19.7013/P223, 19.7013/P222, 19.7013/P240, 19.7013/P239, 19.7013/P237, 19.7013/P236, 19.7013/P233, 19.7013/P232, 19.7013/P231, 19.7013/P230, 19.7013/P228, 19.7013/P227, 19.7013/P226, 19.7013/P221, 19.7013/P219, 19.7013/P217, 19.7013/P215, 19.7013/P213 Rev B, 19.7013/P211, 19.7013/P209, 19.7013/P207, 19.7013/P205, 19.7013/P220, 19.7013/P218, 19.7013/P216, 19.7013/P214, 19.7013/P212 Rev A, 19.7013/P210, 19.7013/P208, 19.7013/P206, 20.053/LA01 Rev C, 20.053/LA02 Rev C, 200107/1 REV A, 200107/2 REV A and 20.053/HW01 Rev A.
REASON To ensure the development is carried out in accordance with the details as approved.
3. The development shall be implemented in accordance with the details of external finishing materials set out within the document titled Schedule of Materials and shall be retained as such in perpetuity.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
4. The development shall be implemented in accordance with the boundary treatment details included on plan references 20.053/LA01 Rev C and 20.053/LA02 Rev C and be retained as such in perpetuity.
REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
5. The development shall be implemented in accordance with the hard landscaping details included on plan references 20.053/LA01 Rev C and 20.053/LA02 Rev C and be retained as such in perpetuity.
REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
6. Full details of the provision and subsequent retention of the soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:
 - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 - 3) Details of the aftercare and maintenance programme.

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

REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

7. The approved arboricultural method statement prepared by Writtle Forest Consultancy dated April 2020 and the Tree Protection Plan reference 200107/2 Rev A submitted in support of the application shall be adhered to in full, subject to the pre-arranged supervision detailed in section 3 of the statement, by a suitably qualified and pre-appointed tree specialist. Further, written evidence of contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist shall be submitted to the local planning authority upon completion of the development.
REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with policies D1 and N2 of the Maldon District Local Development Plan.
8. The first floor window on the west elevation of the dwelling which shall occupy plot 14 shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
REASON To protect the privacy and environment of people in neighbouring residential properties, in compliance with the National Planning Policy Framework (2019) and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
9. No development above ground level shall take place, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilitiesREASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policy T2 of the approved Local Development Plan.
10. Prior to occupation of the development, the proposed site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 60 metres in both directions on Hall Road, 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 public highway in the interest of highway safety in accordance with policy T2 of the approved Local Development Plan.

11. Prior to first occupation of the development, highway works as shown in principle in the Proposed Site Plan shall be implemented to include, but not be limited to, the following:

- The widening and construction of Hall Road to a width of 5 metres, from a point approximately outside 22 Hall Road to the site access, and then tapering back down to align with the original carriageway;
- A 2m footway on the southern side of Hall Road extending from a point approximately outside 22 Hall Road to a point approximately 20m west of the proposed site access road, to connect with the proposed footway into the site;
- two dropped kerbs with appropriate tactile paving across Hall Road to connect the two footways above;
- A bellmouth access into the development with minimum radii of 6m and including two dropped kerbs with appropriate tactile.

REASON In the interests of highway safety, efficiency and accessibility, and to ensure suitable pedestrian access is provided in accordance with policy T2 of the approved Local Development Plan.

12. Cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facilities shall be secure, convenient, covered and provided prior to occupation of the development and retained as such thereafter.

REASON To encourage trips by sustainable transport modes and in the interest of accessibility in accordance with policy T2 of the approved Local Development Plan.

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

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

14. 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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

15. No works except demolition shall take place until a final detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- 1) Limiting discharge rates to no more than 2.1l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 2) 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.
- 3) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 4) Final modelling and calculations for all areas of the drainage system.
- 5) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 6) Detailed engineering drawings of each component of the drainage scheme.
- 7) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- 8) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy D2 of the Maldon Local Development Plan (2017).

16. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON To mitigate increased flood risk to the surrounding area during the construction of the development in accordance with policy D2 of the Maldon Local Development Plan (2017).

17. Prior to occupation of the development hereby approved a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon Local Development Plan (2017).

18. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

These must be available for inspection upon a request by the Local Planning Authority.

REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D2 of the Maldon Local Development Plan (2017).

19. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase 1 Habitat Survey (DF Clark 2016), the Ecological Survey Update (DF Clarke 2018), and the Reptile Translocation Report (DF Clark 2019) as submitted with the planning application.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

REASON To conserve and enhance protected and priority species in accordance with policy N2 of the Local Development Plan.

22. Prior to any works above slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON To conserve and enhance protected and priority species in accordance with policy N2 of the Local Development Plan.

23. Prior to the first occupation of the development hereby approved a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

REASON To protected priority species in accordance with policy N2 of the Local Development Plan.

24. No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not

commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

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 of the D2 of the Local Development Plan, the guidance contained within the National Planning Policy Framework.

25. The approved remediation scheme 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 and submitted to the Local Planning Authority for approval.

The written verification shall include that:

- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency
- ii) All imported material is suitable for its intended use
- iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified

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, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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 of the D2 of the Local Development Plan, the guidance contained within the National Planning Policy Framework.

26. Prior to the commencement of the development a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON To protect and prevent the pollution of the water environment (particularly the Secondary A aquifer and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in compliance with policy D2 of the Local Development plan and guidance contained within the National Planning Policy Framework.

27. Prior to the occupation of the development hereby approved a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON To protect and prevent the pollution of the water environment (particularly the Secondary A aquifer and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in compliance with policy D2 of the Local Development plan and guidance contained within the National Planning Policy Framework.

28. Prior to the commencement of the development a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

REASON To protect and prevent the pollution of the water environment (particularly the Secondary A aquifer and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in compliance with policy D2 of the Local Development plan and guidance contained within the National Planning Policy Framework.

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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 of the D2 of the Local Development Plan, the guidance contained within the National Planning Policy Framework.

30. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON To protect and prevent the pollution of the water environment (particularly the Secondary A aquifer and EU Water Framework Directive Drinking Water Protected Area) in line with policy of the D1 of the Local Development Plan, the guidance contained within the National Planning Policy Framework. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

31. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality. For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

INFORMATIVES

1. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
2. Owing to its configuration and access points, it is possible that the development's main spine road will not be formally adopted by the Highway Authority.
3. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
4. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

5. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - 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 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.

6. 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.
7. 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.
8. 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.