

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

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

MEMBERS' UPDATE

AGENDA ITEM NO. 5

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

7.4 Representations received from Interested Parties

One further letter of Objection was received following the publication of the agenda.

Objection Comment	Officer Response
Speculation over the weight attributed to the planning history of the site.	The planning history of the site is a material consideration in the determination of an application and the LPA consider that appropriate weight has been attributed to the history of the site.
One should not lose sight of the fact that the plans have been changed since the previously successful appeal and although issues relating to the affordable homes have been addressed it has been at the potential detriment of existing dwellings, moving the access point to the west will result in early morning winter traffic leaving the site disturbing residents in Hall Road as the headlights shine directly into bedroom windows.	The potential disturbance to the amenity of the neighbouring occupants would not result in a loss of amenity that would warrant a reason for refusal, particularly given the distance of the dwellings from the access point.
It is disappointing to note that the report goes into significant details relating to the use of obscured glass in plot 14 (Section 5.5.4) yet the first floor windows of plots 25 and 26 which will look directly into the first floor	As section 5.5.7 of the Officers report details, the separation distance between the dwellings proposed to occupy plots 25 and 26 and the existing dwellings, appeases concerns in relation to a loss of amenity.

windows of the existing dwellings of 5, 6, 7 and 8 Millways do not seem to have received the same level of significance.	
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8. PROPOSED CONDITIONS

Amendments to recommended conditions

Please note the following changes have been made to the recommended conditions, as set out in section 8 within the Committee Report:

- Condition 14 has been removed as it duplicated the requirements of condition 15.
 - Condition 24 has been re-worded to provide greater flexibility where remediation is not always possible/realistic prior to commencement.
 - Condition 25 has been re-worded to prevent it being required prior to commencement
 - Condition 26 and 27 have been removed as the information required by the conditions was submitted during the course of the application.
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 facilities

REASON

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 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).

15. 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).

16. 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).

17. 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).

18. 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.

19. 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.

20. 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.

21. No development shall take place, other than that required to enable remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the local planning authority in writing. The measures set out in the remediation scheme shall be implemented prior to commencement where possible. Where remediation measures are incorporated into the wider development and cannot be completed prior to commencement they shall be highlighted in the remediation scheme submitted for approval.

The scheme will remove unacceptable risks to human health, buildings and other property and the natural and historical environment. It 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.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

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.

22. The measures set out in the remediation scheme shall be implemented in full.

Following completion of measures identified in the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority within 28 days. 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.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance."

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.

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.

23. 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.

24. 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.

25. 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.

Officer Note

Conditions 14, 15 and 21 of the above recommended conditions are pre-commencement conditions, which require agreement from the Applicant/Agent. The agent has not yet agreed to the imposition of the condition. However, an update in this respect will be verbally provided at the committee meeting.