



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
16 JUNE 2021**

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**PRESENT**

Chairman	Councillor Mrs M E Thompson
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, C P Morley, R H Siddall, E L Stephens and Miss S White
In attendance	Councillor C Morris

**107. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

**108. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors K W Jarvis and J V Keyes.

**109. MINUTES OF THE LAST MEETING**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 25 May 2021 be approved and confirmed.

**110. DISCLOSURE OF INTEREST**

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

111. **20/00428/FUL - LAND OPPOSITE 34 HALL ROAD, GREAT TOTHAM**

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

A Members' Update had been circulated prior to the meeting that detailed an additional letter of objection together with amendments to recommended conditions. The Officer then verbally confirmed receipt of agreement to the pre-commencement conditions outlined under the 'Officer Note' on the Members' Update.

Following the Officer's presentation, an Objector, Ms Sophie Brownsell, and the Agent, Mr Russell Forde, addressed the Committee.

A debate ensued where Members raised a number of concerns including poor design; materials to be used; potential contamination; adverse impact on amenity space and possible adverse effects on the intrinsic character and beauty of the area.

The Lead Specialist Place, addressing some of the issues raised, noted that the design and materials were standard across the district. That the issue of contamination had been covered through reports from both Environmental Health and the Environment Agency and appropriate conditions put in place. Taking into account the presumption in favour of sustainable development known as the 'Tilted Balance' he advised there was a need to demonstrate that the harm from the development was very high and outweighed any benefits bearing in mind the Inspector had already found this application acceptable when the authority had a Five Year Housing Land Supply (5YHLS).

Further discussion by Members acknowledged that whilst the development was not perfect in all aspects there was an appeal in favour of the development in March 2017 and given the current lack of a 5YHLS there was no real alternative but to approve.

There being no further discussion the Chairman moved the Officer's recommendation to approve the application together with the amended conditions outlined in the Members' Update. This was seconded by Councillor Morley.

The Chairman then put the recommendation to the Committee and it was agreed.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with 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.

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.
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.
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.
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.
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.
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.
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
  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.
  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.
  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.
  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.
  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.
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.
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.
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.
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.”
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.

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.

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.

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."

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.
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.
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.

The Chairman thanked those present for their attendance and there being no other items of business closed the meeting at 8.12 pm.

MRS M E THOMPSON  
CHAIRMAN