



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
6 OCTOBER 2021**

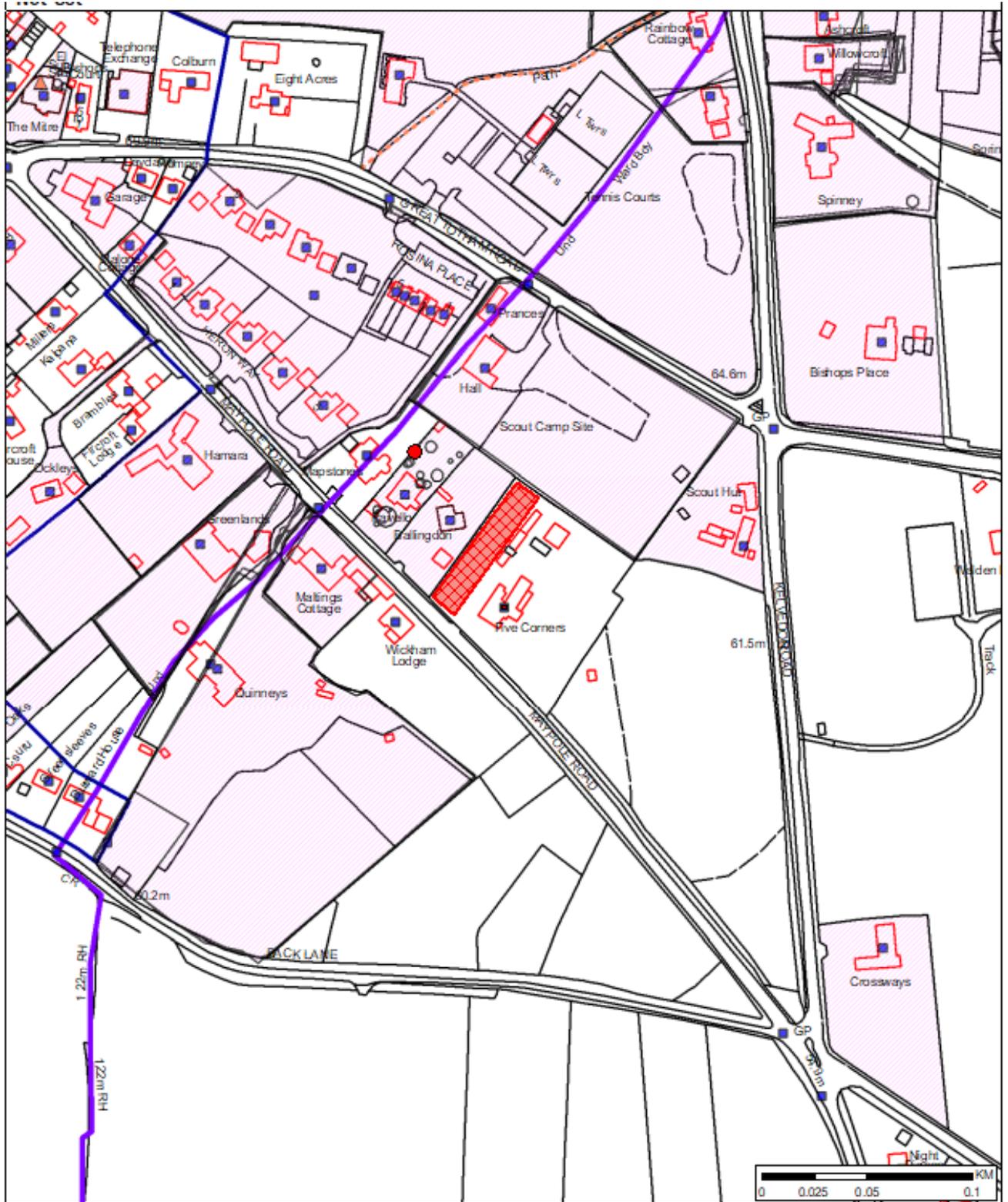
Application Number	21/00824/OUT
Location	Five Corners Maypole Road Wickham Bishops CM8 3NW
Proposal	Outline planning permission with the matter of access for consideration for a new detached dwelling.
Applicant	Mrs Margaret Bass
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	01.10.2021 EOT requested
Case Officer	Hannah Bowles
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2014 – 2029 Member call in from Councillor K W Jarvis Reason: Policy S1

1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the eastern side of Maypole Road and comprises part of the residential garden of Five Corners. The site is bounded to the north by a mature hedgerow and there is further mature hedging to the highway boundary to the south. The site is laid to grass and comprises a vegetable patch and extends to 0.09Ha. The site lies around 200m outside of the settlement boundary of Wickham Bishops.
- 3.1.2 Maypole Road is semi-rural in nature and is characterised by ribbon development extending from the settlement before leading to the open and undeveloped land to the south-east of the site.
- 3.1.3 Outline planning permission is sought for the erection of a detached dwelling with associated vehicle parking, new vehicle access from Maypole Road and associated private amenity space. All matters are reserved with the exception of access: the matters of layout, scale, appearance and landscaping are reserved for consideration at a later date.
- 3.1.4 A block plan has been submitted which shows the proposed access point located in the south west corner of the application site. An indicative layout for illustrative purposes only has also been provided on the submitted plan with parking provision to the front of the site, a dwelling which extends the majority of the width of the plot, towards its front and private amenity space to the rear.

3.2 Conclusion

- 3.2.1 Having regard to recent decisions taken within the area the application site is considered to be located within a reasonably accessible location just beyond the settlement boundary of Wickham Bishops and is currently within a residential use as garden land. The principle of a dwelling at the application site is considered acceptable given the location and current residential use of the site.
- 3.2.2 The application is outline in nature and whilst the layout, appearance, scale and landscaping are matters reserved for future consideration; it is considered that a development which is acceptable in terms of the visual impact, impact on neighbouring amenity, level of car parking provision and private amenity space could be achieved at the site. Therefore, the application is recommended for approval.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10–12 Presumption in favour of sustainable development
- 38 Decision-making
- 47–50 Determining applications
- 54–57 Planning conditions and obligations
- 59–79 Delivering a sufficient supply of homes

- 102–111 Promoting sustainable transport
- 117–118 Making effective use of land
- 124–132 Achieving well-designed places
- 174–188 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
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards (VPS) SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

5.1.2 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).

5.1.3 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 National Planning Policy Framework (NPPF) which states:

"For decision making 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)

- 5.1.4 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 Local Plan 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)
- 5.1.5 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’.
- 5.1.6 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 Local Plan.
- 5.1.7 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 Local Plan. 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.
- 5.1.8 Paragraph 78 of the NPPF states that:

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will

support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'

- 5.1.9 The application site is located outside of the defined settlement boundary of Wickham Bishops, a village that is classified as one of the 'larger villages' within the district, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside is assessed below as well as whether the development constitutes sustainable development.
- 5.1.10 The application site lies approximately 200 metres from the defined settlement boundary of Wickham Bishops. Wickham Bishops is defined as a larger village which is described as having a limited range of services and opportunities for employment, retail and education, they serve a limited local catchment and contain a lower level of access to public transport.
- 5.1.11 Wickham Bishops is served by retail outlets including a convenience store and post office, restaurants, a public house and garage. With regard to the site's sustainability credentials in terms of access to sustainable transport modes and services and facilities, the closest bus stop to the application site sits 0.4 miles to the north west and would involve walking along Maypole Road estimated to take 7 minutes by foot; the section of the road which falls outside of the settlement does not benefit from street lighting or public footpaths. This bus stop offers the 90 bus service which provides regular transport to Witham and Maldon. In addition, it is noted that several of the facilities are located within a 10-20 minute walk from the site, in the same direction.
- 5.1.12 In assessing the acceptability of the site in terms of access, regard has been had to decisions that have taken place in the wider area. Two applications for a residential dwelling have recently been approved in Mope Lane, Wickham Bishops under references 20/00641/FUL and 21/00415/FUL by the North Western Area Planning Committee. It is pertinent to note that these application sites lie in excess of 450m from the settlement of Wickham Bishops and even further from the services and facilities available, which are largely concentrated at the eastern end of Wickham Bishops.
- 5.1.13 It must be noted that planning application 20/00641/FUL was recommended for refusal by officer's partially on the basis of an inappropriate location. However, in this instance the North Western Planning Committee did not agree with the officer's recommendation and granted planning permission for a new dwelling in this location. Whilst Members are not bound to follow an officer's recommendation they are bound by the same policies and can attribute appropriate weight to the various material considerations as they see fit. The Committee stated, when granting planning permission, that "*on balance there was not significant harm, the proposal was of acceptable design and replaced an existing building*". Therefore, when granting planning permission, the silence on the appropriateness of the location and no specific material considerations weighing in favour of the development means that the Council has accepted this location is an appropriate location, in relation to accessibility to facilities for day to day living, for new residential development. This position has been supported and confirmed by the more recent granting of planning application 21/00415/FUL for a single dwelling in a similar location.
- 5.1.14 Access to facilities and public transport from the application site subject of this application are more favourable than the above sites which have recently gained approval for residential development. Therefore, taking into account the above assessment alongside applying appropriate weight to the Council's recent decisions in this area, it is considered that the principle of providing a residential dwelling on

this site, having regard to the Councils need to be consistent in its decision making, is supported.

5.2 Design and Impact on the Character of the Area

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;

Height, size, scale, form, massing and proportion;

Landscape setting, townscape setting and skylines;

Layout, orientation, and density;

Historic environment particularly in relation to designated and non-designated heritage assets;

Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and

Energy and resource efficiency.

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

5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.6 The application site is located on the eastern side of Maypole Road outside of the defined development boundary for Wickham Bishops. Maypole Road is characterised by ribbon development extending from the settlement along either side of the road before opening out onto undeveloped countryside as you travel south

east along the road. The application site forms a section of the residential amenity space serving the residential property 'Five Corners'. The site is adjoined by residential development to the north, south and west of the site and a Scout Hall lies to the rear of the site.

- 5.2.7 The application is outline in nature with the matters of appearance, layout, scale and landscaping reserved for consideration at a later date. Thus, a full assessment of the impact of the development on the character and appearance of the area would be part of a reserved matters application. The application has been supported by a block plan which shows the proposed access point located in the south west corner of the application site and an indicative layout which shows parking provision to the front of the site, a dwelling which extends the majority of the width of the plot, sited towards the front of the plot and private amenity space to the rear.
- 5.2.8 The surrounding area is semi-rural in nature with a number of residential properties within the vicinity of the site. The scale, architectural styles and designs vary within the surrounding area and the dwellings are a mix in terms of age with a new development which has recently been constructed within the vicinity of the site (approved under the terms of 15/00267/OUT and 17/01474/RES). In terms of scale and appearance, the indicatively shown dwelling appears to be acceptable (subject to final plans) the footprint would be in keeping with the scale of the existing dwellings and dormer windows are not objected to as they are a feature that is present within the surrounding area.
- 5.2.9 In terms of plot size and shape of the existing residential plots which front Maypole Road vary. The largest plot frontage amounts to around 98m in length and the smallest amounts to around 15m. The proposed plot would be around 16m wide and the frontage of the plot remaining for five corners would amount to around 65m. Therefore, given the mix of plots and density within the area both resulting plots are considered to be in keeping with the surrounding area to an acceptable degree. The indicatively shown layout follows the grain of the existing development to an acceptable degree.
- 5.2.10 The application includes an illustrative plan of a proposed dwelling. The indicative plan shows a dwelling that extends across the majority of the site which is considered to be out of character with the prevailing pattern of the development in the area. It is considered that an informative should be included on the granting of any planning permission that highlights the need for any future reserved matters to reflect the pattern development in the area.
- 5.2.11 Whilst it is noted that the construction of a dwelling on a parcel of land which is currently free from development would have a visual impact on the site and surrounding area, the harm is considered to be limited, particularly given that the site is in a residential use as garden land and located within a row of existing development. The minor visual harm arising from the development is considered to be significantly outweighed by the benefits of the scheme given the reasonably accessible location.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

- 5.3.2 The impact of the development on the amenity of the neighbouring occupiers would be fully considered at the reserved matters stage, once the matters of layout, appearance, scale and landscaping are finalised.
- 5.3.3 The application site has two adjoining neighbouring properties; 'Ballingdon' sited to the north west of the site and the host property 'Five Corners' sited to the south east of the site.
- 5.3.4 The indicatively show dwelling on the block plan is sited around 11m from 'Ballingdon' and 9m from 'Five Corners'. Subject to the final details particularly in relation to the height and fenestration details, it is considered that the proposed development could be designed in a way which not detrimentally impact the amenity of the neighbouring occupiers by way of overlooking, a loss of light or domination.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 In terms of parking, the proposal would provide a four bedroomed dwelling, the requirement for a four bedroom dwelling is three car parking spaces. The indicative layout demonstrates that there is sufficient space to comfortably park four vehicles. Therefore, no concerns in terms of car parking provision are raised. Whilst this is a matter that will be fully assessed at the reserved matter stage, should the application be approve, it has been satisfactorily demonstrated that sufficient parking provision could be accommodate at the site.
- 5.4.3 Access is a matter for determination under the terms of this application. The proposal would result in the insertion of a vehicular access point in the south west corner of the site. Essex County Council (ECC) have raised no objection to the proposal, subject to conditions.
- 5.4.4 Therefore, given the above assessment the proposed access point is considered to be acceptable and given the information provided at this time it is considered that the proposal would be capable of providing adequate parking provision and would not detrimentally impact upon highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 These matters would be dealt with in detail by way of reserved matters submissions should the application be approved. However, the indicative site plan shows the proposed dwelling to have a private amenity area in excess of 100m². Therefore, no concerns or objections are raised in relation to amenity space at this stage.

5.6 Other Material Considerations

- 5.6.1 Natural England (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 Maldon District Council (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' (Zol) of these sites cover the whole of the Maldon District.
- 5.6.2 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 sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), 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.
- 5.6.3 Prior to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being adopted, NE advised that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – NE have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.6.4 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a likely significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.6.5 The proposal is for two new dwellings (however there is only one additional dwelling at the site) and 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 Essex Coast RAMS.
- 5.6.6 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 below sites? Yes

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

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

Test 2 – the integrity test

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

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

Summary of appropriate assessment

- 5.6.7 The application proposes the erection of two dwellings, with an overall net gain of one dwelling. Given that the site is located within a ZOI for the Essex Coast RAMS, it is expected that the development of a further dwelling would have likely significant effects on identified European sites. An appropriate assessment should therefore be carried out to assess the implication of the proposed development on the qualifying features.
- 5.6.8 The Essex Coast RAMS is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £127.30 and thus, the developer contribution should be calculated using this figure. As the proposal is for one dwelling a fee of £127.30 would be required. The developer has agreed to pay the required contribution and subject to the receipt of a signed and completed legal agreement, the impact of the development will be mitigated.

6. PLANNING BALANCE AND SUSTAINABILITY

- 6.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the local planning authority must give significant weight to the NPPF and its fundamental position of sustainable development which is the defining purpose of the planning system, as a material consideration
- 6.2 The key priority within the NPPF, stated at paragraph's 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 6.3 Notwithstanding the considerations as contained in those paragraph's, it is incumbent on the LPA, where appropriate to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 6.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 6.5 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional dwelling may support local businesses within the settlement such as shops and services. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local

businesses, with locally sourced materials. Limited details are provided within the application to this effect. Any economic benefits would therefore be considered nominal.

- 6.6 In social terms the proposal would be located in an area where there is access to some local facilities without the unavoidable need for private cars.
- 6.7 In environmental terms the reasonably accessible location of the site could offer some environmental benefits, again, by removing the unavoidable need to use private cars for access to everyday needs and services. The availability of public transport is also favourable in environmental terms. The minor visual harm arising from the development is considered to be outweighed by the benefits of the scheme.
- 6.8 Overall, taking this into account, the development is considered to be sustainable, and subject to other considerations, the principle of development would therefore be acceptable.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham	We raise no objection but wish to make the following comment: The Council has no objection to the principle of development on the site.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions.	Noted.

7.3 Internal Consultees

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

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

- *Financial contribution in respect of RAMS of £127.30, required to mitigate the impact of the new residential property.*

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local

- planning authority before any development begins and the development shall be carried out as approved.
- REASON:** The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
 3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
 4. The development hereby permitted shall be carried out in accordance with the following approved plans: 1201/01, 1201/02 A, 1201/03 A and 1201/04.
REASON: To ensure the access details are carried out in accordance with the approved plan.
 5. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy D1 and T2 of the Local Development Plan.
 6. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown on the Block Plan Layout drawing 1201/03 A. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate vehicular crossing of the highway verge and retained as such thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies D1 and T2 of the Local Development Plan.
 7. Prior to occupation of the development, the dropped kerb vehicle crossing at the centre line shall be provided with a visibility splay with dimensions of 2.4m metres by 43m as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction and access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.
REASON: To provide adequate inter-visibility between vehicles using the road junction /access and those in the existing public highway in the interest of highway safety in accordance with policies D1 and T2 of the Local Development Plan.
 8. The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with policies D1 and T2 of the Local Development Plan.
 9. The scheme to be submitted as part of the reserved matters with the approved scheme and retained shall make provision for car parking within the site in accordance with the Councils adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter..
REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policies D1 and T2 of the Local Development Plan.

10. Prior to first occupation of the development, cycle parking shall be provided in accordance with the Maldon District Vehicular Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policies D1 and T2 of the Local Development Plan.
11. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the Local Development Plan.
12. There shall be no discharge of surface water onto the Highway.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policies D1 and T2 of the Local Development Plan.
13. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

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

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

REASON: To ensure that appropriate surface water drainage is available on site in accordance with Policy D2 of the Maldon District Local Development Plan.

14. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To ensure that appropriate foul water drainage is available on site in accordance with Policy D2 of the Maldon District Local Development Plan.

INFORMATIVES

1. The width of the dwelling provided on the indicative plan is considered to dominate the plot and not reflect the pattern within the streetscene. A Reserved Matters application similar in nature to that indicated as part of this application is unlikely to be supported by the Council.

2. 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.
3. 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.

4. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by
 - b) licensed waste contractors;
 - c) No dust emissions should leave the boundary of the site;
 - d) Consideration should be taken to restricting the duration of noisy activities
 - e) and in locating them away from the periphery of the site;
 - f) Hours of works: works should only be undertaken between 0730 hours and
 - g) 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays
 - h) 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.

5. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org