

CIRCULATED PRIOR
TO THE MEETING



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
South Eastern Area Committee
13th October 2021

MEMBERS' UPDATE

Item 6

Application Number	21/00293/FULM
Location	Land Adjacent Cliffords Farm, Burnham Road, Althorne, Essex
Proposal	Erect 13No. dwellings comprising 8No. one and two-bedroom affordable apartments in 2 x two-storey buildings, and 5No. 4/5 bedroom two-storey detached houses with garages, form three new vehicular accesses onto Burnham Road, private drives, vehicle parking and manoeuvring areas and gardens, and lay out hard and soft landscaping
Applicant	Mrs Georgina McHugh
Agent	Mr Stewart Rowe – The Planning And Design Bureau Ltd
Target Decision Date	15.10.2021
Case Officer	Louise Staplehurst
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application

5.6 Access, Parking and Highway Safety

5.6.3 The Highway Authority have responded and have no objections to the proposal.

5.8 Drainage

5.8.3 The LLFA have responded and now consider the proposal to be acceptable in terms of drainage. They have recommended four conditions which are considered to meet the six tests and will be imposed.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee/Other Organisation	Comment	Officer Response
Highway Authority	The proposal is acceptable subject to 8 conditions: 1. Construction management plan 2. Vehicular access construction 3. Visibility splays 4. Footpath	Comments noted. 1. This will be imposed. 2. This will be imposed 3. This will be imposed 4. This is not necessary as this

	5. Cycle parking 6. No unbound material used in the surface treatment of the access 7. No discharge of surface water onto the highway 8. Residential travel information pack	will be sought through the S106 agreement Conditions 5-8 are not considered to meet the six tests and will not be imposed.
Essex County Council - SuDS	No objection subject to conditions	All conditions are considered to meet the six tests and will be imposed.

7.4 REPRESENTATIONS RECEIVED FROM INTERESTED PARTIES

3 further letters of representation have been received. Many of the points raised have been covered in previous letters of representation and within the committee report and have therefore not been repeated. Only additional points have been included below.

Objection Comments	Officer Response
Does the provision of affordable housing really outweigh the harm?	It is considered that the provision of affordable housing would outweigh the harm – see section 5.1 , 5.3 and 5.11.
Are the people needing affordable housing looking for 1 and 2 bed flats?	The Council's Housing team fully support the application and the housing mix it provides.
Being in an unsustainable location would be a burden on people requiring affordable housing.	Comments noted.
Loss of farmland is concerning.	Comments noted. This is not a consideration for the application; the Council does not have specific policies in this regard.
Loss of an established hedgerow is concerning.	Comments noted. This has been considered in section 5.9.
Harm from increased recreational use of designated sites.	This has been considered in section 5.10 and would be financially mitigated through the S106 agreement.
No mention of the important long-distance views to the south of the B1010, within the Althorne VDS.	The impact on the countryside has been considered in section 5.4.
We should not build on greenfield land – there are brownfield sites in Althorne	Comments noted. The application must be assessed on its own merits.

8 PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- £1654.90 contribution towards the Essex Coast Recreational Avoidance disturbance Mitigation Strategy
- 8 Affordable Housing units – 4 one-bedroom units and 4 two-bedroom units
- Footpath to the front of the site

- Impact Assessment and Conservation Payment Certificate (IACPC) document in relation to the District Level Licensing Scheme for Great Crested Newts

PROPOSED CONDITIONS

Condition 2 has been updated to incorporate amended plans. Conditions 4 and 23 have been amended to take into account the Highways and SuDS consultation responses. Conditions 26-30 have been imposed following the Highways and SuDS responses.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- 6812-1102-P5 Proposed site layout plan
- 16244/GN/1
- 16244/HN/2
- 6812 Design and Access Statement 19.02.24(1)
- Sustainable Drainage System Assessment (1)
- Transport Statement
- 6812-1101-P3
- 6812-1206-P2
- 6812-1208-P2
- 6812-1209
- 6812-1210
- 6812-1211
- 6812-1212
- 6812-1301-P1
- 6812-1207-P1
- Planning Statement – Amended
- Preliminary Ecological Appraisal
- 1 in 100+CC 24hr Draindown Graphs
- BH Location Plan
- BH TQ99NW27
- Essex SuDS 005342 Response
- 6812-1102-P4 (3)
- 6812-1102-P4 (2)
- 6812-1102-P4 (1)
- Refuse 1
- Refuse 2

REASON To ensure that the development is carried out in accordance with the details as approved.

- 3 No works above ground level shall take place until high quality photographs and written details of the proposed materials to be used in the development

hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

- 4 No development shall take place, including any ground works or demolition, 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:
- a. no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b. mitigation of dust emissions created by the construction of the development;
 - c. vehicle routing;
 - d. the parking of vehicles of site operatives and visitors;
 - e. loading and unloading of plant and materials;
 - f. storage of plant and materials used in constructing the development;
 - g. wheel and underbody washing facilities.
 - h. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON To protect the amenity of the area and neighbouring sites during construction, and in the interests of highway safety, in accordance with policies D1 and D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 5 Full details of the provision and subsequent retention of both hard and 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, including details of the native hedgerow to replace the 170 metres to be removed.
 - 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.

Hard landscape works:

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

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

REASON In the interest of the character and appearance of the area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 6 No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.

REASON In the interest of local amenity and in accordance with policies S8 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 7 No development work 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 and retained as such thereafter.

REASON To ensure appropriate drainage is provided at the site in the interest of protecting against pollution and contamination, in accordance with policies D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 8 The market dwellings on plots 1-5 hereby approved shall not be occupied until three car parking spaces have been made available (two in the double garages and at least one on the driveway for each plot) and sufficient space for vehicles to turn so that they may enter and leave the site in forward gear, have been provided, in accordance with drawing 6812-1102-P3 Proposed site layout plan. Furthermore, a fast charging point shall be provided adjacent to at least one parking space on each plot. The approved parking shall thereafter be kept available for such purposes in perpetuity.

REASON To ensure suitable parking is provided in the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 9 The market dwellings on plots 1-5 hereby approved shall not be occupied until two visitor spaces have been laid out. Furthermore, a fast charging point shall be provided adjacent to at least one of these parking spaces. The approved parking shall thereafter be kept available for such purposes in perpetuity.

REASON To ensure suitable parking is provided in the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 10 Prior to first occupation, the three accesses shown from Burnham Road shall be constructed as shown on plan 6812-1102-P3 Proposed site layout plan and retained as such thereafter.

REASON In the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 11 Provision shall be made for 16 car parking spaces (13 for the occupiers of the flats, including at least one disabled bay and 3 visitor spaces) within the site to serve the proposed flats by means of communal parking. Furthermore, a fast charging point shall be provided adjacent to at least four of these parking spaces, including one for the disabled bay. The communal parking and means of access thereto shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme prior to the first occupation of any of the flats and shall be retained as such thereafter.

REASON To ensure suitable parking is provided in the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 12 The garages on plots 1-5 shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.

REASON To ensure suitable parking is provided in the interests of highway safety and to protect the amenity of the area and neighbouring sites, in accordance with policies D1, H4 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 13 The refuse/cycle store within the north west corner of the site shall be constructed and made available for its intended use, prior to first occupation of any of the 8 flats hereby approved and shall provide sufficient space for the parking of at least 13 bicycles.

REASON To ensure suitable cycle parking and bin storage is provided, in accordance with policies D1, D2 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 14 Prior to first occupation of the dwelling on plot 5, the upper floor windows on the eastern flank elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON To protect the amenity of the future occupiers of the proposed dwelling and the neighbouring occupier to the east, in accordance with policy D1 of the Maldon District Local Development Plan.

- 15 Prior to first occupation of the market dwellings on plots 1-5, all upper floor bathroom windows on the flank elevations shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON To protect the amenity of the future occupiers of the proposed dwellings, in accordance with policy D1 of the Maldon District Local Development Plan.

- 16 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected on plots 1-5 without planning permission having been obtained from the local planning authority.

REASON To protect the character and appearance of the site and the surrounding area, in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 17 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of window, addition or opening shall be constructed in the roof or gable walls of the new residential units on plot 1-5 without planning permission having been obtained from the local planning authority.

REASON To protect the amenity of neighbouring occupiers and the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 18 The following works - Erection of 13No. dwellings - shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON To ensure the protection of Great Crested Newts which are a protected species, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 19 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Surface Property, June 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 ensure appropriate mitigation and enhancement measures are carried out, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 20 No development shall take place (including any demolition, ground works, site clearance or hedgerow removal) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

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

REASON To ensure mitigation is in place during construction, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 21 A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority prior to works above ground level.

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.

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

REASON To ensure biodiversity net gain is achieved, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 22 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 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. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON To protect biodiversity, particularly bats, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 23 No works except demolition shall take place until a 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:

- Verify the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. Infiltration testing has not been undertaken but should be carried out and the test results for that should be provided.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Detailed engineering drawings of each component of the drainage scheme should be provided.
- In final surface water drainage plan 42954 which details conveyance routes, FFL and ground levels, manhole cover levels, invert levels of any drainage features should be provided.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON To ensure appropriate drainage is provided, in the interests of mitigation against flood risk, in accordance with policy D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 24 Prior to first occupation of the development hereby approved, the footpath as shown on plan 6812-1102-P3 Proposed site layout plan shall be laid out, connecting the site to the existing pedestrian network. This shall be maintained as such thereafter.

REASON To promote accessibility and connectivity of the site to surrounding areas, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 25 Screens at 1.8m in height, the design and materials of which shall be submitted to and approved in writing by the local planning authority prior to their installation, shall be erected along:

- a) the western side boundary of the first-floor rear terrace of the house at Plot 2.
- b) the eastern side boundary of the first-floor rear terrace of the house at Plot 3.
- c) the western side boundary of the first-floor rear terrace of the house at Plot 4.

The screens as approved shall be erected prior to the occupation of the development to which it relates and shall be retained and maintained as such thereafter.

REASON To protect the amenity of the future occupiers of the proposed dwellings, in accordance with policy D1 of the Maldon District Local Development Plan.

- 26 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 ensure appropriate drainage is provided, in the interests of mitigation against flood risk, in accordance with policy D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 27 Prior to occupation 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 drainage is provided, in the interests of mitigation against flood risk, in accordance with policy D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 28 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 appropriate drainage is provided, in the interests of mitigation against flood risk, in accordance with policy D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 29 Prior to first occupation of the development, and as shown in principle on planning drawing 6812-1102-P5. Each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be more less than 5.5 metres for at least the first 6 metres from the back of carriageway. and shall be provided with an appropriate vehicular crossing of the footway.

REASON In the interest of highway safety, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 30 Prior to occupation of the development, each access point 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 In the interest of highway safety, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

INFORMATIVES

1. Refuse and Recycling

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.

2. Land Contamination

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.

3. Alteration to an Ordinary Watercourse

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively, you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

4. Timing of submission of details

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.

5. Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.