



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	OUT/MAL/17/00171
Location	Land Adjacent to The Poplars Plains Road Little Totham
Proposal	Erection of Detached Dwelling in lieu of authorised Scrap Yard and Licensed Scrap Metal Business
Applicant	Mr & Mrs Wakeling
Agent	Stanfords
Target Decision Date	12 April 2017
Case Officer	Terry Hardwick, TEL: 01621 876220
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

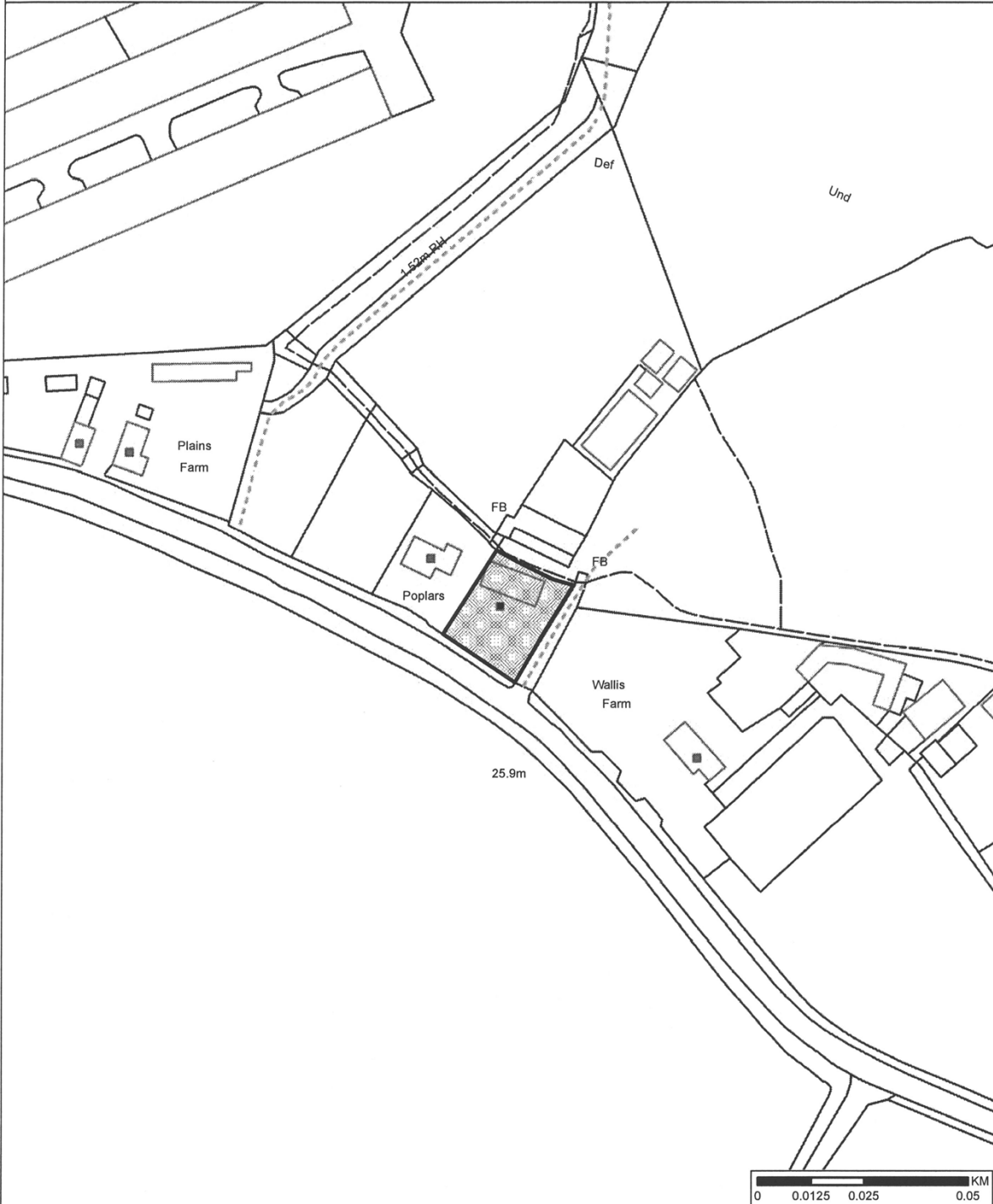
1. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Land Adjacent To The Poplars, Plain Road, Little Totham
OUT/MAL/17/00171



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00171
	Date:	05/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is approximately rectangular in shape with a site area of 0.1 ha. The site lies outside the settlement boundary of Little Totham and to the north-eastern side of Plains Road.
- 3.1.2 The application site lies on the eastern side of a house known as “Poplars”, where the Applicants live, and is shown as a separate unit from the residential part of the site, though there is no physical separation between this and the scrap-yard use. The application site is used for the storage of items of scrap-metal awaiting sorting prior to sale, based on a corrugated building sited on the northern half of the site and an open-yard in front of this. At the present time most of the storage takes place in the open yard. The frontage of the site is marked by timber-fencing between 1.2m and 1.8m in height, with conifer hedgerow about 2.5m in height behind this extending across the frontage. In front of the fencing a grass verge of about 1.5m width extends across the site frontage. The eastern boundary of the site runs alongside Public Footpath No 12 (Little Totham) and is enclosed by fencing and conifer hedgerow which affords screening of the scrap metal storage use.
- 3.1.3 Outline planning permission with all matters reserved is sought for the erection of a detached dwelling on the site of the scrap-yard use, which would be extinguished. As all matters of detail are reserved at this stage, it is only the acceptability of a dwelling in principle that would be considered under the current application.
- 3.1.4 The scrap-metal storage use is long-established and is immune from enforcement proceedings because the use appears to have been carried-out at the site for more than 10 years, which is the legal cut-off for a use to be a lawful use. Certificates of Registration and Licensing going back to 1992 have been submitted, which show that the site has been registered continuously for scrap metal storage since at least then. That being the case, officers take the view that, if an application for a Certificate of Lawfulness was to be made, based on the evidence submitted here, it is likely that this would be granted, subject to checks being made. The use operates at a fairly low, inconspicuous level at present.
- 3.1.5 The application site lies outside the settlement boundary for Little Totham and, therefore, falls to be considered in terms of the policies of restraint that apply to the rural area, which presume against the erection of a new development, other than in exceptional circumstances.
- 3.1.6 The key issue to be considered is whether the removal of the scrap-metal storage use as a result of the site’s re-development would amount to exceptional circumstances that justify acceptance of a new dwelling on the site, contrary to adopted Review Local Plan and submitted Local Development Framework policies.

3.2 Conclusion

- 3.2.1 The site lies outside the settlement boundary for the village of Little Totham and, therefore, falls to be considered against the policies of restraint that apply to the rural areas. Both adopted Replacement Local Plan policies (S2, H1 and CC6) and

submitted Local Development Plan policies (S1, S2 and S8) presume against new housing in such locations, on grounds of sustainability and to protect the undeveloped rural landscape, unless material circumstances suggest otherwise.

- 3.2.2 In this case, the lawful use rights that relate to the site's use for the storage of scrap-metal are considered to be a significant material consideration. The use as currently undertaken has fairly limited impact but could be operated very much more intensively which, because of the lawful use rights that apply, could result in significant visual impact in the countryside and other nuisance, to the detriment of the appearance of the rural landscape and its quiet, undeveloped rural character.
- 3.2.3 Officers would suggest that the balance of public advantage lies in the grant of planning permission for the new dwelling sought, notwithstanding the fact that settlement and countryside protection policies would normally presume against new housing here.
- 3.2.4 It is, accordingly, recommended that planning permission be granted.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 14, 17, 30, 37, 47, 49, 50, 55, 57, 60

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development Outside Development Boundaries;
- H1 - Location of New Housing
- BE1 - Design of New Development & Landscaping;
- CON5 – Pollution Prevention
- CON6 – Contaminated Land
- T1 - Sustainable Transport & Location of New Development;
- T2 - Transport Infrastructure in New Development;
- T8 – Vehicle Parking Standards
- CC6 - Landscape Protection

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public January 2017:

- S1 - Sustainable Development;
- S2 - Strategic Growth;
- S8 - Settlement Boundaries & the Countryside;
- D1 - Design Quality & the Built Environment;
- D2 - Climate Change & Environmental Impact of New Development;
- H4 - Effective Use of Land;
- T2 - Accessibility.

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan, unless material considerations indicate otherwise (Section 38(6) of the Planning & Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town & Country Planning Act 1990 (TCPA 1990).
- 5.1.2 Policy S1 of the adopted local plan sets out strategic settlement policy for the District by directing new development to locations within defined development boundaries for the villages and towns across the District, whilst Policy S2 states, inter alia, that the countryside will be protected for its own sake, particularly for its landscape, natural resources and areas of ecological, historical, archeological, agricultural and recreational value. Policy CC6 also states a commitment to protect, conserve and enhance the natural beauty, tranquility, amenity and traditional quality of the landscape, whilst Policy H1 states that new housing will not be allowed outside development boundaries, unless it complies with other Development Plan Policies.
- 5.1.3 The Council's submitted Local Development Framework (LDF) has been prepared, having regard to the sustainability objectives of the NPPF. LDF Policy S1 promotes sustainable development in-line with the 3 identified dimensions of sustainable development set-out at Paragraph 7 of the NPPF, whilst LDF Policy S8, in common with Policy S1 of the adopted local plan, similarly directs new development to locations within the defined settlement boundaries of the villages and towns across the District.
- 5.1.4 The key issue here relates to the fact that redevelopment of the site would remove the existing non-conforming lawful use of the site for the storage of scrap-metal. This is a use that has been registered and licensed as such with the Council for many years. The application is supported by copies of the Registration and Licence Certificates for scrap-metal storage going back to 1992. For a use to be lawful (and immune from enforcement proceedings) it has to be shown that it has operated continuously for a period of at least 10 years. The evidence available to the Council would suggest that the use would be lawful.
- 5.1.5 The existing use presently operates in a very "low-key" manner. The site is not currently used to capacity, the scrap-metal storage that takes place extends over only a small part of the site and is totally screened by the substantial fencing and conifer hedgerow that extend across the site frontage and down the site's eastern boundary with Public Footpath No 12 (Little Totham). Its visibility in the countryside is insignificant.

- 5.1.6 However, the use could be operated much more intensively than it currently is, with possibly much larger amounts of scrap-metal stored extending over the entire yard area, with the potential for significantly greater visual impact, to the detriment of the appearance of the countryside. If this was to occur, it could, especially if the yard was to be sold-off separately and a new operator was to take-over and pursue a more intensive operation, which is considered to be highly likely and would result in demonstrable harm to the character and appearance of the countryside.
- 5.1.7 The issue to be considered, therefore, is whether the removal of the lawful non-conforming use, as a result of allowing the site's re-development for a dwelling, would amount to "planning gain" to justify the grant of planning permission, contrary to local settlement policies and national and local sustainability policies.
- 5.1.8 Scrap-yards, by their nature, are not attractive uses and, dependent on the manner in which they managed and the nature and amount of storage that takes place, they can be extremely unsightly which, in a rural location such as this, could be very damaging to the rural landscape.
- 5.1.9 It is considered that the potential harm which would be beyond planning control because of the lawful use that exists could be so damaging that the application should be seen as an opportunity to remove the possibility, for all time, of this happening. The Council is therefore inclined to grant of outline planning permission which would be preferable to the current use being allowed to remain as a result of a refusal of planning permission.
- 5.1.10 Paragraph 7 of the NPPF mentions the economic, social and environmental considerations that fall to be taken into account as part of the sustainability assessment. It is considered that allowing the development would contribute to protecting and enhancing the natural environment for the future and, on that basis, that the grant of planning permission is justified, notwithstanding the conflict with settlement policy and other aspects of sustainability policy.

5.2 Sustainability

- 5.2.1 The application site is located in a relatively isolated location in a loose scattering of development outside the settlement boundary for the village of Little Totham and, by reason of that fact alone, this cannot be regarded as a sustainable location; there is, therefore, an in-principle objection to development here. The fact that there are other residential properties scattered along Plains Road that are similarly outside the settlement boundary does not mean that a further new dwelling is acceptable here either. The application falls to be considered in the current policy context, which presumes in favour of sustainable development in sustainable locations (within the defined settlement limits of the towns and villages across the District) and against new development that is not.
- 5.2.2 The critical issue here is that the site is remote from the range of community services and facilities that people require to meet day-to-day needs, such as shops, post-office, doctor, etc. The village contains just one pub, a sport and social club and a church; but there is no shop, no post-office, no school, no primary medical care facilities and no bus-service. The nearest shop and primary school are in Great Totham South,

which is about 1.7 miles / 2.7 km away and is not within walking distance; moreover this would only be possible by walking along unlit rural roads with no footpaths.

- 5.2.3 A key purpose of local and national planning policies is to minimise the need to travel; this is achieved by the concentration of new development in the most accessible locations where there is easy access to public transport, services and facilities.
- 5.2.4 In this case, access to most of the services and facilities that people need on a daily basis depends on them having access to a private car, which is precisely what the sustainability objectives of current local and national planning policy seeks to avoid.
- 5.2.5 On the other hand, sustainability is tripartite and has economic, social and environmental dimensions (NPPF para 7); its relevance does not relate solely to the location of the development. It is, therefore, also necessary to consider if there are any other material considerations that justify a decision that is contrary to the straight settlement policy and sustainability considerations which point towards refusal of planning permission. These are discussed below.

5.3 Housing Land Supply & Need

- 5.3.1 The NPPF states at paragraph 14 that development which accords with the Development Plan should be approved, and where the Development Plan is 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 policies in the Framework or the Framework indicates that development should be restricted. Paragraph 49 goes on to state that relevant policies for the supply of housing should not be considered up-to-date where the LPA cannot demonstrate a 5 year housing land supply.
- 5.3.2 In Maldon the latest position in regard to housing land supply is that the Council can identify a 6.04 years supply. This figure was published in August 2016 in its “Five Year Housing Land Supply”, since when the position will likely have improved further. The site is not, therefore, required to meet the Council’s 5 year housing land supply.

5.4 Design, Scale & Character

- 5.4.1 The application reserves all matters of detail, including layout, design and scale, to be determined at the reserved matters stage. These matters do not need to be considered at this stage.
- 5.4.2 The existing dwelling “Poplars” is a conventional 2 storey height house of flank gabled design built on a staggered building-line. This is the only dwelling close-by and, if an additional dwelling of any kind was to be judged to be acceptable on the application site, a design that relates to the setting and would sit comfortably in the rural surroundings generally would be sought.
- 5.4.3 There can be little doubt that an acceptable design would be achievable on this site.

5.5 Residential Amenity

- 5.5.1 The only neighbouring residential property is “Poplars”, which adjoins the western side of the application site and is occupied by the Applicants. If a dwelling was acceptable, planning conditions could be imposed with regards to obscure glazing or the removal of permitted development rights to allow openings to be inserted on the flank walls of the building which would prevent loss of privacy, overlooking or interlocking between the existing occupiers at ‘Poplars’ and the prospective occupiers of the application site.

5.6 Access, Parking & Highway Safety

- 5.6.1 Policies T2 and T8 of the adopted local respectively require suitable access and levels of parking, in accordance with adopted standards, to be provided.
- 5.6.2 Outline planning application is sought with all matters reserved which includes the vehicular and pedestrian access point to and from the site. There is currently an existing access point to serve the existing dwelling ‘Poplars’ and the scrap yard /scrap metal business. Based on the location submitted, it would appear that a new access point would be created to serve the new dwelling, even though this is not mentioned in the Planning Statement prepared by the Applicant.
- 5.6.3 Nonetheless, the Highway Authority (HA) has responded and has no objections to the development, subject to any planning permission being granted with conditions.
- 5.6.4 Parking is required to be provided to the Council’s adopted standards which, in the case of residential development, are related to the number of bedrooms. Because the application is outline only, with all matters of detail reserved, the number of spaces required is unknown at this stage. Two/three bedroom dwellings are required to be provided with a maximum of 2 spaces, whilst a four bedroom dwelling is required to be provided with a maximum of 3 spaces. It appears that there will be sufficient space to provide parking to the Council’s adopted standards. Any planning permission should be subject to a condition that requires at reserved matters stage the provision of parking in accordance with adopted standards, which is one of the conditions required by the Highway Authority.

5.7 Private Amenity Space

- 5.7.1 Policy BE1 of the adopted local plan requires private amenity space to be provided appropriate to the type of development. The Essex Design Guide (EDG) advises that dwellings with three or more bedrooms should be provided with gardens of about 100 square metres.
- 5.7.2 Because the application is outline only, with all matters of detail reserved for approval, there is currently no indication of the proposed siting of the proposed dwelling. It is, therefore, difficult to ascertain what size of rear garden would be achievable. The rear boundary of the plot is also severely constrained by a watercourse that defines the curtilage of the property and continues on in a north-westerly direction to also define the rear boundary of the donor property, “Poplars”. Nonetheless, this is a generous site overall and it is likely that a garden of at least the minimum size suggested under the EDG would be achievable. It should also be noted

that the site backs onto barns and open-land in the countryside, so there is no prospect of overlooking at the rear of any dwelling that may be erected.

5.7.3 No concerns, therefore, arise in terms of the capacity of the site to provide private amenity space to at least the area that is advocated under the Essex Design Guide.

6. ANY RELEVANT SITE HISTORY

- MAL/83/815 – Dwelling. Refused: 09.01.1984
- 96/00257/FUL - General purpose storage building for hay straw implements. Approved: 25.06.1996

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Totham	Support	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	On objections, subject to conditions and informatives	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
MDC Environmental Health Services	No objections, subject to conditions relating to potential contamination of the site and its remediation and to surface-water run-off.	Noted.

7.4 Representations received from Interested Parties

7.4.1 A letter has been received from the following **objecting** to the application:

- Mr & Mrs S White, Wallis Farm, Plains Road, Little Totham

Objection Comment	Officer Response
- details of size and position of	The application is outline only, with

<p>the dwelling on the site unclear;</p> <ul style="list-style-type: none"> - potential for overlooking, loss of privacy & increase sense of enclosure. 	<p>all matters of detail reserved for subsequent approval. It is not possible to reach a considered view on this matter at this time. Impact on residential amenity will be determined at that stage.</p>
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7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Mr & Mrs L E Philpott Plains Farm Barn Plains Road Little Totham
- Mr & Mrs Paddon Plains Farm Plains Road Little Totham
- Mr N Lawrence Brook Lodge Plains Road Tolleshunt Major
- Mr L Brown Greenhayes Plains Road Great Totham
- J Gregan Windwood Lodge Totham Hill Green Great Totham
- Mr M Kempen Eagle Lodge Plains Road Little Totham
- Mr J Searles Penebeck Plains Road Tolleshunt Major
- Mr J Buckley 1 Office Lane Little Totham Maldon
- Mr D Buckley Wayside Plains Road Little Totham
- Mrs J Mitchell Moorah Stud Farm Plains Road Great Totham
- Mr T Gregan Tom's Farm Shop Colchester Road Great Totham
- Tom & Nikki Gregan January Cottage 3 Totham Hill Green Great Totham
- Mr & Mrs D Buckley Eaglefields Office Lane Little Totham
- Mr M Buckley The Barn Office Lane Little Totham
- Mark Houghton Office Farm Office Lane Little Totham
- Dr & Mrs D Enright Moorah Stables Plains Road Little Totham
- U Buckley Office Farm Office Lane Little Totham
- Mrs J Godderidge 18 Hawthorn Road Tolleshunt Knights Maldon

Supporting Comment	Officer Response
<ul style="list-style-type: none"> - Proposed dwelling would be occupied by a family member who will be able to look after one of the applicants, who is ill; - If proposal is permitted, this will allow one of the oldest families in the village to remain; - New house will be visual improvement; - If the yard is sold as a scrap yard, there could be significant intensification, which could result in a deterioration in its appearance, harm to amenity and an increase in traffic on Plains Road; 	<p>These issues are discussed in the report. Plains Road is not residential in character. Housing here, for the most part, consists of loose ribbon development, with generous spacing between neighbouring properties.</p>

Supporting Comment	Officer Response
<ul style="list-style-type: none"> - New house will be visual improvement & an enhancement in the appearance of the property & the village; - Plains Road is residential in nature & proposal will result in the welcome addition of another new family house. 	

8. PROPOSED CONDITIONS

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 As part of the Reserved Matters written details or samples of all materials to be used in the construction of the external surfaces of 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: to ensure a satisfactory appearance, in the interests of visual amenity in accordance with policy be1 of the maldon district replacement local plan.
- 5 As part of the Reserved Matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: To ensure all boundary treatment is appropriate to the rural area in accordance with policy BE1 of the Maldon District Replacement Local Plan.
- 6 As part of the Reserved Matters full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the

local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first 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 all hard and soft landscaping is appropriate to the rural area in accordance with policy BE1 of the Maldon District Replacement Local Plan.

- 7 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

REASON: To ensure the development is provided with safe and suitable access for the convenience of occupiers and in the interests of highway safety.

- 8 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 appropriate off-street parking is provided in accordance with policy T8 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.

- 9 Prior to commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

REASON: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with policy T2 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.

- 10 No unbound material shall be used in the surface finish of the driveway within a distance of 6.0m from the highway boundary of the site.

REASON: To avoid the displacement of loose material on to the highway in the interests of highway safety in accordance with policy T2 of the Maldon District Replacement Local Plan.

- 11 Any gates that may be erected at the vehicular access shall be inward-opening into the site only and shall be recessed a minimum of 6m from the highway boundary

REASON: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of

highway safety and in accordance with policy T2 of the Maldon District Replacement Local Plan.

- 12 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that the development may be carried-out and occupied safely, in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan.

- 13 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion

of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This must be conducted by a competent person and in accordance with DEFRA and the Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that the development may be undertaken and occupied safely, in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan.

- 14 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that the development may be undertaken and occupied safely, in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan.

- 15 Prior to the commencement of the development, a sustainable surface water urban drainage scheme (SuDS) 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 applicant shall demonstrate that the surface water scheme will ensure that as a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event). The development should be able to attenuate (manage water on site) for 1 in 100 year events plus 40% climate change allowance;
- If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

REASON: To ensure that the development will not increase the risk of surface water flooding, in accordance with Policy D5 of the Maldon District Local Development Plan.

- 16 Prior to the commencement 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 ensure that foul-water discharge from the development is dealt with in a proper manner and does not pollute the local environment in accordance with Policy D5 of the Maldon District Local Development Plan.

INFORMATIVES

Waste Management

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.

Nuisance

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 licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be given to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

Works Affecting Watercourses

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.

Footpath No 12 (Little Totham)

The public's rights and ease of passage over Public Footpath No 12 (Little Totham) shall be maintained free and unobstructed at all times.

Works Affecting the Highway

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before commencement works.