



**REPORT of
CHIEF EXECUTIVE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
14 August 2017**

Application Number	RES/MAL/17/00225
Location	Land East of 53 Burnham Road, Latchingdon
Proposal	Reserved Matters application consisting access, layout, landscape, appearance & scale following outline approval OUT/MAL/14/01227 (Outline planning application with all matters reserved for residential development).
Applicant	Mr Robin Levy
Agent	Mr C Wragg - Arcady Architects Ltd
Target Decision Date	26.05.17 (E.O.T agreed until 18.08.17)
Case Officer	Julia Sargeant, TEL: 01621 875851
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Parish Trigger

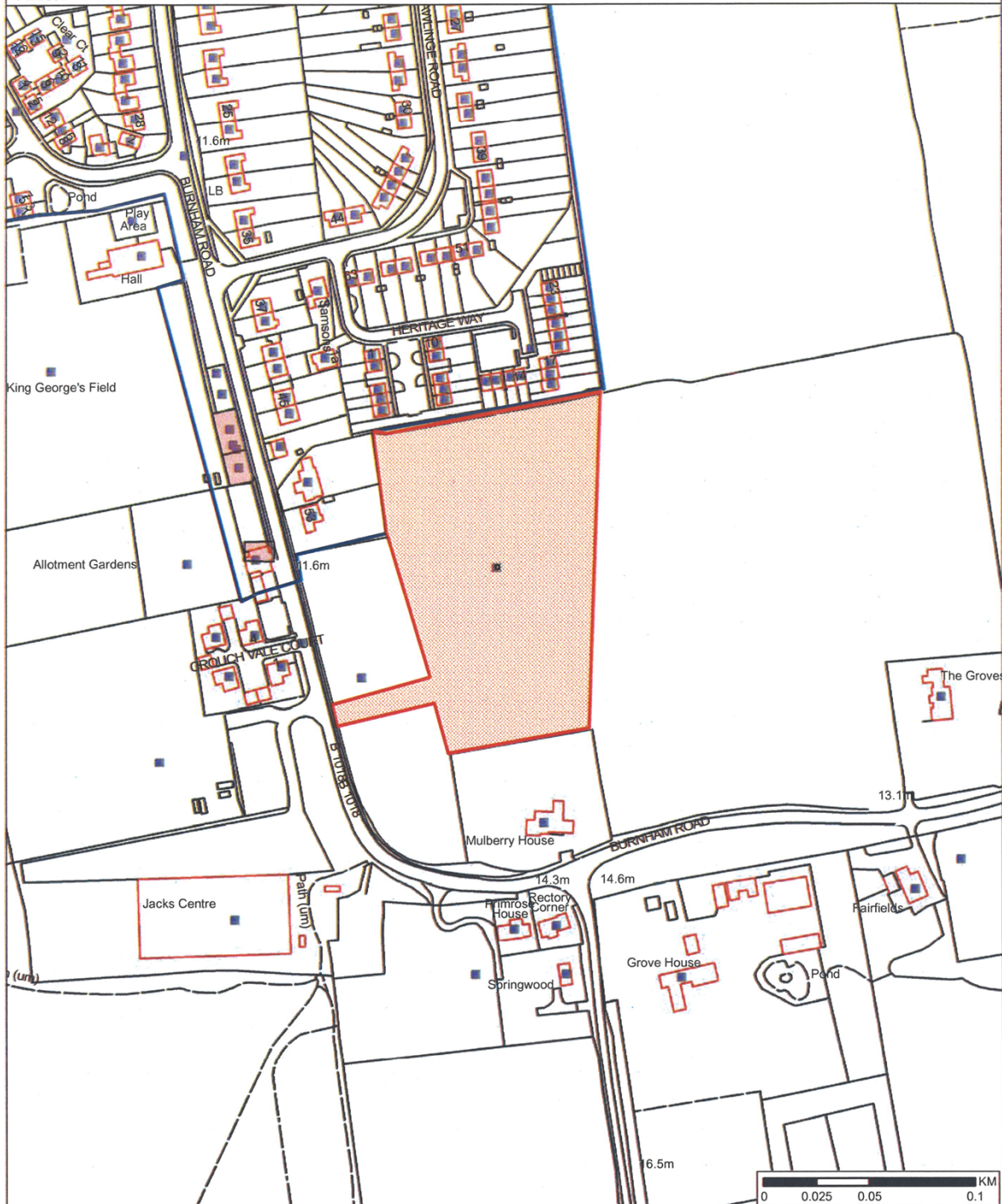
1. RECOMMENDATION

APPROVE subject to the applicant entering into a supplemental legal agreement to co-inside with the Unilateral Undertaking that was signed at Outline stage and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.

Land To East Of 53, Burnham Road, Latchingdon
RES/MAL/17/00225



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Maldon District Council 100018588 2014

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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/00225

Date: 03/08/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site comprises an area of open agricultural land measuring 1.4 hectares to the east of Burnham Road within the parish of Latchingdon. The application site lies outside of, although adjacent to, the defined settlement boundary of Latchingdon. The site is bounded by hedgerows to the north and south, although it is open to the eastern boundary and majority of the western boundary.
- 3.1.2 To the north of the application site is a number of residential dwellings within Heritage Way. To the west are No.s 51 and 53 Burnham Road which are both detached two storey dwellings as well as open agricultural farmland. The farmland to the west of the application site has had outline consent granted on appeal for 10 residential dwellings under reference OUT/MAL/13/00679 and a concurrent application (RES/MAL/17/00224) is currently being considered. To the south of the application site is Mulberry House which is two storey dwelling set within a substantial plot. The application site takes vehicular access from Burnham Road.
- 3.1.3 To the west of the application site and on the opposite side of Burnham Road is a motel and restaurant, a recently built residential cul-de-sac of four two and a half storey residential dwellings as well as access to the indoor bowls club. Furthermore a resolution to grant planning permission, subject to a S106 legal agreement, for a further 41 dwellings and new village hall on land to the north of the Bowls Club and opposite this application site under reference FUL/MAL/16/00299 has been agreed by the Council at the South Eastern Planning Committee on 5th December 2016.
- 3.1.4 Outline planning permission has been granted at appeal under reference OUT/MAL/14/01227 for residential development with all matters reserved.
- 3.1.5 This application is a reserved matters application for the approval of access, appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/14/01227.
- 3.1.6 The amount of development was not set at the outline consent stage; however the submitted design and access statement stated ‘the proposal seeks to construct approximately 30 houses on this site with an Arcadian layout.’ And went on to state ‘the houses proposed will be spacious, with large gardens, landscape-dominated and will have appropriate parking provision to meet adopted standards.’ In determining the appeal the inspector did not set the amount of development or limit it.
- 3.1.7 This reserved matters application seeks consent for 44 dwellings. In terms of layout the development would take access from Burnham Road and be set around a U shaped access road with further access points for three bungalows and one block of flats. An area of public open space with a Local Area of Play (LAP) and detention basin is proposed along the northern boundary of the site with a foul and surface water pumping station in the north eastern corner.
- 3.1.8 The proposed dwellings would be a combination of 2 and 3 bedroom dwellings and 1 bedroom flats. 30 % of the proposed units would be affordable.

3.1.9 There are fourteen dwelling types proposed:

3.1.10 Plots 1, 2, 18, 19, 33 and 34

These plots comprise of handed semi-detached dwellings which would individually measure 5.3 metres wide by 8.7 metres deep with a ridge height of 8.7 metres. The dwellings are of a traditional design with a hipped roof and small front porch canopies. Internally each dwelling would contain an open plan living room/kitchen/diner as well as a wc at ground floor with two bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 1	102 metres squared
Plot 2	64 metres squared
Plot 18	62 metres squared
Plot 19	96 metres squared
Plot 33	84 metres squared
Plot 34	94 metres squared

3.1.11 Plots 3 and 32

Plots 3 and 32 are detached two storey dwellings with front gable end projections and cat slide feature porch canopies. The dwellings would measure 9.7 metres wide by a maximum of 7.2 metres deep with a ridge height of 9.4 metres. Internally each dwelling would contain a living room, kitchen/diner and wc at ground floor level with 3 bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 3	105 metres squared
Plot 32	103 metres squared

3.1.12 Plots 10 and 17

Plots 10 and 17 are identical to those proposed in plots 3 and 32, although their fenestration detailing is different to the side and rear elevations due to positing within the development. Measurement sizes and internal accommodation are the same.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 10	205 metres squared
Plot 17	119 metres squared

3.1.13 Plots 4 and 7

Plots 4 and 7 are each one half of a pair of semi-detached dwellings and are of a traditional gable end design. Each would measure 5.8 metres wide by 9.9 metres deep with a ridge height of 9.25 metres. Internally each dwelling would contain a living room, kitchen and wc at ground floor level with 3 bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 4	119 metres squared
Plot 7	130 metres squared

3.1.14 Plots 5 and 6

Plots 5 and 6 are the other half of the pair of semi-detached dwellings to plots 4 and 7 and are of a traditional design. Each would measure 7.6 metres wide by 6.1 metres deep with a ridge height of 8.8 metres. Internally each dwelling would contain a living room, kitchen and wc at ground floor level with two bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 5	130 metres squared
Plot 6	130 metres squared

3.1.15 Plots 8 and 9

Plots 8 and 9 are a pair of semi-detached dwellings of traditional two storey design each measuring 5.6 metres wide by 9 metres deep with a ridge height of 9.2 metres. Internally each dwelling would contain a living room, kitchen and wc at ground floor level and three bedrooms, one en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 8	137 metres squared
Plot 9	125 metres squared

3.1.16 Plots 20, 22 and 24

Plots 20 and 22 are end of terrace dwellings with plot 24 forming half of a semi-detached pair of dwellings of the same design. Each dwelling would measure 5.25 metres wide by 8.8 metres deep with a hipped roof reaching a maximum height of 9.4 metres. The dwellings are of a traditional two storey design with a front porch canopy. Internally each dwelling would contain an open plan living room/kitchen/diner as well as a wc at ground floor with two bedrooms and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 20	108 metres squared
Plot 22	60 metres squared
Plot 24	86 metres squared

3.1.17 Plots 21 and 23

Plot 21 is a mid-terrace dwelling with plot 23 forming an end of terrace position of the same design. Each would measure 5.25 metres wide by 9.3 metres deep and have a gable end front elevation. Internally each dwelling would contain an open plan living room/kitchen/diner as well as a wc at ground floor with two bedrooms and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 21	64 metres squared
Plot 23	66 metres squared

3.1.18 Plots 25, 26 and 27

Plots 25, 26 and 27 are single bungalows with front gable projections and attached car ports. Each bungalow would measure 8.3 metres wide by a maximum of 12.3 metres deep with a ridge height of 6.5 metres. Internally each dwelling would contain an open plan kitchen/dining/living room, two bedrooms and bathroom. There would be one bedroom and en-suite within the roofspace with rooflights to the rear elevation of the dwelling.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 25	143 metres squared
Plot 26	119 metres squared
Plot 27	105 metres squared

3.1.19 Plots 28 and 31

Plots 28 and 31 are each both half of a semi-detached pair of dwellings and take the form of a traditional two storey dwelling with a front lean to porch feature. Each dwelling would measure 5.5 metres wide by 8.7 metres deep with a maximum ridge height of 8.9 metres. Internally each dwelling would contain an open plan living room/kitchen/diner as well as a wc at ground floor with two bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 28	112 metres squared

Plot 31	90 metres squared
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3.1.20 Plots 29 and 30

These plots both contain semi-detached dwellings which are the other half to the dwellings on plots 28 and 31 and form corner plots. Each dwelling would feature a front gable projection and would measure 9.4 metres wide by 5.5 metres deep with a maximum ridge height of 8.9 metres. Internally each dwelling would contain a kitchen/diner, living room and wc at ground floor with two bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 29	88 metres squared
Plot 30	69 metres squared

3.1.21 Plots 35 and 36

These plots comprise a pair of handed semi-detached dwellings which would individually measure 5.3 metres wide by 8.7 metres deep with a ridge height of 8.7 metres. The dwellings are of a traditional design with a hipped roof and small front porch canopies. Internally each dwelling would contain an open plan living room/kitchen/diner as well as a wc at ground floor with two bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 35	82 metres squared
Plot 36	104 metres squared

3.1.22 Plots 37, 38, 39, 40, 41 and 42

These plots contain detached two storey dwellings with plots 37, 39, 41 and 42 featuring gable end front elevations and plots 38 and 40 having a hipped roof. Each dwelling would measure 5.6 metres wide by 9.8 metres deep with a maximum ridge height of 9.2 metres. Internally each dwelling would contain a kitchen/diner, living room and wc at ground floor with three bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 37	159 metres squared
Plot 38	149 metres squared
Plot 39	146 metres squared
Plot 40	146 metres squared
Plot 41	146 metres squared
Plot 42	143 metres squared

3.1.23 Plots 43 and 44

Plots 43 and 44 are a pair of handed semi-detached dwellings with front gable projections and attached car ports with accommodation over. Each dwelling would measure 9.2 metres wide by 9.25 metres deep with a maximum ridge height of 9.2 metres. Internally each dwelling would contain an open plan living room/kitchen/diner as well as a wc at ground floor with three bedrooms, 1 en-suite and a bathroom at first floor level.

Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 43	155 metres squared
Plot 44	148 metres squared

3.1.24 Each dwelling benefits from off street parking for between 2 and 3 vehicles.

3.1.25 One block of one bedroom flats is proposed within the development which would be located within the north west corner of the application site adjacent to the public open space and the LAP. This block of flats would contain plot numbers 11 – 16 inclusive forming six flats. The building would have a T plan formation with the widest front elevation facing south towards the access drive. The overall dimensions of the building would be 18.2 metres wide by a maximum of 15.2 metres deep (although only 8.1 metres width of the building would be this deep with the remaining being 8.1 metres deep). The building would be two storey with a maximum ridge height of 9.5 metres. In terms of design the building would have hipped roofs with a front gable end projection to add relief and interest to the widest front elevation. The building would also be finished in different materials with a mixture of brick and render, and brick arches to windows which will also add interest to the building. A parking court with bin store and cycle parking would be positioned to the west of the building with communal amenity space of 180m² to the rear and side.

3.2 **Conclusion**

3.2.1 The principle of the application site accommodating residential development has already been established at appeal through the granting of outline consent OUT/MAL/14/01227. This application is therefore to consider the access, appearance, landscaping, layout and scale of the development.

3.2.2 The proposed layout and scale of the development is considered to be acceptable and would harmonise with surrounding development. The appearance of the development is well thought out with a range of dwelling types which will add interest to the street scene and overall development. The application site at present comprises an agricultural field which forms part of the soft edge of Latchingdon and contributes to the rural approach to the village from the south. The proposal includes a significant amount of soft landscaping and a 6 metre wide landscape buffer along the eastern edge of the development which will conserve the character of the area and allow the development to be viewed as the edge of the settlement.

- 3.2.3 The proposed development includes a range of dwelling types, including 1 bedroom flats and 3 bedroom bungalows. All the dwellings proposed are 3 bedrooms or less and 30% affordable housing is included within the scheme. The mix of dwelling types is considered to be appropriate and will provide for a range of accommodation within the development.
- 3.2.4 No objection is raised to the access proposed to the development and Essex County Council has confirmed that the development is acceptable subject to conditions.
- 3.2.5 Overall it is considered that the proposal would represent a sustainable form of development and would not conflict with policies of the approved Maldon District Local Development Plan or the core planning principles and guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance. Whilst there are more units than indicatively shown at outline stage, it is considered that the increased number of dwellinghouses has no additional side-effects that would justify the refusal of the application.

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

4.2 Maldon District Local Development Plan approved by the Secretary of State

- S1 – Sustainable Development
- S2 – Strategic Growth
- S8 – Settlement boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D5 – Flood Risk and Coastal Management
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- Essex Design Guide
- National Planning Practice Guidance
- Maldon Vehicle Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Outline planning permission (reference OUT/MAL/14/01227) was granted on appeal on 23 December 2015 and allows for residential development of the application site. This therefore establishes that the principle of the development of the site for housing has been considered acceptable. This application is a reserved matters application for the approval of access, appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/14/01227.

5.2 Flood Risk and Drainage

- 5.2.1 Policy D5 of the approved LDP provides local flood risk considerations and seeks to direct development to the lower risk zones, which this site falls within.
- 5.2.2 The site falls within the lowest flood risk area, Flood Zone (FZ) 1, and is at low risk of flooding. Based on the NPPG flood risk vulnerability and flood zone compatibility table the development is considered 'appropriate' in this low risk flood zone. The development satisfies the Sequential Test based on the site falling within Flood Zone 1. The outline permission has considered and accepted the site as suitable for development in terms of flood risk.
- 5.2.3 Condition 5 of the outline permission OUT/MAL/14/01227 required details of a surface water drainage scheme to be submitted concurrently with the reserved matters application. Details of a surface water drainage scheme have been submitted as part of this reserved matters application and can therefore be considered as part of this application.
- 5.2.4 As previously referred to within this report this application for reserved matters has been submitted concurrently with an adjoining smaller site to the west which is under the same land ownership (reference RES/MAL/17/00224). The reserved matters for the two sites have been submitted concurrently and are linked physically and via access. Due to the relationship between the two developments they have been designed in combination and the surface water drainage scheme is also linked.
- 5.2.5 The information submitted to support the application shows the site to be underlain by Head (clay, silt, sand and gravel) over London Clay Formation (clay, silt and sand) and therefore soakaways are not a feasible solution for discharging surface water. There is an existing drainage ditch to the site's northern boundary and the proposed surface water drainage strategy includes an on-site surface water attenuation feature discharging into the existing minor watercourse to the site's northern boundary.
- 5.2.6 The proposed detention basin is situated within the red line of this application site and is shown within the blue line for the smaller application (due to same land ownership). Essex County Council Flood and Water Management Team have been consulted on this application and have raised no objection to the proposed drainage strategy commenting that the information submitted appears to be in line with the outline application.

- 5.2.7 Essex County Council Flood and Water Management Team recommend that a condition is placed on the application so that the detention basin is placed on site at the initial stages of construction of the development so that surface water is managed during construction. They also recommend that a condition specifies surface water from the basin be pumped out at no higher than the 1 in 1 greenfield rate.
- 5.2.8 Overall it is considered that subject to appropriate planning conditions the development is acceptable in flood risk and drainage terms.

5.3 Design and Impact on the Character of the Area

- 5.3.1 Policy D1 of the approved LDP is applicable to the consideration of design. This policy coupled with the NPPF, aims to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.
- 5.3.2 The site is also within a rural area where LDP policies S8 and D1 aim to protect the countryside, including its natural beauty, quality and tranquillity.
- 5.3.3 The NPPF states in paragraph 56 that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.
- 5.3.4 In addition, the NPPF states in paragraph 64 “that 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”.
- 5.3.5 The application site is at the southern edge of the village of Latchingdon and currently has a rural character and appearance. However there is existing residential development to the immediate north of the site with the Heritage Way development and to the south is the detached residential dwelling Mulberry House. To the west of the application site is a smaller section of the agricultural field which has outline consent granted for 10 residential dwellings and a concurrent reserved matters application (RES/MAL/17/00224) is currently being considered. There is further residential development to the west of the application site on the opposite side of Burnham Road and further residential development has recently had a resolution to grant planning permission subject to a Section 106 agreement on land opposite the application site (reference FUL/MAL/16/00299). The character of this section of Burnham Road is therefore one that will continue to evolve and change. The application site is therefore not isolated and relates well to existing residential development
- 5.3.6 Burnham Road is one of the main roads through Latchingdon and existing built form is generally road fronting linear development with a mixture of two storey and single storey. Towards the southern end of the existing built development the dwellings are generally two storey on more spacious plots. The Heritage Way development to the north of the application site is a cul-de-sac style development characterised by two storey terraced dwellings generally set facing onto shared parking areas. In determining the outline appeal (OUT/MAL/14/01227) the inspector considered that

residential development of the application site *‘would not represent a significant outward extension of development into the open countryside. The area has a residential feel and appearance and the development of this site would not appear out of place.’*

- 5.3.7 The proposed development would be set behind the ten dwellings currently being considered under concurrent reserved matters application RES/MAL/17/00224 and would share the same vehicular access point onto Burnham Road. In terms of layout the proposed development forms a logical back-to-back layout in relation to development along Burnham Road and Mulberry House. With further dwellings set around the U shaped access road within the development. Along the northern site boundary is a block of six 1 bedroom flats and the public open space including a LAP and detention basin.
- 5.3.8 Concerns were originally raised regarding the proposed layout of development and its impact upon the eastern rural edge of the application site which opens out onto open countryside. In order to address those concerns the development has been revised to remove the block of flats originally proposed along this boundary and replace it with three detached bungalows. The development has also been set at least 6 metres off the eastern boundary to allow for a landscaping buffer and informal pedestrian link through to the public open space. This revision has greatly reduced the visual impact of the proposed development upon the more sensitive rural edge and reduced the number of units proposed from 48 to 44.
- 5.3.9 The Urban Design Officer has been consulted on the application and following the revision to the layout has raised no objection to the development. The Urban Design Officer has advised that the softening of the built form on the eastern boundary is dependent on the success of the 6 metre landscape buffer reaching maturity and if the application is approved, a condition should be added to ensure the landscape buffer is maintained until it reaches maturity i.e. replacing any failed elements. It is standard practice to condition the replacement of any failed soft landscaping for 5 years which will enable plants to mature and establish.
- 5.3.10 All house types proposed are of a high quality design and the variation in house types will provide interest within the development and the street scene. The design of the garages and cycle stores are also considered to be acceptable as they are of a modest scale and will appear ancillary to the dwellings within the street scene. In terms of the height of the development, the proposed dwellings range between 8.7 metres to 9.4 metres to ridge on the two storey dwellings and 6.5 metres to ridge on the bungalows. The block of flats has a ridge height of 9.5 metres. It is acknowledged that some of the plots would have high ridge levels however this is commensurate with the existing dwellings at Crouch Vale Court which are located opposite the application site and have ridge heights of 9.3 metres.
- 5.3.11 The submitted plans indicate a mixture of brick, weatherboard and render finishes to the dwellings with design details such as timber framed porches and brick chimney stacks. No specific external materials have been submitted for consideration, however the plans indicate that the materials to be used would harmonise with the character of the area and the existing palette of materials. In dealing with the appeal relating to the outline consent (OUT/MAL/14/01227) the Inspector attached a condition requiring samples of the external materials to be submitted for approval

prior to any work commencing on site. This will ensure that the external finish of the development is in keeping with the area.

- 5.3.12 it should be noted that whilst the vehicular access onto Burnham Road is included within the red line of this application site no actual road frontage is included (as it forms the separate 10 unit application site RES/MAL/17/00224). Therefore, if this application were to be built in isolation and the 10 unit scheme not delivered, the proposed development would not actively engage with the wider street scene and would appear disjointed and separate from the surrounding residential development. However, the principle of development of this site has been agreed at appeal and the Inspector did not link the development to the 10 unit scheme. It would, therefore, not be appropriate or reasonable to request the two developments be linked now at the reserved matters stage.
- 5.3.13 It is therefore considered that the proposal would not cause a detrimental impact upon the character and appearance of the area due to its appropriate layout, scale and design.

5.4 Landscape Impact

- 5.4.1 The core planning principles of the NPPF (Paragraph 17) includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. LDP policy S8 refers to countryside protection along with policy N2 and is further reinforced by LDP policies D1 and D3 which stress the importance of protecting and enhance the character of a locality.
- 5.4.2 In accordance with Policy S8 planning permission for development outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations should only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon, and provided it is in accordance with other relevant criteria specified.
- 5.4.3 The application site is at the edge of the existing village of Latchingdon and currently has a rural character comprising of part an agricultural field. However Burnham Road is a main road into and out of Latchingdon and there exists residential development immediately adjacent the application site and on the opposite side of Burnham Road. The overall character is therefore as an edge of village site.
- 5.4.4 In determining the appeal relating to the outline consent the Inspector referred to the area as having a '*residential feel and appearance and the development of this site would not appear out of place.*' In terms of wider landscape impact the eastern edge of the development is the most important edge. As detailed in paragraph 5.3.8 above the revised plans show a 6 metre wide landscape buffer along this eastern boundary which can be controlled through a planning condition.
- 5.4.5 In terms of the wider landscape impact this development is considered to be acceptable subject to appropriate conditions.

5.5 Housing Land Supply, Need, Mix and Affordable Housing

5.5.1 The Council can demonstrate in excess of a five year supply of housing and this is set out in the Council's Five Year Housing Land Supply Statement and the Council's Advisory Note, both dated August 2016. This is a material planning consideration. However this application is to consider the reserved matters of access, appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/14/01227 and therefore the principle of the development has already been accepted. There is a requirement for 30% affordable housing units as part of this application (as per the appeal decision on OUT/MAL/14/01227).

5.5.2 This reserved matters application seeks consent for the following mix of unit sizes:

- 6 x 1 bedroom flats
- 19 x 2 bedroom houses
- 16 x 3 bedroom houses
- 3 x 3 bedroom bungalows

Within this housing mix all of the 1 bedroom flats and 7 of the 2 bedroom houses would comprise affordable housing units. LDP policy H2 on housing mix requires all development *'to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population'*. The Strategic Housing Market Assessment (SHMA) provides the evidence base to the policy. Paragraph 50 of the NPPF requires local authorities to *"plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community"* and *"identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand"*.

5.5.3 The Council's Strategic Housing Market Assessment (SHMA) identifies that for all housing types one and two bedroom units are required to balance the District's housing stock, which currently provides an unbalanced number of large dwellings. This is particularly relevant for affordable housing units where one and two bedroom units are required. For market sector housing this includes one, two and three bedroom units with a surplus of four bedroom plus units in the District. All the dwellings proposed are smaller units (1 to 3 bedrooms) with the majority of the proposed units having 2 bedrooms.

5.5.4 The outline consent for residential development on the application site was allowed at appeal subject to a legal agreement providing 30% of the units as affordable. The affordable housing requirement on 44 units at 30% is 13.2 units. The applicant is proposing the following numbers and mix of affordable units -

6 x 1 bed 2 person flats - Affordable Rented
3 x 2bed 4 person houses - Affordable Rented
2 x 2 bed 4 person semi-detached houses - Affordable Rented
2 x 2 bed 4 person houses - Intermediate Housing (Shared Ownership)

5.5.5 Strategic Housing has been consulted on the application and concerning the 0.2 element of the 13.2 affordable units, they have advised that they would require a commuted sum payment for this proportion. To calculate the contribution required for a percentage of a property it would be the cost to a Registered Provider that would be

paid to the Developer/Applicant for an affordable unit. Strategic Housing Services greatest housing need is for 2 bed 4 person houses. Therefore, the Commuted Sum would be required for a percentage of a two bed house. Having assessed the cost to Registered Providers for a two bed affordable rented house in the District, the likely offer would be in the region of £118,000. Therefore 0.2 equates to a commuted sum payment of £23,600. Strategic Housing Services has advised that they support this application on condition the applicant meets the full Affordable Housing Policy requirements of this development.

- 5.5.6 The agent has confirmed that the applicant is willing to make the requested commuted sum of £23,600 as well as the 13 units set out within the development. The legal agreement will require updating to reflect the agreed layout and mix of housing within the reserved matters application as well as the commuted sum. The agent has advised that they are currently preparing a Supplemental Agreement to co-exist with the UU that was signed at Outline stage. Any further update will be reported on the members update.

5.6 Housing Density

- 5.6.1 The NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. LDP policy H4 on effective use of land considers a design-led approach is most applicable taking into account the location of the proposed development.
- 5.6.2 The application site has an overall density of development of 31.4 DPH. This density of development would not appear out of character with the existing density of surrounding development and is considered acceptable.

5.7 Ecology

- 5.7.1 Paragraph 109 of the NPPF states that ‘the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible’. LDP policy N2 on natural environment and biodiversity is also applicable.
- 5.7.2 The application site relates to part of an agricultural field which is currently in active use for crops. There is therefore limited potential for biodiversity on the site at present except for in the field boundaries to the north and south of the site which are mature hedgerows. These field boundaries are to be retained as part of the development and their protection can be ensured through the use of a planning condition.
- 5.7.3 In terms of providing net gains for biodiversity additional soft landscaping is proposed as part of the development which would in time provide additional habitat and biodiversity gains. The Countryside and Coast Officer as well as the Tree Officer have both commented that wildlife gaps should be created within the gravel boards of certain boundary fences to allow wildlife to pass through. A condition can also be attached to any permission granted requiring full details of biodiversity enhancements such as wildlife gaps, bird and bat boxes to be submitted for approval.

5.8 Impact on Residential Amenity

- 5.8.1 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.
- 5.8.2 The immediate neighbouring dwellings to this application site are No's 51 and 53 Burnham Road to the west of the site, dwellings within Heritage Way to the north and Mulberry House to the east which is a large two storey dwelling set in spacious grounds. The development proposed is of a residential nature and is considered appropriate for its setting in terms of noise and disturbance.
- 5.8.3 The Essex Design Guide states that a minimum of 25 metres between backs of dwellings may be acceptable, and this would be the same for sides or flanks of dwellings containing windows of habitable rooms.
- 5.8.4 The dwellings proposed on plots 9 and 10 would back onto the rear garden associated with No. 53 Burnham Road. These would be situated in a back to back arrangement with between 42 and 45 metres between the rear elevation of No. 53 and the proposed new dwellings. The Essex Design Guide states that existing residents are entitled to a greater degree of privacy and new dwellings should not be positioned closer than 15 metres from the shared rear boundary in a back to back arrangement. The dwellings proposed on plots 9 and 10 would be positioned between 15.4 and 16 metres from the shared rear boundary. Given the overall distance between the proposed dwellings, and the design of the dwellings on plots 9 and 10 (standard two storey dwellings) it is considered that the proposed development would not result in any materially harmful impacts upon the occupiers of No. 53 Burnham Road.
- 5.8.5 The block of six one bedroom flats would be positioned to the rear of No. 51 Burnham Road with the parking court area positioned between the proposed block of flats and the rear garden associated with No. 51. There is an existing hedgerow along the shared boundary which is shown to be retained and protected during the course of development with a 1.8 metre high close boarded fence to be erected alongside the hedgerow within the proposed development. The block of flats would be positioned between 47 and 54 metres from the rear of No. 51 Burnham Road, with its west facing flank elevation facing the rear of No. 51. No windows are proposed within the west facing flank of the block of flats at 47 metres away from No. 51 and only windows serving kitchens and bathrooms are proposed within the projection 54 metres away. Given that the block of flats is two storey and due to the distances between the dwellings it is considered that the development would not result in any materially harmful impacts upon the occupiers of No. 51.
- 5.8.6 The block of six one bedroom flats would also back onto dwellings within the Heritage Way development. No's 5 and 6 Heritage Way would be the closest dwellings to the proposed block of flats with their south facing flank elevations facing towards the rear of the proposed block of flats. The block of flats has been designed so that no windows within the rear facing elevation would directly overlook the rear private amenity space of the dwellings within Heritage Way. The dwellings within Heritage Way are set facing onto each other with a shared access/parking area to the front. The block of flats has been positioned so that any rear facing windows look towards this area and not any private amenity space. Furthermore the rear facing

elevation of the flats which contains windows is positioned 11.5 metres from the shared boundary and 15 metres from the start of the shared parking/access area. It is therefore considered that due to the distance between the dwellings and the design/positioning of the block of flats the development would not result in any materially harmful impacts upon the occupiers of No's 5 and 6 Heritage Way.

- 5.8.7 Along the remainder of the northern boundary of the site which adjoins the Heritage Way development is the public open space including Suds and a LAP. The use of this land for public open space is compatible with a residential area and would not result in any materially harmful impacts upon the occupiers of dwellings within Heritage Way.
- 5.8.8 The dwellings proposed on plots 37 to 44 would back onto the rear garden associated with Mulberry House. These would be situated in a back to back arrangement with between 50 and 57 metres between the rear elevation of Mulberry House and the proposed new dwellings. The shared rear boundary is also defined by a hedgerow which would be retained and protected during development. This can be dealt with through planning conditions. The dwellings proposed on plots 37 to 44 would be positioned between 13.7 and 20.7 metres from the shared rear boundary. Whilst one plot is 1.3 metres closer than the ideal 15 metres set out within the Essex Design Guide given the overall distance between the dwellings of 50 to 57 metres it is considered that the proposed development would not result in any materially harmful impacts upon the occupiers of Mulberry House.
- 5.8.9 Internally within the development the dwellings have all been designed to minimise overlooking where possible.
- 5.8.10 Concern has been raised by local residents in terms of noise and disturbance during the construction phase. When outline consent was granted for the residential development the inspector considered it appropriate to attach a condition requiring a construction method statement to be submitted for agreement prior to any work starting. This will minimise noise and disturbance for neighbouring residents.
- 5.8.11 In the light of the above assessment it is considered that subject to appropriate conditions the development would accord with Local Development Plan policy D1 with regard to impact upon neighbouring occupiers.

5.9 Access, Parking and Highway Safety

- 5.9.1 The LDP policies relevant to this section are D1, T1, T2 and I1. Also applicable are Maldon's adopted Vehicle Parking Standards.
- 5.9.2 Access is one of the reserved matters for consideration with this application. The submitted plans show that access would be taken from Latchingdon Road at a point almost central within the application site, 75 metres from the northern site boundary and 70 metres from the southern boundary and the bend in the road.
- 5.9.3 Essex County Council Highways have been consulted on the application and have advised that the proposal is acceptable subject to conditions relating to:
- The provision of the access arrangements prior to occupation of the dwellings;

- The provision of parking and turning areas prior to occupation of the dwellings, and
- Provision of cycle storage facilities in accordance with MDC requirements.

5.9.4 The conditions in relation to the provision of the access, parking and turning facilities are considered to meet the six tests set out in paragraph 206 of the NPPF. However the condition in relation to the provision of cycle storage is not considered to be necessary in this instance as adequate provision has already been made within the development for the storage of cycles. Storage for cycles has been provided within garages (separate to the space required for a car), or in separate purpose built outbuildings details of which have been submitted.

5.9.5 In terms of parking requirements the adopted Maldon District Council Vehicle Parking Standards SPD and policy D1 of the approved Local Development Plan requires one parking space for a one bedroom unit, two spaces per two or three bedroom unit and three spaces per four or more bedroom unit. The one bedroom flats would all benefit from one off road parking space, the two bed dwellings would all benefit from two off road parking spaces and the three bed dwellings would all have two or three off road parking spaces. The development will therefore meet the Council's own adopted standards in accordance with policy D1 of the approved Local Development Plan.

5.10 Private Amenity Space and Landscaping

5.10.1 The development proposes one bedroom flats and two and three bedroom dwellings. 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 Essex Design Guide (EDG) SPD advises a suitable garden size for each type of dwellinghouse.

5.10.2 The EDG states that 3 or more bedroomed houses should have a private amenity space of at least 100m² and that houses of 1 or 2 bedrooms should have at least 50m². Whilst the EDG does not stipulate that one bedroom flats must have a set amount of communal amenity space it is ideal to have 25m² per flat (which is a requirement for two bedroom flats which may be occupied by families with children). All of the residential dwellings proposed as part of the development would meet the standard set within the EDG, with many exceeding the standard and the flats would benefit from 30m² communal area per flat.

5.10.2 Landscaping is also a reserved matter for consideration as part of this application and a full landscaping strategy and plan has been submitted to support the application. The Countryside and Coast Officer along with the Tree Officer initially raised concerns regarding the landscaping scheme that had been submitted in relation to the species selection, lack of significant landscaping along the eastern boundary and lack of detail. The Countryside and Coast Officer was also concerned that no Local Area of Play (LAP) had been included within the public open space along the northern boundary of the application site.

5.10.3 Following on from these concerns the landscaping scheme has been revised to try and address the concerns raised and now proposes mixed native hedgerows and trees within the planting scheme, a minimum of a 6 metre wide landscaped buffer with

informal pedestrian access path along the eastern boundary which will soften the appearance of the development from the open countryside and provide better pedestrian access to the public open space along the northern boundary of the site. Furthermore the public open space now also contains a LAP.

- 5.10.4 The revised landscaping scheme will ensure the development integrates with the existing village edge as well as the countryside edge and by utilising mixed native species within the planting the development will appear within a more natural setting and potentially allow for greater biodiversity gains.
- 5.10.5 The Countryside and Coast Officer has advised that the revised plans create an acceptable corridor to the eastern boundary that allows a decent native hedgerow with trees to be maintained along this corridor. However further detail of the LAP is required. Full details of the LAP can be controlled via a planning condition. The Tree Officer has commented that there is still insufficient information relating to the protection of off-site trees as well as how they will provide adequate rooting area for trees to be planted. Furthermore the Tree Officer is still concerned regarding the density of some areas of planting, the size of the plants chosen as well as the inclusion of Blackthorn which is too vigorous for some of the selected locations. Overall the concerns raised by the Tree Officer can also be addressed via the use of planning conditions which has been discussed with the agent. This will require further details to be submitted for approval prior to any work commencing on site.
- 5.10.6 The protection of existing boundary hedgerows and trees can be dealt with through appropriately worded planning conditions.
- 5.10.7 Overall subject to the submission of the required information and revisions as detailed above the proposed landscaping is considered to be appropriate for the application site and the wider setting.

5.11 Education

- 5.11.1 When outline planning permission was granted at appeal for the residential development of the application site under reference OUT/MAL/14/01227 a signed and dated legal agreement in the form of a unilateral undertaking (UU) had been submitted. The UU secures 30% affordable housing (as referenced in section 5.5 above) as well as contributions for secondary school transport and early years and childcare. The UU states figures based on the indicative unit numbers at outline stage (30 dwellings); however it requires confirmation in writing prior to development commencing which will ensure that the final amount is representative of the final housing mix. This approach was accepted by the Planning Inspector when determining the appeal who stated *‘whilst the obligation defines this contribution specifically based on the illustrative information from ECC it also makes provision for this to be confirmed as correct and index linked if necessary.’*

5.12 Cumulative Impact

- 5.12.1 This current application has been submitted concurrently with application RES/MAL/17/00224 which is an adjoining larger site to the east of this current application site. The two application sites are under the same land ownership and the

developments are linked physically and via access. Due to the relationship between the two developments they have been designed in combination.

5.12.2 In terms of cumulative effect both proposed development would be viewed contiguously and would appear (if both built out) as one housing development. Outline consent has already been granted on appeal for both developments and therefore the principle of both applications has been agreed. In terms of the reserved matters of access, appearance, landscaping, layout and scale each application must be considered on its own merits. However given the close nature of the application sites it is important that the design of both schemes is harmonious in terms of how they relate to each other.

5.12.3 Both applications have been designed together and it is considered that they relate well to each other. However full consideration of application RES/MAL/17/00224 will be undertaken within a separate report in order to fully assess all material considerations and not just how the two developments relate to each other.

5.13 Conclusion and Planning Balance

5.13.1 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development.

5.13.2 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the approved LDP which emphasises the need for sustainable development.

5.13.3 Whilst the outline application granted planning permission on site considering the site acceptable for the principle of the development and access for sustainability reasons, this reserved matters application considering the more detailed aspect of the development needs to be assessed as to whether the ‘presumption in favour of sustainable development’ applies.

5.13.4 Economically the proposal would provide employment for the construction phase of the development and would provide dwellings with new residents that will financially contribute to the local economy through existing local services and businesses.

5.13.5 Socially the proposal would provide 44 new dwellings with 30% affordable housing and a high percentage of smaller bedroom units which is broadly in line with the SHMAA requirement for smaller units for market housing. The proposal would also provide dwellings with adequate sized private rear gardens.

5.13.6 Environmentally this proposal would retain existing landscaping to the site boundaries (with the exception of the access point and visibility splay) and would introduce additional soft landscaping into the site, particularly along the eastern boundary with open countryside which would benefit from a landscape buffer. An area of public open space is also proposed as well as a local area of play. The scale, form and layout of the proposed development forms a logical extension of the existing and proposed

built development along Burnham Road and would not appear detrimental or visually harmful within the street scene or wider landscape.

5.13.7 Taking these considerations into account it is considered that the NPPF's 'presumption in favour of sustainable development' can apply to this development.

6. **ANY RELEVANT SITE HISTORY**

- OUT/MAL/14/01227 - Outline planning application with all matters reserved for residential development – Refused - 16.03.2015 – Allowed on Appeal – 23.12.2015
- RES/MAL/16/01406 - Reserved matters application for 48 residential units consisting Access, Layout, Landscape, Appearance & Scale following outline approval OUT/MAL/14/01227 (Outline planning application with all matters reserved for residential development) – Withdrawn - 10.01.2017 - This application was withdrawn to address surface water drainage issues.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	<p>Recommend refusal of planning permission for following reasons:</p> <ol style="list-style-type: none"> 1. Access/egress is currently opposite the current entrance of the Jacks Centre which is heavily used and could cause congestion. 2. Surface water drainage is not functional and reliant upon a attenuation of scheme not yet in being. 3. Village services and road infrastructure already due to expect a 20% increase (Bridgeman Greens and Latchingdon South) Now this development would escalate to 30%. 4. Site Density has increased by 30% since outline planning. 5. Surface water drainage via attenuation scheme to discharge into existing shallow ditch without any ditch improvement 	<p>In relation to point 1 Essex County Council have confirmed that there is no objection to the access arrangements.</p> <p>In relation to points 2 and 5 please see section 5.2 of the main report.</p> <p>In relation to point 3 the principle of residential development on this site has already been agreed at appeal.</p> <p>In relation to point 4 please see sections 5.3 and 5.6 of main report.</p>

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	No comments to make on the application.	Noted.
Essex County SUDs	The information submitted seems to be in line with the outline application. Recommend that a condition is placed on the application so that the basin is placed on site at the very initial stages of construction of the development so that surface water is managed during construction.	Please see section 5.2 of main report.
Essex County Council Education	No response at time of report.	Please see section 5.11 of main report.
Anglian Water	The proposed method of surface water management does not relate to Anglian Waters operated assets.	Noted.
Essex County Highways	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.	Please see section 5.9 of main report.
Essex County Fire and Rescue	Access for fire service vehicles is considered satisfactory. An additional fire hydrant will be required within the curtilage of the proposed site. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation Consultation Stage.	Noted.
Essex and Suffolk Water	No objection to this development. Our records show that our existing apparatus does not appear to be affected by the proposed development.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Urban Design	<u>First consultation response</u> objects to the proposal because the increase in dwelling numbers from 'approx 30' to 48 is at the expense of the 'landscape dominated'	Noted and a condition recommended in relation to

Name of Internal Consultee	Comment	Officer Response
	<p>scheme detailed in the D&A Statement to the outline application. This is especially apparent on the sensitive eastern boundary where the landscape buffer is ‘weak’ and buildings are hard up to the eastern boundary creating, as detailed in the D&A Statement to this RM application, ‘an urban edge’ in terms of layout, scale and landscaping where a soft, landscaped edge that relates to the open countryside beyond should be achieved.</p> <p><u>Second consultation response</u> Acknowledges the impact on the eastern boundary has lessened in terms of built form, the softening of that built form on the eastern boundary is dependent on the success of the 6 metre landscape buffer reaching maturity. If the application is approved, a condition should be added to ensure the landscape buffer is maintained until it reaches maturity i.e. replacing any failed elements.</p>	<p>replacing any failed elements of the landscaping scheme.</p>
Countryside and Coast Officer	<p><u>First consultation response</u> Objects to the scheme Makes comments in relation to inappropriate species mix in soft landscaping plan and lack of significant soft landscaping along eastern boundary which is the countryside edge of the development.</p> <p><u>Second Consultation Response</u> Applicant has now created an acceptable corridor to the eastern boundary that allows a decent native hedgerow with trees to be maintained along this corridor.</p> <p>Comments that some soft landscaping species chosen are still not appropriate.</p> <p>For the proposed Local Area for Play further details are required.</p> <p>Further maintenance details to proposed and retained vegetation is required.</p>	<p>Please see section 5.10 of report.</p>
Environmental Health	<p>Only observation arises from the siting of the flats to the rear of 51 Burnham Road. The activity from a higher density population (residents of the flats) is more likely to affect the occupiers of the existing property than that of a single residential dwelling.</p>	<p>Please see section 5.8 of main report and informatives recommended</p>

Name of Internal Consultee	Comment	Officer Response
	Recommends informatives in relation to contamination, construction times and land drainage.	
Tree Officer	<p><u>First Consultation Response</u> Makes comments in relation to inappropriate species mix and lack of information.</p> <p><u>Second Consultation Response</u> Comments that there is still insufficient information in relation to protection of off-site trees and planting info. Still raises concerns in relation to species mix and the size of proposed trees.</p> <p>Recommends wildlife doors in boundary fenceline.</p>	Please see section 5.10 of report
Housing	Strategic Housing Services supports this application on condition the Applicant meets the full Affordable Housing Policy requirements of this development.	Please see section 5.5 of report.
Emergency Planner	No comments to make on application.	Noted.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received objecting to the application from the following and the reasons for objection are summarised as set out in the table below:

- Ms Kim Trussell - 11 Heritage Way, Latchingdon, Chelmsford, Essex CM3 6LL
- Miss Anita Sellick - 15 Heritage Way, Latchingdon, Chelmsford, Essex CM3 6LL

Objection Comment	Officer Response
Loss of privacy to neighbouring gardens.	Please see section 5.8 of main report.
Loss of light to neighbouring properties and gardens.	Please see section 5.8 of main report.
Inappropriate design for this part of the village. Such a large development would be totally out of keeping with the neighbouring properties, which are mainly smaller cottage style houses and single storey bungalows	Please see section 5.3 of main report.
Building works will be adjacent to neighbouring garden and home causing noise, pollution and dust at all times of the day and night.	Please see section 5.8 of main report.
There are existing traffic congestion issues	The principle of the residential development

within the Village and this application as well as others will make the situation worse.	and associated vehicular movements has already been accepted through the granting of outline consent at appeal.
Burnham road is already a busy and congested road; this additional concentration of traffic and roadside parking will cause traffic problems and create a safety hazard for other motorists.	Please see section 5.9 of main report.
Highway safety-previous fatal and serious road traffic collisions at this site.	Please see section 5.9 of main report.
More homes in Latchingdon would require the infrastructure to accommodate a higher population, such as schools and facilities, buses and events	These issues were considered at the outline application stage and the development deemed acceptable on appeal.

8. PROPOSED CONDITIONS subject to updated legal agreement in relation to Affordable Housing (13 units and commuted sum for £23,600)

1. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
REASON: To ensure that the development is carried out in accordance with the details as approved.
2. Prior to first occupation of the development, the access arrangements as shown in Drawing no 47691/C/23 Rev A shall be fully implemented. This should include the provision of pedestrian dropped kerbs and tactile paving across the bellmouth in line with existing pedestrian desire lines, the exact location details to be submitted to and approved in writing by the local planning authority prior to the commencement of any development. The works shall be carried out in accordance with the details agreed and retained as such thereafter.
REASON: To ensure that the proposed junction does not create an impediment to pedestrians and / or wheelchair users alongside the site on the B1018 in the interest of highway safety and accessibility in accordance with policy T2 of the approved Local Development Plan.
3. Prior to first occupation of the proposed development, the vehicle parking and turning areas, as indicated on the approved plans, shall be implemented and maintained as such unless otherwise agreed with the local planning authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy T2 of the approved Local Development Plan.
4. No development shall commence until fencing/ground protection to protect the trees and hedges/shrubs to be retained (as well as those adjoining the site) has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development

a retained tree, shrub or hedge within the site is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree, shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To ensure adequate protection for boundary hedgerows and trees in the interests of visual amenity in accordance with policy D1 of the approved Local Development Plan.

5. Notwithstanding the details submitted no development shall commence until the provision and subsequent retention of soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:
- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
 - 3) Details of the aftercare and maintenance programme

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation

REASON: To ensure the appropriate soft landscaping of the site in the interests of visual amenity in accordance with policy D1 of the approved Local Development Plan.

6. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) the garages and carports hereby permitted as part of the development shall be used only for the parking of a motor car in connection with the residential use of the properties.

REASON: To ensure appropriate parking is provided and prevent on street parking in the interest of highway safety and visual amenity in accordance with policies D1 and T2 of the approved Local Development Plan.

7. Prior to any construction on site taking place, with the exception of forming the site entrance, the drainage basin and temporary filter drain shall be installed to capture surface water from the site with surface water from the basin pumped out at no higher than the 1 in 1 greenfield rate. It should be ensured that the basin is working at a maximum optimum level in terms of storage capacity and water quality during and after the construction of the development.

REASON: This condition has been included to prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development in accordance with the provisions and guidance of the National Planning Policy Framework and policy D2 of the approved Local Development Plan.

8. No works shall take place until 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. The requirements of the Maintenance Plan shall be fully implemented in accordance with the approved details. The applicant or any successor in title must maintain yearly logs of maintenance of the SuDS. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure appropriate maintenance arrangements are put in place and implemented to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with the provisions and guidance of the National Planning Policy Framework and policy D2 of the approved Local Development Plan.

9. No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the local planning authority. Such details shall include ecological enhancements including the provision of mammal/wildlife doors within boundary fencing and bird/bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.

REASON: To improve and enhance biodiversity value of the site in accordance with policy N2 of the approved Local Development Plan.

10. Notwithstanding the details submitted no development shall commence until details of the proposed Local Area of Play (LAP) together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all landscaping, ground surfacing, enclosure of the area, seating, and refuse facilities and safety notices. The LAP shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The LAP shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: In order to ensure that adequate play space is provided on site and remains available for subsequent use by the occupiers of the development hereby permitted, in accordance with policies D1 and N3 of the approved Local Development Plan.

11. The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The open space shall be made available for public use in accordance with the approved timetable for implementation unless otherwise agreed through a variation of condition application by the Local Planning Authority. The amenity space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: To ensure that adequate public open space is provided within the development in accordance with policies D1 and N3 of the approved Local Development Plan.

INFORMATIVES

1. 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.

- 2 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 taken 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.
- 3 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.