

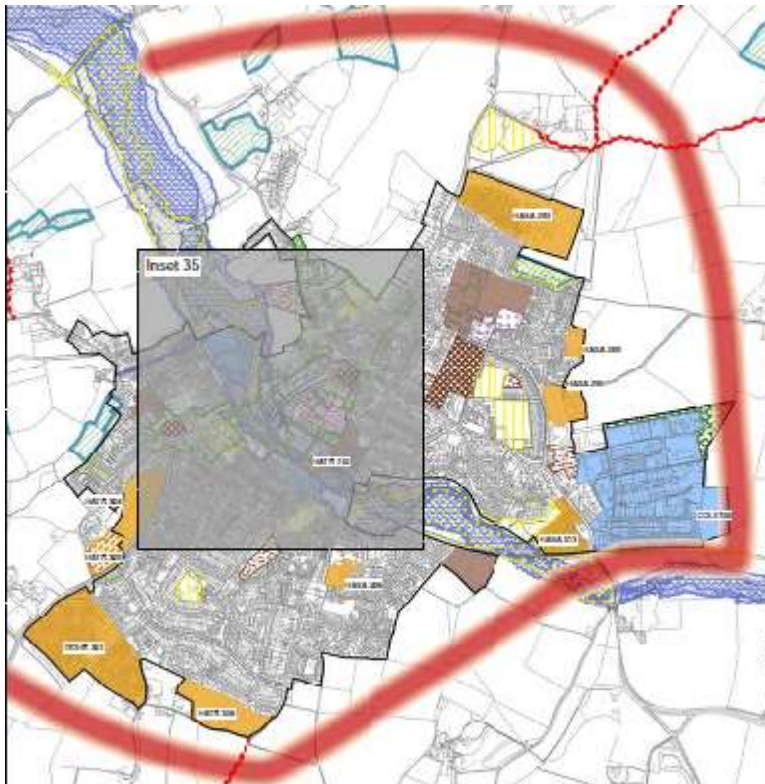
Planning Committee Member Update - Application No. 21/03101/FUL - Land North of Oak Road, Halstead

Agenda No: 5c

This update relates to the following matters: Principle of Development; Planning Conditions; List of Approved Plans; and Heads of Terms for the Section 106 agreement:

Principle of Development

Paragraph 13.2.4 of the Committee Report states that the proposed development would conflict with the emerging Section 2 Plan because the site falls outside the proposed town development boundary. Whilst the site was not identified in the Publication Draft Section 2 Plan the site was added to the emerging Section 2 Plan at the Proposed Modifications stage, reflecting the fact that Outline planning permission had previously been granted for residential development.



The Council hope to soon be able to adopt the Section 2 Plan but the fact that the application site is now proposed to be included in the Section 2 Plan means that the residential development of the site would be consistent with the emerging development plan and this should weigh in favour (not against) the proposals in the overall planning balance.

Planning Conditions

1) Archaeology - Paragraph 11.3.2 of the Committee Report indicated that the final post excavation archaeological report was still to be provided by the Applicant and Officers recommended a condition to ensure that this was provided. This information was submitted to the Council to discharge the condition on the Outline application. Since the publication of the Committee Report the Council's Historic Environment Consultant has confirmed that the report has been submitted and that this is acceptable and the condition has been discharged (Application Reference 21/03455/DAC). As a result recommended Condition 3 (as set out within Appendix 1 of the published Committee Report) is no longer required and can be deleted.

2) Surface Water Drainage conditions - Following additional comments being received from the Local Lead Flood Authority (LLFA) in regards to SuDS, Officers seek to remove Condition 19 (as Recommended within Appendix 1 of the published Committee Report), and impose the following additional 4 further conditions:

- No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Limiting discharge rates to 6l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved. Reason: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of top-soils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.
 - Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.
 - The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority. Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.
- 3) Condition 25 / Bus Stops - Amend Condition 25 to add item c) to the list of required highway works to reflect the complete list of highway works set out in the Highway Authority recommendation:
- c) Upgrading the pair of bus stops that best serve the development in accordance with details that shall have had prior written approval of the Local Planning Authority.
- 4) Conditions 31, 32, 33 & 34 - Corrections required to the listed Plot Numbers:
- Condition 31 & 33 (requiring Affordable Housing to be designed and provided as Wheelchair User dwellings M4(3)b) – delete reference to Plots 1 & 25 and replace with Plots 75 & 76.
 - Conditions 32 & 34 (requiring Affordable Housing to be designed and provided as M4(2) units) – delete reference to Plots 75 & 76 as these dwellings are

being provided as Wheelchair User dwellings – Category M4(3b). Delete Plot 78 and replace with Plot 77

- 5) External Lighting - The Applicant has submitted an external lighting scheme which Officers considered was acceptable. The submitted lighting scheme actually still needs to be updated to reflect some of the minor layout changes made in the revised plans submitted in March. It is therefore recommended that an external lighting condition is added which will ensure that an updated external lighting scheme is submitted and approved.

No above ground development shall commence until a Lighting Scheme designed to promote personal safety, protect amenity and the night-time landscape and biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include the following details:

- Details of phasing, location and design of all lighting to be installed within the site during periods of construction and occupation;
- Details of ownership of lighting once the development is occupied and, where relevant, details of its associated maintenance to ensure the lighting is provided in perpetuity thereof in the interests of personal safety;
- Assessment of the impacts of the lighting scheme upon biodiversity which identifies those features on or immediately adjoining the site that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging;
- Provision of appropriate lighting contour plans, isolux drawings and technical specifications to demonstrate which areas of the development are lit and to limit any relative impacts upon the territories of bats.

The approved lighting scheme shall be implemented prior to first occupation of the development, or if phased: each relevant phase, and shall thereafter be retained and maintained as such in accordance with the approved details. Under no circumstances shall any other external lighting be installed on the site.

Reason: To ensure optimum levels of personal safety and prevention of crime are provided whilst also balancing constraints such as ownership, impacts upon landscape, biodiversity and amenity in recognition of the local and national policy objectives and having regard for best practise advice, such as Secured By Design (2019) and the LPA's legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment & Rural Communities Act 2006 (Priority Habitats & Species).

List of Approved Plans

- Unfortunately the list of approved plans needs to be amended to correct some typographical errors.
 - 8960-20 Rev B: Should be titled 'Garden Areas Plan' (not Amenity Space Details)
 - 8960-29 Rev B: Should be titled 'Corner Turning Unit Plan' (not First Floor Plan)
 - 8960-MAI2-01: Proposed Elevations and Floor Plans should be 'Rev B'
 - 8960-MAI2-02: Proposed Elevations and Floor Plans should be 'Rev A'

- 8960-MA12-03: Proposed Elevations and Floor Plans should be 'Rev A'

Heads of Terms

Financial contribution levels have been re-indexed to reflect inflation over the preceding year.

- The Outdoor Sport contribution should be £86,233.30 and the Allotment contribution should be £2,736.70.
- Libraries – the Heads of Terms in the Committee Report states that the financial contribution should be £6,224 towards improvements to Halstead library (or such other library as serves the town). Essex County Council have requested that the agreement specifies that the library contribution should be defined in the agreement as £77.80 per dwelling. Assuming that 80 dwellings are built the contribution would still be £6,224 but because of the change to the drafting this modification to Heads of Terms is reported for completeness to Members.

The actual amounts paid by the developer will all be index linked to reflect future inflation.

- Refuse Collection – in addition to the Heads of Terms listed Officers also recommend the addition of an obligation to ensure that any private roads in the development (roads which are not adopted by the Highway Authority) are built and maintained to a standard commensurate with that required by the Local Highway Authority; to allow the Council the right to use the Private Roads; and that the Council shall not be subject to any claim for damage to the Private Roads caused as a result of reasonable use by refuse collection vehicles.

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