



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

---

to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
20 MAY 2019**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>FUL/MAL/19/00166</b>  |
| <b>Location</b>                                       | Land West Of Nathilda<br>Purleigh Grove<br>Cold Norton<br>Essex                                    |
| <b>Proposal</b>                                       | Erection of a single, one and a half storey dwelling with detached garage on land west of Nathilda |
| <b>Applicant</b>                                      | Mrs Luke Hardy   |
| <b>Agent</b>  | Mrs Lisa Skinner – Phase 2 Planning  |
| <b>Target Decision Date</b>                           | 24.05.2019   |
| <b>Case Officer</b>                                   | Kathryn Mathews  |
| <b>Parish</b>   | <b>COLD NORTON</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Departure from Maldon District Approved Local Development Plan                                     |

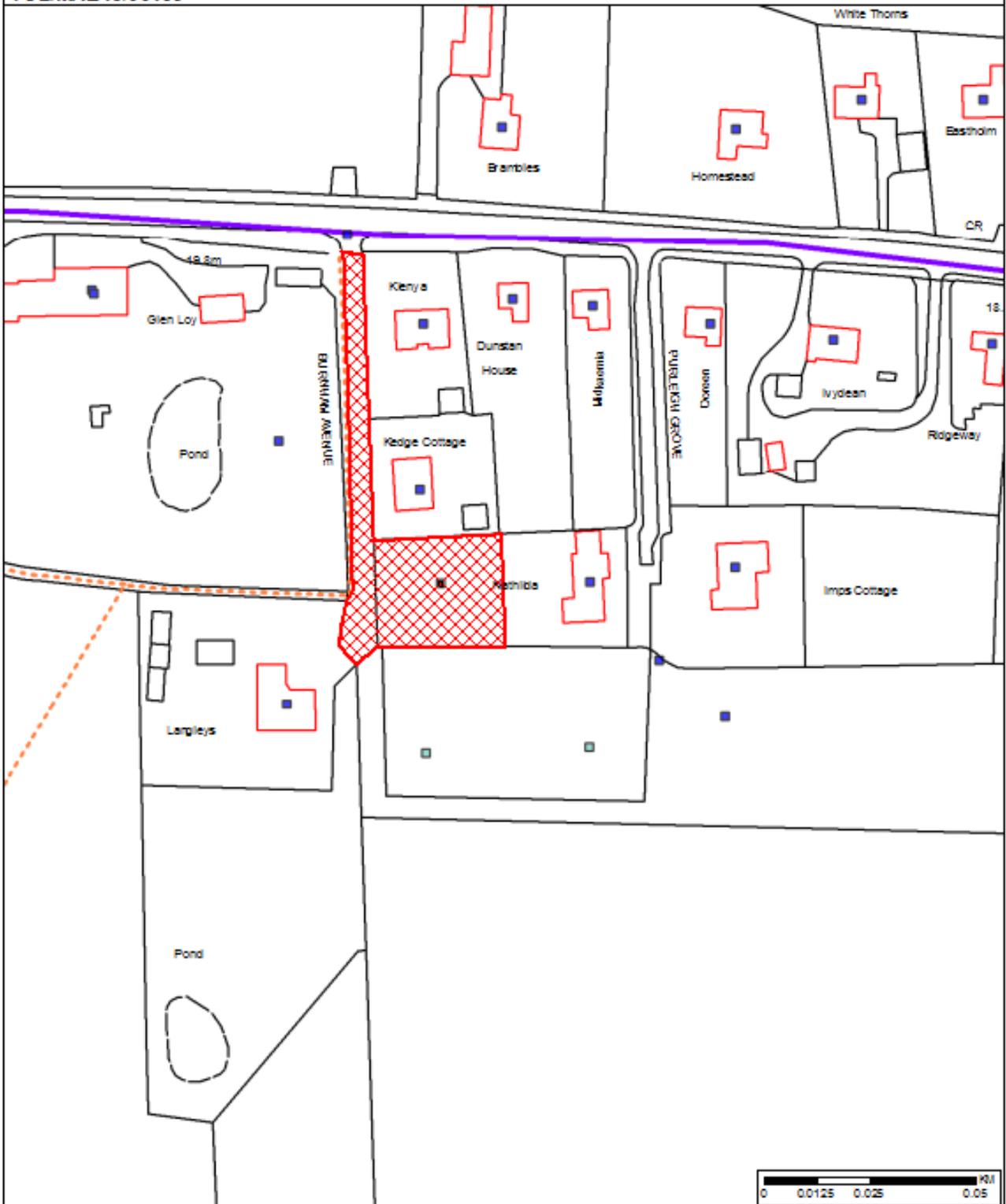
1. **RECOMMENDATION**

**APPROVE** subject to conditions as detailed in Section 8.

2. **SITE MAP**

Please see overleaf.

**Land West of Nathilda, Purleigh Grove, Cold Norton**  
**FUL/MAL/19/00166**



**Copyright**  
 For reference purposes only.  
 No further copies may be made.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright.  
 Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Maldon District Council 10/0018588 2014

  
 MALDON DISTRICT COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

|               |                         |
|---------------|-------------------------|
| Scale:        | 1:1,250                 |
| Organisation: | Maldon District Council |
| Department:   | Department              |
| Comments:     | NW Area Committee       |
| Date:         | 14/03/2019              |
| MSA Number:   | 100018588               |

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The site is located outside the defined settlement boundary of Cold Norton. The application site is open land to the west of the property known as Nathilda, which fronts Purleigh Grove. Adjacent to the northern boundary of the site is an existing residential property (Kedge Cottage). Land to the south is in the process of being developed as a new detached dwelling (Plot B) planning permission having been granted on appeal for two single storey dwellings on land south of Nathilda and then amended under planning permission references FUL/MAL/19/00028 (Plot A) and FUL/MAL/19/00112 (Plot B). On the opposite/western side of Burnham Avenue are further, existing residential properties. There is a public footpath which runs along the majority of the length of Burnham Avenue.
- 3.1.2 The proposed four-bedroom dwelling would be a maximum of 17.6m in width x 8.6m in depth and a maximum of 7.7m in height. There would be three dormer windows on the rear elevation and two on the front. A detached garage would be located to the rear of the dwelling and measure 7m x 5.5m and 5.7m in height. The buildings would largely be of traditional design having pitched roofs with external materials consisting of brick and tiles. The proposed dwelling and garage would be very similar in terms of their design, size and height as the development the subject of planning permission FUL/MAL/19/00112 which relates to land immediately to the south of the current application site.
- 3.1.3 The dwelling proposed would be accessed via Burnham Avenue. This is an unmade road with residential curtilages on both sides along its length and currently provides access to a small number of detached dwellings.

#### **3.2 Conclusion**

- 3.2.1 Due to the outcome of the above-mentioned appeal, it is deemed that the proposed development should be found acceptable in principle. In the context of other permissions, the development would not harm the character or appearance of the area, would not materially harm the amenity of the occupiers of any neighbouring residential properties, would provide adequate off-street parking and would provide an adequate quality of life for the occupiers of the proposed dwelling. The proposal would not cause harm to the designated nature conservation European sites through increased recreational pressure.

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making

- 47-50 Determining applications
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D5 Flood Risk
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

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

### **5. MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the proposal on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed dwelling and highway safety/access/parking. The impact on nature conservation also falls to be assessed.

#### **5.2 Principle of Development**

5.2.1 The application site is located outside the defined development boundary of Cold Norton and within the rural area. Policy S8 states that, outside the defined development boundaries and other defined areas, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for development within a list set out in the Policy, but which does not include new, residential properties.

5.2.2 The NPPF is also clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three key dimensions that are mutually dependent upon each other and need to be balanced.

These are the economic, social and environmental roles. This requirement is carried through to local policies via policy S1 of the approved Local Development Plan (LDP) which emphasises the need for sustainable development. The NPPF (paragraph 70) which states that '*Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*'

5.2.3 Policy H4 contains criteria relating to backland and infill development and states that such developments will be permitted where 1) there is a significant under-use of land and development would make more effective use of it; 2) there would be no unacceptable material impact upon the living conditions and amenity of nearby properties; 3) there will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and 4) the proposal will not involve the loss of any important landscape, heritage features or ecology interests. Criterion 2) is dealt with in more detail below but, in summary it is concluded that all of these criteria are satisfied in this case.

5.2.4 In granting outline planning permission on the adjoining site to the south for two new dwellings (reference OUT/MAL/17/00918) at appeal, the Inspector raised no objections to the principle of the development. In allowing the appeal, the Inspector reached the following conclusions:

*9. From the evidence submitted and my site visit I observed that the site has the character of a residential garden. Therefore the change in the character and appearance of the site would be limited to the erection of the proposed built form and more intensive use of the land, as the more formal landscaping and domestic paraphernalia associated with residential use is already in place.*

*10. The existence of the curtilage of 'Impscamp' and 'Langleys' adjacent to the site further leads me to the conclusion that this is a garden plot with a domesticated setting, and the intrinsic countryside character and beauty that the Council seeks to protect by virtue of Policy S8 has already been eroded.*

*11. In terms of the scale of the proposed buildings, their footprints would not be dissimilar to the existing properties at Nathilda and Impscamp and they would be single storey, again, similar to other nearby properties including Nathilda. This leads me to conclude that their scale would be in keeping with the pattern of development in the nearby area, and as such would not be harmful to its character and appearance.*

*12. Details of landscaping would be required as a reserved matter but given my conclusions above I do not consider this detail to be fundamental to the acceptability of this scheme at outline stage.*

*13. I have had regard to paragraph 70 of the Framework. However this does not preclude all development of garden land. Moreover, the Council's ability to demonstrate a 5 year supply of housing does not in itself a reason to resist additional housing in the district. Given my findings relative to the character and appearance of the site and in light of the development plan policies before me, this does not alter my conclusions.*

14. As such, I conclude that this site would provide a suitable site for housing, having regard to the character and appearance of the area. In this respect the proposal would not conflict with the aims of policies S1 (Sustainable Development), S8 (Settlement boundaries and the Countryside), D1 (Design Quality and Built Environment) or H4 (Effective Use of Land) of the Local Plan.

As this appeal decision is recent and relevant to the currently proposed development, it is a material consideration in the assessment of the current proposal which would need to be afforded significant weight in the determination of the current application. Therefore, there is no reason to take a different view with respect to the current application.

- 5.2.5 Therefore, whilst the site is located within a rural area, beyond the development boundary for Cold Norton, and the application has been advertised as a departure to the LDP, no objection, in principle, is raised to the development of the site for a new residential property. The site is plot similar in size to the existing properties adjoining the site and would be enclosed on all sides by existing residential development. On this basis, it is considered that a refusal of planning permission based on the principle of development could not be sustained, in this case.

### **5.3 Design and Impact on the Character of the Area**

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

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

*“The 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”.*  
*“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”.*

- 5.3.3 This principle has been reflected in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;

- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The proposed dwelling would be one and half storeys in height with a detached garage, both of a design which would be in-keeping with the existing development within the vicinity of the site. The dwelling and garage building proposed would be comparable in size, height and design to the new buildings approved on land adjoining the site's southern boundary (references FUL/MAL/19/00028 and FUL/MAL/19/00112). Whilst the currently proposed dwelling would be closer to and, therefore, more visible from the public footpath which runs along Burnham Avenue than these previously approved dwellings, given the size, height and design of the new buildings proposed and their setting, it is considered that the development proposed would not cause harm to the character and appearance of the area.
- 5.3.7 On this basis, no objection is raised to the development proposed in terms of its impact on the character and appearance of the area. However, conditions to remove permitted development rights for extensions to the dwelling and means of enclosure in the interests of protecting the character and appearance of the countryside are recommended along with a condition requiring the approval of hard and soft landscaping details.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The northern single storey side projection of the proposed dwelling would be positioned around 1.5m from the northern boundary of the site, at its closest point, but would be in the vicinity of the driveway associated with this neighbouring dwelling. The other elevations of the proposed dwelling, which would only be one and half storeys in height, would be located at least 5.4m from the boundaries of the site.
- 5.4.3 The proposed detached garage building would be located adjacent to the southern boundary of the site and around 2.7m from the rear/eastern boundary of the site.

However, this building would only be single storey in height and be located beyond the end of the rear garden of Nathilda to the east and around 6m from the front elevation of the dwelling under construction to the south.

5.4.4 On the basis of the above, it is considered that, as a result of the size, height, position and design of the dwelling and detached garage proposed, the development would not have an adverse impact on the occupiers of any existing or proposed, neighbouring dwelling by reason of outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.4.5 In terms of overlooking and privacy, there would be three bedroom windows proposed at first floor level on the rear elevation of the dwelling and a bedroom window proposed at first floor level on the front elevation of the dwelling. However, the rear facing windows would be at a sufficient distance (over 15m) from the rear garden boundary of the dwelling to the east (Nathilda) to avoid a material loss of privacy occurring. The distance between the front facing bedroom window and the residential properties on the opposite side of Burnham Avenue would be less than this but it is considered that no material loss of privacy would result as this window would face a conifer hedge associated with Glen Loy, a public footpath between Glen Loy and Langleys and an area of vegetation within the front garden of Langleys. There would be a first-floor bathroom window proposed on the northern, western and southern elevations of the dwelling but a condition could be imposed to require that those windows on the side elevations (northern and southern) are obscure glazed and fixed closed below eyelevel to prevent overlooking of Kedge Cottage to the north and the new dwelling to the south. This treatment of the first floor bathroom window on the front/western elevation of the proposed dwelling would not be necessary as it would face a substantial conifer hedge along the boundary of land associated with Glen Loy.

5.4.6 Based on the above, it is considered that the development would not cause harm to the amenity of the occupiers of any neighbouring dwelling, subject to the imposition of conditions.

## **5.5 Access, Parking and Highway Safety**

5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.5.3 The proposal would include space for the parking of at least three cars which would accord with the adopted parking standards which require the provision of at least three spaces for dwellings with four or more bedrooms. The Highways Officer has raised

no objections to the proposal but it is recommended below that the same conditions that were recommended by the Highways Officer in response to application reference FUL/MAL/19/00112 (relating to loading/unloading/ reception and storage of building materials and the manoeuvring of all vehicles clear of the highway and ensuring the public's rights and ease of passage over footpath number 19 Cold Norton) are imposed as they would apply equally to the current proposal.

- 5.5.4 Based on the above, it is considered that the proposed development would be acceptable in terms of highway safety, access and parking.

## **5.6 Quality of Life**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 The private amenity space proposed for the dwelling would be in excess of the minimum 100sq.m. referred to above. Adequate provision for off-street parking would also be made. It is, therefore, considered that the proposed development would provide an adequate quality of life for the occupiers of the proposed dwelling.

## **5.7 Nature Conservation**

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network. Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.7.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.4 Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area is likely to have a significant effect on the sensitive interest features of these

coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England (NE) advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.7.5 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.7.6 NE anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’.
- 5.7.7 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.8 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £122.30 per dwelling.
- 5.7.9 To accord with NE’s requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

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

## HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

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

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

Summary of Appropriate Assessment – as a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England’s interim advice is guidance only, it is not considered that mitigation, in the form of a financial contribution, is necessary, in this case.

5.7.10 Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

## **6. ANY RELEVANT SITE HISTORY**

6.1 The following planning history relates to land to the south of the current application site:

- **FUL/MAL/19/00028** - Construction of a one and a half storey house with associated garage and access (Plot A). Approved 20.03.2019.
- **FUL/MAL/19/00112** - Construction of a one and a half storey house with associated garage and access (Plot B). Approved 20.03.2019.
- **DET/MAL/18/05180** - Compliance with conditions notification of application 17/00918/OUT approved on appeal APP/X1545/W/18/3199192 (Erection of two single storey dwellings). Condition 5 - Surface and foul water drainage. Approved 03.12.2018
- **RES/MAL/18/01310** - Reserved matters application for the approval of appearance, landscaping and layout on planning application OUT/MAL/17/00918 allowed on appeal APP/X1545/W/18/3199192 (Erection of two single storey dwellings). Approved 14.01.2019
- **OUT/MAL/17/00918** - Erection of two single storey dwellings. Appeal allowed 14.09.2018

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b>   | <b>Officer Response</b>   |
|--------------------------------------|--|---|
| Cold Norton Parish Council           | Objects on basis that site is outside development boundary and is contrary to Policy S8 of the LDP, progressive infill and | Noted – refer to sections 5.2 and 5.3 of report. Policy S3 is not relevant to the current proposal. |

| Name of Parish / Town Council | Comment   | Officer Response |
|-------------------------------|---|------------------|
|                               | overdevelopment contrary to Policies D1, S2 and S3. |                  |

## 7.2 Statutory Consultees and Other Organisations

| Name of Statutory Consultee / Other Organisation | Comment  | Officer Response                         |
|--|--|--|
| Essex County Council Highways                    | As Burnham Avenue is a private road, the Highway Authority has no objection. | Noted but refer to section 5.5 of report |

## 7.3 Internal Consultees

| Name of Internal Consultee | Comment  | Officer Response   |
|----------------------------|--|--|
| Environmental Health       | No objection subject to conditions requiring foul water to drain to the public sewer as proposed and for details of surface water drainage to be submitted; informatives are also recommended. | Noted – conditions relating to foul and surface water drainage and informatives are recommended below. |

## 7.4 Representations received from Interested Parties

7.4.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

| Objection Comment   | Officer Response   |
|---|--|
| Would set precedent as outside village envelope in rural area                               | Noted but the ‘precedent’ has already been set with planning permission having been granted, on appeal, for two dwellings to the south of the site referred to above |
| Loss of wildlife habitat on adjacent site   | This not relevant to the consideration of the current proposal   |
| Highway safety issues – poor visibility at junction of Burnham Avenue with Latchingdon Road | The Highways Officer has raised no objections to the proposal – refer to section 5.5 of report   |
| Virtually no mobile phone signal and poor electricity supply                                | These are not material planning considerations and there is no reason to believe that electricity is not available   |
| Would add to existing flooding issues   | Noted – conditions relating to foul and surface water drainage recommended below would address this concern  |
| Height 1m greater than existing adjacent properties in Burnham Avenue                       | The dwelling would be the same height as the new dwelling under construction   |

| Objection Comment  | Officer Response  |
|--|---|
|  | on the adjacent site to the south - refer to section 5.3 of report.   |
| Potential obstruction of Burnham Avenue for residents and users of public footpath | Noted – refer to section 5.5 of report. Conditions are recommended below requiring all loading/unloading/ reception and storage of building materials and the manoeuvring of all vehicles to be clear of the highway and ensuring the public’s rights and ease of passage over footpath number 19 Cold Norton |

**8. PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1820.33, 1820.30revG  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON In the interest of the character and appearance of the area in accordance with policies D1, S1 and S8 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected within or around the site without the prior grant of planning permission by the local planning authority.  
REASON In the interest of the character and appearance of the area in accordance with policies D1, S1 and S8 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 5 No development shall take place above slab level until details of the soft and hard landscape works for the site have been submitted to and approved in writing by the local planning authority. The soft landscaping works approved 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.

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

- 6 REASON In the interest of the character and appearance of the area in accordance with policies D1, S1 and S8 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions to the dwelling shall be erected within the site and, other than those forming part of this planning permission, no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the buildings hereby permitted without planning permission having first been obtained from the local planning authority.

- 7 REASON In the interest of the character and appearance of the area and the privacy of neighbouring occupiers in accordance with policies D1, S1 and S8 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework. No development shall take place above slab level until details of surface water drainage for the development have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to the occupation of the dwelling and shall be retained as approved thereafter.

- 8 REASON To ensure the incorporation of an appropriate drainage scheme in accordance with policy D5 of the Maldon District Approved Local Development Plan. Foul drainage shall be drained to the public sewer as proposed unless alternative proposals have been submitted to and approved in writing by the local planning authority before development works above ground level occur. The approved scheme shall be implemented prior to the first occupation of the development.

- 9 REASON To ensure the incorporation of an appropriate drainage scheme in accordance with policy D5 of the Maldon District Approved Local Development Plan. Prior to the first occupation of the dwelling hereby permitted, the first floor windows in the side elevations of the dwelling hereby permitted shall be glazed with opaque glass and of a non- openable design below a height of 1.7m above internal floor level and shall be retained as such thereafter.

- 10 REASON In order to protect the privacy of the occupiers of the neighbouring residential property, in accordance with Policy D1 of the Maldon District Approved Local Development Plan. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken clear of the public highway, Burnham Avenue and Purleigh Grove.

- REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy T2 of the Maldon District Approved Local Development Plan.

- 11 The public's rights and ease of passage over footpath number 19 in Cold Norton shall be maintained free and unobstructed at all times.

REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy T2 of the Maldon District Approved Local Development Plan.

### **INFORMATIVES**

1. Refuse and Recycling - The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
2. Land Contamination - Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
3. Construction - 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.Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.
4. Alteration to an Ordinary Watercourse - Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto: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.
5. Timing of submission of details - It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with

conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.