



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
8 JULY 2019**

<b>Application Number</b>	<b>FUL/MAL/19/00003</b>
<b>Location</b>	Hallfield Gate Barnhall Road Tolleshunt Knights
<b>Proposal</b>	Demolition of the existing house and erection of a new house
<b>Applicant</b>	Mr Daniel Kyan
<b>Agent</b>	N/A
<b>Target Decision Date</b>	30.04.2019 EOT 10.07.2019
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	Tolleshunt Knights
<b>Reason for Referral to the Committee / Council</b>	Major Application

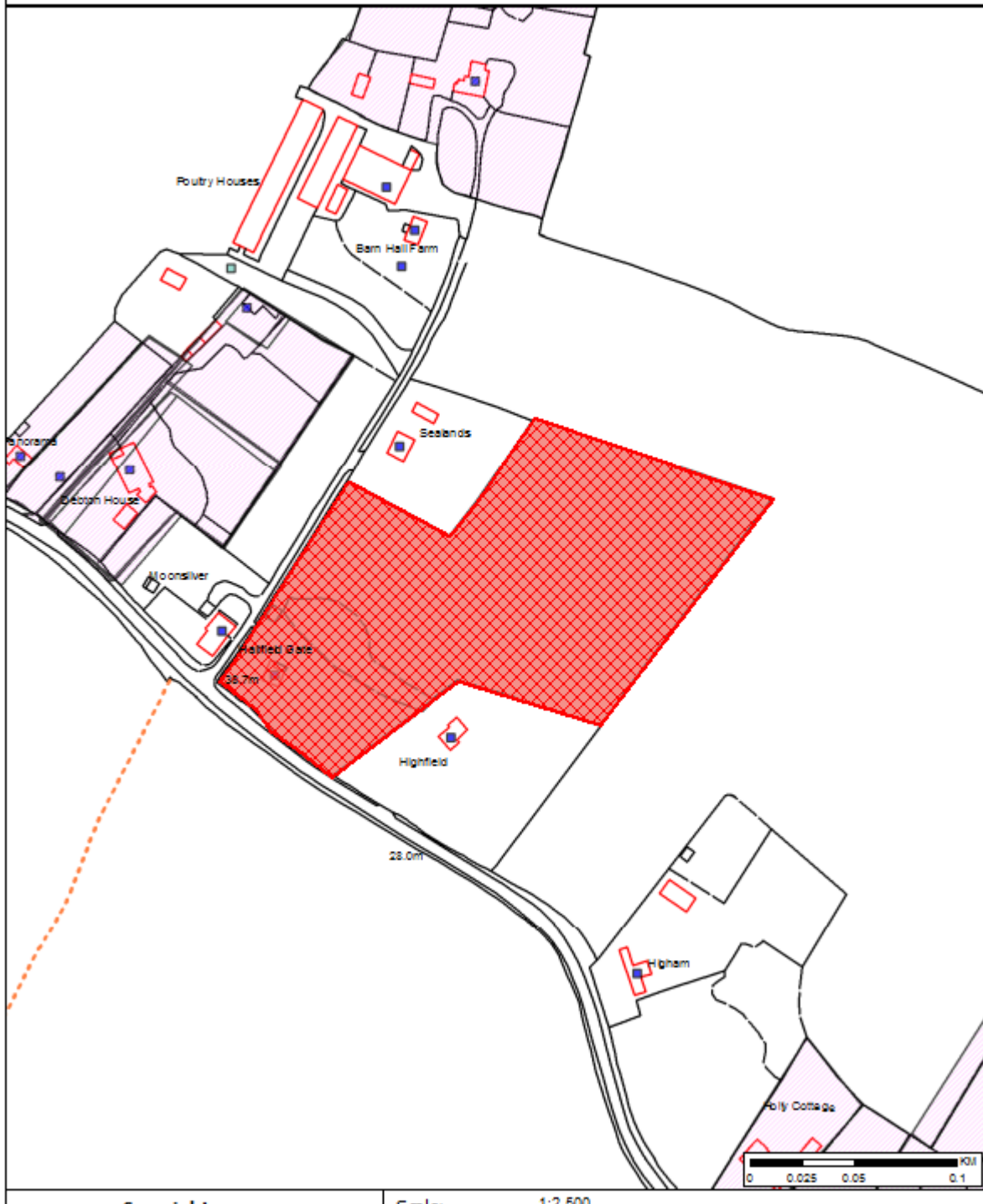
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

## Hallfield Gate Barnhall Road Tolleshunt Knights



### **3. SUMMARY**

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

- 3.1.1 The application site is located outside of the defined settlement boundary of Tolleshunt Knights, on the north western side of the highway at the junction of an unmade track leading northwards to Barn Hall Farm. The dwelling is prominently located on the crest of a ridge with wide ranging views to the east out towards the Blackwater Estuary. There are several dwellings within the vicinity of the site along both Barnhall Road and along the adjacent track.
- 3.1.2 The existing dwelling is a chalet style property which benefits from first floor dormer windows and a single storey conservatory style projection to both the front and rear elevations. Vehicle access is taken from the access to the side of the site and close to the junction of Barnhall Road. There are small outbuildings within the wider site and a single detached garage further along the track.
- 3.1.3 The proposal seeks planning permission to demolish the existing property and erect a larger three storey dwelling with an adjoining single storey element which would accommodate a double garage and additional rooms to be used in connection with the dwelling, this element would be located across part of the north eastern elevation of the main dwelling.
- 3.1.4 The proposed dwelling would have a footprint of two interconnecting rectangles with the main dwelling measuring 11.6m by 7.8m and a ridge height of 8.7m. The principle elevation of the dwelling would face the private track used to access the dwelling located to the north west of the plot and the south western side elevation fronts the public highway Barnhall Road. The single storey element would have overall measurements of 9.95m by 9m with a two pitched gable roofs with an overall height of 4.4m. The garage doors would face the access track.
- 3.1.5 The property would be sited partially on the site of the existing property and would be around 14.5m from Barnhall Road and 14.3m from the access track.
- 3.1.6 In terms of materials, the property would have a slate roof, red face brickwork and black timber weatherboarding with black stained timber windows.
- 3.1.7 The dwelling would retain and utilise the existing vehicle access and driveway.
- 3.1.8 This application represents a resubmission of a previously refused application. The Councils reason for refusal is as follows:

‘The proposed dwelling as a result of its size, scale, height, bulk and mass would result in an incongruous form of development that does not reflect the character of the area to the detriment of the character and appearance of the area, thereby failing to protect or enhance the natural beauty, tranquillity amenity and traditional quality of the rural district outside of settlement boundaries. The quantum of development and intensification of the built form resulting from the urbanization of the site would therefore fail to meet the requirements of policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan and the Core Planning Principles and Guidance as contained in the National Planning Policy Framework.’

The application was subsequently appealed and dismissed, the Inspector for the appeal concluded:

‘The development would harm the character and appearance of the area. It would be in conflict with policies S1, S8, D1 and H4 of the Local Plan and the Framework which seek, amongst other things, to ensure that developments maintain the rural character of the area and that the intrinsic character and beauty of the countryside is not adversely impacted upon and is of a design appropriate to its setting.’

### **3.2 Conclusion**

- 3.2.1 The proposed replacement dwelling is a re-submission of a previously refused scheme that was subsequently dismissed at appeal. The amendments to the scheme are, on balance, considered to overcome the concerns raised by the Inspector of the appeal in relation to the impact upon the character and appearance of the area. Further, there are no objections in relation to the principle of the development, impact on neighbouring occupiers, amenity space, or car parking provision.

## **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
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic 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
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Vehicle Parking Standards SPD
- Maldon District Design Guide SPD

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The property is located within the rural area outside the development boundary for Tolleshunt Knights. However, there is no objection to the principle of a replacement dwelling on a one for one basis, providing the proposal meets the criteria set out in policy H4 of the LDP which states:

*‘Planning permission for the replacement of an existing dwelling with a new dwelling will only be granted if:*

- 1) The residential use of the original dwelling has not been abandoned;*
- 2) The original dwelling is not a temporary or mobile structure;*
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;*
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;*
- 5) The proposed replacement dwelling is of a design appropriate to its setting; and*
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.’*

- 5.1.2 The existing dwelling on site is currently in use as a dwelling and it is not a temporary or mobile structure. The original dwelling whilst liveable is not worthy of retention based on its design or relationship with the surrounding area and the proposal will not involve the loss of any important landscape, heritage features or ecology interests. The proposal is in compliance with stipulations 1, 2, 3 and 6.
- 5.1.3 Compliance with stipulations 4 and 5 will be assessed in the design section of the Officer Report.

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

- 5.2.1 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.
- 5.2.2 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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of*

*sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

5.2.3 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.

5.2.4 Similar support for high quality design and the appropriate layout , scale and detailing of development is found within the Maldon District Design Guide (2017).

5.2.5 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.

5.2.6 In addition, the proposal is for a replacement dwelling. Policy H4 seeks to encourage development only if the proposed replacement dwelling is of an appropriate scale and design to the plot and its setting.

5.2.7 As stated above this application represents a resubmission of a previously refused scheme that was subsequently dismissed at appeal; the application should only be approved if the previous reason for refusal, which related to the impact on the character and appearance of the area, has been overcome.

5.2.8 This application proposes a similar dwelling to that previously refused. The proposed dwelling remains a three-storey dwelling with a single storey element set in a similar position within the plot, the changes to the scheme are as follows:

- The footprint of the single storey element has been reduced by 5m<sup>2</sup>. The overall footprint of the proposed dwelling is now around 178m<sup>2</sup> compared to the previously refused dwelling with a footprint of around 183m<sup>2</sup>.

- The height of the dwelling has been reduced from 10.1m (height from ground level) to 8.7m
- The height of the single storey element has reduced from 5.5m (height from ground level) to 4.4m.
- Reduction in ground level.
- The roof form of the single storey element has been changed from hip to a double gable.
- The previously proposed catslide dormer has been replaced with a pitched roof dormer.

5.2.9 The main concerns raised by the Inspector for the appeal are as follows:

- *'the single storey element proposes a shallow pitch and crown style roof which gives it a somewhat squat appearance. As a result of the mass and bulk of the single storey element, it fails to integrate successfully with the three storey dwelling and further emphasises its overall height. This results in a three storey dwelling of a scale that would dominate the site and would fail to assimilate into its countryside setting and maintain the rural character of the area.'*
- *'notwithstanding existing landscaping on the site, which would diminish during the winter months, the scale of the building would increase its visual prominence in the landscape which would further erode the openness of the rural character of the area.'*

5.2.10 The proposed dwelling would vastly increase the built form on the application site, given the proposals scale and siting within the plot. However, given the existing dwellings within the vicinity of the site, the principle of a three storey dwelling was not objected to by the Inspector for the appeal who stated *'The appellant has taken cues from other developments in the area some of which are of a similar scale.'*

5.2.11 In this respect, the overall height of the dwelling has been reduced along with the ground level which results in the dwelling being 8.1m from the existing ground level and 8.6m from the proposed ground level. This result in the dwelling appearing to be 1m lower from within the public realm to that being previously proposed. This would reduce the visual dominance of the dwelling when viewed from within the streetscene.

5.2.12 The revisions to the single storey element of the dwelling have been done in an attempt to overcome the Inspectors concerns noted above. It is considered that this element is an improvement when compared to that previously proposed. The overall height of the single storey element has been reduced along with the ground level and the change in roof form is considered to result in a more visually pleasing dwelling. It is considered that the single storey element successfully integrates to the main body of the dwelling.

5.2.13 Further to the above, the existing residential plot is a large and spacious site, which could accommodate a dwelling of this scale.

5.2.14 Therefore, on balance and giving significant weight to the findings of the Inspector at the time of the previous appeal, it is considered that the revised proposal has overcome the concerns raised by the Planning Inspector. It is not considered that the development would significantly harm the site or result in detrimental impact upon

the character and appearance of the area in compliance with policies D1 and H4 of the LDP and the guidance and provisions as contained within the NPPF.

### **5.3 Impact on Residential Amenity**

- 5.3.1 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 Maldon District Design Guide (2017).
- 5.3.2 The nearest adjacent neighbouring occupiers are to the north west of the site and immediately to the western side of the access track leading to Barn Hall Farm. Due to the distance between the properties, the proposed dwelling would not result in overshadowing or direct overlooking to an extent that would justify the refusal of the application.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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.
- 5.4.2 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 recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The plans show that the dwelling would provide six bedrooms and would therefore require three car parking spaces. There is a proposed garage which would provide parking for two cars and additional off-street parking within a parking forecourt for additional vehicles and is therefore considered to accord with adopted parking standards criterion.
- 5.4.4 Essex County Council Highway Authority has been consulted on the application in terms of highway safety and there is no objection to the scheme subject to conditions



relating to unbound materials and construction traffic. Such conditions are considered appropriate and necessary and can be appended to any grant of permission.

- 5.4.5 The scheme is therefore considered to accord with the criteria of approved policy T2 of the LDP.

## **5.5 Private Amenity Space and Landscaping**

- 5.5.1 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.
- 5.5.2 There is limited information with regard to the extent of private amenity space required and its separation from land within the ownership of the applicant. There is concern that should any permission be granted, then the large area for amenity space would allow the domestication of this largely uncultivated plot. Should permission be granted, conditions for the restriction of amenity space, and the removal of permitted development rights within the wider land ownership are considered appropriate and necessary to protect the character and appearance of the site.

## **5.6 Other Material Considerations**

- 5.6.1 The Council's Environmental Health Service has been consulted on the scheme. A consultation response states that the service recommends that full details of both surface and foul drainage treatment are required by condition appended to any grant of permission together with the recommended Informatives. Such conditions and advisory notes are considered appropriate and necessary in this instance.
- 5.6.2 A prior to commencement condition in relation to the levels of the site has been requested (awaiting confirmation from the applicant). This is to ensure the levels shown on the plan and the height of the dwelling would be achievable on the site and to ensure the dwelling would not be unduly dominant.

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

- **FUL/MAL/17/01122** - Demolition of the existing house and erection of a new house. Refused and appeal dismissed.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knights	It is felt that the reasons for dismissal of the previous application at appeal on this site have still not been addressed. The proposed dwelling is still three storeys high, larger than the existing dwelling and would be visually prominent situated as it is on the high ridge at the top of Barnhall Hill. It would therefore have an adverse impact on the surrounding rural area; furthermore the need in this area is for smaller units rather than large houses such as proposed here.	Please see section 5.2 of this report.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection subject to conditions.	Noted.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

### 7.4 Representations received from Interested Parties

- 7.4.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
<p>Concerns regarding the scale namely the height and width of the proposed dwelling and its impact on surrounding area would be visually dominant.</p> <p>Materials make it aesthetically incompatible with the surrounding area.</p> <p>Not objecting to redevelopment of site, with 4 acres the dwelling could be located somewhere on site with less impact.</p> <p>Nothing appears to have altered from previous refusal except a 1m reduction in height. Previous judgement should stand.</p> <p>It is in a conservation area.</p>	<p>Comments noted. Please see section 5.2 of this report.</p> <p>The site is not located within a Conservation Area.</p>

## 8. **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: P2A, P3A, P5C, P6S, P7S, P8S, P9S.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. No development works above ground level shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.  
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
4. No development works above ground shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.  
REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

5. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
  - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.  
Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.  
REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and policy D5 of the Maldon District Local Development Plan.
6. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.  
REASON: To ensure the adequate provision of foul water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and policy D5 of the Maldon District Local Development Plan.
7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.
8. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.  
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 Local Development Plan.
9. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the

development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation. The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.

10. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection during the construction process. All approved tree protection measures shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree 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. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: To ensure the protection of trees at the site in the interests of protection the visual amenity of the countryside in accordance with policies S8 and D1 of the Maldon District Local Development Plan.

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

REASON: In the interests of local amenity in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

12. Notwithstanding the details shown on plan P2A (Received by the Local Planning Authority on 04/01/19) the curtilage of the dwelling is not hereby approved. Prior to the first occupation of the building in accordance with the permission hereby granted a plan shall be submitted to and approved in writing by the Local Planning Authority agreeing the extent of the curtilage of the dwelling and the means of demarking the curtilage (including details of any forms of boundary treatments or means of enclosure that are proposed).

REASON: To limit the domestication of the site in the interests of protecting the character and intrinsic beauty of the countryside in accordance with policies D1 and S8 of the Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

13. Prior to commencement of the development details of existing ground levels and proposed finished ground levels in relation to the adjoining land, and floor levels shall be submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the levels shown on the plan and the height of the dwelling would be achievable on the site and to ensure the dwelling would not be unduly dominant in accordance with policy D1 of the Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

## **INFORMATIVES**

1. 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. 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. 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. When a sewage treatment plant or septic tank is installed the applicant must ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see [www.gov.uk](http://www.gov.uk) for more information on General binding rules for small sewage discharges.
5. 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.

6. 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.