

**CIRCULATED  
BEFORE THE  
MEETING**



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

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
28 OCTOBER 2020**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 5**

<b>Application Number</b>	<b>20/00733/FUL</b>
<b>Location</b>	Land Adjacent to Orchard House, Nipsells Chase, Mayland
<b>Proposal</b>	An equestrian arena to ride in the wet winter months. The arena is to be made of an equestrian sand mix.
<b>Applicant</b>	Mr & Mrs Kenny Paton
<b>Agent</b>	N/A
<b>Target Decision Date</b>	24.11.2020
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	MAYLAND
<b>Reason for Referral to the Committee / Council</b>	Councillor Miss S White is co-applicant Major application on site area

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

3.1.9 The applicant has confirmed that the equestrian arena will be bounded by a timber post and rail fence; 1.8 metre high posts driven into the ground for a finished fence height of 1.6 metres. This is as shown on the 'boundary treatment photo example' submitted with the application to show what the development will look like.

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

5.2.7 The proposed materials and hedging are considered to be acceptable. The proposed timber post and rail fence is considered acceptable and would be in keeping with the character of the area. Condition 4 has been included to ensure the boundary treatments are carried out in accordance with the details submitted by the applicant.

**7.2 Representations received from Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	The proposal is acceptable. Recommend a condition to ensure the surface water drainage is carried out as shown in the report.	Comments noted. See condition 5.

## **8 PROPOSED CONDITIONS**

4. The boundary treatments surrounding the equestrian arena shall consist of a 1.6 metre high timber post and rail fence, as set out within the email referenced 'boundary treatment details' dated 26.10.2020 and as shown in the details submitted in the 'boundary treatment photo example'.

**REASON** In the interests of the character and appearance of the area, in accordance with policies D1 and S8 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

### **Informative:**

#### 1. 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.

#### 2. 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council. Planning permission does not negate the requirement for consent, and full details of the work you proposed will be required at least two months before you intend to start.