



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
NORTH WESTERN AREA PLANNING COMMITTEE
14 JULY 2021

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| Application Number | 21/00415/FUL |
| Location | Land North of Orchard Way, Mope Lane, Wickham Bishops |
| Proposal | Creation of a 4/5 bedroom dwelling and garden |
| Applicant | Erica and Claire Webber and Koch |
| Agent | Karen Fardell - Plater Claiborne Architecture And Design |
| Target Decision Date | EOT 15.07.2021 |
| Case Officer | Hayleigh Parker-Haines |
| Parish | WICKHAM BISHOPS |
| Reason for Referral to the Committee / Council | Departure from Local Plan |

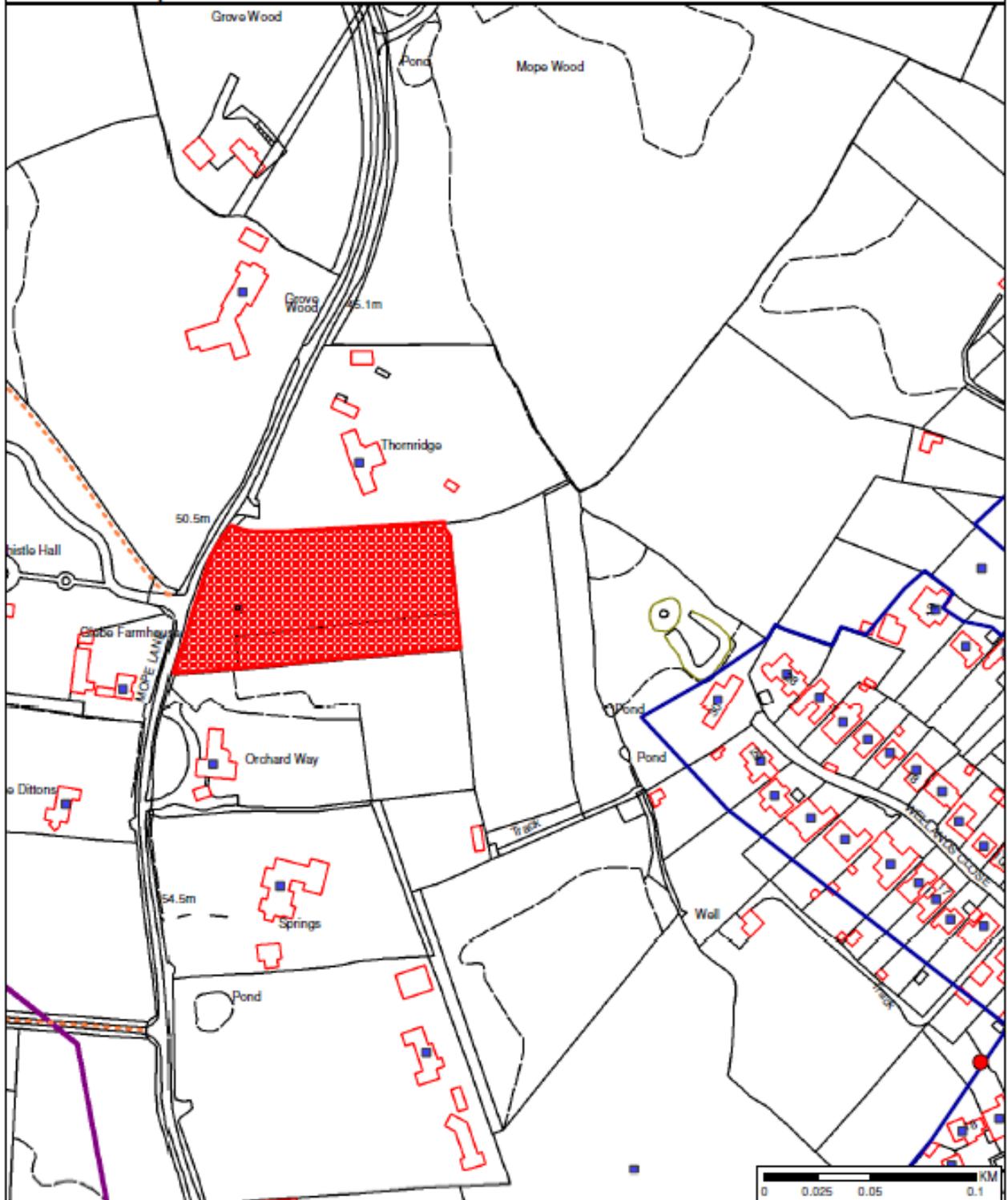
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

Land North Of Orchard Way - Mope Lane
Wickham Bishops 21/00415/FUL



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| | Organisation: | Maldon District Council |
| | Department: | Planning Services |
| | Comments: | 21/00415/FUL |
| | Date: | 12/05/2021 |
| | MSA Number: | 100018588 |

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site sits to the eastern side of Mope Lane and does not fall within any defined settlement boundary. The site is currently open land, currently used for the grazing of horses, free from built form with the ground sloping in a westerly direction (ground level lower close to Mope Lane). The application site benefits from an existing access off of Mope Lane and previously benefitted from an Orchard; which is believed to have been removed in 2013.
- 3.1.2 Planning permission is sought for the construction of a new dwelling; this is proposed to utilise the change in ground levels, so whilst the proposed dwelling is to be two storey, when viewed from Mope Lane this would appear single storey due to the change in ground levels. The proposed dwelling is split into two buildings with a glazed link adjoining the two aspects. The building to the north will be referred to as building one and the building to the south will be referred to as building number two. Furthermore, to avoid confusion ground floor will refer to the aspect of the proposal for all intents and purposes at the lower than ground level and first floor will refer to the aspects of the proposal above ground level, when viewed in the wider aspects of the site.
- 3.1.3 Building number one has a maximum height of 8.1 metres with an eaves height of 4.7 metres, a depth of 18metres and a width of 6.25 metres. To the northern elevation three glazed panels are proposed alongside a light well, to the eastern elevation one large glazed panel is proposed, to the southern elevation three large glazed panels, one ground floor window, two first floor windows and a rooflight are proposed and to the western elevation one glazed panel is proposed. This would provide three bedrooms with en-suites and one with a dressing room at ground floor level and a hall, utility, snug and open plan kitchen, dining and family room at first floor.
- 3.1.4 Building number two would have a maximum height of 7.6 metres with an eaves height of 4.8 metres, a depth of 18 metres and a width of 5 metres. To the eastern elevation there is a set of doors and a large glazed panel at first floor and to the southern roof slope solar panels are proposed. At ground floor this will provide plant and energy pumps, storage and a garden room/summer kitchen and at first floor a gym, sauna, bedroom, shower room and a home office.
- 3.1.5 A garage building is also proposed to the western side of building two. This would have a depth of 6.6 metres, a width of 6 metres and a height of 2.7 metres. It is proposed that this would accommodate parking provision for two vehicles and would include a green roof. The proposed link adjoining the two buildings would have a width of 4.2 metres, a depth of 1.9 metres and a height of 2.2 metres.
- 3.1.6 The proposal includes the re-planting of the Orchard, the introduction of an open meadow and legacy planting. The proposed Orchard will be predominately to the north of the driveway proposed and will consist of three types of apple trees; D'Arcy Spice, Red James Grieves and Discovery. The proposed open meadow would be to the south of the access and will consist of Essex Natives and drought resistant botanic mixes and will include a wildlife pond. The Legacy planting will consist of Oaks and these would be predominately to the south western corner of the site.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against the development plan and all relevant material planning considerations, taking into account the Council's previous decision within the vicinity of the site and in this instance; it is considered that the principle of the provision one dwelling in this location is acceptable. It is considered that whilst the proposed development is not located within a defined settlement boundary it is in a location that the Council has previously found development acceptable. Furthermore, appropriate weight should be given to the scheme in relation to the biodiversity features and landscaping proposed which are considered to weigh in favour of the proposed development in environmental terms. No objection is raised in relation to the impact of the development on residential amenity or the parking provision. Therefore, subject to appropriate conditions, the development is considered on balance, acceptable and in accordance with the aims of the National Planning Policy Framework (NPPF).

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
- 54-57 Planning conditions and obligations
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places

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
- D4 Renewable and Low Carbon Energy Generation
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- T1 Sustainable Transport
- T2 Accessibility

4.3 Wickham Bishops Neighbourhood Plan:

- WBEc 01 Home Working
- WBEEn 01 Recreational Disturbance Avoidance and Mitigation
- WBEEn 02 Biodiversity and Natural Habitats
- WBEEn 03 Special Views and Vistas
- WBEEn 04 Open spaces
- WBEEn 06 New Development and flood risk.

- WBF 02 Sustainable Means of Travel
- WBF 03 Highways Safety
- WBH 01 Design and Character

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards (VPS) SPD
- Wickham Bishops Village Design Statement

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise. This is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and through Government policy, at paragraph 47 of the NPPF;
- 5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).
- 5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the National Planning Policy Framework which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

‘Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The

NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37)

- 5.1.5 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out-of-date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'
- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF' the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 Paragraph 78 of the NPPF states that:
- 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'*
- 5.1.9 The application site lies approximately 160 metres from the defined settlement boundary of Wickham Bishops. Wickham Bishops is defined as a larger village with a range of services and opportunities for employment, retail and education, which serves a wide catchment area and contains good public transport links. The closest bus stop to the application site sits 0.9 miles to the east and would involve walking along Mope Lane in a southerly direction and Church Road in an easterly direction; this is estimated to take 17 minutes by foot; neither of these roads benefit from street lighting or public footpaths for the majority of the journey. This bus stop offers the 90 service which provides regular transport to Witham and Maldon.
- 5.1.10 It is pertinent to note than an application approximately 350 metres to the north of the site at 'Fernbrook Hall' was recently approved by the Council for the conversion of stables to a dwelling (20/00641/FUL). Access to facilities from this site, similar to the site the subject of this application and would involve walking along Mope Lane and

Church Road, or Mope Lane and Witham Road (Witham Road is a main road with a 60mph speed limit),

- 5.1.11 It must be noted that planning application 20/00641/FUL was recommended for refusal by officer's partially on the basis of an inappropriate location. However, in this instance the North Western Planning Committee did not agree with the officer's recommendation and granted planning permission for a new dwelling in this location. Whilst Members are not bound to follow an officer's recommendation they are bound by the same policies and can attribute appropriate weight to the various material considerations as they see fit. The Committee stated, when granting planning permission, that "*on balance there was not significant harm, the proposal was of acceptable design and replaced an existing building*". Therefore, when granting planning permission the silence on the appropriateness of the location and no specific material considerations weighing in favour of the development means that the Council has accepted this location is an appropriate location, in relation to accessibility to facilities for day to day living, for new residential development.
- 5.1.12 Whilst it is acknowledged that different routes would be utilised to access the bus stop, they are largely similar in nature. It is noted that the majority of facilities offered within Wickham Bishops are to the north eastern end of the village, and as discussed above, this is not considered to significantly alter the route required to access the services within the village. Therefore, taking into account the above assessment alongside applying appropriate weight to the Council's recent decision in this area, it is considered that the principle of providing a residential dwelling on this site, having regard to the Council's need to be consistent in its decision making, is supported.

5.2 Housing Need

- 5.2.1 In respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units, and around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.3 Whilst the LDP carries limited weight at present, the NPPF is clear that housing should be provided to meet an identified need. Therefore, it is still considered that weight should be afforded to the evidence base from the SHMA.
- 5.2.4 The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would provide a 4 / 5 bedroom property. Taking into account, the Council's current position, the proposal would make a contribution to improving the Council's housing stock. However, the benefits of the scheme in regard to this are negligible as there would be a net gain of one dwelling, of a size not needed by the Council, and

therefore, this is given minimal weight.

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 in creating better places to live 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 local design standards, style guides in plans or supplementary planning documents”.

5.3.3 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.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.5 The surrounding area is predominately open countryside with sporadic forms of development along the Road, mainly larger detached dwellings, set within spacious plots, with formal brick and railing boundary treatments. Neighbouring properties have a footprint and set back from the Lane as follows:

| | Set back from Lane (metres) | Footprint of dwelling (approx.) |
|--------------|------------------------------------|--|
| Orchard Way | 21 | 919m ² |
| Thistle Hall | 76 | 2676m ² |
| Thornridge | 48 | 903m ² |

5.3.6 The proposed dwelling would be located approximately 73 metres from the lane, which whilst is a great degree than two of the neighbouring properties, is not by such

a degree that it would result in an incongruous feature within the streetscene. Furthermore, it is similar to the set back of the adjacent neighbouring property. Additionally, the siting of the development set back within the plot results in a less prominent and dominant form of development within the streetscene.

- 5.3.7 The proposed dwelling would occupy a total footprint of approximately 245m² with the main bulk of the buildings directed away from Mope Lane. Whilst this is more modest in scale than the neighbouring properties and is not of a scale commonly found within the vicinity; it is considered to maintain the open nature of the site, retaining as much space free from built form as possible. Furthermore, the property being split into two long, thin buildings with layered heights is considered to give the appearance, when viewed from Mope Lane of two single storey buildings, further reducing any dominating impact on the character and appearance of the surrounding area.
- 5.3.8 The proposal includes the re-planting of the orchard to the north western side of the plot to re-establish its previous character and contribution to the surrounding area. Furthermore, to the south western side of the site, it is proposed to create a wildflower meadow and biodiversity pond, alongside additional planting of Oak trees to offer a natural buffer to the site with limited formal hard boundary treatments, it is considered that these features would contribute to a visual improvement of the site and would reflect its previous use, and therefore, these aspects are considered in environmental terms to weigh in favour of the proposed scheme in line with policy D1, H4 and N1. Furthermore, the Wickham Bishops Neighbourhood Plan WBE n 02 encourages proposals to reinstate or manage orchards stating these will be supported. This policy further goes on to advise that new development should seek to enhance the Arcadian green nature of the Parish, retain existing natural boundary treatments and create opportunities for habitats, all of which is proposed as part of this development.
- 5.3.9 Whilst it is noted that the site is currently open land, free from built form, due to the utilisation of the change in ground levels, the majority of the domestic paraphernalia to be associated with the dwelling would be set below ground level and would not be visible from within the Lane, this alongside the above mentioned planting is considered to largely mitigate the urbanising impact of the proposal.
- 5.3.10 The proposed dwelling is to be finished in brick with plain clay tiles for the roof with powder coated aluminium windows and doors; whilst exact details are unknown it is considered that these could be secured via an appropriately worded condition. Furthermore, the materials proposed are found at the neighbouring properties of the site and therefore, would not be incongruous features within the streetscene.
- 5.3.11 It is noted that solar panels are proposed to the southern roof slope of building two, these form a functional purpose and would not be highly visible within the public realm and would not form a prominent feature within the landscape. Furthermore, Policy WBH01 of the Wickham Bishops Neighbourhood Plan seeks to support development which incorporates features that improve its environmental performance reducing carbon emissions; including energy efficiency measures.
- 5.3.12 Taking into account the above assessment, whilst it is noted that the proposed development would result in the inherent domestication of the site, it is considered that the re-instatement of the orchard, the additional planting and due to the position, location, scale, bulk and design of the proposed dwelling the proposal would not have a detrimental impact on the character and appearance of the surrounding area and is therefore considered to be in compliance with policies D1, H4, S1, S8 and N1 of the LDP, policies contained within the Wickham Bishops Neighbourhood Plan and guidance contained within the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The application site is bordered by open fields to the east, Orchard Way to the south, Thornridge to the north and Glebe Farmhouse being the closest neighbouring property to the west. Due to the nature of the supplementary planting it is not considered that these aspects of the proposal would represent an unneighbourly form of development in relation to any of the neighbouring properties.
- 5.4.3 The proposed dwelling would sit 26 metres from the northern shared boundary and over 40 metres from the neighbouring property Thornridge, 19.9 metres from the southern shared boundary and over 40 metres from the neighbouring property Orchard Way and over 60 metres from Glebe Farmhouse. Due to these sufficient degrees of separation, it is not considered that the proposed development would represent an unneighbourly form of development in relation to any neighbouring properties.
- 5.4.4 Furthermore, each habitable room would be served by at least one window and therefore, it is considered that the proposed dwelling would provide sufficient living accommodation for current and future occupants.
- 5.4.5 For the reasons discussed, it is not considered that the proposal will result in any unacceptable harm by way of overlooking, loss of light or loss of privacy nor is it considered that the development would be overbearing or result in unacceptable noise impacts. Therefore, the proposal is in accordance with policy D1.

5.5 Access, Parking and Highway Safety

- 5.5.1 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, this is further supported within WBF03 of the Wickham Bishops Neighbourhood Plan.
- 5.5.2 The recommended standard for a five bedroom dwelling is a minimum of three car parking spaces. There is a proposed double garage that has internal measurements of 5 metres by 5.5 metres which would fall short of the minimum internal size of 6 metres by 7 metres for a double garage. However, it is considered that this could provide parking provision for two reasonably sized vehicles. Furthermore, there is adequate hardstanding to the front of the proposed dwelling to comfortably accommodate a minimum of three spaces.
- 5.5.3 The access point to the dwelling is existing and therefore, there are no concerns in relation to this. Furthermore, Highways were consulted as part of this application and raised no objection subject to the inclusion of seven conditions. Condition four recommended by highways is in relation to any gates to be provided to the vehicular access, it is not considered reasonable to include this condition as the site benefits from a gated entrance already, which is not set back 6 metres from the highway. Condition five recommended by Highways is in relation to unbound material being used as a surface treatment, this is not considered relevant to include as the design

and access statement advises that the entrance to the site will be bound material with additional details to be secured via another condition in relation to hard and soft landscaping. Furthermore, condition seven recommended by highways is in relation to the distribution of residential travel information, again this is considered unreasonable given the development is for the construction of one dwellinghouse.

- 5.5.4 Taking into account, the above assessment it is considered that the proposal is considered acceptable in terms of access, parking and highway safety and therefore, is in compliance with policy T2 and D1 of the LDP and WBF03 of the Wickham Bishops Neighbourhood Plan.

5.6 Private Amenity Space and Landscaping

- 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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 The proposed dwelling would have a private rear amenity space in excess of 100m² which would accord with the recommended standard.
- 5.6.3 It is noted that as part of the application a number of additional soft landscaping features are proposed including the re-instatement of the orchard, legacy planting and a wild meadow, it is considered that should the application be approved, further details in relation to the landscaping proposed e.g. number of trees for the orchard and legacy planting, location and time frames for planting could be secured via condition.

5.7 Planning Balance and Sustainability

- 5.7.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.7.2 Notwithstanding, and as noted at 5.1.7 above, the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making and case law (noted in preceding paragraphs), confirms that other policies in the plan are still relevant for decision making purposes where they are applicable to the proposal under consideration.
- 5.7.3 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.7.4 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional dwelling may support local businesses within the settlement such as shops and services. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Limited details are provided within the

application to this effect. Any economic benefits would therefore be considered nominal.

5.7.5 In relation to environmental sustainability, the site has limited access to services, facilities and public transport infrastructure. However, that the Council has recently accepted that occupiers of a new dwelling at a site nearby will have a similar reliance on private motor vehicles to satisfy the requirements of day-to-day living. Furthermore, it is considered that the proposed biodiversity features, alongside the sympathetic design and that the majority of the domestic paraphernalia would utilise the site and be set within the landscape with the additional planting and therefore, the proposal is considered to have a limited impact on the character and appearance of the surrounding area. Therefore, it is considered that this aspect would weigh minimally in favour of the proposed development.

5.7.6 In social terms the development should assist in supporting a strong, vibrant and healthy community. The proposed re-instatement of the Orchard, to return the sites historic character and contribution to the local community, is likely to be considered to off-set this harm and therefore, in social terms the proposal is considered to have a neutral impact.

5.8 Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast RAMS.

5.8.1 Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'

5.8.2 Strategic LDP 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.

5.8.3 In terms of off-site impacts, Natural England (NE) have advised that this development falls within the 'Zone of Influence' (Zol) 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 and of this scale 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. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

5.8.4 NE 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 Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational Zol of these sites cover the whole of the Maldon District.

- 5.8.5 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 Zol constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.6 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided an HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.7 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 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 £127.30 per dwelling.
- 5.8.8 To accord with NE's requirements, an 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 (Zol) for the Essex Coast RAMS with respect to the previously listed sites? Yes (Blackwater Estuary SPA and Dengie SPA)

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, without mitigation, 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 Natural England's advice, it is considered that mitigation, in the form of a financial contribution of £127.30 is necessary.

- 5.8.9 It is noted that the Applicant has provided a Unilateral Undertaking to secure this payment, which is considered to be acceptable, and therefore, the impact of the proposal could be mitigated and therefore would not form reason for refusal.

5.9 Ecology

- 5.9.1 The NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.9.2 A consultation response from Place Services has raised no objections to the proposed development subject to conditions, including a Construction Environmental Management Plan Biodiversity.
- 5.9.3 As discussed above the applicant has indicated that the proposed development will include a number of ecological enhancements, including the replanting of the orchard, and these weigh in favour of the development. It is considered appropriate to impose conditions that these benefits are delivered as part of the development.
- 5.9.4 Based on the above consultation response, it is considered any ecological impacts will be minimal and the proposal is considered acceptable in ecological terms subject to the conditions.

5.10 Trees

- 5.10.1 Due to the nature of the site the Council's Tree Consultant was consulted and raised no objections to the proposal. It is noted the proposed scheme would create a diverse habitat for wildlife, however no details have been provided in regard to tree protection, which is considered important due to there being trees directly adjacent to the access of the site. It is considered the remainder of the trees on the site would be far enough away from the proposed development however they too would need to be protected from construction activities. It is therefore considered if the application is to be approved a condition would be imposed requesting a Tree Protection Method Statement in accordance with BS5837:2012.

5.11 Other Matters

- 5.11.1 It is noted that neighbouring objection letters refer to other development within the area which were refused on 'sustainability' grounds; 'The Old Rectory', 'Land Adjacent to Little Hill Farm', 'Glebe Farm House' and 'Orchard Way'. With reference to 'The Old Rectory' and 'Glebe Farmhouse' this was determined at a time when the Council were able to demonstrate a 5YHLS and therefore policies S1 and S8 (of the current LDP) carried full weight. As discussed within Section 5.1 of this report these policies no longer carry full weight and therefore, paragraph 14 of the NPPF are invoked. Land Adjacent to Little Hill Farm; the principle of a dwellinghouse on this site has been found to be acceptable by the Inspectorate; with it being stating the site was a relatively sustainable location, particularly within a rural area such as this. The Inspector also noted the role that new development has in supporting the vitality and viability of rural communities and the services that they support. The Orchard Way decision was in 2014 and before the adoption of the current LDP (2017).
- 5.11.2 It is noted that the Specialist in Environmental Health has recommended a condition in relation to a construction management plan, however, it is considered that other recommended conditions would ensure the protection of this site from building work related activity, this is not considered to be a reasonable condition to include, however, has been included as an informative.

6. ANY RELEVANT SITE HISTORY

- **14/00401/OUT** – Outline application for single dwelling including determination of access and layout. - Refused 11.07.2014
- **15/00325/OUT** - Outline application for single dwelling including determination of access and layout. – Refused 25.06.2015

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------|--|---|
| Wickham Bishops Parish Council | <p>The Parish Council has received eight letters of support from local residents and one letter of objection. The Parish feel that the Application has much to commend it ecologically and environmentally but is disappointed to note anomalies in the pre-application advice given by MDC. Recommend refusal on following grounds:</p> <ul style="list-style-type: none">- Outside the settlement boundary- Unsustainable location- Does not meet the recognised housing need- Contravenes WBEEn 02 and WBEEn04 of the neighbourhood plan | Comments noted and discussed within section 5.1 and 5.3 of this report. |

7.2 Statutory Consultees and Other Organisations (*summarised*)

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|--|--|
| Essex County Council Highways | No objection subject to the inclusion of seven conditions should the application be approved | Comments noted and discussed within section 5.5 of this report |
| Place Services - Ecology | No objection subject to conditions regarding the securing of biodiversity mitigation and enhancement measures, a Construction Environment Management Plan and sensitive lighting design. | Comment noted |

7.3 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|---|------------------|
| Specialist – Environmental Health | No objection subject to the inclusion of three conditions should the application be approved. | Comments noted |

7.4 External Consultees

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|------------------|
| Tree Consultant | <p>The scheme looks like it can create a diverse habitat for wildlife compared with the meadow, and the soft landscaping scheme includes species to achieve this. I do not think the development of the site will directly impact on the important boundary trees, but despite a soft landscape scheme and ecology report being provided, there does not appear to be any information relating to tree protection. This is quite pertinent to the site access where there are trees directly adjacent to this. Details of how the trees are to be protected from construction pressures during the build would need to be provided. Whilst the trees on the remainder boundaries are far enough away, a barrier would need to be set up to contain development activities impacting on them.</p> <p>The trees at the entrance form an important part of the street scene so would not want to see them lost at a later date if this element of the construction had not been considered sooner. If it is felt this detail cannot be left to be addressed via a condition, then they would need to provide information up front to show that these trees can be protected and retained, even if this means smaller piling rigs etc are to be used.</p> <p>A tree protection method statement in accordance with</p> | |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|------------------|
| | BS5837:2012 would be required, focusing on how the trees to the frontage will be retained and protected, as well as those on the boundaries. | |

7.5 Representations received from Interested Parties

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

| Objection Comment | Officer Response |
|---|---|
| <p>The proposed development is not within a sustainable location and design and access statement appendix 2 makes this clear advising the following:</p> <ul style="list-style-type: none"> - It is not within the settlement boundary - It would make a negligible contribution to the Districts housing supply - There would be little support for local trade and only has minor benefits to existing services - The occupiers would be reliant on private motor vehicles weighing against the proposal in environmental terms | <p>Comments noted and are discussed in section 5.1, 5.2 and 5.7 of this report</p> |
| <p>Appendix 2 of the design and access statement goes on to advise that weight should be given to the Council's previous decisions within the vicinity of the site. This is questionable as each application must be considered on its own merits</p> | <p>Comments noted, and this is discussed within section 5.1 of this report. Previous decisions by the Council are a material consideration in the determination of any planning application.</p> |
| <p>The Council has refused a number of applications within the vicinity of the site on sustainability grounds. The Old Rector, Little Hill Farm and Glebe Farm House and Orchard Way.</p> | <p>Comments noted and each of these applications are discussed in section 5.9 of this report</p> |
| <p>Reference is made to the development allowed at Fernbrook Hall – this decision was very flawed and should be disregarded. At the meeting the senior planning officer argued that Councillors were not abiding by the rules.</p> | <p>Comments noted, and this is discussed within section 5.1 of this report. Reference to the senior planning officers' comments in the previous meeting took place during the debate and were to act as a guide and provide professional advice to members, however, the decision has been made and this is not the appropriate arena to discuss any issues with committee decision making process. Previous decisions by the Council are a material consideration in the determination of any planning</p> |

| Objection Comment | Officer Response |
|--|---|
| <p>The Parish Council wrote to MDC to complain about the decision at Fernbrook Hall and the way it was taken without due regard to planning policies and rules. A group of residents have also raised a formal complaint to the local ombudsman</p> | <p>application.</p> <p>This is not the appropriate arena to discuss any issues with committee processes.</p> |
| <p>There are no exceptional circumstances which weigh in favour of the application</p> | <p>Comments noted.</p> |
| <p>The application must be refused as it does not meet the policy requirements of the VDS, the Neighbourhood Plan the LDP or the NPPF</p> | <p>Comments noted and discussed throughout the report</p> |
| <p>The Applicants claim that they are leaving a legacy but this is a smoke screen whereby they are gaining permission to build a house on land and make money and move on</p> | <p>Comments noted.</p> |
| <p>Permission has been refused before so why is this different.</p> | <p>Comments noted, this is dealt with in paragraph 5.10 of this report</p> |
| <p>The mess by other projects down the land has never been repaired, the land becomes a skating ring with the mud left by lorries, it took 5 years for the Lane to be repaired after the last house renovation, where will the lorries be entering the site if approved, where will the portacabin be placed</p> | <p>Comments noted. Essex County Council Highways have raised no concerns in relation to the application and a condition is recommended to ensure all construction traffic and materials is stored within the site. The application does not include any reference to a portacabin.</p> |
| <p>The development is contrary to neighbourhood plan, outside the village boundary, would necessitate a change of use from agricultural to residential, unsustainable location and the curtilage contravenes the village design statement.</p> | <p>Please see section 5.1.</p> |
| <p>Concerns over impact on neighbours.</p> | <p>Please see section 5.4.</p> |
| <p>Concern over sustainability of the development.</p> | <p>Please see section 5.7.</p> |
| <p>Concern over noise impact on wildlife.</p> | <p>Please see section 5.9. In relation to noise from the proposed use, the development of one dwelling on the site is not considered to impact on neighbours to an extent that would justify the refusal of the application. Any impact from construction noise is not a material planning consideration.</p> |
| <p>There is a restrictive covenant on the land.</p> | <p>This is not a planning consideration.</p> |
| <p>Concerns over where the site notice was place.</p> | <p>Comments noted, the site notice was place near the site.</p> |
| <p>Comments regarding the motivation of the application.</p> | <p>Comments noted.</p> |
| <p>Note the previous applications on the site.</p> | <p>Comments noted.</p> |

7.5.2 **Twenty-Two** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

| Supporting Comment | Officer Response |
|--|--|
| The proposed property would fit well in Mope Lane and would be an enhancement to the area/neighbouring properties | Comments noted and discussed within section 5.3 of this report |
| The proposal offers a creative and sensitive site development that is of a scale and design that is extremely appropriate to and in keeping with those already built within Mope Lane | Comments noted and discussed within section 5.3 of this report |
| The proposed development would be a major improvement to the site as it is currently | Comments noted |
| The proposed development would benefit the local area and environment through apple tree planting, wildlife pond and a modest low impact property | Comments noted and discussed within section 5.3 of this report |
| This is an exciting example of what future applications should encompass -eco-build, climate friendly landscaping all of which would make a welcome contribution to the varied architecture of Mope Lane | Comments noted |
| The built form would occupy less than 5% of the land which reflects the aspirations of the Neighbourhood plan | Comments noted |
| The green credentials of the plan are inspiring. Great thought has gone into this to protect the environment and impact on other properties | Comments noted |
| Planting of tree will assist in the control of excess rain water. | Comment noted |

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: 2019/loc01, 2019/02, 2019/03, 2019/04, 2019/05, 2019/06, 2019/07 and 2019/08
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
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 Prior to the occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Hard surfacing materials;
 - iii. Planting details.
 The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation

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 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: 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.

- 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 incorporation of an appropriate surface water drainage scheme in accordance with policy D2 of 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 incorporation of an appropriate foul water drainage scheme in accordance with policy D2 of Maldon District Local Development Plan.

- 7 Prior to occupation of the dwelling hereby approved, the upgraded vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Block Plan Layout drawing 2019/03

REASON: In the interest of pedestrian and highway safety, in accordance with policy T2 of the LDP.

- 8 There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy T2.

- 9 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: In the interest of pedestrian and highway safety during construction works, in accordance with policy T2 of the LDP

- 10 There should be no obstruction above ground level within a 2.4m parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy T2 of the LDP

- 11 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021). All mitigation and enhancement measures shall be provided within the identified times frames within the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021) or where no timeframes are stated within six months of first occupation of the dwelling hereby approved. The mitigation and enhancement measures shall be retained in perpetuity.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policy N2 of the LDP and the guidance contained within the NPPF.

- 12 A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021). The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policy N2 of the LDP and the guidance within the NPPF.

- 13 Prior to occupation of the dwelling a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policy N2 of the LDP and the guidance within the NPPF.

- 14 Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policy S1, D1 and N2 of the LDP and the guidance contained with the NPPF.

- 15 No operations shall commence on site, including any site clearance or groundworks, unless and until a tree protection method statement, prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the local planning authority. The statement is to include a tree protection plan and ground protection measures for all those trees and areas of vegetation shown as being retained on drawing No 2019|03 and supporting information plan 001 C. Development shall be carried out in accordance with the measures set out in the approved statement during the construction period. No trees or vegetation retained pursuant to this condition shall be cut down, removed or uprooted without the prior written approval of the local planning authority.

REASON: To protect the health of the trees in the interest of the character and appearance of the area in accordance with policy D1 of the LDP.

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. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.