



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
15 SEPTEMBER 2021**

<b>Application Number</b>	<b>21/00488/FUL</b>
<b>Location</b>	Land Between Furzedown And Elms Coal Yard Main Road Mundon Essex CM9 6NU
<b>Proposal</b>	New one and a half storey chalet style dwelling.
<b>Applicant</b>	Mr Melvin Thurkettle
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	20.08.2021
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>MUNDON</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers as Departure from Local Plan

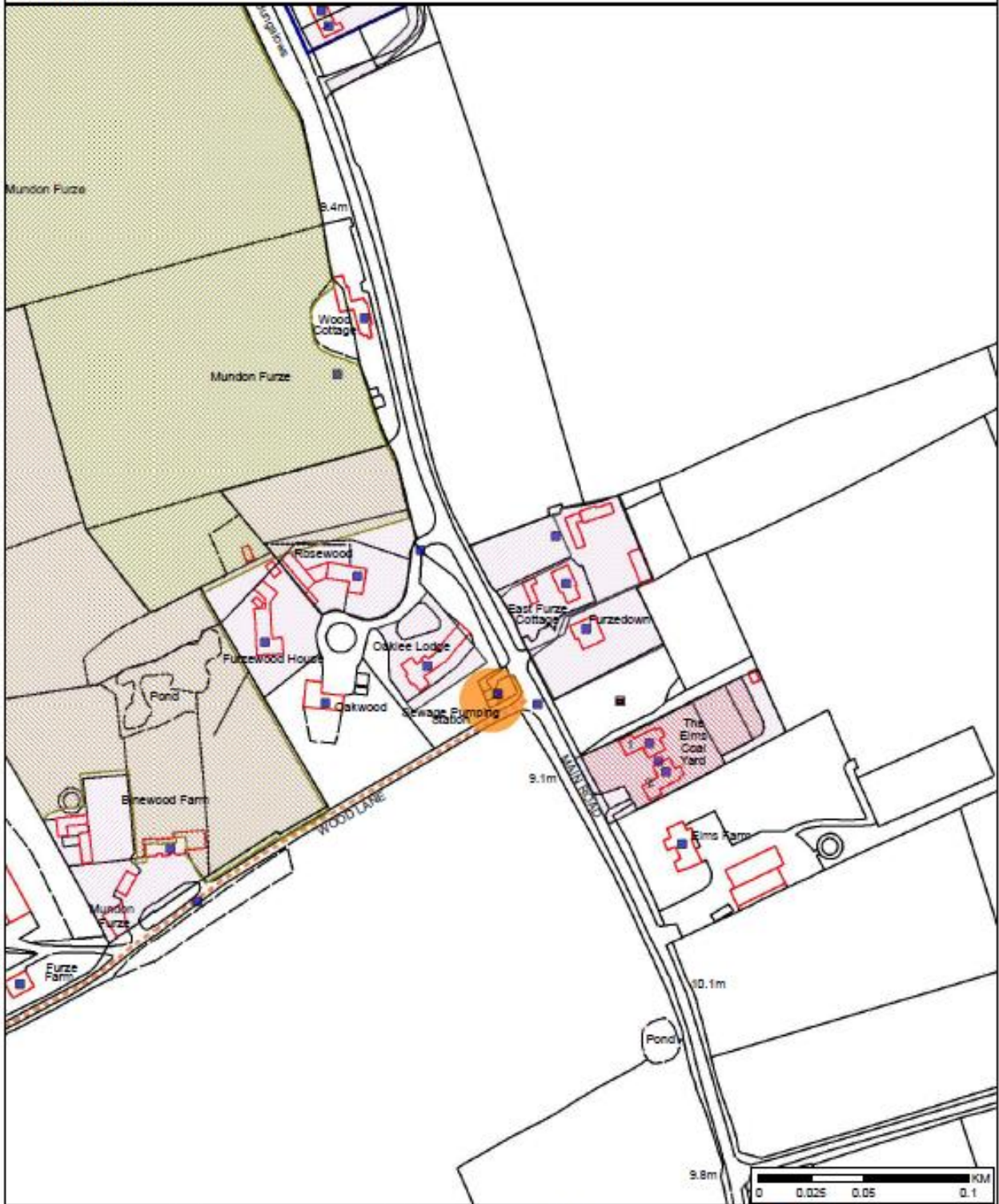
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see below.

**Land Between Furzedown and Elms Coal Yard Main Road Mundon Essex**  
 21/00488/FUL



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	Organisation: Maldon District Council	Department: Department
	Comments: Not Set	Date: 26/08/2021
	MSA Number: 100018588	

### **3. SUMMARY**

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

- 3.1.1 The application site is a rectangular parcel of land located on the east side of Main Road, outside of the settlement boundary of Mundon. The site is currently an unoccupied piece of overgrown grassland located within a parade of residential properties east of Mundon Road. The surrounding area within the immediate context of the site is rural in character, however, the existing parade of properties on this side of Mundon Road forms a pocket of residential development in a linear formation. Furzedown, a two-storey residential dwelling, is located to the north of the application side and two dwellings are located to the south, both of which have recently been constructed. The site adjoins open countryside to the east.
- 3.1.2 Planning permission is sought for the construction of a one and a half storey dwelling. The main body of the dwelling would measure 7.9m in height at the ridge and would have single storey eaves measuring 2.6m. The main body of the house would measure 8.4m in depth and 12.8m in width. Within the front and rear roof slopes of the property would be 3 incidental pitched roof dormer windows. To the south of the main body of the property would be a one and a half storey linked garage element measuring 6.9m wide and 11.1m in depth. The attached garage would measure 7m in height overall and would have first floor living accommodation above. The element of the property linking the main body of the house with the garage would also have a pitched roof dormer window within the forward-facing roof slope.
- 3.1.3 At the rear of the property would be a one and a half storey pitched roof rear projection with side-facing dormer windows within the first-floor roof slope. Overall, the house would measure 22.2m wide and 14m in depth. At first floor level, six bedrooms are proposed.
- 3.1.4 It is noted that during the life of the application, amended plans have been received which show the first-floor balcony located at the rear of the southern projection above the flat roof element has been removed.
- 3.1.5 It is also noted that the plans submitted are similar to a previously approved scheme for a detached dwelling at the site (90/00453/FULF refers). The main difference is that the garage is now proposed to be linked to the main body of the dwelling by a single storey element. The approved permission also included a condition that the dwelling was to be used in association with the adjacent coal yard, immediately south of the site. Since then, two residential dwellings have been constructed at the coal yard (15/00039/FUL & 15/01361/FUL refers) so that it no longer exists. The proposed dwelling is therefore no longer proposed to be used in conjunction with the previous coal yard.

#### **3.2 Conclusion**

- 3.2.1 The principle of one dwelling in this location is considered acceptable and by reason of its location and design, the proposed dwellings would not harm the appearance or

character of the locality. Due to the proposed layout and relationship with existing properties, the proposed development is not considered to result in any undue harm by way of overlooking or loss of amenity. Furthermore, an acceptable level of car parking provision and private amenity space can be achieved at the site. Subject to appropriate conditions, the application is recommended for approval.

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

##### **4.1 National Planning Policy Framework (NPPF) 2021, 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
- 54-58 Planning Conditions and Obligations
- 78-80 Rural Housing
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

##### **4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E1 Employment
- E4 Agricultural and Rural Diversification
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards (VPS) SPD

#### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).
- 5.1.2 In 2015, an application for two residential properties, south of the application site was submitted to the Council (15/00039/FUL refers). It was recommended for refusal on the grounds that the houses would represent an unsustainable form of development, however, the Council ultimately approved the application, at Committee, on the grounds that the frequency of bus movements past the site therefore made the site sustainable. It is therefore noted that planning permissions 15/00039/FUL and 15/01361/FUL at the neighbouring site have established the acceptability of residential development within this location despite it being located outside of the Defined Settlement. It is worth noting that the bus stop, which benefits from regular bus services, as mentioned above, is located immediately to the front of the application site. Although the development would not accord with Policy S8 of the LDP, which restricts development outside settlement boundaries, the Council cannot demonstrate a five-year supply of deliverable housing sites. Whilst it is accepted that the site might not be the most assessable site decisions at the adjoining site is a relevant material consideration and taking this in to account, and also for the need for consistency within the decision making process, it is considered that the principle of residential development in this location has been accepted by the Council, other considerations for the proposal are discussed below.
- 5.1.3 The proposal should also be read in connection with Policy H4 which considers 'Backland and Infill Development'. The Council will consider such development on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal providing all the following criteria are met: 1) There is a significant under-use of land and development would make more effective use of it; 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties; 3) There will be no unacceptable loss of land which is of local, social, economic, historic or environmental significance; and 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests. The criteria will be assessed within the main body of the report.

## **5.2 Housing Mix**

- 5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the statutory development plan as the starting point in the determination of planning applications. However, 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 Whilst the LDP carries limited weight at present due to the lack of a 5 Year Housing Land Supply (5YHLS) and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The Maldon District Local Housing Needs Assessment (LHNA) (2021) is an assessment of the housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.4 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.
- 5.2.5 The proposal would provide one six-bedroom dwelling. On the basis of the above housing mix, it is evident that the development would not comply with the greatest requirements of the LHNA and would fail to meet the Council's identified need for smaller dwellings. The proposal would not have a significant impact on housing supply due to the limited number of houses proposed and would therefore not carry significant weight in the consideration of the merits of the scheme.

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

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

*“The 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 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.6 The surrounding area within the immediate vicinity of the site is rural in character, with agricultural and residential development within the immediate vicinity. There are residential dwellings immediately south, and north of the site, in a linear formation fronting Mundon Road. They are detached dwellings, set within spacious plots. There is open countryside to the east of the site. This stretch of Woodham Road is characterised by soft landscaping although many of the dwellings are widely visible between gaps in the hedgerow along Mundon Road.
- 5.3.7 The existing properties along this part of Mundon Road have pitched roof designs with single storey eaves. Within the front roof slope of these properties are pitched roof dormer windows. In terms of scale, appearance and design, the proposed property would be appropriate in this location, given that the gable roof forms and features are reflective of the dwellings within the wider area. The dwelling would be sited on an underused piece of grassland within an existing run of dwellings and would reflect the existing building line of the properties along Mundon Road. The proposal would not have a harmful impact on the countryside given that it would not appear out of keeping with the existing character of the immediate vicinity and

would have appropriate height, scale, massing and form that would make a positive contribution to the local context in accordance with Policy D1.

- 5.3.8 Subject to the use of sympathetic materials, boundary treatments and landscaping, it is considered that the proposal would comply with policies D1 and H4 of the LDP.

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

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site has two adjoining neighbours. The proposed dwelling would be located 3.4m away from the southern boundary of the application site. The dwelling would also be located 19m away from the existing dwelling located north of the application site. Given the separation distance between these properties and the scale and size of the proposal, it is not considered that the proposed development would represent an unneighbourly form of development or give rise to overshadowing, in accordance with the stipulations of D1 of the LDP.
- 5.4.3 During the life of the application, amended plans have been received so that the first-floor balcony located closest to the neighbour located south of the site has been removed. Subject to the inclusion of a condition ensuring that the flat roof of the ground floor extension could not be used as a balcony, there are no concerns in this respect.
- 5.4.4 In terms of overlooking, there would be a first-floor side window proposed within the northern side elevation which would serve bedroom 2. There would also be two side windows within the roof slopes of the rear projection at first floor level. Given that these windows are secondary windows serving bedrooms, and also serve an en-suite bathroom, it would be reasonable to ensure that these windows would be obscure-glazed and non-openable below 1.7m to ensure that no loss of amenity of the neighbouring occupiers; a condition is recommended to this effect. Subject to the inclusion of the above recommended conditions, the proposal would not give rise to overlooking, in accordance with the stipulations of D1 of the LDP.

#### **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.
- 5.5.2 The proposal comprises a six-bedroom dwelling. As per Maldon's adopted vehicle parking standards, the minimum number of car parking spaces for three-bedroom



dwelling or more is three. The scheme proposes a double garage, as well as an area of hardstanding in front of the proposed garage for the parking of two cars. The internal car parking spaces within the proposed garages would measure 6.2m x 8m and would meet the minimum standards for a 2-car garage which is 6m x 7m. The areas of hardstanding in front of the garages would measure between 2.9m and 5.5m and would therefore meet the 2.9m x 5.5m requirement for car parking spaces. There are therefore no concerns in relation to car parking at the properties.

- 5.5.3 It is noted that the proposed access to serve the development is existing and no concerns have been raised by Essex Highways (EH) in terms of highway safety. Subject to the inclusion of the recommended highways conditions, no concerns in this respect are raised.

## **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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.

- 5.6.2 The proposed house would be served by private amenity space in excess of 100sqm and would comply with Policy D2. There are no concerns in this respect.

## **5.7 Ecology regarding development within the zone of influence (Zol) for the Essex Coast RAMS**

- 5.7.1 Natural England (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 SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' (Zol) of these sites cover the whole of the Maldon District.

- 5.7.2 NE anticipate that, in the context of the Local Planning Authority's (LPA) 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), 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.

- 5.7.3 Prior to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) –NE

have provided an HRA record template for use where recreational disturbance is the only HRA issue.

- 5.7.4 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 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 would 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.
- 5.7.6 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 below sites? **Yes**

Does the planning application fall within the specified development types? **Yes – The proposal is for one dwelling**

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 LPA 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 NE's advice, it is considered that mitigation, in the form of a financial contribution of £127.30 per dwelling is necessary. Although a signed S106 Agreement has been submitted to support the application the necessary financial contribution of £207.30 has also been received. The figure

includes £127.30 plus an £80 checking and monitoring fee. As such, the appropriate mitigation has been secured.

## 5.8 Other Matters

- 5.8.1 A condition relating to drainage has been proposed by the Environmental Health service. As such, a condition pertaining to these matters will be included within the recommendation.

## 6. ANY RELEVANT SITE HISTORY

- **90/00543/FULF** – Erection of detached cottage (residential) associated with adjacent coal yard. Approved 11 August 1998.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mundon Parish Council	No objections.	Noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	A Habitats Regulations Assessment (HRA) must be undertaken to secure any necessary mitigation.	Noted
Essex Highways (ECC)	Acceptable subject to relevant conditions.	Noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to condition relating to surface water drainage.	Noted

### 7.4 Representations received from Interested Parties

- 7.4.1 No representations received for this application.

## 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 and retained in accordance with the following approved plans and documents: 1193-01; 1193-02; 1193-03; 1193-04; 1193-07; 1193-08 B; 1193-09 B; 1193-10; 1193-11 B  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to their use in the development hereby approved, written details and high-quality photographs of the materials to be used in the construction of the external surfaces, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained in perpetuity.  
REASON: To ensure the development would not detract from the character and appearance of the area, in accordance with Policy D1 of the Maldon District Local Development Plan.
- 4 Full details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These landscaping details shall include the layout of the hard-landscaped areas with the materials and finishes to be used together with details of the means of enclosure (fencing and boundaries), car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance program. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first 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, 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.  
REASON: To ensure the adequate provision of landscaping to mitigate the impact of the development in the interests of the character and appearance of the area 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 that appropriate surface water drainage is available on site in accordance with Policy D2 of the Maldon District Local Development Plan.

- 6 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON: To mitigate the impact of the development in the interests of the character and appearance of the area in accordance with Policy D1 of the Maldon District Local Development Plan.

- 7 Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing 1193/03, this includes a minimum of three off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking areas shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 8 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 Policies D1 and T2.

- 9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

- REASON:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with Policies D1 and T2.
- 10 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 on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan.
- 11 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.
- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under schedule 2, part 1 classes A, B, C, D, E or F shall take place without planning permission having been obtained from the local planning authority.  
**REASON:** To protect the visual amenity of the surrounding area in accordance with policy D1 of the approved Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 13 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the north and south elevations as shown on drawing nos. 1193/10 and 1193/11B shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.  
**REASON:** To satisfactorily protect the residential amenities of nearby occupiers to comply with Policy D1 of the Approved Local Development Plan.
- 14 The roof area of the single storey flat roof rear extension as shown on drawing nos. 1193/11B and 1193/09B shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.  
**REASON:** To satisfactorily protect the residential amenities of nearby occupiers to comply with Policy D1 of the Approved Local Development Plan.

## **INFORMATIVES**

1. 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](mailto:development.management@essexhighways.org) or by post to:  
SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

2. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
  - 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 a 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.

3. 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.

4. 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.
5. 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.

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.