

HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

URGENT BUSINESS

13 June 2019

Dear Councillor

SOUTH EASTERN AREA PLANNING COMMITTEE - MONDAY 17 JUNE 2019

Please find enclosed the following report, which has been brought forward for consideration at the above meeting with the agreement of the Chairman.

- 9a) **URGENT BUSINESS - FUL/MAL/18/00839 - Land Adjacent Orchard House, Nipsells Chase, Mayland, Essex** (Pages 3 - 20)

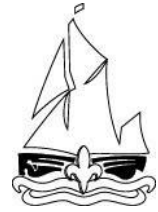
Yours faithfully

A handwritten signature in black ink, appearing to read 'R.A. Holmes', with a long horizontal flourish underneath.

Head of Paid Service

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**CIRCULATED PRIOR TO
MEETING**



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
17 JUNE 2019**

URGENT ITEM OF BUSINESS

Application Number	FUL/MAL/18/00839
Location	Land Adjacent Orchard House, Nipsells Chase, Mayland, Essex
Proposal	Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses
Applicant	Mr & Mrs Kenny Paton
Agent	N/A
Target Decision Date	13.06.2019
Case Officer	Anna Tastsoglou
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor Miss Sue White is co-applicant. Major application

1. **URGENT ITEM OF BUSINESS**

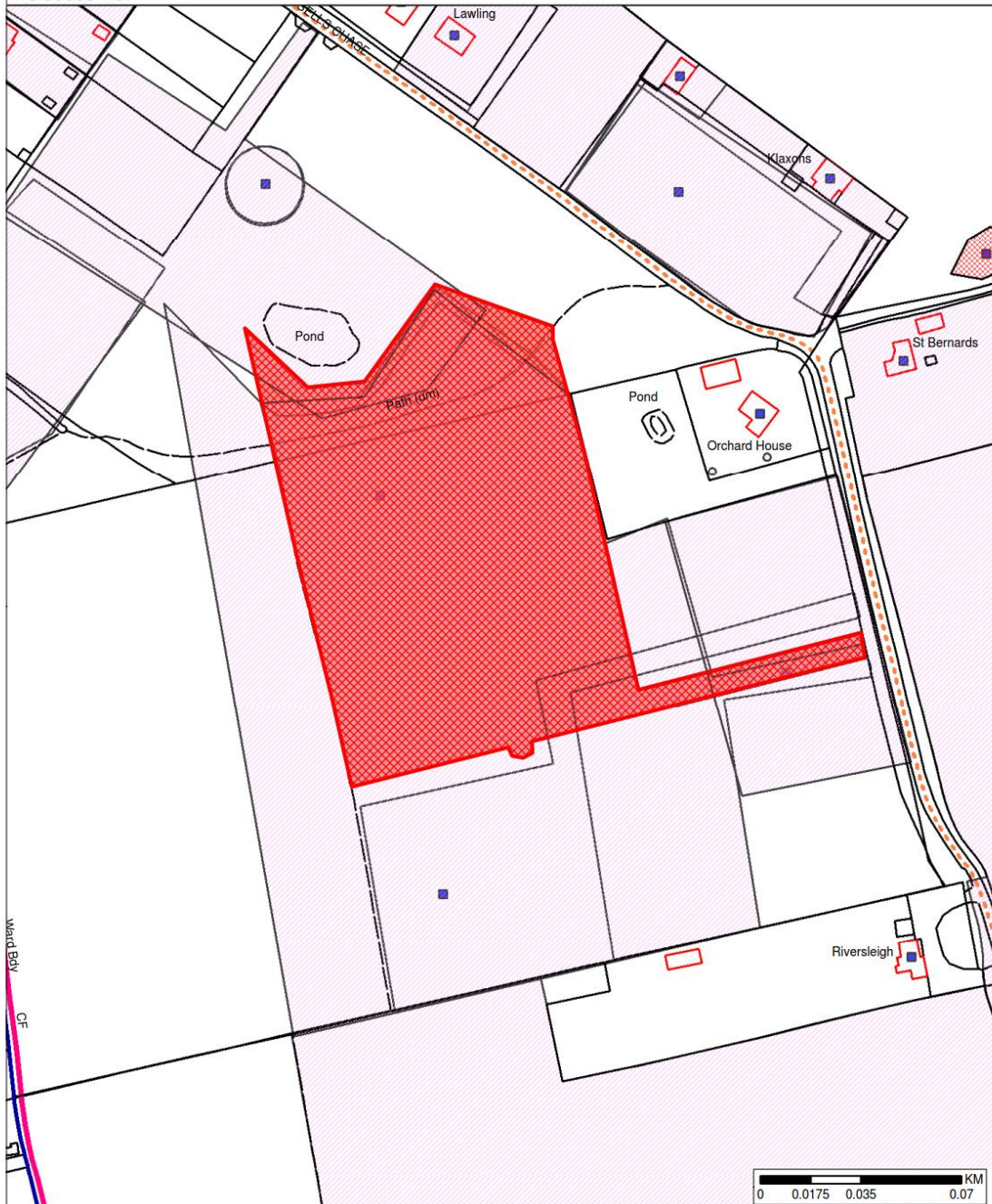
- 1.1 This item is included in the agenda as an urgent item in order to prevent or reduce a risk to the interests of the Council.
- 1.2 This matter is brought forward for consideration with the agreement of the Chairman.


2. **RECOMMENDATION**

APPROVE subject to conditions as detailed in Section 9.

3. **SITE MAP**

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	11/06/2019
	MSA Number:	100018588

4. **SUMMARY**

4.1 Proposal / brief overview, including any relevant background information

Site description

- 4.1.1 The application site covers an area of approximately 1.69 hectares and is located on the western side of Nipsells Chase, within a rural area outside the defined settlement boundaries of the District and it is a designated local wildlife site. The site currently forms an open green land, with a number of mature trees. It is known that the site until 1970s was an established orchard. The land was cleared in the past of the majority of the trees and is now mostly grassed over with new trees planted along the main entrance to the site and along its eastern boundary.
- 4.1.2 It is noted that within the application site and also in the area under the applicant's ownership, that is adjacent to the application site, there are a total of 13 oak trees that have a Tree Preservation Order (TPO 4/18).
- 4.1.3 There are a number of young trees planted on the land to the south of the application site. The site forms a parcel of land on the southwest corner of a larger site owned by the applicant and measures approximately 0.61 hectares.
- 4.1.4 The surrounding area of the application site is largely undeveloped. There are some examples of dwellings to the north and south of the application site; however, the wider area appears to be used for agricultural purposes and is a rural nature. To the west the application site abuts a woodland site.

Description of proposal

- 4.1.5 Planning permission is sought to change the use of the land to an equestrian use and erect a single storey building to be used for storage of agricultural machinery and stabling of six horses. A fed/tack room and a groom bay are also proposed to be included within the building.
- 4.1.6 The proposed building would be located at the northeast part of the application site, around 64m to the west of Orchard House. The proposal would have a main gabled roof running in a west – east direction with a gable projecting canopy to the front and it would measure 13.6m deep, 24.1m wide, 3.2 high to the eaves, with a maximum height of 6.1m. Each of the proposed stables would measure internally 3.6m wide by 4.6m deep. Fenestration will be installed on the north and south elevations and high side-hinged doors would be installed to the east and west.
- 4.1.7 Materials to be used to the external elevations would include roofing sheet, timber clad panels to the external walls and timber with steel bars windows. The proposed doors would also be timber.

- 4.1.8 The application is supported by a Design and Access Statement and additional supporting information. It is advised that the proposed stables would provide space for the families five horses and would be used by the applicant, her family and her groom. The storage area of the building would be used to store machinery associated with the maintenance of trees, hedges and fruit grown and produced on site known as Parton Place Orchard. Details of the proposed machinery to be stored on site have been submitted with the application. It is also noted that the Applicant has stated that the building should be high enough to enable the storage of a cherry picker. It is noted that the keeping of horses would allow the production of organic fertiliser for the orchard and other trees in the land within the applicant's ownership.

4.2 Conclusion

- 4.2.1 The proposed development has been assessed against all material planning considerations and given that the proposal would commensurate with the rural character of the area, it is considered that it would be acceptable in principle. The impact of the development on the character of the area would be, on balance, acceptable. There would be no adverse impact on the amenity of the neighbouring residential occupiers or the highway safety. Subject to appropriate conditions the impact of the development on the existing trees and any potential protected species would be prevented and potentially enhanced. Therefore, the development, subject to appropriate conditions, is considered acceptable and in accordance with the aims of the development plan.

5. MAIN RELEVANT POLICIES

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

5.1 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
- 83-84 Building a strong competitive economy (Supporting a prosperous rural economy)
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

5.2 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 the Built Environment
- E4 Agricultural and Rural Diversification
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

5.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)
- Code of practice for the welfare of horses, ponies, donkeys and their hybrids (December 2017)

6. MAIN CONSIDERATIONS

6.1 Principle of Development

- 6.1.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).
- 6.1.2 The application site lies beyond the designated settlement boundaries, in a rural area and policies S1 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon
- 6.1.3 The site is location beyond the settlement boundaries of the District and it is not a strategic or allocated site. The applicant states that the proposed building would be partially used in association with a fruit growing and production agricultural business (to store associated machinery). This business related to a small-scale orchard to the south of the application site, but within the applicant's land. In such circumstances, Policy S8 of the Local Development Plan (LDP) permits development only where the intrinsic character and beauty of the countryside is not adversely impacted upon and the development is for one of the types set out in criteria (a) to (m). One of the criteria relates to agriculture related development in accordance with policy E4.

- 6.1.4 Policy E4 states that *“The Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where:*
1) There is a justifiable and functional need for the building/activity;
2) The function of the proposed building/activity is directly linked, and ancillary to, the existing use; and
3) The building / activity could not reasonably be located in existing towns, villages or allocated employment areas.”
- 6.1.5 The submitted Design and Access Statement advises that the proposed storage area of the building would be used to store machinery associated with the maintenance of trees, hedges and fruit grown and produced on the adjacent site ,Parton Place Orchard, and that the keeping of horses would be to allow the organic production of fertilizer for the orchard.
- 6.1.6 It is noted that the above justification is not sufficient to demonstrate the need for the proposed stables and storage area, predominantly considering that another building/barn to be partially used for storage purposes in relation to the orchard was previously approved within the applicant’s land (Ref No.: FUL/MAL/18/00280). Although it is accepted that the proposed development would not accord with the requirements of policy, it is considered that the principle of a stable block and storage area would commensurate with the rural character of the area. On that basis, although the provision of a storage area in association with agriculture may fail to comply with policy E4, it is considered that, on balance, the proposed development would not result in demonstrable harm.
- 6.1.7 In light of the above, the principle of using the land for equestrian use, the stabling of horses and associated storage is considered acceptable in the context of the area, in accordance with policies S1, S8 and D1 of the LDP, and the guidance contained within the NPPF.
- 6.1.8 Consideration has also been given to the welfare of the horses and whether the proposed stables would be compliant with the Department for Environment Food and Rural Affairs (DEFRA) Code of practice, which advise that a minimum of 3.65m x 3.65m stable size is required per horse. The proposed stables would provide accommodation for the horses in excess of the minimum requirements and thus, no objection is raised in respect of the size of stables. In terms of pasture, as a general rule, each horse requires approximately 0.5 – 1.0 hectares of grazing if no supplementary feeding is being provided. Although the size of the application site is smaller than this size, the DEFRA code of practice advises that smaller area may be adequate where horses are principally housed, and grazing areas are used only for occasional turnout, as it is in this instance. On that basis, no objection is raised in relation to the welfare of the horses.
- 6.1.9 Given that the application site is located outside the settlement boundaries, it should be demonstrated that there is no adverse impact from the development upon the intrinsic character of the countryside. The impact of the proposed development on the appearance

and character of the area is fully assessed below on the relevant 'Design and Impact on the Character of the Area' Section.

- 6.1.10 As a result of the above assessment the proposal has been found acceptable in principle. Other material consideration relating to the impact of the development on the amenity of the neighbouring occupiers, highways issues and impact on the landscape are assessed below.

6.2 Design and Impact on the Character of the Area

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

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

"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents".

- 6.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

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

- 6.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 6.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 6.2.6 The application site is located outside the defined settlement boundaries within a rural and undeveloped context. There are a couple of examples of buildings to the north and south of the application site; however, these are a distance away from the application site.
- 6.2.7 The proposed building would be located away from Nipsells Chase (around 110m away). Whilst the hedgerow along Nipsells Chase has been trimmed to a low height and therefore, part of the application site is visible from a long distance, the proposed building would be sited almost in line with Orchard House, partially being hidden behind the vegetated boundary of this property. Whilst it is acknowledged that the majority of the trees within the applicant's ownership have been removed and the site and wider area are now mainly flat and grassed over, consideration should be had to the fact that the building would be of a nature, corresponding to the rural character of the area.
- 6.2.8 Although the building would be fairly large in scale, on balance and taking into account, the number and size requirements for stables, it is of an acceptable scale for the site. It should be also noted that a slightly smaller scaled and of similar appearance agricultural building was previously approved (Ref No.: FUL/MAL/18/00280) to the south of the application site, within the applicant's ownership. Whilst the two buildings would result in an urbanisation of the site, the use of the structures is for a use that is associated with rural areas.
- 6.2.9 Whilst the level of fenestration proposed to be installed to the building would be more reflective of a development of a residential rather than agricultural nature, given that the proposal would provide stables, it is considered that sufficient windows should be provided for each stable and this to an extent explains the reason for the level of fenestration proposed.
- 6.2.10 In terms of external finishing materials, it is noted that the building would be finished in timber clad and steel and timber windows. The proposed materials would be typical for stables in the countryside and therefore, would be acceptable and reflective of the use of the site.
- 6.2.11 It is noted that hard standing for vehicle store and turning around of vehicles has not been shown on the plans. Concerns are raised regarding the potential level of hard standing and

the impact on the rural character of the area. However, as this has not been included within the proposal it does not form part of the consideration of this application.

- 6.2.12 In light of the above, although large in scale, the development, on balance, would not have a significant detrimental impact upon the appearance and intrinsic character of the countryside. The visual impact of the development would be somewhat off-set by the use and nature of the proposed development.

6.3 Impact on Residential Amenity

- 6.3.1 The basis of Policy D1 of the 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). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 6.3.2 The proposed development would use an existing vehicular crossover onto Nipsells Chase and a new service road would need to be formed within the applicant's ownership land to give access to the building. Taking into account the nature of the use of the application site (equestrian) and proposed stable block, on balance, it is not considered that the proposed development would have a materially harmful impact on the residential amenity of the neighbours, in terms of noise and disturbance.
- 6.3.3 As noted above, the development would be located a significant distance away from any other neighbouring residential dwelling. The nearest dwelling to the development is Orchard House and it is located 64m away from the application site. Therefore, it is not considered that the development would have any detrimental impact on the residential amenity of the nearby neighbours, in terms of loss of light, domination or sense of enclosure.
- 6.3.4 The application site is surrounded by open fields and as such, there would be no greater impact on residential amenity.

6.4 Access, Parking and Highway Safety

- 6.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 6.4.2 The proposed development would be used for purposes as equestrian including a stable building to stable a maximum of six horses use and therefore, there are no set requirements for parking provision.

- 6.4.3 The site would be accessed via an existing vehicular access onto Nipsells Chase. The Highways Authority has been consulted and raised no objection to the proposed development, subject to the retention of the free passage of the public right of way that run along Nipsells Case. Subject to the imposition of a condition to ensure the that the public footpath is maintained unobstructed, no objection is raised in terms of the impact of the development on the highway network of safety.
- 6.4.4 No hardstanding has been provided to facilitate the moving of vehicles on site. However, as this development is away from the public highway and would be accessed along a private track, it is not considered that this would form a reason for refusal.

6.5 Ecology and trees

- 6.5.1 The site is a designated Local Wildlife Site it would therefore be regarded as a ‘sensitive site’ where there are clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within policy N2 of the LDP which states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”*.
- 6.5.2 The applicant has submitted a Phase 1 Habitat Survey, concluding the land which was recently cleared from the majority of the trees, is classified as improved grassland, having low ecological value, with the exception of some retained trees, which are of relatively elevated value in the context of the site and the new trees which are likely to increase in value as they mature. In terms of fauna the site is considered to be of limited value, although it is likely to support Great Crested Newts in their terrestrial phase, whilst reptile species may have colonised following removal of scrub and a typical range of breeding birds are likely to be present. Although no objection has been raised by Natural England, it is noted that the Habitat Survey is dated (around three years old, prepared in September 2016) and any therefore, the ecological value of the site may have been changed. On that basis, it is considered that an Extended Ecological Assessment is submitted to and approved in writing by the local planning authority.
- 6.5.3 As noted above, there are some mature oak trees on site that are of an elevated amenity value and their protection during and after construction would be required to preserve the visual amenity of the area. Although the development appears to be located away from the majority of the protected trees, there are still trees that will be located in close proximity to the application site (T2, T3, T5 and T12) and one within it (T4). Furthermore, it is known that Oak trees can be harmful for horses and therefore, it should be demonstrated that suitable measures are in place to prevent the horses being affected from the trees. It is important to ensure that any development allowed will not put any undue pressure to the need to retain the trees long term. Given that no tree protection plan has been submitted to show exact location of the trees, identifying any impacts on

the existing trees, it is considered that a tree protection plan in accordance with British Standards 5837:2012, along with any relevant protection methods, taking into account and ensuring that the development and associated use will not detrimentally impact on the trees in the short or long term, shall be submitted to and approved in writing by the local planning authority.

6.6 Pre-Commencement Conditions

- 6.6.1 Two pre-commencement conditions are recommended and approval for the use of these conditions is to be provided by the applicant in due course.
- 6.6.2 A consultation response from the Tree Consultant has been received requesting the imposition of pre-commencement conditions to ensure the protection of the existing trees and any potential ecological assets on site. These conditions are necessary to be submitted prior to the commencement of the development, given that any works, even just ground works have potential to adversely impact on the health of the trees or protected species. Any Ecological Assessment or tree protection plans would effectively have to be carried out prior to the commencement of the development. As a result, it is considered reasonable that the abovementioned conditions are required to be addressed prior to the commencement of the development.

7. ANY RELEVANT SITE HISTORY

- 7.1 **FUL/MAL/17/00736**– Proposed construction of a new detached single storey dwelling. Application withdrawn.
- 7.2 **AGR/MAL/17/01043** – Prior notification for permeable hardstanding, with edging stones,. application refused 12.10.2017.
- 7.3 **DD/MAL/17/01060** – T1 - Elm - Fell. T2 - Wild Pear - Fell. T3 - Wild Pear - Fell. Can works proceed under 5 day D&D (5 Day Notice). Approved 16.10.2017.
- 7.4 **FUL/MAL/18/00280** - Construction of an apple storage barn. Planning permission approved.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Support the application.	Noted.

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection, subject to condition regarding maintaining the public rights of way unobstructed.	Comments noted and discussed in section 5.4 of the report.
Natural England	No specific comments in relation to the propose development have been submitted, as Natural England does not assess impacts on protected species.	Noted.
Tree Consultant	<p>In relation to the trees, the layout would seem far enough away from the protected trees. However, without a scaled plan showing the tree constraints and any information relating to suitable design considerations to address this this cannot be adequately assessed. Therefore, a tree protection plan in accordance with BS5837:2012, along with any relevant protection methods as advised by a suitably qualified arborist shall be conditioned.</p> <p>The ecology report was provided nearly 3 years ago and could be considered out of date. The report comments there is a risk of Great Crested</p>	Noted and addressed in section 5.5 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Newts being present. On that basis, an extended ecological assessment should be provided to demonstrate the proposal will not impact on ecological criteria, as per government guidance along with any proposed ecological enhancement proposals.</p> <p>Another concern in relation to the impact of the development on the TPO trees has also been raised. Oak trees can be harmful for horses, so the applicant will need to demonstrate that suitable measures are in place to prevent the horses being affected, so there is not a cause to request the removal of TPO trees.</p> <p>Also, if horses are grazing around the trees this could cause soil compaction over time and concentration of toxins from urine and faeces if confined to certain areas where the trees could be impacted. Therefore, the tree protection method statement and plan will need to take this into account and ensure the development and associated use will not detrimentally impact on the trees in the short or long term.</p>	

8.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objection, subject to conditions.	Conditions requested are noted and imposed.

8.4 Representations received from Interested Parties

8.4.1 No neighbour representation letters have been received.

9. 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) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 1142/01 RevA; 1142/02 RevA; 1142/03; 1142/04 and 1142/05.
REASON To ensure the development is carried out in accordance with the details as approved.
3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, 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.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the use of the site and building hereby approved in accordance with the approved details and be retained as such in perpetuity.
REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
5. The stables hereby permitted shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.

REASON To protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.

6. The storage area hereby permitted shall be used solely in association with the equestrian use of the site or for agricultural purposes and for no other use falling within B8 (storage and distribution) use of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON To protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.

7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been 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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

8. No development above ground level shall occur until details of the foul drainage scheme to serve the development have been 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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

9. There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.

REASON To protect the character of the area and residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.

10. No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority. Prior to the use of the development hereby permitted, details of any proposed floodlighting and all other external illumination of the site shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.
REASON To protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
11. No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority. Prior to the use of the development hereby permitted, details of any proposed floodlighting and all other external illumination of the site shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.
REASON To protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
12. An arboricultural method statement and tree protection plan in accordance with BS5837:2012 shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be implemented in accordance with the approved details.
REASON To secure the retention of appropriate landscaping and protection of the TPO trees of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.
13. A scheme detailing the areas to be used as paddock/meadow turnout and any other subareas, as well as details of how the restricted uses will be enclosed (e.g. fencing), shall be submitted to and approved in writing by the local planning authority. The details within the scheme shall be implemented prior to the first use of the development hereby approved and retained as such in perpetuity.
REASON To secure the retention of appropriate landscaping and protection of the TPO trees of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.
14. An Extended Phase 1 Habitat Survey, including details of an ecological mitigation and enhancement scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall thereafter be implemented in accordance with the approved mitigation and enhancement scheme.

REASON To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the approved Local Development Plan.

15. The public's rights and ease of passage over restricted byway number 17 in Mayland shall be maintained free and unobstructed at all times.

REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policies T1 and T2 of the Maldon District Local Development Plan.

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