



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 FEBRUARY 2023**

Application Number	22/00535/FUL
Location	The Hawthorns, Scalby Road, Southminster, CM0 7BP
Proposal	Material change of use of land to the south of the existing site 'The Hawthorns' and siting of an additional mobile home for permanent residential occupation with associated access gateway, driveway and hardstanding, grassed amenity area and boundary fencing and landscaping.
Applicant	Mr Michael Pilkington
Agent	Mr John James - John James Associates
Target Decision Date	07.06.2022
Case Officer	Jonathan Doe
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

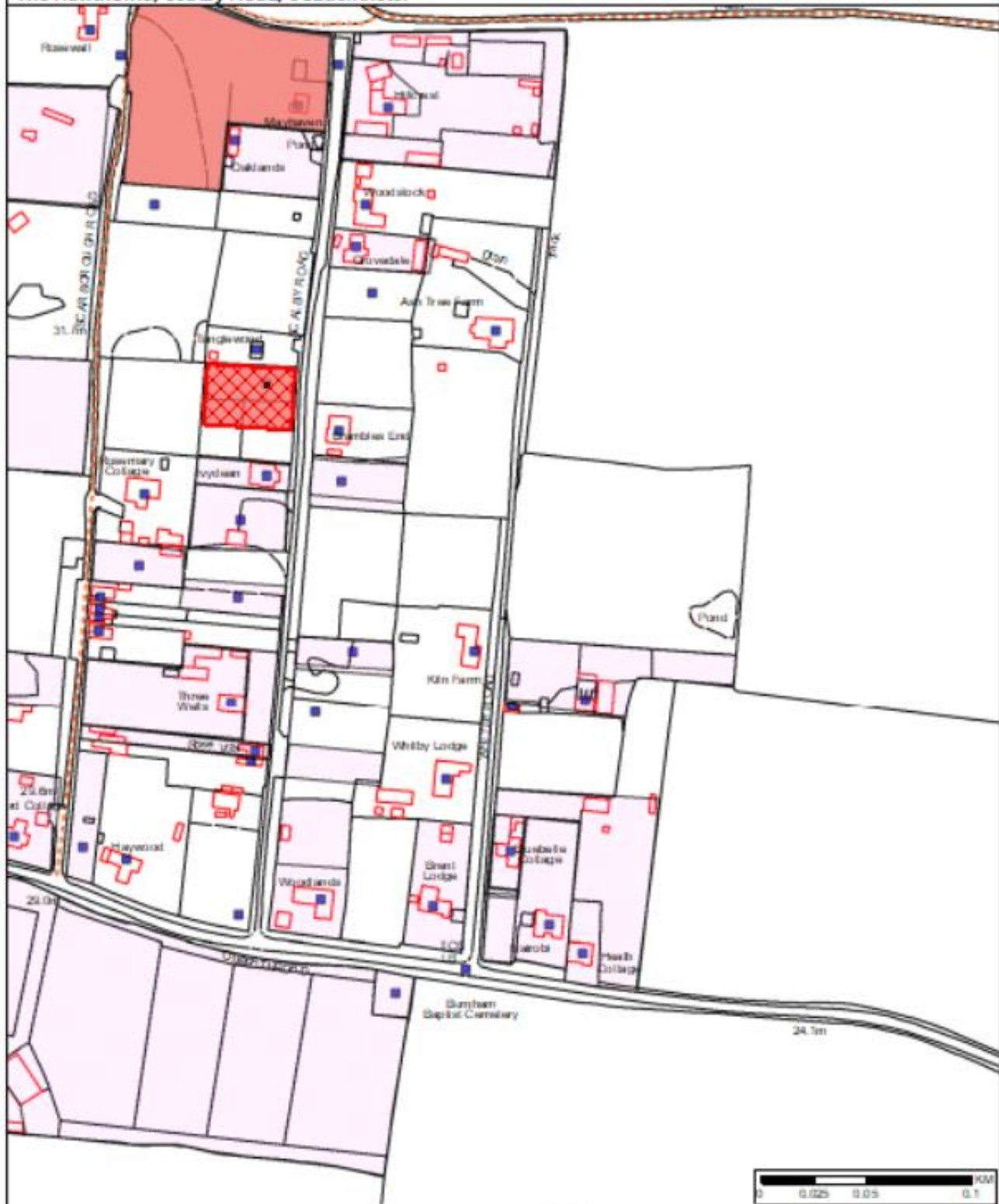
1. **RECOMMENDATION**

APPROVE subject to the conditions as detailed in Section 8.

2. **SITE MAP**

Please see below.

Application reference 22/00535/F UL
The Hawthoms, Sca By Road, Southminster



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 Maldon District Council 100018588 2014


 MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	24/01/2023
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is formed from part of a horse paddock and the curtilage of The Hawthorns. The horse paddock and The Hawthorns are on the western side of Scalby Road, a cul-de-sac type track off Old Heath Road. It is understood that Scalby Road is privately owned and not a public highway. The general setting to the site is rural albeit sporadic residential development. The site is to the southwest of Southminster and outside the settlement boundary.
- 3.1.2 The Hawthorns and the horse paddock are set between the residential property Tanglewood, to the north, and the residential property Ivydean, to the south. On the opposite side of the track is another residential property, Brambles End. To the rear of the site, to the west, is an area of woodland.
- 3.1.3 The proposal is for a new dwelling. The dwelling would take the form of a mobile home. Whilst the mobile home would be capable of being removed from the site, the application is for permanent residential occupation.
- 3.1.4 The plans show that the two-bedroom mobile home would be positioned in the far left-hand corner of the paddock in relation to Scalby Road. A shingle hardstanding would form a driveway and parking and turning area. A close-boarded gate 1.9m in height would be set on the front boundary of the plot. The remainder of the front boundary, the eastern boundary, would be defined by a close boarded fence of 1.9m in height.
- 3.1.5 The plot for the proposed dwelling would be 14m wide by 43.5m deep.
- 3.1.6 The proposed mobile home would be 4m wide by 12.5m long.
- 3.1.7 Mr and Mrs Pilkington live at The Hawthorns with their son and his wife and their daughter. The proposed mobile home is to accommodate the son and daughter-in-law and their daughter.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against all current material planning considerations, including the planning history of the site and that of the surrounding area and it is found that the principle of a dwelling at this location is acceptable. The proposed development would not have a discordant impact on the character and appearance of the area, or the intrinsic beauty of the countryside and its design would not be out of keeping with its setting. No objection is raised in relation to the impact of the development on residential amenity or parking provision. Therefore, subject to appropriate conditions, including a condition to ensure that occupation of the dwelling would be as presented in the application, the development is considered acceptable.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-49 Determining applications
- 55-58 Planning conditions and obligations
- 60-67 Delivering a sufficient supply of homes
- 78-80 Rural Housing
- 104-111 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-134 Achieving well-designed places
- 174-182 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- N2 Natural Environment, Geodiversity and Biodiversity
- H2 Housing Mix
- H4 Effective Use of Land
- H6 Provision for Travellers
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)

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 The proposed development is for the stationing of a mobile home for permanent occupation, the creation of a dwelling which would be sited outside a settlement boundary.

5.1.3 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). The Council has published an up to date 5YHLS which concludes that the Council cannot currently demonstrate a 5YHLS.

5.1.4 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 8, of the NPPF 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.”

5.1.5 Footnote 8 - 8 This includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

5.1.6 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 those 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).

5.1.7 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'.

5.1.8 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.

5.1.9 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 is 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.

- 5.1.10 Sustainability issues, specifically character and appearance of the area and accessibility, were some of the main issues evaluated by an Inspector when planning permission was granted for the dwelling now known as The Hawthorns. The Inspector stated that the residential occupation of The Hawthorns had been put forward by a gypsy and traveller. Given that the current application is for a residential occupation by the son, and daughter-in-law, of the appellant for The Hawthorns, Policy H6 is of relevance to the current application.
- 5.1.11 With reference to Policy S8, the Inspector referred to how this policy contains a list of exceptions, of uses which are permissible uses in the countryside, which includes Travellers and Travelling Showpeople accommodation (i)).
- 5.1.12 The Inspector referred, at paragraph 12, to how the appeal site formed part of an area of plot land to the south west of Southminster that is characterised by scattered developments, predominantly residential that are interspersed by paddocks, garden land, trees, vegetation, outbuildings and stables. A site visit was made for the current application and the character of the site and its setting is fundamentally unchanged. At paragraph 15 of the Inspector's decision letter it was commented that in the context of this semi-rural environment that hosts low density residential dwellings and other buildings, the visual harm of the then proposal would be very limited. This is also considered to be the case with the current proposal.
- 5.1.13 With regard to whether the site is at a relatively sustainable location, at paragraphs 16 and 17 the Inspector commented as follows:

"Turning to accessibility, the nearest settlement is Southminster that hosts a reasonable selection of services and facilities, including a school and a GP surgery, which could provide for the general day-to-day needs of future occupiers. Southminster would be a short drive or cycle ride from the appeal site. It would be possible to walk to Southminster along public highways, albeit the rural nature of Old Heath Road without pavements and streetlighting and the busy fast-moving traffic travelling along Burnham Road, along with its narrow pavements, would not encourage occupiers to walk this route, particularly at night.

Notwithstanding this, dedicated public footpaths accessible from the northern end of Scalby Road that traverse the fields between Southminster and Scalby Road would offer a more direct route to Southminster than that of the public highways. These dedicated footpaths would also provide an alternative route to the bus stops at Burnham Road that are located near to Old Heath Road. Accessing these bus stops would enable travel to other settlements further afield. I acknowledge that the unmetalled countryside footpaths would not be practical to walk at night or during inclement weather. Nonetheless, the contours of the land and the pleasantness of the open countryside environment would offer an attractive alternative walking route to Southminster and the nearest bus stops. Furthermore, I do not consider the

proximity of the appeal site to Southminster to be so far as to dissuade future occupiers from using these countryside footpaths.”

- 5.1.14 In light of the Inspector’s comment above, it can be reasonably concluded that the Inspector considered the site, or at least the immediate locality of the site, acceptable with regard to Policy H6 at Part 2 at d). With regard to Part 3 the proposal is considered appropriate in scale to nearest dwellings, is not in an area at risk from flooding, can be accessed safely by vehicles, is of sufficient size, and would avoid unacceptable harm to the character of the local area and the living conditions of local residents.
- 5.1.15 In the light of the Inspector’s comments in an appeal with a bearing on the current site in combination with the character of the setting of the site not being that of open countryside, the principle of the proposed development is acceptable. The impact of the development on the character of the countryside is discussed below. Other issues, the living conditions of the future and neighbouring occupiers, highways issues and ecology are also assessed below.

5.2 Housing Need and Supply

- 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 LPAs 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. Whilst the LDP carries limited weight at present due to the lack of a 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.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change. However, more recent assessment has identified a greater need for 3 bed dwellings. The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance (PPG), 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 needs of specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.3 The LHNA 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. The proposal is therefore considered to be acceptable with regard to Policy H2 of the Local Plan as it would meet identified needs and demands.
- 5.2.4 The proposed development would provide a two-bedroom dwelling which would contribute to housing stock in the District.

5.2.5 The Council cannot demonstrate a housing supply in excess of five years. The proposal would contribute to housing supply albeit by a single dwelling.

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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“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”.

5.3.3 This principle has been reflected in the approved LDP. 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 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*

- 1) *The location and the setting of the site;*
- 2) *The existing character and density of the surrounding area;*
- 3) *Accessibility to local services and facilities;*
- 4) *The capacity of local infrastructure;*
- 5) *Parking standards;*
- 6) *Proximity to public transport; and*
- 7) *The impacts upon the amenities of neighbouring properties.”*

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

- 5.3.6 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.7 The setting to the site is sporadic residential development of a modest scale and at a low density. The proposal represents an infilling of existing built development.
- 5.3.8 The mobile home to form the dwelling would not be visible from a public vehicular highway or from a public footpath. In practice there is public access to the site though the siting of the mobile home, at a rear corner of the plot behind a front boundary fence, would mean that the mobile home would be essentially unseen. As such, the proposed dwelling would be of an acceptable appearance, which would not detract from the visual amenity of the area and could not be said to result in a development of limited architectural merit.
- 5.3.9 The development is therefore of acceptable scale, design and appearance and would not have a detrimental impact on the character of the area or the appearance of the streetscene. The development would accord with policies D1 and H4 of the LDP, the housing design principles set out in the Neighbourhood Plan and the guidance contained in the MDDG(2017).

5.4 Impact on Residential Amenity

- 5.4.1 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.
- 5.4.2 The proposed development would result in increased levels of activity, by reason of the erection of one dwelling on land which is currently open grassed land. However, on balance, the proposed residential development would not have a materially harmful impact on the residential amenity of the neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing generally residential area.
- 5.4.3 A paddock would remain between the site and the residential dwelling to the south, Ivydene. The width of the carriageway of Scalby Road would isolate another neighbouring property, Brambles End. Given the degree of isolation by spacing from neighbouring properties, there would be no significant adverse impact to the residential amenity of the occupier of any neighbouring property.
- 5.4.4 The proposed dwelling would have no material adverse impact on the residential amenity of occupiers of any neighbouring property.

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 Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. There would be sufficient space within the site to accommodate at least two parking spaces which would be sufficient to comply with the adopted parking standards.
- 5.5.3 The Highways Authority was consulted and raised no objection to the proposed development. A written response has been received from the Highways Authority which comments that as far as can be determined from the details submitted, the proposal is located along a privately owned road called Scalby Road and will not alter the existing access arrangements to the local highway network. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highways Authority.

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.6.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as a supplementary guidance to support its policies in assessing applications for residential schemes. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.6.2 The block plan shows a grassed amenity area screened by the proposed fencing. This amenity area would be some 140 sq m. The relevant minimum standard set out in the MDDG for a 1–2-bedroom dwelling is 50 sq m. Amenity space provision would be acceptable.
- 5.6.3 The site has no notable landscape features. The details of the hard and soft landscaping, ensuring screening for and to the mobile home would be secured by condition.

5.7 Nature Conservation

- 5.7.1 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.
- 5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.7.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.5 Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.7.6 Place Services, Ecology was consulted on the application. An initial response was received that an Ecological Survey should be submitted with the application. This was subsequently submitted and the latest response from Ecology is that there is no objection subject to securing a proportionate financial contribution towards RAMS and biodiversity and enhancement measures. A financial contribution towards RAMS has been secured by a Unilateral Undertaking. A scheme of biodiversity and enhancement can be secured by condition.
- 5.7.7 As a result of the location of the site and the nature of the development proposed, the proposal would have off-site impacts on nature conservation. Natural England (NE) has produced interim advice with reference to the emerging strategic approach relating to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), 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 Maldon District Council (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 'Zones of Influence' (Zol) of these sites cover the whole of the Maldon District.
- 5.7.8 NE anticipate that, in the context of the LPA'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 sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple 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. 5.7.8 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. 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 Habitats Regulation Assessment (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.
- 5.7.9 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

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 one the above European designated sites?
No

Summary of Appropriate Assessment – as a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites providing that mitigation, in the form of a financial contribution is secured. A financial contribution (£462) has been received. Therefore, the harm to off-site nature conservation interest has been adequately mitigated.

6. ANY RELEVANT SITE HISTORY

- **18/00623/FUL** – Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building) - Allowed at appeal 15.11.2019
- **19/05197/DET** – Compliance with conditions notification FUL/MAL/18/00623 allowed on appeal APP/X1545/W/18/3215950 (Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building) Condition 5 - Materials. Condition 6 - Refuse storage facilities. Condition 9 - Surface water drainage scheme. Condition 10 - Foul water drainage scheme. Condition 11 - Hard & soft landscaping. - Conditions cleared 09.03.2020
- **21/01086/VAR** - Variation of condition 2 (approved plans) on planning application 18/00623/FUL allowed on appeal APP/X1545/W/18/3215950 (Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building)) - Approved 09.12.2021
- **21/05050/DET** - Compliance with conditions notification 18/00623/FUL (Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building) Condition 2 Utility Block, Condition 5 - Materials Utility Block, Condition 6 - Menas of Enclosure and Refuse Storey Facility, Condition 9 - Details of Surface Water Drainage Scheme, Condition 10 - Foul Drainage Scheme & Condition 11 - Hard and Soft Landscaping Details. - Conditions Part Cleared/Part Refused 12.10.2021

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommend the granting planning permission subject to a Section 106 agreement that the	A condition, rather than a Section 106 agreement, is considered sufficient and appropriate to address this

Name of Parish / Town Council	Comment	Officer Response
	annexe is ancillary to the main property.	matter.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection	See 5.5

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objection subject to conditions regarding a caravan site licence, details of the foul drainage scheme and details of the surface water drainage scheme	A caravan site licence is the subject of separate legislation and is the subject of an informative. Foul and surface water drainage are addressed by conditions.
Ecology, Place Services	No objection subject to securing: a) a proportionate financial contribution towards Essex Coast RAMS b) biodiversity mitigation and enhancement measures	RAMS UU received, discussed above. A scheme of biodiversity enhancement is addressed by condition.

7.4 Representations received from Interested Parties

7.4.1 Representations objecting to the application

- Additional traffic would be created to a level unsuitable for this single track, unsurfaced cul-de-sac
- Water pressure would become worse
- A replacement horse paddock would be required
- Adverse impact on local countryside and environment
- Unsustainable location, not within a town envelope

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 complete accordance with approved drawings: JJA/2102 Site location plan; 2102/04 Block plan & site layout plan; Covering letter from agent; Ecological Walkover Report by James Blake Associates dated 2022.
REASON To ensure the development is carried out in accordance with the details as approved.

- 3 A scheme of mitigation and enhancement measures and/or works for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme of mitigation and enhancement measures and/or works for biodiversity shall be carried out in accordance with the approved details prior to first occupation of the mobile home hereby permitted to be stationed at the site and retained in perpetuity.
REASON In the interest of sustainable development in accordance with Policy S1 9), Policy D1 1) f) and Policy N2 of the Local Plan and the provisions of the National Planning Policy Framework.
- 4 The mobile home hereby permitted to be stationed on the site shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Hawthorns. The site shall not be occupied by a person other than the son or daughter-in-law of Mr Michael Pilkington (senior) or any resident dependent of the son or daughter-in-law of Mr Michael Pilkington (senior).
REASON To ensure the development is carried out in accordance with the details as approved as the site is outside a defined settlement boundary where new residential development would not normally be given planning permission by virtue of Policies S1 and S8 of the adopted Local Plan.
- 5 Other than the mobile home hereby permitted to be stationed at the site, no caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the site at any time.
REASON In the interests of the character and appearance of the area and to ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.
- 6 No vehicle over 3.5 tonnes shall be stationed, parked or stored at the site.
REASON In the interests of the character and appearance of the area and to ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.
- 7 No commercial activity shall take place on the land, including the storage of materials.
REASON In the interests of the character and appearance of the area and to ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.
- 8 Prior to the commencement of the development 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 1/l/s) 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.
REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).
- 9 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall 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 mobile home hereby permitted to be stationed on the site.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

INFORMATIVE

(a) The applicant must contact the Environment Services Department to discuss the need to apply for a caravan site licence under the Caravan Sites and Control of Development Act 1960 should permission be granted. The current fee for a site licence application for 1-8 pitches is £666.00. (b) There must be at least 6 metres between caravans on the site and any other structure. (c) Fire appliance access should be available to within 45 metres of every point within the mobile home or to 15% of the perimeter of the mobile home whichever is the less onerous.

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

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

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

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

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

Should any land or groundwater contamination be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed by a competent person in accordance with the Essex Contamination Land Consortium's Land

Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

All highway related details shall be agreed with the Highway Authority.

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org