



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 SEPTEMBER 2023**

Application Number	23/00749/FUL
Location	Paton Place, Nipsells Chase, Mayland
Proposal	Amendment of condition 2 of 21/01240/VAR. Alterations to the scale of the dwelling, the fenestration, design and materials
Applicant	Mr and Mrs Kenny Paton
Agent	N/A
Target Decision Date	03.10.2023
Case Officer	Devan Hearnah
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

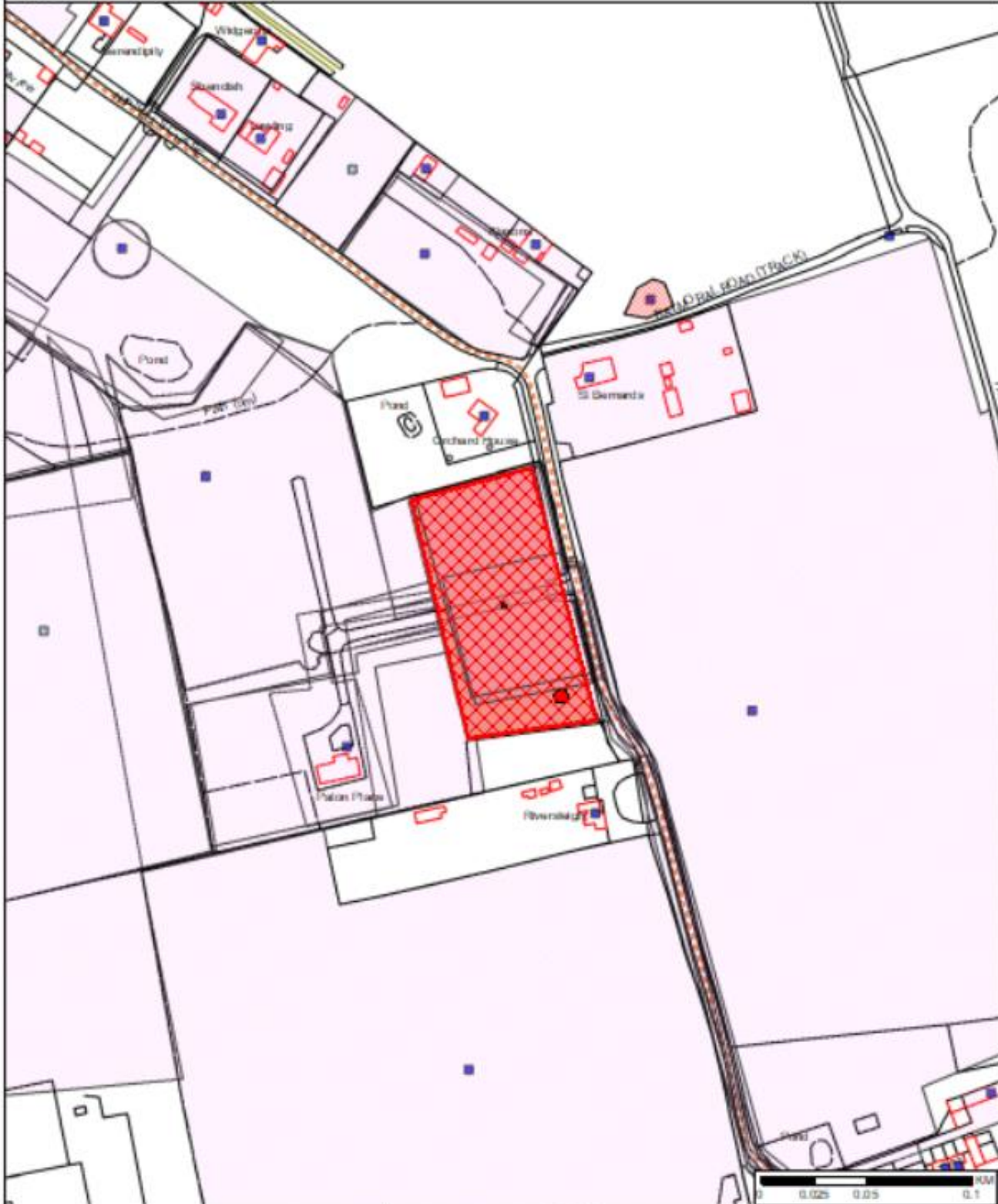
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

23/00749/F ULN
SEAC



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	
	Date:	29/08/2023
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

3.1.1 The application site is located to the west of Nipsells Chase to the north of the settlement boundary of Mayland and is a designated wildlife site. The site is largely vacant with the exception of an access track along the northern edge of the site, albeit it is noted that works have commenced on site in relation to application 21/01240/VAR. The foundations have been laid and the damp course has begun to be constructed. Access is taken from the west of Nipsells Chase, which adjoins the access track and leads to a wider field where planning permission has been granted for a barn, stable and ménage. A building has been erected to the southeast of the application site where the permission for the barn was granted. The majority of the wider site is a largely open area of grassed land with a number of young trees. The edges of the site feature denser and more mature trees and hedgerow soft landscaping. To the north of the site is the residential property of Orchard House and to the south is the residential property of Riversleigh.

Proposal

3.1.2 The application seeks a variation to condition 2 of application 21/01240/VAR. Condition 2 of that permission states:

2 *CONDITION*

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1056/03 Rev B, 1056/04A, 1056/05, 1056/06A, 1056/07A, Arboricultural Method Statement 27 September 2021.

REASON: To ensure that the development is carried out in accordance with the details as approved.'

3.1.3 Specifically, the proposal seeks to vary the plans listed in condition 2 which would involve alterations to the scale of the dwelling, the fenestration, design of the dwelling and the materials used in its construction. The main changes would involve the following:

Front Elevation

- The addition of a brick plinth.
- Alterations to the size and style of the fenestration.
- Changes to the detailing of the lintel above the windows.
- Addition of a more ornate fascia.
- Addition of a platform and balustrade.
- Design change to the pillars supporting the front porch.
- A reduction in the extent of the 'a-symmetric' roofs forming the front gable projections.
- Increased height of the larger gable projections by 0.1m.
- Reduction in the height of the chimney so that it is no longer visible from the principal elevation.

Southern Side Elevation

- The addition of a brick plinth.

- Alterations to the size and style of the fenestration.
- Changes to the detailing of the lintel above the windows.
- Design change to the pillars.
- Reduction in the width of the overhang relating to the front gable projection.
- Increased height of the front gable projection by 0.2m.
- Reduction in the height of the chimney.
- Increased ridge height by 0.1m.

Northern Side Elevation

- The addition of a brick plinth.
- Alterations to the size and style of the fenestration.
- Changes to the detailing of the lintel above the windows.
- Increased ridge height above the gable projection by 1.4m for a width of 0.5m.
- Increased ridge height above the main bulk of the dwelling by approximately 0.5m.
- Reduction in the height of the chimney results in it being less visible.

Rear Elevation

- Reduction in chimney height by 0.5m and alterations to its design.
- The addition of a brick plinth.
- Alterations to the size and style of the fenestration, removal of the circular high level windows in the gables and the replacement of doors for windows.
- Changes to the detailing of the lintel above the windows.
- Addition of a more ornate fascia.
- Design change to the pillars

Floor Plan

- Home office to become a home office with a bathroom.
- Reconfiguration of the arrangement of bedroom two and its en-suite.
- Inclusion of a partition within the living area.
- Reconfiguration of the cupboard in the main kitchen.

3.1.4 It is noted that the Application Form is for Full Planning Permission rather than a variation of condition. However, it is clear from the description of works contained in the Application Form that the development seeks to vary condition 2 of permission 21/01240/VAR and all the information necessary to assess the application has been provided. Therefore, following advice from the Council's Lead Specialist Legal it is considered that the application can be determined as a Variation of Condition under Section 73 of the Town and Country Planning Act 1990.

Background

3.1.5 The application which has been applied to be varied was in fact a variation of an original permission (21/00628/FUL). As part of that application, it was deemed that the development was not a live work unit in planning terms because it only contained a study which was not an unusual situation in any residential dwelling. Therefore, this application is considered on the basis that it is a market dwelling, as was the case with the previous application.

3.1.6 The application is part retrospective in nature as it is noted that the brick plinth has begun to be constructed at the site.

3.2 Conclusion

3.2.1 The proposed alterations to the previously approved dwelling are not considered to have an unacceptable impact on the site and surrounding area to a degree that would warrant refusal of the application. Furthermore, the changes would not detrimentally impact the amenity of the neighbouring occupiers and would not impact on the level of parking and amenity space provision to be provided. The proposal would therefore comply with the policies set out within the Maldon District Local Development Plan (The Local Development Plan or LDP) and the guidance contained within the National Planning Policy Framework (NPPF) and the Maldon District Design Guide (MDDG) (2017).

4. MAIN RELEVANT POLICIES

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
- 47-50 Determining applications
- 55 – 58 Planning conditions and obligations
- 60 – 80 Delivering a sufficient supply of homes
- 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

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

- Policy S1 Sustainable Development
- Policy S8 Settlement Boundaries and the Countryside
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change and the Environmental Impact of New Development
- Policy H2 Housing Mix
- Policy H4 Effective Use of Land
- Policy E1 Employment
- Policy S7 Prosperous Rural Communities
- Policy N2 Natural Environment and Biodiversity
- Policy T1 Sustainable Transport
- Policy T2 Accessibility
- Policy I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

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 LDP.
- 5.1.2 Planning permission for residential development was granted under the terms of application 21/00628/FUL and subsequently varied under application 21/01240/VAR. Therefore, there are no alterations in respect of the principle of development. The material considerations when determining this application for the variation of Condition 2 is whether the condition is legally sound and if there is other justification submitted to warrant its variation.

Does the proposal fall within the parameters of a Section 73 application?

- 5.1.3 Lord Justice Lewison in a recent court judgment in the Court of Appeal between John Leslie Finney and Welsh Ministers, Carmarthenshire County Council and Energiekontor (UK) Limited [2019] EWCA Civ 1868 established the purposes of a Section 73 application. In particular Lord Justice Lewison stated that:

“On receipt of such an application section 73 (2) says that the planning authority must “consider only the question of conditions”. It must not, therefore, consider the description of the development to which the conditions are attached. The natural inference from that imperative is that the planning authority cannot use section 73 to change the description of the development... It is notable, however, that if the planning authority considers that the conditions should not be altered, it may not grant permission with an altered description but subject to the same conditions. On the contrary it is required by section 73 (2) (b) to refuse the application. That requirement emphasises the underlying philosophy of section 73 (2) that it is only the conditions that matter.”

- 5.1.4 The above judgement has been further endorsed recently in the case of *Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor* [2023] EWHC 142 where the High Court stated that ‘*section 73 is clearly intended to be a provision which enables a developer to make a section 73 application to remove or vary a condition, provided of course that the application does not conflict with the operative part of the planning permission*’.
- 5.1.5 On the basis of the above judgement, it is clear that permission for a Section 73 application shall only be granted for the same development and any variation shall only relate to the conditions imposed to the original permission.
- 5.1.6 The current variation of conditions application relates to solely to a condition previously imposed to permission 21/01240/VAR. This Section 73 application will not

alter the description of the proposed development previously approved and as such, the proposal would fall under the parameters of a Section 73 application.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 The addition of a brick plinth to the dwelling would not be an unusual feature to see upon a residential property and the use of a brick plinth has been found to be acceptable within the wider site when permission was granted for an apple store under application 18/00280/FUL. Therefore, this feature would not cause material harm to the character and appearance to the area.
- 5.2.4 As noted in Section 3 above, there are a number of areas on the building where the dimensions of the building would be impacted as a result of the changes. This includes raising the ridge height of the building in parts and increasing the extent / depth of the gable projections. These increases result in the dwelling having a bulkier appearance than the previously approved design. However, the increases whilst not an overly positive alteration, would not increase the scale and bulk of the dwelling to a degree that would result in demonstrable harm that would warrant an objection.
- 5.2.5 The alterations to the fenestration, including their design and the decorative detailing above, are considered unfortunate as they dilute the architectural merit of the scheme and reduce the level of architectural detailing provided upon the dwelling, which impacts on its aesthetic value. The same is considered in relation to the fact that the chimney and support posts will no longer have an ornate appearance. Nevertheless, whilst the overall design is not as good a quality as the previous scheme, the overall design is not considered to result in material harm to the character and appearance of the area. Furthermore, the addition of the ornate fascia would add some visual interest to the revised elevations, and the high-level round windows would be retained on the principal elevation, which would be the most prominent elevation from Nipsells Chase. On this basis whilst the alterations to the design and fenestration are not positive alterations to the design of the dwelling, on balance, it would not be considered reasonable to raise an objection on these grounds.
- 5.2.6 The cumulative impact of all of the changes set out in Section 3.1 and as discussed above will result in a dwelling that is of less architectural merit and visual interest than the previously approved scheme. However, consideration must be given as to whether the appearance of the revised scheme would cause material harm to the character and appearance of the site or the wider area. Although, as set out above, the design alterations are not considered overly favourable, the resultant dwelling would still maintain some visual interest through the use of the gable projections and varied roof heights, as well as the use of large fully glazed windows and the bay window and the veranda. On this basis and in assessing the revised design on its own merits the proposed development is not considered demonstrably harmful to the character and appearance of the site or wider area.

5.3 Impact on Residential Amenity

- 5.3.1 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.
- 5.3.2 The dwelling known as Riversleigh lies over 40 metres to the south of the site and the dwelling known as Orchard House lies over 80 metres to the north of the site. Due to the significant separation distance, and the single storey nature of the development, it is not considered that the alterations to the proposal would result in an impact on the residential amenity of neighbouring sites by way of a loss of light or a loss of privacy, nor is it considered to be overbearing.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1 and T2 of the approved LDP seek to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards, which are expressed as minimum 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.
- 5.4.2 There are no alterations to the access arrangements or level of parking to be provided at the site in comparison to the previous permission. Therefore, no concerns are raised on this matter.

5.5 Private Amenity Space and Landscaping

- 5.5.1 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 Essex Design Guide Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100sqm of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 The proposed amendments would not impact on the level of amenity space to be provided. Therefore, no objection is raised.

5.6 Other Matters

- 5.6.1 As the application has been submitted as an application to vary condition 2 of the original planning permission, under the terms of Section 73 of the Town and Country Planning Act, it is considered necessary to reconsider the list of the original conditions, which should be adjusted to reflect any changing circumstances, discharge of conditions and changes to the relevant policies. Condition 1 of the previous permission, which limits the time available in order to implement the permission has been removed given that the development has commenced. A number of conditions have also been updated to reflect the details which have already been agreed as part of a previous Discharge of Condition application (23/05015/DET). The surface water drainage condition (condition 7 below) was originally a pre-commencement condition. However, the condition has not been discharged prior to the commencement of the development. Therefore, the condition has been updated to reflect the retrospective nature of the development.

6. ANY RELEVANT SITE HISTORY

- **23/00564/NMA.** – Non-material amendment following grant of planning permission 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)). Amendment sought: Alterations to fenestration and external. Refused 24.07.2023.
- **23/00266/VAR** - Variation of condition 2 (plans) and removal of condition 13 (dormer windows) on approved Planning Permission 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)). Withdrawn 23.05.2023.
- **23/05015/DET** - Compliance with conditions notification 21/01240/VAR Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling) Condition 3 - Materials, Condition 4 - Hard and soft Landscaping, Condition 5- Boundary Treatment, Condition 6 -Cycle Parking, Condition 7 - Parking spaces, Condition 9 - Surface water drainage, Condition 15- Biodiversity Enhancement and Mitigation. Condition 16- Biodiversity Enhancement Strategy for Protected and Priority species. Condition cleared 03.04.2023.
- **21/01240/VAR** - Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling). Approved 06.04.2022.
- **21/00628/FUL** - Proposed construction of a single storey self build live/work dwelling. Approved 11.08.2021.
- **21/00102/FUL** - Construction of a single storey dwelling. Withdrawn 26.05.2021.
- **18/00816/HRN** - Hedgerow removal notice for clearance either side of entrance. Area 1 (Southern side) - 2.5m. Area 2 (Northern side) - 3m. Allowed to proceed 21.09.2018.
- **17/01060/DD** - 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.
- **17/01043/AGR** - Prior notification for permeable hardstanding, with edging stones. Refused 12.10.2017.
- **17/00736/FUL** - Proposed construction of a new detached single storey dwelling. Refused 29.08.2017.

Applications within the wider site:

- **18/00280/FUL** - Construction of an apple storage barn – Approved 10.05.2018.
- **18/00839/FUL** - Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses – Approved 20.06.2019.
- **20/05040/DET** - Compliance with conditions notification 18/00280/FUL (Construction of an apple storage barn) Condition 3 – Materials. Discharged 23.07.2020.
- **20/00345/FUL** - Variation of condition 2 and 8 on approved planning permission 18/00839/FUL (Change of use of land to equestrian and erection

of building to be used for storage of agricultural machinery and stabling of six horses) – Approved 01.07.2020.

- **20/00574/FUL** - Variation of condition 2 on approved planning permission 18/00280/FUL (Construction of an apple storage barn). Approved 10.08.2020.
- **20/00733/FUL** - An equestrian arena to ride in the wet winter months. The arena is to be made of an equestrian sand mix. – Approved 12.11.2020.
- **22/05055/DET** - Compliance with conditions notification 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)) Condition 3 - Materials, Condition 4 - Landscaping, Condition 5- Boundary Treatment, Condition 6 - Cycle Parking, Condition 7 - Parking Spaces, Condition 8 - Surface Water Drainage, Condition 9 - Foul Drainage, Condition 15 - Biodiversity Strategy, Condition 16 - External Lighting. Conditions part discharged part refused 25.08.2022.
- **23/00076/FUL** - Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration. Pending Decision.
- **23/00664/FUL** - Renewal of existing consent. Declined to Determine 02.08.2023.
- **23/00782/FUL** - Renewal of existing consent. Declined to Determine.
- **23/00796/FUL** - Retain structure for mixed use. Agricultural storage, office, reception/rec area, cake and jam making studio. Declined to Determine 23.08.2023.
- **23/00798/FUL** - Retention of the agricultural building known as The Apple Store to C3 residential, to form a 2 bed bungalow. No external alterations apart from 2 additional windows. Declined to Determine 23.08.2023.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object – the conditions should be adhered to and the roof height could be used for an additional floor	<p>S73 of the Town and Country Planning Act 1990 allows for applications to be made in order to vary conditions. Further, the application must be assessed against what is being proposed and not what could be applied for in the future.</p> <p>The conditions set out below prevent any additional floors being created without express planning permission from the Local Planning Authority.</p>

7.2 Representations received from Interested Parties

7.2.1 No letters of representation have been received to date.

8. PROPOSED CONDITIONS

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: R10 Rev G, 1056/06A, 1056/07A, Arboricultural Method Statement 27 September 2021.

REASON To ensure that the development is carried out in accordance with the details as approved.

2 The bricks to be used in the construction of the dwelling shall be as set out within the application form. The weatherboarding, windows, doors and roof tiles shall consist of the details approved under application 23/05015/DET. The development shall be carried out in accordance with the details as approved.

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

3 The hard and soft landscape works shall be carried out in accordance with the details approved under application 23/05015/DET.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use/occupation of the development hereby approved and retained and maintained as such thereafter.

REASON In the interest of the character and appearance of the area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

4 The boundary treatments shall be carried out in accordance with the details approved under application 23/05015/DET. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.

REASON In the interest of local amenity and in accordance with policies, S8, D1 and H4 of the Maldon District Local Development Plan and the National Planning Policy Framework.

5 Cycle parking and storage shall be implemented in accordance with the details approved as part of application 23/05015/DET. The approved scheme shall be implemented prior to the occupation of the development and retained in perpetuity.

REASON To ensure appropriate facilities are provided at the site to encourage alternative modes of transport, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

6 Prior to the first occupation of the development hereby approved, two parking spaces measuring 2.9m wide and 5.5m deep shall be provided at the site as well as a suitable 6m turning area. Furthermore, a fast-charging point shall be provided adjacent to at least one parking space. These spaces shall remain available for the parking of cars in perpetuity.

REASON To ensure suitable parking is provided, in the interests of parking and highway safety, in accordance with Policy T2 of the Maldon District Local Development Plan.

7 The dwelling hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within 3 months of the date of this decision a scheme for a Surface Water Drainage scheme to serve the development shall have been submitted for the written approval of the local planning authority and the scheme shall be implemented prior to the first occupation of the development.
- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
- iv. 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 In the interests of protecting against pollution and contamination and ensuring appropriate drainage, in accordance with policy D2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

8 A foul drainage scheme to serve the development shall be carried out in accordance with the details approved under application 23/05015/DET. The agreed scheme shall be implemented prior to the first occupation of the development.

- REASON In the interests of protecting against pollution and contamination and ensuring appropriate drainage, in accordance with policy D2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 9 The public's rights and ease of passage over public footpath No.17 (Mayland) shall be maintained free and unobstructed at all times
- REASON In the interests of highway and pedestrian safety, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 10 All loading/unloading/reception and storage of all 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 appropriate parking is retained at the site in accordance with the Maldon District Vehicle Parking Standards SPD, policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic m in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
- REASON To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof of the building hereby permitted without planning permission having been obtained from the local planning authority.
- REASON To protect the character and appearance of the area, in accordance with policies, S8, D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Ecological Habitat Survey Report (Hone Ecology, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- REASON In the interests of ecology and preserving protected species, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.
- 14 Prior to works above ground level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs to achieve stated objectives;

- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The enhancements contained within the Biodiversity Enhancement Strategy shall be implemented in accordance with details approved under application 23/05015/DET and shall be retained in that manner thereafter.

REASON In the interests of ecology and preserving protected species, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.

- 15 All external lighting shall be installed in accordance with the lighting design scheme for biodiversity approved as part of application 23/05015/DET, including the specifications and locations set out in the scheme and shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON In the interests of ecology and preserving protected species, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.

- 16 All tree works, including tree protection shall be carried out in accordance with the Arboricultural Method Statement dated 27 September 2021, including the identified schedule of supervision visits to ensure protection measures are in place and are being maintained and adhered to.

REASON In the interests of the protection of the trees on the site, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.