

APOLOGIES Committee Services  
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DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

15 June 2021

Dear Councillor

You are summoned to attend the meeting of the;

**SOUTH EASTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 23 JUNE 2021 at 7.30 pm**

in the **Council Chamber. Maldon District Council Offices, Princes Road, Maldon.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

**COMMITTEE MEMBERSHIP:**

CHAIRMAN

Councillor V J Bell

VICE-CHAIRMAN

Councillor N J Skeens

COUNCILLORS

M G Bassenger  
B S Beale MBE  
R G Boyce MBE  
Mrs P A Channer  
R P F Dewick  
M W Helm  
A L Hull  
W Stamp, CC





**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**WEDNESDAY 23 JUNE 2021**

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1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 26 May 2021 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **20/00102/RES - Glebe Meadow, Southminster, Essex** (Pages 11 - 32)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

6. **20/01344/FUL - Dengie Project, Knightswood Centre, Steeple Road, Southminster, Essex** (Pages 33 - 62)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

7. **21/00300/FUL - Restawyle, Fambridge Road, Althorne, Essex** (Pages 63 - 76)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

8. **Any other items of business that the Chairman of the Committee decides are urgent**

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**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5 - 7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

**NOTICES****Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

**Fire**

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

**Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) - 2018
  - Planning Practice Guidance (PPG)
  - Planning policy for Traveller sites - 2015
  - Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the report)
  - Essex and South Suffolk Shoreline Management Plan – October 2010

## **Supplementary Planning Guidance and Other Advice (continued)**

### **ii) Essex County Council**

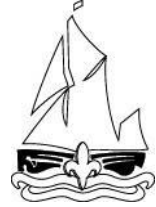
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### **iii) Maldon District Council**

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
26 MAY 2021**

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**PRESENT**

Chairman                      Councillor V J Bell

Vice-Chairman

Councillors                  M G Bassenger, B S Beale MBE, M W Helm, A L Hull and  
W Stamp, CC

In attendance              Councillor C Morris

**1. CHAIRMAN'S NOTICES**

The Chairman welcomed all present to the meeting and took the Committee through some general housekeeping issues.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R P F Dewick and N J Skeens.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 14 April 2021 be received.

**Minute No. 329 – 21/00088/FUL – Burnham Yacht Harbour, Foundry Lane, Burnham-on-Crouch**

That the following text outlined in bold be added to the second sentence in the second paragraph of this minute item as follows:- 'At this point Councillor W Stamp declared a pecuniary interest in this item of business **as she had a boat on the site that she paid for**, she then left the meeting'.

**RESOLVED by assent**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 14 April 2021 be confirmed.

**4. DISCLOSURE OF INTEREST**

Councillor W Stamp, CC declared a non-pecuniary interest in Item 6 - 21/00102/FUL - Land North of Riversleigh, Nipsells Chase, Mayland as she knew the applicant and on all agenda items as a member of Essex County Council.

At this point the Chairman advised that Item 6 - 21/00102/FUL - Land North of Riversleigh, Dispers Chase, Mayland had been withdrawn by the applicant.

**5. 20/01347/FUL - THE BARN, STEEPLE ROAD, MAYLAND**

<b>Application Number</b>	<b>20/01347/FUL</b>
<b>Location</b>	The Barn, Steeple Road, Mayland
<b>Proposal</b>	Within the curtilage of the dwelling house form a fenced enclosure (40m x 21.2m) to provide a drained all-weather surfaced area for exercising horses owned by the occupiers
<b>Applicant</b>	Mr F Wiffen
<b>Agent</b>	Chris Francis – West & Partners
<b>Target Decision Date</b>	28.05.2021 – EOT
<b>Case Officer</b>	Hayleigh Parker-Haines
<b>Parish</b>	<b>STEEPLE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor M W Helm – Policy Reasons D1 and S8

Following the Officer's presentation, the Chairman opened the debate.

Councillor Helm, noting that this was a retrospective application asked officers to advise what action had been taken regarding the lawful development certificate currently under appeal. The Lead Specialist Place advised that it was an accepted point of Planning Policy that where an application was retrospective this should not be a factor in determining a recommendation and it was also accepted practice to submit an application to regularise breaches of planning control.

There being no further queries the Chairman moved the Officer's recommendation to approve the application and this was seconded by Councillor Beale. A recorded vote was requested by Councillor Helm, duly seconded by Councillor Bassenger and the results were as follows:-

For the Recommendation

Councillors M G Bassenger, B S Beale, A L Hull and W Stamp.

Against the Recommendation

None

Abstentions

Councillors V J Bell and M W Helm.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2008/001, 2008/1011, 2008/1010 and 2008/100  
REASON To ensure that the development is carried out in accordance with the details as approved.



3. The materials used in the development hereby approved shall be as set out within the application form/plans hereby approved.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework
4. No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority.  
REASON To protect the amenity and character of the area and the amenity of neighbouring occupiers in accordance with policies S1, S8 and D1 of the Local Development Plan.
5. The ménage hereby permitted shall be used solely for the private exercising of horses' ancillary to the occupiers of The Barn, Steeple Road, Mayland as shown outlined in blue on the location plan and shall not be used for business or commercial use including for the purposes of livery or any riding school activity.  
REASON To protect the amenity and character of the area and the amenity of neighbouring occupiers in accordance with policies S1, S8 and D1 of the Local Development Plan.

**6. 21/00102/FUL - LAND NORTH OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND**

<b>Application Number</b>	<b>21/00102/FUL</b>
<b>Location</b>	Land North Of Riversleigh, Nipsells Chase, Mayland
<b>Proposal</b>	Construction of a single storey dwelling
<b>Applicant</b>	Mr and Mrs Kenny Paton
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	07.05.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

It had already been noted that prior to the meeting the applicant had withdrawn this application.

**7. 21/00108/FUL - ROSEMARY, MANGAPP CHASE, BURNHAM-ON-CROUCH, ESSEX CM0 8QQ**

<b>Application Number</b>	<b>21/00108/FUL</b>
<b>Location</b>	Rosemary, Mangapp Chase, Burnham-On-Crouch, Essex, CM0 8QQ
<b>Proposal</b>	Extension to existing brick plinth/timber framed barn to provide one bedroom ancillary/granny annexe for extended family
<b>Applicant</b>	Mrs Jane Taverner
<b>Agent</b>	N/A
<b>Target Decision Date</b>	22.04.2021
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor W Stamp – Policies S1 and H4

Following the Officer's presentation, the Applicant Mrs Taverner, addressed the Committee. The chairman then opened the debate.

A lengthy discussion ensued where Members debated a range of issues raised in the Officer's report, particularly those outlined in the reasons for refusal. Planning Officers took the committee through the 7 criteria that formed part of the Specialist Housing Needs SPD explaining where the application fell short of the requirements and hence the reason the application was recommended for refusal.

The final consensus was that Members felt, having debated the criteria and the reasons for refusal, that the proposed development fell within the annexe criteria set out within the Specialist Housing Needs SPD, and was therefore considered to be annexe accommodation, ancillary to the dwelling on the site known as Rosemary.

For that reason, Councillor Helm proposed that the application be approved contrary to the Officer's recommendation, this was seconded by Councillor Stamp.

The Chairman then put Councillor Helm's proposal to the Committee confirming that conditions would be delegated to Officers in consultation with the Chairman. The Committee agreed this by assent.

**RESOLVED** that the application be **APPROVED** with conditions delegated to Officers in consultation with the Chairman.

The meeting closed at 8.31 pm.

V J BELL  
CHAIRMAN



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
23 JUNE 2021**

<b>Application Number</b>	<b>20/00102/RES</b>
<b>Location</b>	Glebe Meadow
<b>Proposal</b>	Reserved matters application for the approval of appearance, landscaping, layout on approved planning application OUT/MAL/16/00105 allowed on appeal APP/X1545/W/17/3167607 (Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular access from Vicarage Court)
<b>Applicant</b>	Mr Paul Bartholomew – Benferri Developments Limited
<b>Agent</b>	Mr Steven McLean – McLean Architectural
<b>Target Decision Date</b>	25.06.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Member Call In – Councillor A.S.Flucker Reason: Policy D1

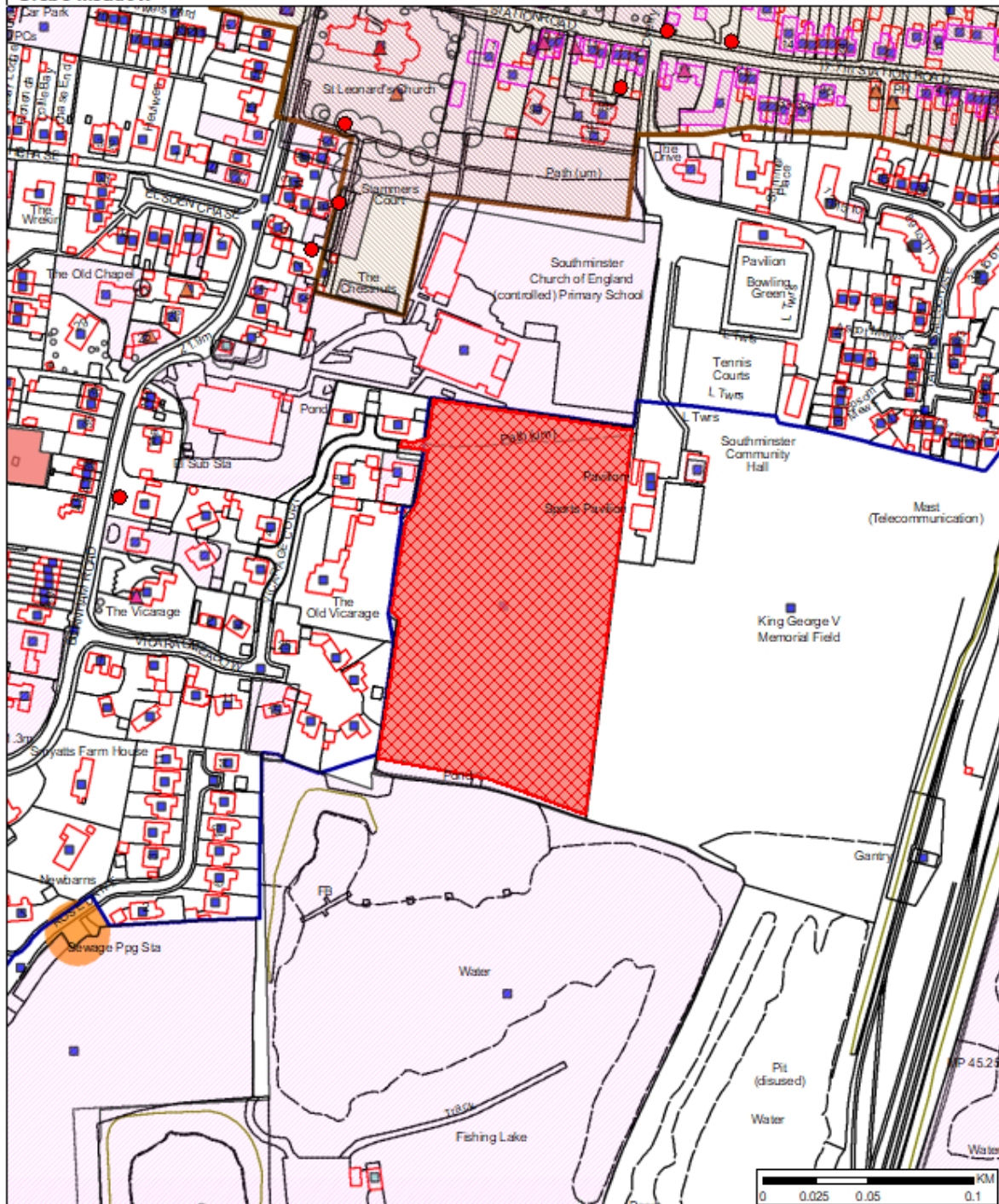
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**20/00102/RES**  
**Glebe Meadow**



<p><b>Copyright</b></p> <p>For reference purposes only.          No further copies may be made.          This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.          Maldon District Council 100018588 2014</p> <p><b>MALDON DISTRICT COUNCIL</b></p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p>	<p><b>Scale:</b> 1:2,500</p>
	<p><b>Organisation:</b> Maldon District Council</p>
	<p><b>Department:</b> Department</p>
	<p><b>Comments:</b> SEAC</p>
	<p><b>Date:</b> 11/06/2021</p>
	<p><b>MSA Number:</b> 100018588</p>

### **3. SUMMARY**

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

- 3.1.1 The application site is currently an undeveloped field located to the east of Vicarage Court, adjacent to the settlement boundary of Southminster. To the north of the site is Southminster Church of England Primary School, to the east is King George V Memorial Park, to the south is Goldsands Road Pits and Lakes Local Wildlife Site which incorporates a Site of Special Scientific Interest (SSSI) and to the west are dwellings which front Vicarage Court and Vicarage Meadow. The access to the site is taken at the northern edge of the western boundary via an existing field gate.
- 3.1.2 Outline planning permission (reference: 16/00105/OUT) was allowed on appeal in 2017 (Appeal Ref: APP/X1545/W/17/3167607 dated 14 June 2017) to construct up to 13 dwellings. The main issue under consideration at the appeal was the effect of the proposed development on the character and appearance of the area. The proposal was in outline format with only the matter of access considered alongside the principle of the development. Condition 1 of that permission requires that matters of appearance, landscaping, layout and scale are addressed through a reserved matters application, which are the subject of this application.
- 3.1.3 The outline planning application was accompanied by a formal Planning Obligation (Unilateral Undertaking), made under Section 106 of the Act, dated 15 May 2017, and signed by the owners of the land. The Obligation covenants the landowners, in general terms, in the event of planning permission being granted. In this instance there are two obligations to be met as follows:
1. On site open space and amenity land – at least 20% of the site to be used for public open space
  2. Affordable Housing – 80% affordable rented housing and 20% intermediate affordable
- 3.1.4 A single point of vehicular access will come from Vicarage Court and this has been approved under the outline permission.
- 3.1.5 Furthermore, an area of open space is proposed within the southeast part of the site.
- 3.1.6 This application proposes 13 dwellings. In terms of layout there are nine dwellings proposed to the west boundary of the site, in a linear arrangement (plots 1-9) and 4 dwellings proposed within the north eastern corner, set in a linear arrangement (plots 10-13).
- 3.1.7 Plots 1, 4 and 6 will consist of house type B1, which will have a maximum width of 10.5 metres, a depth of 12.3 metres. This house type would have an eaves height of 5.4 metres and an overall height of 9 metres. It will be of a hipped roof design, with a rear gable projection, front bay window projections, a chimney and a covered porch area. Internally, there will be a study, lounge, kitchen, utility room, toilet and dining room at ground floor level and four bedrooms at first floor level, one with an en-suite and dressing room, and a family bathroom.
- 3.1.8 Plots 3 and 5 will comprise house type C1, which would have a total depth of 14 metres and a width of 10.6 metres. It will have an eaves height of 5.4 metres and an overall height of 9.9 metres. The dwelling will be of a gable roof design, with a rear gable projection, a chimney and a covered porch. Internally there will be a study, family room, lounge, toilet, kitchen/diner and utility room at ground floor level. At first

floor level, there will be four bedrooms, one with an en-suite and dressing room and a separate bathroom.

- 3.1.9 Plots 2, 7 and 13 will consist of house type D1. This will measure 13.4 metres wide and 8.9 metres deep. It will measure 5.1 metres to the eaves and 8.8 metres to the ridge. It will have an M-shaped roof when viewed from the side, with a front and rear gable projection, chimneys and a covered porch. At ground floor level, there will be a kitchen/dining/family room, a study, a utility room, toilet and lounge. At first floor level, there will be four bedrooms, one with an en-suite and dressing room and a separate bathroom.
- 3.1.10 Plot 8 will consist of house type E1. This will measure 11.8 metres wide and 12.1 metres deep in total, with an eaves height of 5.1 metres and a ridge height of 9.1 metres. It will be of a gable roof design, with two front bay window projections, a rear gable projection and chimneys. At ground floor level, there will be a kitchen/dining/family room, a study, a dining room, a utility room, toilet and lounge. At first floor level, there will be five bedrooms, two with an en-suite and a separate bathroom.
- 3.1.11 Plots 9-12 consist of house type HA2, which are the affordable housing plots. These are semi-detached dwellings and each pair measures 8.8 metres deep in total and 11.4 metres wide in total, with an eaves height of 5 metres and a ridge height of 9 metres. Each of the four dwellings will have a lounge, toilet and kitchen/dining room at ground floor level. Plots 9 and 12 will have three bedrooms, one with an en-suite and a bathroom, and plots 10 and 11 will have two bedrooms and a bathroom. They will be of a cross-gable design and the dwellings on plot 9-10 and plot 11-12 are of a handed design to each other.
- 3.1.12 Plots 1-8 and 13 will be served by a double garage each. This will measure 6.5 metres wide and 7.3 metres deep, with an eaves height of 2.5 metres and a ridge height of 5 metres.
- 3.1.13 The materials proposed consist of a mix of the following:

Roof

- Redland Fenland pantile 'Breckland brown'
- Redland Fenland pantile 'Blue black'
- Forticrete Gemini plain tile 'Ember blend'

Bricks

- Forterra 'Atherstone red'
- Ibstock 'Caledonian buff blend'
- Ibstock 'Surrey orange'

Walls

- 'Envirowall' render finish 'Anderlect'
- Hardieplank cladding in sail cloth colour

Windows and doors

- White UPVC

- 3.1.14 In terms of boundary treatments, the existing external site boundary will be retained. There will be a 1.8-metre-high close boarded fence between the plots with 1.1-metre-high black railings along the front boundary between plot 7 and 8 and on the south western side of the open space/attenuation basin. There will also be 1.1-metre-high

black railings along the southern boundary surrounding the garage on plot 13. There will be 1.1-metre-high bollards along the private access for plots 9-12 and along the eastern side of the access within the site. A 1.8-metre-high brick wall will surround the external boundaries of each plot.

- 3.1.15 In terms of landscaping, a planting schedule has been submitted including the trees, shrubs and bulbs to be planted, as well as the woodland mix. A Landscape Management Plan has been submitted which sets out the management objectives, maintenance visits, existing planting, native trees, native whip mix planting, shrubs and hedges, grass areas, bulb planting, water, plant replacement, litter collections, boundary treatments, hard surfaces and maintenance after 5 years.
- 3.1.16 A Flood Risk Assessment (FRA), an Extended Phase 1 Habitat Survey and a Landscape Visual Appraisal have been submitted in support of the application however these appear to be documents that were originally submitted for the outline application.

### **3.2 Conclusion**

- 3.2.1 The principle of the application site accommodating up to 13 residential dwellings and the positioning of the access was not objected to at the time of the outline application and has already been established at appeal through the granting of outline planning permission 16/00105/OUT as well as the access to the site. This application is therefore to consider the appearance, landscaping, layout and scale of the development.
- 3.2.2 Having taken all material planning considerations relevant to this reserved matters application into account, it is considered that the details of layout, scale, appearance and landscaping submitted are acceptable and there would be no harm to the character of the area. The affordable housing proposed is compliant with the obligations agreed through the S106 agreement of the outline permission. It is also considered that the proposed development would represent sufficiently high-quality development in terms of appearance and landscaping and it would provide a good level of living conditions for the future occupiers and adequate parking provision. The details submitted in relation to the amenity area are considered acceptable. Therefore, the details of the development as submitted as part of the reserved matters application are acceptable and accord with the aims of the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and the conditions and obligations imposed on the outline application.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Achieving sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 77-79 Rural Housing
- 102-111 Promoting sustainable transport



- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

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

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Maldon District Design Guide (MDDG) SPD (2017)
- Maldon District Vehicle Parking Standards (VPS) 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 LDP.
- 5.1.2 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. 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 that the development falls within one of thirteen specific, defined categories. This list of acceptable development includes Policy S8 (h) Rural Exception Sites for Affordable Housing in accordance with Policy H5, but not for open market housing or self-build houses. The application site is outside the settlement boundary and is therefore, in principle, contrary to the abovementioned policy.
- 5.1.3 However, outline planning permission (reference 16/00105/OUT) was granted on appeal on 14 June 2017 and allows for a development of up to 13 dwellings. This therefore establishes the acceptability of residential development at the site and overrides the abovementioned policy objection. It is noted that the outline scheme was refused on the grounds of the effect on the character and appearance of the area only. In this regard it is noted that this is an application for the approval of reserved matters and therefore the principle of development cannot be re-assessed. From this basis, notwithstanding the comments of the objectors, it cannot be argued



that the principle of 13 dwellings being built at the site (subject to the matters of landscaping, scale, appearance, access and layout) is unacceptable and therefore it would be unreasonable for the council to object to the principle of the density of the proposed development or the impact of development on the rural character of the area as the urbanisation of the site is inherent to the outline planning permission that has been granted. Notwithstanding the fact that there was no reason for refusal on principle grounds, the inspector gave little weight to policies at the time, which he argued as being obstructive and out of date with the NPPF, which seeks to significantly boost the supply of housing and to apply a balanced approach to new development.

- 5.1.4 The outline planning permission 16/00105/OUT established the acceptability of the proposed development including the access arrangements and therefore the main for consideration are the detailed design matters concerning the appearance, landscaping, layout and scale of the proposed development (the reserved matters).
- 5.1.5 The Planning Practice Guidance, Paragraph 006 Reference ID: 14-006-20140306 and the Town and Country Planning (Development Management Procedure) (England) Order 2015, clearly state that for reserved matters applications, the following would need to be submitted in support of the application:
- 5.1.6 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 5.1.7 'Landscaping' – the treatment of land (other than building) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:
  - a) screening by fences, walls or other means;
  - b) the planting of trees, hedges, shrubs or grass;
  - c) the formation of banks, terraces or other earthworks;
  - d) the laying out or provision of gardens, courts, square, water features, sculpture or public art; and the provision of other amenity features;
- 5.1.8 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- 5.1.9 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
- 5.1.10 Therefore, given the above, the principle of erecting 13 dwellings within the site is considered acceptable. The reserved matters considerations will be discussed below.

## **5.2 Housing Need and Supply**

- 5.2.1 Policy H2 of the LDP, which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings with three or more bedrooms, with less than half the national average for one- and two-bedroom units in the district. The Council therefore encourages in policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA (2014) identifies the same need for 60% of new housing to be for one- or two-bedroom units and 40% of housing to be for three bedrooms plus units.

- 5.2.2 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.3 The development will provide 2 two-bedroom dwellings, 2 three-bedroom dwellings, 8 four-bedroom dwellings and 1 five-bedroom dwelling. The proposed housing mix is therefore 15% two-bedroom units and 85% three plus bedroom units.
- 5.2.4 On the basis of the above housing mix, it is evident that the development would not comply with the requirements of policy H2, given that only 15% of smaller (two-bedroom) units are proposed to be provided, from which all would be affordable units. Nonetheless, it is noted that no condition to secure a housing mix in accordance with Policy H2 requirements was imposed at the outline stage when the application was allowed on appeal and thus, it would have been unreasonable for an objection to be raised at this stage. Similar to the principle of the development, the allowed appeal overrides the policy requirements and thus, no objection is raised to the proposed housing mix.

### **5.3 Affordable Housing**

- 5.3.1 In terms of affordable housing provision, Policy H1 of the LDP states that all housing developments of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.
- 5.3.2 In this application, there are 4 affordable housing units proposed, which is a mix of 30% affordable 70% market dwellings.
- 5.3.3 As part of the outline planning application, a section 106 agreement was submitted (dated and signed) by the Applicant regarding the provision of 4 affordable housing units on the application site consisting of 80% as affordable rented dwellings and 20% as intermediate affordable housing. This will consist of 4 two-bedroom dwellings capable of housing 4 people.
- 5.3.4 As 4 affordable housing units are proposed, meeting the required 30% affordable housing contribution on-site (3.9). Therefore, Strategic Housing Services fully support this application and no objection is raised in terms of affordable housing provision.

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

- 5.4.1 The planning system promotes high quality development through inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning, and recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.4.2 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”.*

- 5.4.3 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;*
- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.5 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.
- 5.4.6 The acceptability of up to 13 dwellings on the site has previously been established and the impact on the character and appearance of the area was taken into account at the time of outline application. The outline application was accompanied by an indicative layout and massing drawings proposing a likely layout and general form of the development including a road layout within the site. Although not binding wholly binding in terms of its detail, it presented a form of development which assured any development of the site would be appropriate in terms of its impact and relationship to the adjoining settlement and wider landscape. The current application is largely similar to the indicative proposals at outline stage, and to which the planning inspector had regard to, notwithstanding its indicative nature. The matters relating to the landscaping, layout, scale and appearance relate to that form of development envisaged and is accordingly assessed as such.
- 5.4.7 The proposed development comprises 9 detached and 4 semi-detached two storey dwellings arranged in a linear format arranged in a north/south alignment and east towards a single access road north/south.

#### *Layout*

- 5.4.8 The access road leads off Vicarage Court from the west and continues east, leading south and fairly centrally within the site, which leads to turning heads leading to individual driveways, and therefore the site appears as a continuation from the existing residential site to the west. Plots 1-8 and 13 are located on the western side of the site backing onto the residential area to the west of the application site. The private amenity areas are located to the rear of the plots and off-street parking has been provided to the sides of plots 1-8, rear of plot 13 and to the front of 9-12 which

helps to avoid a wholly car dominated frontage. Plots 9-12 are positioned in the north east corner of the site and are accessed by a private drive. The eastern part of the site is an area of open space with an attenuation basin within the south eastern corner.

- 5.4.9 The proposed layout is suburban in appearance with one main access with the development located on the western side, aligning with the residential development to the west to ensure that the eastern part of the site blends in with the open fields and vegetation to the east and south. When assessed as a whole, that the layout is considered to be acceptable and appropriate in complimenting the character and appearance of the area. The set back of the built form from the boundaries of the site, particularly the eastern and southern boundaries and the high level of open and private amenity space lessen the impact of the layout within the area and therefore it is not considered that the impact of the layout would be harmful to the character of the area.

#### *Scale*

- 5.4.10 All properties would be two-storeys in height. The scale of the dwellings, in terms of width, depth and height are fairly consistent. The dwellings on plots 9-12 are semi-detached and therefore their plots are smaller however each pair of semis is of a similar scale to the detached dwellings. It is considered that the height, width and depth of each house type is suitably consistent when viewed as a whole. Given the residential development within the immediate vicinity of the site to the west is also of a similar two storey or two and a half storey scale, the scale of development is acceptable in terms of the impact on the character and appearance of the site and the surrounding area.

#### *Appearance*

- 5.4.11 With regard to the design and appearance of the proposed dwellings, it is noted they would be of a typical design for residential dwellings and would have an attractive appearance. There would be a mix of roof types ranging from hipped, gable and M-shaped rooflines. Features such as gable projections, chimneys, porches and bay windows would be incorporated to add to the architectural interest of the dwellings and the style of the dwellings have taken design cues from those within the surrounding area along Vicarage Court. The entrance of the dwellings would be well-defined due to the covered porches. Overall, it is considered that there would be a good mix of dwelling styles, but with enough similarity in their design to create a cohesive development.
- 5.4.12 The proposed materials would generally be in keeping with the materials used within the surrounding area and the use of brick and render would be in line with the guidance within the MDDG. It is noted that the dwellings along Vicarage Court are generally finished in brick, and that render and Hardieplank cladding is not a common feature within the surrounding area, however the proposed development as a whole would form its own character and these materials will only be used as feature elements on the gable projections; the predominant material within the site would be brick, and therefore the use of render and cladding would not be objected to. The proposed materials would therefore be acceptable within the context of the site and its surroundings.
- 5.4.13 In addition, policy H2 requires that the design and appearance of affordable housing is indistinguishable from market housing. Whilst the affordable housing units are semi-detached in design which differs from the detached nature of the market housing, they are smaller units and therefore would be a small house type; however,

each pair of dwellings would be viewed as a similar scale to the detached market housing. The bricks used on plots 9 and 10 would differ from those used on the other dwellings, however all other materials would be mixed between the dwellings within the site. In that respect it is noted that the affordable housing follows the same design principles and ques as the open market housing and would therefore comply with the requirements of policy H2.

- 5.4.14 The semi-detached units would face to the north of the site within their own private drive and would not front the main access road, which would differ from the main layout of the site and of Vicarage Court. However, it is not considered to be unusual for there to be smaller cul-de-sacs located off the main roads, within the surrounding area, such as the western projection off of Vicarage Court. Furthermore, this layout would reduce the visibility of the parking spaces serving these plots, from the main access, to reduce the likelihood of the site becoming visually dominated by cars.

#### *Landscaping*

- 5.4.15 Both the soft landscaping and the boundary treatments are considered to be appropriate for a semi-rural residential environment. A large amount of existing vegetation around the boundaries of the site would be retained, with additional trees planted along the west and north east boundaries as well as within the site, lining the access and within the area of public open space. The public open space will be planted with a wild flower meadow and native whip mixes. It is considered that the landscaping of the site is acceptable in relation to suitably softening the visual impact of the development.
- 5.4.16 Given the above, it is considered that the proposed development in terms of appearance, layout, scale and landscaping is of an acceptable quality and would not harm the character and appearance of the site or surrounding area. Therefore, it is considered to accord with the criteria of policies D1 and H4 of the LDP, the MDDG, and guidance and provision as contained in the NPPF.

### **5.5 Impact on Residential Amenity**

- 5.5.1 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.
- 5.5.2 Given the orientation of the proposed dwellings, the separation distances and the natural screening provided by the existing vegetation, it is not considered that the proposed residential development would give rise to overlooking. Furthermore, there are no windows proposed in any of the dwellings which are considered to have a direct view into the windows or the private amenity space of the existing properties within the vicinity of the site.
- 5.5.3 It is noted that the dwelling on plot 1 would have a first-floor window on the west side elevation of the rear projection facing No.7 Vicarage Court, located 19 metres from the shared western boundary with this neighbour. Due to the separation distance, there could be some overlooking of the neighbouring site from this window if not mitigated, and therefore a condition is included to ensure this window is obscure glazed and non-opening below 1.7 metres. The separation distance is considered sufficient that there will not be a harmful level of perceived overlooking from the obscure glazed window. There is another window on the southern elevation serving

the bedroom and therefore there are no objections to the window being obscure glazed in relation to the living conditions of the occupiers.

- 5.5.4 The separation distance between the proposal site and the existing dwellings is such that there would not be a material loss of light, outlook or any impacts of overbearingness within the neighbouring properties to an extent that would raise amenity concerns to justify the refusal of the application.
- 5.5.5 There are no other residential properties that would be harmfully affected by the proposed development to such a degree as to warrant a reason for refusal. In making the above comments it should be noted that the principle of up to 13 dwellings on the site has previously been established and the impact of the use of the site was assessed at the time of outline application. Therefore, the impact of the development in terms of access, scale, layout and appearance in relation to the existing properties within the vicinity of the site has been assessed.
- 5.5.6 The proposal will result in the increased use of the access which may result in increased noise and disturbance to the dwellings to the west, near to the entrance of the access. However, this is not considered to be at such a level that would cause detrimental harm to neighbouring sites, to an extent that would justify the refusal of the application. Furthermore, the access has been approved under application 16/00105/OUT and therefore it would be unreasonable to object to this.

## **5.6 Access, Parking and Highway Safety**

- 5.6.1 Policy T2 of the LDP 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, which are expressed as minimum 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.
- 5.6.2 It is noted that the access road has been established under outline permission 16/00105/OUT and therefore there are no objections to this.
- 5.6.3 The turning area provided for each dwelling is considered to be acceptable. An initial consultation response from Essex Fire and Rescue stated that turning point in front of plot 7 would need to be increased in line with the provisions detailed in Approved Document B (ADB): Vol 2, B5. It is also noted that condition 14 of the outline permission required a turning facility for service and delivery vehicles of at least size 3 dimensions shall be provided. The turning facility has been amended and any further consultation response will be included on the Members' Update.
- 5.6.4 The proposed development provides four allocated parking spaces per four/five-bedroom dwelling (two on the driveway and two in the garage) and two parking spaces per two/three-bedroom dwelling. This therefore is in excess of the requirements of the adopted parking standards and also complies with the recommended bay size of 2.9m by 5.5m for a parking bay and 6 metres by 7 metres internal size of a garage.
- 5.6.5 With regard to visitor parking, the adopted parking standards require 1 visitor space per 4 dwellings which in this instance would equate to 4 visitor spaces. Two visitor spaces have been shown towards the north of the site and two more visitor spaces east of plot 3, and therefore sufficient visitor parking will be provided.

- 5.6.6 Condition 11 of the outline permission requires the access to be provided as a continuation of Vicarage Court straight for the first 12 metre within the site, which it is and therefore the proposal complies with this.
- 5.6.7 Conditions 12 and 13 relate to the vehicle and pedestrian visibility splays within the site and the proposal is considered to accord with these conditions as the required visibility splays can be accommodated.
- 5.6.8 Cycle parking can be accommodated within the garages for plots 1-8 and 13. The site plan shows sheds will be erected in the gardens of plots 9-12 which would be available for cycle parking and therefore there are no objections in this regard.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as supplementary planning guidance to support its policies in assessing applications for residential schemes, which considers dwellings with three or more bedrooms should provide 100 square metres of amenity space, smaller dwellings should provide 50 square metres and flats should provide 25 square metres. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.7.2 Plots 1-10, 12 and 13 would have provision for over 100 square metres of amenity space and therefore there are no objections in this regard. Plot 11 consists of a two-bedroom dwelling and would have 80 square metres of amenity space and therefore this is in accordance with the standards set out within the MDDG.
- 5.7.3 In terms of landscaping, the Council's Tree Consultant has stated that the Prunus species adjacent to the driveways need to have a planting put that is big enough to accommodate them for maturity with root deflectors or similar to ensure the root growth from this species does not cause surface displacement as they mature and lead to the trees being removed and that it would be preferable to have specimens with a stem girth of 10cm to 12cm used, to provide a bit more instant visual amenity impact. Additionally, there is space in plots 1, 4, 5, 6, 7, 8 to support some more tree planting to soften the view across and still allow uninhibited usage of the garden space. Native trees such as Silver Birch, Hornbeam would be preferable. In the area by the attenuation basin, there is scope to support the planting of larger trees such as Oak, Field Maple, Hornbeam or Elm, with a girth of 14cm-16cm. The shrub species mix is acceptable to provide amenity and ecological benefit. Tree protection measures and site supervision will be essential before and during the development. An amended landscape scheme was provided, and the Tree Consultant has been re-consulted and considers that the revised plan details the root deflector material to be used to try and prevent the roots of the cherry species becoming a problem in the future, which will help to prevent such problems while they mature and is considered acceptable. All the other information provided appears to be acceptable. Therefore, subject to conditions, the landscaping would be acceptable.
- 5.7.4 In terms of boundary treatments, these would reference the materials used for other boundary treatments within the surrounding area along Vicarage Court, including black railings, brick walls and timber fences and therefore the proposed boundary treatments are considered to be in keeping with the character of the area.

## **5.8 Other Material Considerations**

- 5.8.1 The Environmental Health department have no concerns in relation to drainage. They have requested one condition in relation to a Construction Management Plan,

regarding waste materials, dust emissions, noise nuisances and hours of work. Whilst the need for this condition is noted, the matters that this condition would aim to restrict are considered to be related to the outline permission and would have needed to be imposed at outline stage, which the Inspector did not consider it necessary to do so. As this condition is not considered to be directly related to the matters reserved for consideration under this application, it is not considered that it would be reasonable to impose the condition under this application.

- 5.8.2 The matters of foul and surface water drainage have been addressed through the imposition of conditions on the outline permission.

#### Section 106 Agreements

- 5.8.3 The legal agreement signed at the time of the outline permission required an Amenity Areas Specification, Amenity Areas Management Plan, Open Space Specification, Open Space Management Plan and details of the Management Company to be submitted at the time of the reserved matters application.
- 5.8.4 All of the above documents have been submitted as part of the application. A consultation response from the Section 106 Officer considers that the documents provided are suitable in meeting the requirements set out within the Section 106 signed as part of the outline application.
- 5.8.5 The section 106 agreement also includes requirements in relation to affordable housing which has been discussed in section 5.3 and has been considered acceptable.

#### Ecology and Protected Species

- 5.8.6 The application has been supported by the ecology report submitted with the outline application. This report is dated from 2014 and Essex County Council (ECC) Place Service had submitted a holding objection due to the report being 6 years old and requested an up to date survey to be undertaken. Whilst this was noted, the development already has approval under outline permission and therefore we did not consider it reasonable to object on the basis that the ecology report is out of date. Ecology have since submitted a second response stating they have no objection. In this regard, it is noted that three conditions were imposed on the outline application, as suggested by the 2014 ecology report. These were in relation to a further badger survey to be undertaken, a landscaping and ecological management plan to be submitted, and a street lighting scheme to be submitted. It is considered that these conditions are sufficient in order to mitigate any possible impacts on wildlife within the site.

#### Permitted Development Rights

- 5.8.7 As the site is positioned within a rural location outside of the defined settlement boundary, within a rural area, it is considered necessary to restrict permitted development rights in order to protect the character of the area. In this regard, it is considered necessary to specifically remove permitted development rights for all plots in relation to Class A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).



## RAMS

- 5.8.8 Notwithstanding the opinion of Officers at Natural England (NE), it is not possible to secure a contribution towards RAMS under the terms of a reserved matters application and it is not relevant to the access, layout, scale, appearance or landscaping to request any form of mitigation in this regard. The granting of this permission would not facilitate any demonstrable impact above and beyond that resulting from the grant of the outline permission.

## **6. ANY RELEVANT SITE HISTORY**

- **00/00874/FUL** - Proposed change of use from grazing land to recreational use – Approved
- **05/01253/FUL** - Change of use of land to recreational use – Approved
- **16/00105/OUT** - Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular access from Vicarage Court – Refused – Appeal Allowed

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Southminster Parish Council	No response	N/A

### **7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highway Authority	No response	N/A
Environment Agency	No response	N/A

### **7.3 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objections subject to conditions regarding a construction management plan.	Comments noted. A construction management plan condition would be imposed at outline stage and is not related to the matters reserved for this application.
Housing Department	Support the application	Comments noted.

## 7.4 External Consultees

Name of External Consultee	Comment	Officer Response
Archaeology	The proposed development site has the potential to impact on archaeological remains.  No objection subject to conditions	An archaeological condition was put on the outline permission.
Natural England	Undertake assessment in relation to RAMS	Comments noted. See paragraph 5.8.14.
Ecology	First response - Object – the ecology report is out of date; an updated survey should be undertaken Second response - Holding objection withdrawn	Comments noted.
Tree Consultant	<p>The Prunus species shown to be placed adjacent drives needs to ensure that the planting pit is big enough to accommodate them for maturity, with root deflectors or similar to ensure the root growth from this species does not cause surface displacement at they mature and lead to the trees being removed. I would prefer to see specimens with a stem girth of 10cm to 12cm used, to provide a bit more instant visual amenity impact.</p> <p>There is space in plots 1, 4, 5, 6, 7, 8 to support some more tree planting to soften the view across and still allow uninhibited usage of the garden space. Native trees such as Silver Birch, Hornbeam etc would be a good use, rather than small ornamentals, with berries etc that could cause a nuisance. In the area by the attenuation basin there is space to support the planting of tree species that can develop into large feature trees in the landscape such as Oak, Field Maple, Hornbeam, Elm. For these areas I would like larger trees used with a stem girth at planting of 14cm - 16cm.</p> <p>The shrub species mix is acceptable to provide amenity and ecological benefit.</p> <p>I think with some more considered species choice and placing for the trees, to ensure they have space to develop and not become a problem to residents, so removal is more likely, then the scheme will benefit the landscape setting.</p>	Comments noted. Amended landscaping details have been provided taking into account these comments.

Name of External Consultee	Comment	Officer Response
	<p>Tree protection measures and site supervision will be essential before and during the development.</p> <p>Response to amended plans:</p> <p>The revised plan details the root deflector material to be used to try and prevent the roots of the cherry species becoming a problem in the future, this will help to present such problems while they mature and is considered acceptable. 1.1 of the landscape management plan refers to the site being in Witham, a minor typo but best to change it to the site so that it all ties in and no one can dispute it later. The information appears to be acceptable.</p>	
Essex and Suffolk Water	No apparatus within the area – no objections	Comments noted.
Anglian Water	<p>There are assets within the area and therefore an informative should be included setting this out.</p> <p>No objection in relation to foul water, the used water network or surface water</p>	Comments noted.
ECC SuDS	No objections – the development will be subject to drainage conditions put on at outline	Comments noted.
Essex Fire and Rescue	The turning point in front of plot 7 would need to be increased in line with the provisions detailed in ADB: Vol 2, B5	Comments noted, this has been amended.
North East Essex Badger Group	No response	N/A
Essex Wildlife Trust	No response	N/A
Essex Police	Essex Police is able to support the applicant to achieve Secured by Design Homes 2019, having appropriate consideration of the requirements, you are invited to contact Essex Police via <a href="mailto:designingoutcrime@essex.pnn.police.uk">designingoutcrime@essex.pnn.police.uk</a>	Comments noted.

## 7.5 Representations received from Interested Parties

7.5.1 5 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Cannot understand why this application has been submitted again.	This is a reserved matters application in relation to the outline application approved under 16/00105/OUT at appeal. This application only assesses appearance, landscaping, layout and

Objection Comment	Officer Response
	design.
Concerns over impact from traffic	The principle of constructing 13 dwellings has been established under the outline application. This is not a consideration for this application.
Impact on infrastructure	The principle of constructing 13 dwellings has been established under the outline application. This is not a consideration for this application.
Impact on wildlife - Badgers, birds, owls, squirrels, pheasants and lizards have been spotted in Vicarage Court.	Comments noted. See section 5.8.9. Conditions were imposed on the outline permission to mitigate the impact.
Only 2 neighbours received a letter	All neighbours whose land abuts the site were consulted, a total of 12 letters were sent.
No site notice	A site notice was erected on 09.04.2020.
All residents in the area should get a letter	It is a requirement of the Development management Procedure Order to either send letters to the adjoining owners/occupiers or erect a site notice. Both of these were undertaken.
No explanation of what a reserved matters application is or the process	It is not a requirement for the applicant or Council to explain the type of application.
Overdevelopment of the area	The principle of constructing 13 dwellings has been established under the outline application.
Detrimental to character of the area	The principle of constructing 13 dwellings has been established under the outline application.
Within an area of archaeological interest	The principle of constructing 13 dwellings has been established under the outline application. A condition relating to archaeology was put on the outline permission.
Detrimental to wildlife	The principle of constructing 13 dwellings has been established under the outline application and three conditions relating to ecology were included on the outline permission.
Concerns with drainage	Drainage conditions were imposed on the outline permission.
Out of date supporting documents	Comments noted.
Protection of Oak trees outside of site boundary	A condition requiring a tree protection plan will be imposed.
Lack of parking	Parking has been provided in accordance with the adopted vehicle parking standards SPD.
Site is outside the settlement boundary	The principle of constructing 13 dwellings has been established under the outline application. This is not a consideration for this application.
The access at Vicarage Court is	Access has already been approved at

Objection Comment	Officer Response
unsuitable for more cars	outline stage.
Wider road network is overcrowded and unsuitable	The principle of constructing 13 dwellings has been established under the outline application.
Impact on neighbours – particularly No.7 Vicarage Court	See paragraph 5.5.3.
Road design should be brick and not tarmac	Comments noted.
Highway safety	The principle of constructing 13 dwellings has been established under the outline application.
Can the access be from the tennis court side	Access in the proposed location has been approved at outline stage and cannot be amended under this application.
Layout of the affordable housing would not be in keeping with Vicarage Court – outline layout was more appropriate	See section 5.2.
Please note the Natural England response in relation to RAMS	See section 5.8.14.
When will the archaeology assessment be carried out	The outline application requires this to be undertaken prior to the commencement of works.
Open space may encourage vandals	Comments noted.

## 8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.  
**REASON:** To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 1551/01
  - 1551/02
  - 1551/B1/02
  - 1551/D1/02
  - 1551/P/03
  - 1551/P/07
  - 1551/B1/01
  - 1551/C1/01
  - 1551/C1/02
  - 1551/D1/01
  - 1551/DG/01
  - 1551/E1/01
  - 1551/E1/02
  - 1551/P/08
  - 1551/ST/01
  - 1551/P/02 REV B
  - 1551/P/04 REV A
  - 1551/P/05 REV A
  - 1551/P/06 REV A
  - MC/1604/20 REV A

- 1551/HA/02 REV A
- 1551/HA/01 REV A
- 1551/HA/03 REV A
- 2014-409-SC00 – location plan
- Flood Risk Assessment
- Expedited Phase 1 Habitat Survey
- Landscape and Visual Impact Appraisal
- Planning Statement
- Design and Access Statement
- Open space management plan and open space specification October 2020
- Amenity areas management plan and amenity areas specification October 2020
- Land registry documents (transfer of part of registered titles) – management company details

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

3. No development above ground level shall take place until written details and photographs or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In order to ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the Maldon District Local Development Plan.

4. The car parking provision demonstrated on plan referenced 1551/P/02 shall be constructed, surfaced, laid out and made available for such purposes before the development is occupied and shall be retained as such thereafter.

REASON: To ensure that on-street parking of vehicles does not occur, in the interests of highway safety and Policy T2 of the Maldon District Local Development Plan.

5. Prior to first occupation of the development hereby approved, the boundary treatment as shown on plan reference 1151/P/06 rev A shall be implemented and completed. Development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To protect the amenity of the future occupiers of the development and the character of the area in accordance with Policy D1 and S8 of the approved Maldon District Approved Local Development Plan

6. The hard and soft landscape works shall be carried out in accordance with the details contained within approved plan MC/1604/20 rev A and 1551/P/02 rev B, prior to the occupation of the dwellings.

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.

REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Approved Local Development Plan.

7. The hard landscape works shall be carried out in accordance with the details contained within approved plan 1551/P/02 rev B, prior to the occupation of the dwellings.

REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Approved Local Development Plan.

8. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree survey detailing works required
  - Trees to be retained
  - Tree retention protection plan
  - Tree constraints plan
  - Arboricultural implication assessment
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: To ensure the protection of the trees on the site, in accordance with policy D1 of the Maldon District Approved Local Development Plan.

9. Prior to their construction, full details of the sheds to be located in plots 9-12 shall be submitted and approved in writing by the local planning authority. The sheds shall be constructed prior to the first occupation of the dwellings hereby approved.

REASON: To protect the visual amenity of the area in accordance with Policies D1 and N2 of the Maldon District Local Development Plan.

10. Notwithstanding the provisions of Class A, B, C, D, and E of Part 1 of Schedule 2 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 (except incidental outbuildings measuring 10 cubic metres or less) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: To safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

11. The garages hereby approved shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling houses and shall not at any time be converted or used as habitable space / living accommodation.

REASON: To ensure the appropriate use of the garages to protect the amenity of the neighbouring occupiers in accordance with policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

12. The vehicle access, turning areas and parking areas shall be laid out in accordance with plan 1551/P/02 rev B prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.

REASON: To ensure suitable access and sufficient parking is provided in accordance with policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

13. The development shall be undertaken in accordance with the terms and specifications contained within the Landscape Specification and Management Plan

(October 2020) and the Open Space Specification and Management Plan (October 2020) and the details of the Management Company (Land registry document 2021), which is attached to and forms part of this permission.

REASON: To ensure the landscaping is maintained as approved, in accordance with policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

14. The following first-floor windows shall be obscure glazed and non-openable, except for a top hung fanlight above 1.7m high from floor level.

- Plot 1 – western flank upper floor window
- Plot 3 – Southern flank upper floor window
- Plot 4 - Southern flank upper floor window
- Plot 5 - Southern flank upper floor window
- Plot 6 - Southern flank upper floor window
- Plot 7 - Southern flank upper floor window
- Plot 8 - Northern flank upper floor window

REASON: To protect the amenity of the occupiers of the site and surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
23 JUNE 2021**

<b>Application Number</b>	<b>20/01344/FUL</b>
<b>Location</b>	The Dengie Project Trust Knightswood Centre Steeple Road Southminster
<b>Proposal</b>	Conversion of 2No. existing buildings (previous use class C2) into 11 flats and 2 maisonettes and the construction of 3 new bungalows to rear.
<b>Applicant</b>	MSN Ventures Limited
<b>Agent</b>	Blaine McMahon - DAP Architecture
<b>Target Decision Date</b>	01.06.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

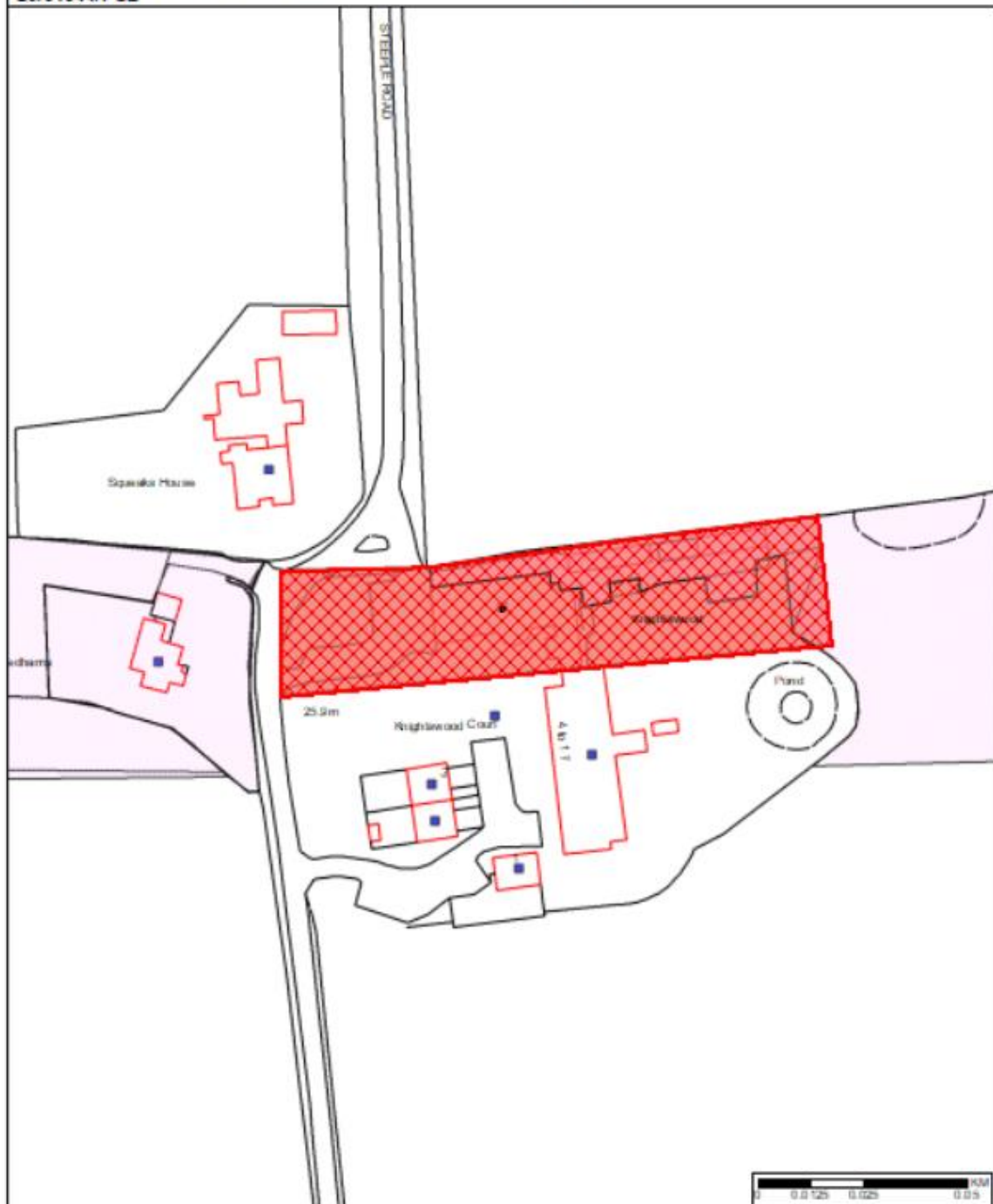
**1. RECOMMENDATION**


**APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

**2. SITE MAP**

Please see below.

**Knightswood Centre Steeple Road Southminster**  
20/01344/FUL



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	Organisation: Maldon District Council
	Department: Department
	Comments: SE Area Committee
	Date: 01/03/2021
	MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site extends to approximately 0.36ha and described as containing two large buildings (previously used as part of the adjacent care home) towards the front of the site, with two timber boarded buildings to the rear formerly used as workshops and a greenhouse. The two main buildings are of traditional architectural design in need of some renovation and repair, built with red brick and red clay tiled roofs. The buildings to the rear are in a poor condition as is the greenhouse on site. There are green spaces to the front and rear with planting and trees, although these areas are now overgrown.
- 3.1.2 The site is located outside and around 320m to the north of the development boundary for Southminster to the eastern side of Steeple Road (B1018). To the north and east is open countryside. To the west, on the other side of Steeple Road, is Squeaks care home (a two-storey building). The site used to form part of the care home located immediately to the south of the site and the existing buildings are currently still physically linked. There are currently two vehicular accesses to the site from Steeple Road forming an 'in-out' drive.
- 3.1.3 The site is described as being currently vacant but having last been used as a day care centre for the elderly (Class C2) and that the use ceased in July 2017. It is stated that the facility was relocated to Asheldham.
- 3.1.4 It is understood that the site formed part of the Knightswood Centre, a charity run day centre, and was also used as the Bourn Tree Field Nursery (a plant nursery operated by adults with special needs) which employed five full-time members of staff. It is stated that there are 11 existing parking spaces plus ad hoc parking for 9 additional vehicles.
- 3.1.5 Planning permission is sought for the conversion of the two main existing buildings into 11 flats and 2 'maisonettes' along with the construction of 3 new bungalows to rear. A number of outbuildings to the eastern side of the site would be removed which have a footprint of 27m x 5m and are up to 4.9m in height (maximum dimensions). The existing greenhouse, also to be demolished, has a footprint of approximately 7m x 3.3m.
- 3.1.6 The change of use relates to 1145.8sq.m. of existing floorspace – the total residential floorspace proposed (including the new floorspace of 161.8sq.m.) would be 1307.6sq.m.
- 3.1.7 The existing link (measuring around 3.5m in width) with the adjoining buildings/site to the south would be removed. The larger of the two buildings to be retained and converted would accommodate the following:
- Ground floor – 2no. one-bedroom flats (approx. 47.5sq.m. and 58.7sq.m.) and 3no. two- bedroom flats (approx. 65sq.m., 71sq.m. and 75sq.m.).
  - First floor – 4no. one-bedroom flats (approx. 46sq.m., 59sq.m., 57sq.m. and 49.7sq.m.).
  - First/second floor – 2no. one-bedroom flats (approx. 53.4sq.m. and 66.6sq.m.).
- 3.1.8 Alterations to the existing fenestration of the building are proposed as part of its conversion along with the removal of the existing external staircases, the addition of

a balcony to the front/southern elevation of the building and the replacement of an existing single storey, flat roofed element on the northern elevation of the building with a slightly larger addition (with a footprint of around 2.5m x 2.8m) which would have a lean-to roof. Black weatherboarding would be added to parts of the existing building. However, such changes would be minor in terms of their number and extent. The internal layout of the building would also be reconfigured.

- 3.1.9 In terms of external amenity space, one of the two-bedroom flats would have an external terrace of around 11.5sq.m. (ground floor) and one of the one-bedroom flats would have a balcony measuring 13sq.m. (first floor). There would also be a communal area of external amenity space extending to around 290sq.m. adjacent to site frontage and parking area.
- 3.1.10 The smaller of the two buildings to be converted (with a footprint measuring approximately 20m x 4m) would accommodate two 2no. bedroom, two-storey dwellings referred to by the applicant as 'maisonettes' each with around 80sq.m. of floorspace and amenity space extending to around 50sq.m. each. Alterations to the existing fenestration of the building are proposed as part of its conversion which would include additional windows at first floor level and the removal of an external staircase. The internal layout of the building would also be reconfigured.
- 3.1.11 The pair of semi-detached three-bedroom bungalows proposed to the rear of the site would measure 17m x 15.1m and a maximum of 4.4m in height with a mix of mono-pitched and flat roofed elements. The detached three-bedroom bungalow would measure 17m x 8.7m and a maximum height of 4.4m with a mix of mono-pitched and flat roofed elements. Each of the three bungalows would be provided with more than 100sq.m. of private amenity space. The bungalows would be on slightly lower ground than the site's frontage. These new buildings would be finished in a mixture of brick and timber for the walls and clay roof tiles for the mono-pitched roofs.
- 3.1.12 The overall accommodation schedule would be as follows:
- 8no one bedroom/2-person apartments (two in the form of duplex units)
  - 2no two bedroom/3-person apartments
  - 1no two bedroom/4-person apartment
  - 2no two bedroom/4-person 'maisonettes'
  - 3no three bedroom/6-person bungalows
- 3.1.13 It is stated that the density of the development would be 47dph.
- 3.1.14 The existing vehicular access from Steeple Road located in the south-western corner of the site would be closed and the existing access located along the northern boundary of the site retained to serve the development. A size 3 turning head would be provided within the site. A total of 28no. car parking spaces are proposed as follows:
- 2no. allocated spaces each for Plots 1, 2, 4, 12, 13, 14, 15 and 16
  - 1no. allocated space each for Plots 3, 5, 6, 7, 8, 9, 10 and 11
  - 3no. unallocated spaces at the western end of the site, along the southern boundary and a visitor space in a central location.
- 3.1.15 Five vehicle charging points are proposed for each of Plots 12 - 16 i.e. the 'maisonettes' and the bungalows, and one is proposed within a visitor space at western end of site.

- 3.1.16 A new building for cycle storage (for 21 bicycles) is proposed which would measure 13m x 2.3m and 3.6m in height with a ridged roof and which would be finished using weatherboarding above a brick plinth for the walls and a tiled roof. A second new building for a refuse store is also proposed, adjacent to the cycle store, which would measure 8.2m x 1.8m and 3.4m in height with a ridged roof and which would be finished to match the cycle store. These buildings would be located side-by-side adjacent to the northern boundary of the site to the north of the main existing building to be converted. Provision of cycle storage for the three bungalows would be made within a shed for each property.
- 3.1.17 In addition to those materials referred to above, the use of uPVC double glazed windows is proposed (the existing windows are white painted, timber and single glazed).
- 3.1.18 External lighting is proposed in the form of bollards along the edges of the roadway, footways and parking areas proposed.
- 3.1.19 The application is accompanied by the following supporting documents:
- Planning Statement
  - Arboricultural Impact Assessment Report (November 2020)
  - Financial Viability Appraisal (December 2020)
  - Design and Access Statement (November 2020)
  - Accommodation Schedule
  - Transport Statement (December 2020)
  - Road Safety Audit (April 2021)
  - Flood Risk and Surface Water Management (April 2021)
  - Preliminary Ecological Assessment, Tree climbing bat roosting feature inspection, Analysis of Environmental DNA in Pond Water for the Detection of Great Crested Newts and EDNA Great Crested Newt Presence or absence survey; Reptile presence or absence survey (June 2021)
  - Street scenes
  - Draft Heads of Terms

## **3.2 Conclusion**

- 3.2.1 The development has been assessed as being acceptable in principle, overall, taking into account the benefits of the proposal which would outweigh the limited harm the development would cause in relation to accessibility. In particular, the provision of 16 residential units a limited distance from the settlement of Southminster would weigh significantly in favour of the development and there would also be economic benefits generated.
- 3.2.2 The development is not anticipated to cause material harm to the character or appearance of the area, the amenity of the occupiers of neighbouring properties or nature conservation. The development has also been found to be satisfactory in terms of the quality of life for the occupiers of the proposed residential units. No objections are raised in relation to flood risk and drainage. Provision for adequate vehicular access and levels of parking would be made.
- 3.2.3 The applicant has agreed to enter into a Section 106 Agreement to address matters arising in relation to off-site medical provision, provision of education and off-site nature conservation impacts, if required.

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

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

##### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H1 Affordable Housing
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

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

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

##### **4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

###### **4.4.1 The applicant's agent has submitted a draft list of Heads of Terms, as follows:**

- Financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- Financial contribution towards education provision if required by Essex County Council (ECC).
- Financial contribution to the NHS for the provision of medical services for the occupiers of the proposed development if required by the NHS.
- Payment of Council's reasonable costs to produce the legal agreement.

- 4.4.2 However, the relevant payment towards the Essex Coast RAMS has since been made so this obligation is no longer required and ECC has advised that no financial contribution towards education provision is required in this case as the number of units proposed is less than 20. No affordable housing provision/ contribution is offered but the applicant's agent states that the financial Viability Appraisal demonstrates that the scheme can be considered policy compliant without the provision of any Affordable Homes or S106 contributions towards Affordable Housing. This issue is discussed below. Notwithstanding this conclusion in relation to the currently proposed scheme in accordance with best practice Officers consider that any Section 106 Agreement would need to include an overage clause to ensure that affordable housing provision can be provided if the scheme becomes more viable than first anticipated. Furthermore, Officers are aware that the applicant also owns adjacent land and was originally part of the same site. The adjoining site could come forward for residential development at a later date and the Planning system allows for split sites to shoulder the additional burden of financial contributions when one application is considered unviable. Therefore, in addition to the above Heads of Terms, and to ensure clarity on any future application, it is considered that any Section 106 Agreement would need to include a clause to ensure that affordable housing provision across the combined sites was policy compliant in relation to affordable housing provision. The Applicant has indicated that they are happy to enter in to such an agreement.

## **5. MAIN CONSIDERATIONS**

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring occupiers, highway safety/access/parking, flood risk/drainage, the impact on nature conservation and the quality of life for the occupiers of the proposed dwellings. The need to secure any obligations as part of a Section 106 Agreement would also need to be considered/assessed.

### **5.2 Principle of Development**

- 5.2.1 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).
- 5.2.2 Policy S1 of the LDP states that '*When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF*' and apply a number of key principles in policy and decision making set out in the Policy.
- 5.2.3 Policy S8 of the LDP steers new development towards the existing urban area. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. One of these specified purposes is the re-use of a redundant or disused building that would lead to an enhancement to the immediate setting (in accordance with Policies E4 and D3) but these specified purposes do not include new build residential properties such as the three bungalows proposed. Policy D3 would not be applicable in this case as the proposal would not impact on any heritage assets. Policy E4 supports the change of use of existing rural buildings to other employment generation uses. The conversion of these rural buildings to a residential use would, therefore, conflict with this Policy. Therefore, to comply with

the requirements of Policy S8, it would need to be demonstrated that the existing buildings are genuinely redundant and disused. This matter is discussed below.

- 5.2.4 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 is not currently able to demonstrate a deliverable 5YHLS with only 3.26 years of housing land supply.
- 5.2.5 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the 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."*

Footnote 7 - 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).

- 5.2.6 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).
- 5.2.7 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. Furthermore, 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*'.
- 5.2.8 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.

- 5.2.9 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. 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 5YHLS of deliverable housing and on the basis that proposals 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.

- 5.2.10 Paragraph 78 of the NPPF states that:

*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.*

- 5.2.11 The application site is located outside of the defined settlement boundary of Southminster, a settlement that is classified as a 'larger village' within the District, as detailed within policy S8 of the LDP. The 'larger villages' are those described as having a limited range of services and opportunities for employment, retail and education, serving a limited local catchment and containing a lower level of access to public transport, compared to the main settlements of Maldon, Heybridge and Burnham-on-Crouch. The impact of the proposed development on the character and intrinsic beauty of the countryside should be assessed as well as whether the development constitutes sustainable development.

#### 5.2.12 Environmental Dimension

- 5.2.13 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.
- 5.2.14 The application site is on the outskirts of Southminster and around 250m from the development boundary at its closest point. This settlement does host a selection of services and facilities, including a school, a GP surgery and a railway station which would be a reasonable level of services and facilities to meet the day to day needs of the future occupiers of the site. Furthermore, there is a bus stop opposite the site and a bus service along Steeple Road which provides access to Southminster railway station (bus route D2 - five buses per day Monday-Saturday between 09:44-18:34) and Maldon (bus route D2 – four buses per day Monday to Saturday 10:20-17:00). There is also a bus service on Sundays to Burnham-on-Crouch (bus route 31D between 09:00 – 21:00) and to Maldon and Chelmsford (bus route 31D between 07:47-17:44) as well as two school bus services (bus routes 593 and 510). The developer has also offered to provide travel information packs (purchased from ECC) to each household. However, it is acknowledged that access to the village by means other than the private car and by bus could be less than favourable due to the ease of pedestrian access. Therefore, there are limitations to the site's accessibility which weighs against the proposal.

5.2.15 The other elements of the environmental dimension (which would include the impact on the character and appearance of the area, nature conservation, residential amenity, the quality of life for the occupiers of the proposed residential units and flood risk / drainage) are discussed below.

5.2.16 Social Dimension

5.2.17 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District at a time when the Council is only able to demonstrate 3.26 years of housing land supply. This matter weighs significantly in favour of the proposal.

5.2.18 Housing Mix

5.2.19 In addition to the above, the Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's most up-to-date Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% for three-bedroom plus units. The proposal for 16no. residential units consisting of a mixture of one, two and three-bedroom units with at least 60% being one- or two-bedroom units, would contribute positively to the currently identified housing need and be responsive to local circumstances which would weigh in favour of the proposal but this weight would be limited due to the number of residential units proposed.

5.2.20 Affordable Housing

5.2.21 The site is located in an area identified in the approved LDP where 30% of the units would need to be affordable to comply with the requirements of Policy H1. The proposal does not include the provision of any affordable units on the basis of viability. This claim has been tested independently on behalf of the Council by external consultants. The main points of disagreement have been in relation to benchmark land value and build cost but, following the receipt of additional information and whilst agreement on all the details was not reached, the consultants have advised that *'the viability is most likely marginal, and the scheme is unlikely to support an affordable housing contribution'*. Based on this advice, it is considered that a refusal of planning permission due to the lack of provision of affordable housing could not be sustained in this case. This issue, therefore, has neutral weight in the determination of the current application.

5.2.22 Notwithstanding this, and as highlighted above, it is considered reasonable to impose an overage clause to ensure that affordable housing provision can be provided if the scheme becomes more viable than first anticipated and also to require any development on the adjoining land to meet the affordable housing contribution required across both developments as a whole.

5.2.23 Loss of Existing Use

5.2.24 The proposal would result in the loss of the lawful use of the buildings which, based on the understanding that the site used to form part of the adjacent residential care home, is considered to fall within Use Class C2. With a lawful use of Class C2, the requirements of Policy H3 would be relevant. Policy H3 states that proposals which result in the loss of specialist needs accommodation will not be considered acceptable unless it can be demonstrated that there is no longer a need for such accommodation in the District, or alternative provision is being made available locally through replacement or new facilities.

5.2.25 As part of the application, supporting information has been provided in order to demonstrate that the proposal complies with the requirements of Policy H3. The following provides a summary of the information provided. The facilities previously provided at the application site were vacated by the Dengie project trust as the property became unviable. The building was marketed by Lambert Smith Hampton from April 2018 as a care home as ECC had no further use for the property but, whilst there was interest expressed, no financial offers were made by care home providers. Furthermore, the facilities were replaced with a new facility in Asheldham in July 2017 (planning permission was granted for the change of use of an industrial unit at Asheldham Hall Farm, Hall Road, Asheldham to a day care centre for the elderly on 21 October 2016 - reference 16/00811/FUL). The new facility is a five minute drive away from the application site and the Trust provides a collection and home delivery service for the users of the facility. Based on this, it is considered that the requirements of Policy H3 have been met.

5.2.26 It should also be noted that the Council has refused a planning application relatively recently, in Burnham-on-Crouch, where it was acknowledged that the need for Class C2 residential accommodation, as identified within the SHMA, has been exceeded.

#### 5.2.27 Other Social Matters

5.2.28 No Statutory Consultee has raised an objection to the proposal based on any perceived infrastructure constraints and the applicant has stated that they are willing to enter into a Section 106 Agreement to secure financial contributions towards medical services and/or education if the relevant consultees require. ECC has confirmed that no financial contribution towards education is required as the development is for less than 20 residential units. A consultation response from the NHS is awaited.

#### 5.2.29 Economic Dimension

5.2.30 With reference to the economic dimension of sustainable development, the development would result in economic benefits through the employment and business created by the construction of the development proposed and the additional expenditure in the local economy by the new residents. These economic benefits would weigh in favour of the proposal but would be limited due to the scale of the development proposed.

5.2.31 It is understood that the cessation of the existing use of the site resulted in the loss of up to five full time jobs. However, as the facility has been moved to alternative premises within the District, there has been no overall loss of employment. Furthermore, the site has been marketed, in accordance with the Council's policy, and a commercial development was not forthcoming.

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

5.3.1 Policy S1 of the LDP sets out a list of key principles in policy and decision making including emphasising the importance of high quality design in all development (principle 5). Policy D1 of the LDP is also applicable to the consideration of design. This Policy, coupled with the NPPF, aim to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.

5.3.2 Policy D1 is considered to be particularly applicable to the proposals and it is noted that this states that development must *“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.”*

5.3.3 Policy H4 is also applicable. This policy states that all development will be designed and will seek to optimise the use of land having regard to a number of considerations:-

- 1) the location and 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.

5.3.4 The property is a brownfield site and the majority of the residential units proposed would be accommodated within two of the existing buildings. Furthermore, the alterations proposed to the exterior of these buildings would be relatively limited and a number of existing outbuildings would be removed. Account also needs to be taken of the fact that the existing use of the site, albeit Class C2 and not C3, is a type of residential use. Therefore, the impact of the conversion element of the proposal on the character and appearance of the area would be limited to an increase in the intensity of the use of the curtilage of the buildings for incidental residential purposes including amenity space and parking. It is noted that the proposal includes an increase in the size of the parking area within the site's frontage which is located in a visually prominent and relatively unscreened location within a bend in Steeple Road. However, the impact of the development would be reduced by the units being flats, rather than individual dwellings, which allows for the provision of an area of shared private amenity space at a rate of at least 25sq.m. per flat (see below) rather than individual curtilages. Furthermore, additional landscaping within and along the boundaries of the site would reduce the visual impact of the parking area proposed. The external materials would be largely retained as existing but with some areas clad with black weatherboarding which is considered to be appropriate for the site's rural location. No objections are raised to the use of double glazed, white uPVC windows.

5.3.5 With respect to the three bungalows proposed, these would add to the built form at the eastern end of the site. These buildings, whilst having some impact on the character and appearance of the area, would be seen in the context of, and as part of the group buildings which would be retained on site. Furthermore, the new buildings would be limited in height and bulk due to the roof forms proposed. Whilst the contemporary design of these buildings would contrast with the traditional design of the existing buildings to be retained on site, particularly in relation to their roof form and fenestration pattern; this is not considered to be an incongruous feature either

within the site or within the site's surroundings as these buildings would not be prominently located and the use of appropriate external materials and landscaping would assist with assimilating them into their setting, although it is acknowledged that their proximity to the northern and southern boundaries of the site would limit opportunities for screen planting. These buildings would also be located in a similar position to the existing outbuildings to be removed as part of the redevelopment of the site and would be of a comparable height. The external materials proposed would be a mixture of brick and black weatherboarding with clay tiles for the mono-pitched roofs which are considered appropriate for the design and location of the buildings. No objections are raised to the use of double glazed, white uPVC windows.

- 5.3.6 The other two new buildings (bin and cycle stores) would be located adjacent to the northern boundary of the site which would, again limit opportunities for screen planting to be provided. However, these buildings would be limited in height, constructed of traditional materials and would be seen with the existing main building to be converted as an immediate backdrop. Therefore, it is not considered that this element of the proposal would cause material harm to the character and appearance of the site's rural surroundings.
- 5.3.7 The site does contain existing vegetation along part of the southern boundary of the site and at the site's eastern end (the majority of which would be retained) and the existing vegetation would be enhanced with new planting as part of the re-development of the site. The Arboricultural Impact Assessment Report submitted advises that there are sixteen individual trees, one hedge and five groups of trees which formed the subject of the survey. The Report advises that all trees and groups on site are low quality or unsuitable for retention; although many could be retained, their removal is recommended to provide room for new sustainable and appropriate landscaping. As part of the Report, two trees are recommended for removal irrespective of the application: T11 birch (dead and collapsing) and T17 eucalyptus (potential instability). The trees to be retained will be protected during works by tree protection fencing and the new driveway within the root protection area of T22 (Italian Alder) will be installed in accordance with a method statement to be developed further to ensure root integrity and function. Overall, the Report concludes that the development provides an opportunity for new landscaping and tree planting in keeping with the landscape and suitable for the development.
- 5.3.8 The external lighting proposed would consist of low-level bollard lighting adjacent to the road route, parking and the pedestrian footway parallel to the northern boundary. It is considered that this aspect of the proposal would be appropriate for the development. Furthermore, it must be noted that, without the need for planning permission, extensive lighting could be placed on the existing building.
- 5.3.9 In conclusion, it is considered that the development proposed would not have a materially adverse impact on the character or appearance of the area.

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

- 5.4.1 Policy D1 requires that all development must protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Policy H4 also requires that regard is had to the impact of a proposal on the amenity of neighbours.
- 5.4.2 With respect to the impact of the development on the amenity of the occupiers of the neighbouring property (care home), the proposed windows and balcony for the main block would overlook the frontage of adjacent site and the smaller block would be

over 22m from the southern boundary of the site. Therefore, it is considered that the development would not cause material harm through overlooking, dominance or loss of outlook. The external lighting would be limited to low level bollards and the increased use of the site, given the scale and nature of the use proposed, would not be sufficient to cause material harm to the occupiers of the adjacent care home.

- 5.4.3 Conditions could be imposed if planning permission were to be granted requiring a construction management plan and details of external lighting, as recommended by the Specialist – Environmental Health.
- 5.4.4 Based on the above, it is not considered that the proposal would be an unneighbourly form of development.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 Policy T2 of the LDP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy D1 seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.
- 5.5.2 The parking standard for one-bedroom dwellings would be a minimum of one space per dwelling. Two- and three-bedroom dwellings would need to be provided with a minimum of two spaces per dwelling. Visitor parking at a rate of 1 per 4 dwellings would also be required. Cycle parking would need to be provided at a rate of one per dwelling for the one-bedroom units and two per dwelling for the two- and three-bedroom units as well as 1 per 8 units for visitors.
- 5.5.3 On the basis that eight of the proposed units would be one-bedroom units and the rest would be two- or three-bedroom units, this would equate to the need to provide a minimum of 24 parking spaces plus 4 visitor parking spaces on site. The parking spaces would need to measure a minimum of 2.9m x 5.5m. To comply with the adopted standards, 30 cycle parking spaces would be needed.
- 5.5.4 The scheme proposed would accommodate 24 parking spaces which would be sufficient to comply with the adopted vehicle standards. Five of the parking spaces would be provided with vehicle charging points. The bungalows would be provided with individual cycle storage in the form of a shed for each property. The cycle store proposed would accommodate 21 cycle storage spaces which would fall only slightly short of the 24 spaces recommended in the SPD. There are three pairs of car parking spaces which would be laid out end-to-end, but each pair of spaces would be allocated to a single residential unit and, therefore, this form of provision would be acceptable. Based on the above, no objections to the scheme are raised in relation to parking or cycle storage.
- 5.5.5 In terms of the vehicular access, it is proposed to close the existing vehicle access located in the south-western corner of the site and the vehicular access on the northern boundary of the site to be retained as the sole access point from Steeple Road.
- 5.5.6 The Transport Assessment submitted concludes that, when comparing the trips generated by the permitted use (Class C2) and the proposed use (Class C3), the proposals are likely to result in a minor uplift in vehicle trips during the weekday AM/PM peak hours but of no more than 3 additional two-way trips. A Road Safety Audit has also been submitted following concerns having been raised by ECC Highways. ECC Highways have since advised that no objections are raised to the proposal, subject to the imposition of conditions which would be attached if planning

permission were to be granted for the proposal. Based on this advice, no objections to the proposal are raised in relation to highway safety or access.

## **5.6 Quality of Life for the Occupiers of the Proposed Residential Units**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide (MDG) SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 Each of the two-bedroom dwellings ('maisonettes') would be provided with a minimum of 50sq.m. private amenity space and the three-bedroom bungalows would be provided with at least 100sq.m. of private amenity space. The 11no. flats would be provided with a communal area of amenity space equating to a minimum of 25sq.m. per flat in addition to the terrace/balcony proposed for two of the units. The communal area proposed would be to the front of the site, close to Steeple Road, and so appropriate landscaping and/or means of enclosure would be required to increase the privacy level provided to an acceptable level if planning permission were to be granted for the development.
- 5.6.3 Any potentially harmful overlooking between the proposed residential units could be mitigated through requiring the relevant windows (eastern-most kitchen window of Flat 10 and the bedroom window on the eastern elevation of Flat 12) to be provided with obscure glazing and fixed closed to a height of 1.7m above internal floor -level if planning permission were to be granted. This requirement would not have an adverse impact on the quality of life for the occupiers of these two flats as these windows would not be the main windows serving habitable rooms.
- 5.6.4 The noise concerns that were originally raised by the Specialist – Environmental Health in relation to 'stacking' (for example, the preference for having kitchens above and below bedrooms and bedrooms above and below bedrooms) have either been resolved through changes to the internal layouts proposed or could be mitigated through insulation which would be a matter for Building Regulations.
- 5.6.5 Whilst not adopted by the Council, the size of the flats proposed would be broadly in-line with the National Described Space Standards of a minimum of 50sq.m. for 1 bed/2-person flats, 61sq.m. for 2 bed/3-person flats and 70sq.m. for 2 bed/4-person flats on a single level and 58sq.m. for 1 bed/2-person flats on two levels.
- 5.6.6 Details of the provision to be made for refuse and recycling storage would be in the form a detached building adjacent to the northern boundary of the site.
- 5.6.7 Based on the above, overall, it is considered that the quality of life for the occupiers of the residential units proposed would be satisfactory.

## **5.7 Flood Risk and Drainage**

- 5.7.1 The application site is located within Flood Zone 1 (low probability) and the site is less than 1ha. so a site specific Flood Risk Assessment (FRA) is not required. However, a Flood Risk and Surface Water Management document has been submitted as part of the application.
- 5.7.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1, as identified by the

Environment Agency. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.

- 5.7.3 A Flood Risk and Surface Water Management document has been submitted as part of the application as part of which it is stated that, to ensure that the surface water drainage system is regularly maintained, the external drainage systems will be placed under a formal agreement with an independent Maintenance Company to carry out periodic inspections and any necessary remediation/maintenance works, thus safeguarding the development for the ongoing future. The applicant anticipates that a formal Maintenance and Management Plan/Statement will be required by condition if planning permission is granted for the development.
- 5.7.4 The Sustainable Drainage Systems (SuDS) Team at ECC originally responded with a holding objection to the proposal but on the receipt of additional information, raises no objections to the proposal subject to the imposition of conditions requiring a detailed surface water drainage scheme for the site along with its future maintenance. Anglian Water Services also makes a similar recommendation in relation to surface water drainage.
- 5.7.5 It is proposed that foul drainage would go to the main sewer. Anglian Water Services has advised that the foul drainage from this development is in the catchment of Southminster Water Recycling Centre that will have available capacity for these flows.
- 5.7.6 Based on the above, no objections to the scheme are raised in relation to flood risk or drainage, subject to conditions.

## **5.8 Nature Conservation**

- 5.8.1 Policy N1 requires that open spaces and areas of significant biodiversity or historic interest will be protected and development which results in the creation, restoration, enhancement, expansion and interconnection of these sites will be encouraged. There is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.8.2 Policy N2 is relevant to the assessment of the impact of the proposal on nature conservation; all development is required to make net biodiversity and geodiversity gain where possible. Policy D1 also refers to the issue of nature conservation. One of the criteria of Policy D2 is that negative impacts on ecology, landscape and green infrastructure should be minimised (criterion 5).
- 5.8.3 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 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' of these sites cover the whole of the Maldon District.
- 5.8.4 NE anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential



development within these Zones of Influence (Zol) constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots. Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – NE have provided an HRA record template for use where recreational disturbance is the only HRA issue.

- 5.8.5 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 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.
- 5.8.6 To accord with NE's requirements, an Essex Coast RAMS HRA Record would need to be completed by the LPA to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance.
- 5.8.7 To accord with NE's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 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 to one of the above European designated sites? No.

Summary of Appropriate Assessment - as a competent authority, the local planning authority concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites due to the nature, scale and location of the development proposed. Based on this and taking into account that NE's advice, it is considered that mitigation, in the form of a financial contribution, is necessary, in this case.

- 5.8.8 The financial contribution has already been paid and, therefore, it is considered that the off-site impacts of the development on nature conservation will be adequately mitigated.
- 5.8.9 With respect to on-site impacts on nature conservation, the application has been accompanied by a Preliminary Ecological Assessment which recommends the following:-
- Habitat enhancement;
  - Limits on construction activities in the interests of protected species;
  - Further surveys of buildings and trees for bats and a lighting plan;
  - Habitat clearance and structural removal to avoid bird nesting season;
  - Presence/absence surveys for reptiles undertaken;
  - eDNA assessment of two off-site ponds to confirm presence/absence of GCN - if evidence found further surveys may be required to confirm value of the ponds for GCN.
- 5.8.10 Following advice from Essex County Council Ecology, additional information has been submitted as follows:
- preliminary results of a bat emergence/re-entry survey which was carried-out at dusk on 22 May 2021 of the three existing buildings - one of the existing buildings to be converted (B1) appears to be used as a day roost for at least four common pipistrelle bats. Further surveys are recommended (three dusk/dawn emergence/re-entry surveys on B1 and two dusk/dawn emergence /re-entry surveys on B3 and B4).
  - Tree climbing inspection for bats – none of the potential roosting features identified were found to have any bat evidence associated with them and so were concluded not to be tree roosts but enhancements are recommended.
  - There were no Great Crested Newts present in the pond sampled and no field sign of any past reptile presence was recorded.
- 5.8.11 Following re-consulted, ECC Ecology note that further bat surveys are to be carried-out to confirm the findings in relation to B1. They also note that the roosting status of buildings B3 and B4 is currently unconfirmed but that further surveys are scheduled to be undertaken in June and July. They advise that, if bats are found in buildings B3 and B4, appropriate mitigation measures will be required. However, ECC Ecology also advise that a Licence will be required to enable the proposed works to be lawfully undertaken. Furthermore, it is considered that the nature conservation value of the site could be adequately protected through the imposition of conditions if planning permission were to be granted requiring that the necessary additional surveys are carried-out and details of appropriate mitigation and enhancement measures, where relevant. Based on the above, no objections are raised in relation to the impact of the development on nature conservation interests of the site.

## 5.9 Other Matters

- 5.9.1 The Specialist – Environmental Health has advised that, as there used to be workshops to the rear of the site, a condition should be imposed relating to land contamination. Based on this advice, it is considered that the matter of contamination could be adequately dealt with through the imposition of a condition if planning permission were to be granted (Policy D2).

## **5.10 Planning Balance**

- 5.10.1 It is important to recognise the balance between the LDP policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the LPA must give significant weight to the NPPF and its fundamental position of sustainable development which is the defining purpose of the planning system, as a material consideration.
- 5.10.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.
- 5.10.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate, to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.10.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the harm which would arise from the proposed development.
- 5.10.5 The main benefits of the proposal are considered to be the social benefits associated with the contribution the development would make to the Council's housing land supply at a time when the supply is significantly below the 5-year minimum required. There would also be economic benefits.
- 5.10.6 Overall, it is considered that these benefits outweigh the limited harm the development would cause in relation to accessibility. Therefore, it is considered that the development proposed would be sustainable, and, as a result, be acceptable. It is recommended below that planning permission is granted subject to the imposition of conditions and all interested parties first entering into a S106 Agreement to secure the necessary obligations, as set out.

## **6. ANY RELEVANT SITE HISTORY**

- **94/00623/FUL** – Conversion of existing building to daycare and healthcare offices erection of two storey frail elderly accommodation block two disabled bungalows and warden's bungalow – approved 31 October 1994

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Southminster Parish Council	Recommends refusal as the development is outside the village boundary and in an unsustainable location	Noted – refer to section 5.2 of report

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No objections subject to the imposition of conditions	Noted - refer to section 5.5 of report
Anglian Water Services	<p>Assets Affected - no assets within the development site boundary.</p> <p>Wastewater Treatment - the foul drainage from this development is in the catchment of Southminster Water Recycling Centre that will have available capacity for these flows.</p> <p>Used Water Network - the sewerage system at present has available capacity for these flows via a gravity connection to manhole 9301.</p> <p>Surface Water Disposal - the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. As the surface water sewer directly South of the development is not owned by Anglian Water, we require a strategy showing the final proposed connection point in order to make an accurate capacity assessment. A condition requiring a drainage strategy covering the issue(s) to be agreed is recommended along with informatives.</p>	Noted – refer to section 5.7 of report.
Essex County Council SuDS Team (ECC)	No objection, subject to the imposition of conditions and advisory comments.	Noted – refer to section 5.7 of report.
Environment Agency	No response.	
Essex and Suffolk Water	No response.	
Essex County Council Education (ECC)	No contribution required as the minimum threshold of 20 units is not met.	Noted.
NHS Property Services	No response.	

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Ecology (ECC)	Recommends that additional ecological information on European Protected species (bats) and Priority species (reptiles) is required.	Noted – refer to section 5.8 of report.

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Specialist – Environmental Health	Provides advisory comments in relation to ‘stacking’ and recommends conditions relating to contaminated land, a lighting scheme and a construction management plan.	Noted – the ‘stacking’ issue identified has been resolved through a revision to the internal layout. The applicant’s agent has also suggested that a false ceiling could be required by condition if necessary. The conditions recommended could be imposed if planning permission were to be granted - refer to sections 5.4 and 5.9 of report.
Senior Specialist - Housing	No objection as the Viability Appraisal has confirmed that the scheme is not able to deliver any affordable contribution, but it is recommended the Section 106 Agreement includes an Overage Clause to ensure any future uplift is available for a Commuted Sum contribution. It also appears that the site has been intentionally separated from adjacent land so the Section 106 Agreement should include a clause that would ensure that the shortfall in Affordable Housing provided as part of the current scheme is at least partially mitigated through any future sale or planning application.	Noted – refer to section 5.2.21 of report.
Tree Consultant	No response.	

## 7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
Outside settlement boundary – if approved would encourage proposals to infill land between proposed and existing housing	Noted – refer to section 5.2 of report.
Would impact on the enjoyment and facilities of the existing care home residents	Noted – refer to section 5.4 of report.
Poor transport links to Southminster/services/facilities/public open space by bus, cycling and on foot. Would increase car movements.	Noted – refer to sections 5.2 and 5.5 of report.
Lack of facilities – doctors, dentists and schools full	No objections have been received from ECC education or the NHS.
Development not viable.	Noted – the issue of viability is discussed in section 5.2.21 of the report.
The existing buildings are not genuinely redundant and disused. In any case, the provision of 3 new build bungalows would not constitute re-use of the existing buildings.	The issue of the loss of the existing use is addressed in section 5.2 of the report. Comment in relation to new build bungalows is noted.
This section of Steeple Road is rural and of low population density. These proposals seek to increase the population density which would substantially alter the character of the area.	Noted.
Insufficient parking proposed - car usage would almost certainly need to be above average. Additionally, the parking proposals include impractical parking spaces that are doubled-up lengthways for plots 13, 14 and 15 which would likely lead to parking outside of the allocated spaces.	Noted – refer to section 5.5 of report.
Communal amenity space is proposed some distance from the main building, next to the road and bordered on 2 sides by parking spaces. The access to this space would be closer to the entrance of the site than the main building. This doesn't appear to represent an area which could be enjoyed by residents.	Noted – refer to section 5.6 of report.

## 8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

### HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Overage clause
- Affordable Housing shortfall to be mitigated through adjoining site.

## 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 shall be carried-out in accordance with the following plans and documents:
  - 0001.00 Site location plan;
  - 310.00 site layout plan (dimensioned);
  - cycle/refuse stores 308.01;
  - 306.01 Proposed plan and elevations (semi-detached bungalows);
  - 305.1 Proposed plan and elevations (detached bungalow);
  - TP-001 Topographical Site Plan;
  - 304.00 Proposed Elevations (maisonettes);
  - 303.00 Proposed Floor Plans (maisonettes);
  - 302.00 Proposed elevations (main building);
  - 301.01 Proposed floor plans (main building);
  - 300.00 Site Layout Plan;
  
  - 0002.00 Site block plan;
  - 005.00 existing floor plans (main building);
  - 006.00 existing elevations (main building);
  - 007.00 existing floor plans (detached building);
  - 008.00 existing elevations (detached building);
  - 009.00 existing plans and elevations (outbuildings).
  
  - Arboricultural Impact Assessment Report (November 2020)
  - Flood Risk and Surface Water Management (April 2021)
  - Preliminary Ecological Assessment

REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No external cladding, bricks or roof tiles shall be installed unless they match the existing buildings or samples have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.  
REASON: In the interests of the character and appearance of the area, in accordance with Policies D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.
- 4 Prior to their installation, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The details as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained in perpetuity as such thereafter.  
REASON: To ensure that the details of the development are satisfactory and in the interests of the quality of life for the occupiers of the proposed flats, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 5 Prior to the occupation of any of the residential units, hereby permitted, full details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The landscaping details shall include the layout of the hard landscaped areas with

the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the existing trees, hedgerows and vegetation shall be retained and maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development unless otherwise first agreed in writing by the Local Planning Authority.

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

**REASON:** In the interest of the visual amenity of the area and quality of life for the occupiers of the proposed flats, in accordance with policies D1 and H4 of the Maldon District Development Local Plan and the NPPF.

- 6 Prior to the occupation of the development, all of the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

**REASON:** To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards (2018).

- 7 No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site and whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and a written report of the findings must be produced. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

No development shall take place until details of a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, shall be submitted to and approved in writing by the local planning authority. The scheme must be conducted by a competent person and in accordance with DEFRA and the Environment



Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall be completed in accordance with the approved details and the Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority within 28 days.

Should the existence of any contaminated ground or groundwater and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, it must be reported in writing immediately, a risk assessment of the site undertaken and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11)', the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.

REASON: To prevent harm being caused by any existing contamination at the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 8 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - Limiting discharge rates to 1.3l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - Final modelling and calculations for all areas of the drainage system.
  - Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Maldon District Local Development Plan.

- 9 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

REASON: To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Maldon District Local Development Plan.

- 10 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the Maintenance Plan approved as required by condition 9. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Maldon District Local Development Plan.

- 11 No development shall take place, including any works of demolition, until a Construction Method Statement and Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement/Plan shall be adhered to throughout the construction period. The Statement/Plan shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities.
- disposal of waste material
- dust emissions
- hours of works
- location and duration of noisy activities
- prevention of pollution of ground and surface waters.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of local residents, in accordance with Policies D1 and T2 of Maldon District Local Development Plan.

- 12 The cycle parking and waste storage facility, hereby approved, shall be provided prior to the occupation of the development hereby approved. The approved facilities shall be retained at all times.

REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and in the interests of the amenity of existing and future residential, in accordance with policies D1, D2 and T2 of the Maldon District Local Development Plan.

- 13 All external 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 minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan.

- 14 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retained as such thereafter for a minimum period of five years from the date of completion of the development.  
REASON: To improve and enhance the biodiversity value of the site in accordance with policy N2 of the Maldon District Local Development Plan.
- 15 No development shall take place until full details of an ecological mitigation scheme (including implementation timing / phasing and maintenance) based on up-to-date ecological surveys (including those for bats) have been submitted to and approved in writing by the Local Planning Authority.  
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 Maldon District Local Development Plan.
- 16 The eastern-most kitchen window of Flat 10 and the bedroom window of Flat 12 in the eastern elevation shall be provided with obscure glazing and shall be fixed closed below a height of 1.7m measured from the internal finished floor level. These windows shall be retained as such in perpetuity.  
REASON: In the interests of the privacy of the occupiers of the proposed residential units, in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
- 17 Prior to occupation of the development, the vehicular access shall be constructed in accordance with the Access Plan, drawing numbered 2006930-002 prepared by Ardent Consulting Engineers.  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 18 Prior to occupation of the development, the vehicle access at its centre line shall be provided with clear to ground visibility splay with dimensions of 2.4 metres by 132 metres to the north and 2.4 metres by 49 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.  
REASON: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with Policies T1 and T2 of the Maldon District Local Development Plan
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policies T1 and T2 of the Maldon District Local Development Plan
- 20 Any gates provided at the vehicular access shall be inward opening only and set back from the highway boundary.  
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the carriageway in the interest of highway safety in accordance Policies T1 and T2 of the Maldon District Local Development Plan
- 21 Prior to occupation the existing redundant access serving the application shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge/kerb.  
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety Policies T1 and T2 of the Maldon District Local Development Plan

- 22 Prior to occupation the vehicular turning facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.  
REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 23 Prior to occupation of the proposed development, the occupiers of each residential unit shall be provided with a Residential Travel Information Pack for sustainable transport. Details of the Pack shall be submitted to and approved in writing by the local planning authority and shall include six one day travel vouchers for use with the relevant local public transport operator.  
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

### **INFORMATIVES**

1. Waste Management - the applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
2. It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford.  
CM2 5PU.

4. Anglian Water Services: notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. The developer should note that the site drainage details submitted

have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> With respect to the surface water condition, a feasible drainage strategy agreed with Anglian Water detailing the discharge solution will be required, including:

- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation>. For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
- Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
23 JUNE 2021**

<b>Application Number</b>	<b>21/00300/FUL</b>
<b>Location</b>	Restawyle, Fambridge Road, Althorne Essex
<b>Proposal</b>	New 4No. bedroom bungalow. New front boundary wall and gate including soft and hard landscaping; proposed cladding and canopy to join shipping container to existing shed.
<b>Applicant</b>	Mr & Mrs Danielle and Paul Beney
<b>Agent</b>	Mr Alan Green – A9 Architecture
<b>Target Decision Date</b>	25 June 2021
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-in by Councillor M.G.Bassenger citing Policies S1 and D1

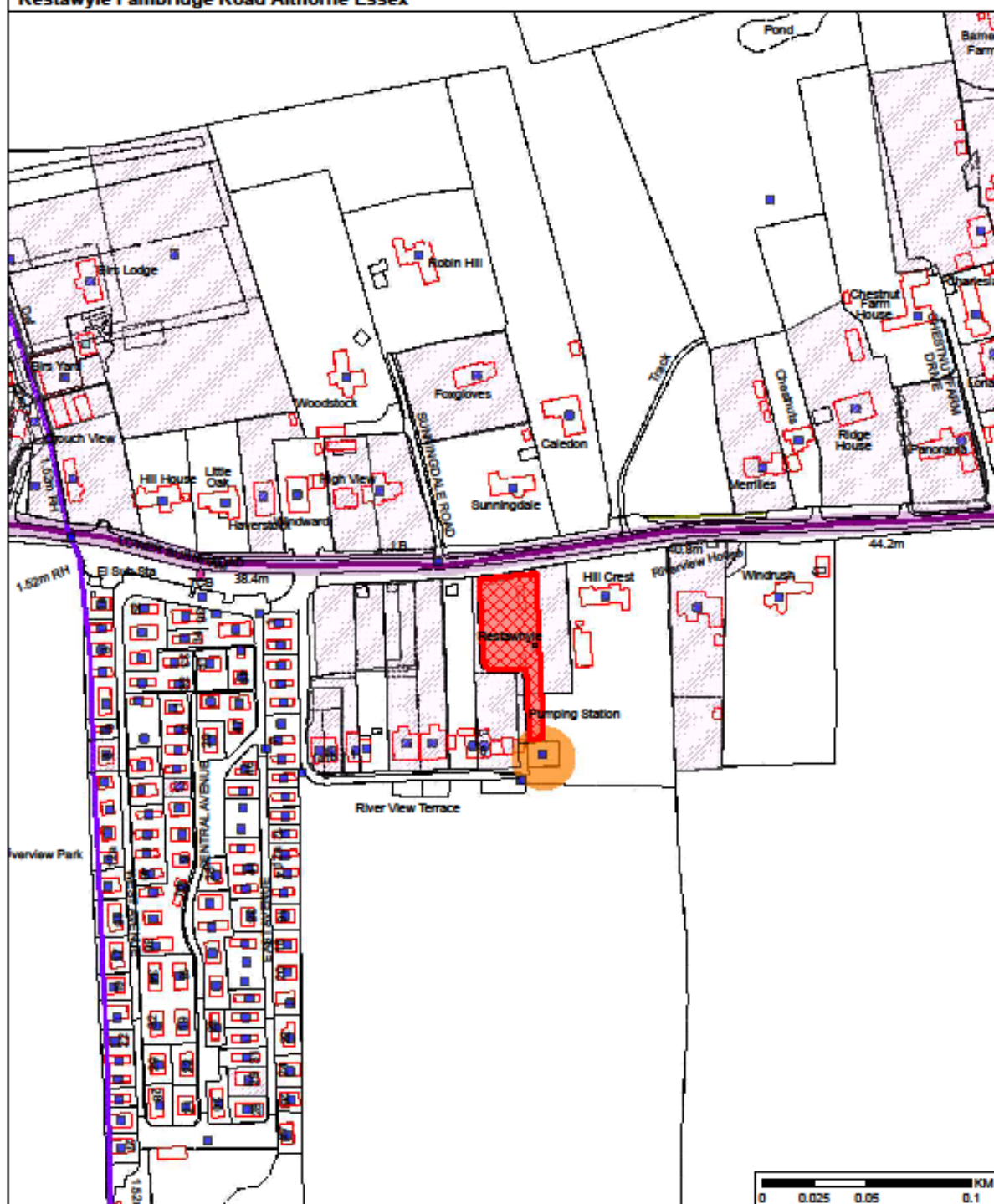
**1. RECOMMENDATION**

**REFUSE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see below.

Restawyle Fambridge Road Althorne Essex



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MSA Number: 100018588



### **3. SUMMARY**

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

- 3.1.1 The application site is located on the south side of Fambridge Road, outside of the defined settlement boundary of the village of Althorne. The landscape character along Fambridge Road is rural, containing some scattered forms of development. The southern part of this section of the road is largely open, with a small cluster of dwellings, located south west of the application site accessed from Fambridge Road along River View Terrace. The land falls considerably to the south, away from the road towards the river. To the north and east of the application site, development is sporadic, with detached dwellings being sited in large sized plots. Further to the west of the site there is a mobile home park.
- 3.1.2 The application site is mainly soft landscaped with a number of trees planted along the highway boundary, as well as within the site. There are some temporary structures within the site, such as a caravan, storage containers and some small-scale buildings, such as timber sheds. The site also appears to be used for the storage of boats. In 1994, a Lawful Development Certificate (LDC) was granted for the stationing of a mobile home for seasonal occupation at the site (94/0006/LDE refers). As such, the site has an existing leisure use. In 2005, permission was granted for the retention of a boat shed at the site which appears to be located towards the front of the site (05/01018/FUL refers). In 2010, planning permission was refused and an appeal dismissed for the construction of a wooden storage shed within the site. Although this does not appear to have been constructed, a storage container is now located at the site. When looking at aerial images, it is not clear when this storage container was first located at the site, however, from looking at the planning history, there does not appear to be a planning application relating to this structure; as such it appears to be unauthorised. There is also no planning history to suggest that the site has been used for permanent residential accommodation since the grant of the LDC.
- 3.1.3 The site forms part of a heavily landscaped area. Heavily vegetated frontages are a feature of the area and the site is flanked by large deciduous trees, which positively contributes to the rural character of the area and to the visual separation between dwellings, which helps to reinforce the rural and countryside setting of the locality.
- 3.1.4 Planning permission is sought for the replacement of the existing caravan on site with a detached dwelling. The new dwelling would be one-and-a-half storeys in height and would have a T-shaped layout. Due to the sloping ground level, the proposal would include significant engineering operations towards the front of the site to create a level driveway serving the new property. This area of hardstanding would extend over the entire frontage width of the property. Also proposed is the retention of the shipping container, which would adjoin the existing shed by a number of external alterations including a metal canopy and timber cladding. From the plans provided, it is not clear what the existing or proposed use of these outbuildings would be. A front gate, a brick wall with brick piers and close board fences would also be proposed along the northern boundary of the site. The close board fence would extend along the front boundary of the site and would measure 1.5m in height. The brick piers

would sit next to the opening of the access drive and the brick wall would slope downwards with the lay of the land adjacent to the access drive. The brick wall would measure between 1.5m and 2m in height.

- 3.1.5 The new house would measure 19.7m wide, 15m in depth, and approximately 6m in height at the ridge. It would have a pitched roof design and would have front and rear facing projections. Within the main roof slope would be 4 pitched roof dormers, two at the front and two at the back.
- 3.1.6 The proposed dwelling would contain 4 bedrooms, two at first floor and two at ground floor. Also proposed within the ground floor of the property is a shared kitchen diner and living room space, two lounge/play rooms, a study, a dressing room and en-suite serving the master bedroom and a bathroom. At first floor, a sitting and 'lobby' area is proposed along with the third bathroom and two of the four bedrooms.

### **3.2 Conclusion**

- 3.2.1 Having taken all material planning considerations into account, an objection is raised to the principle of the proposed development by reason of its location outside the defined settlement boundary and the consequent impacts as a result. The proposed development would be disconnected from services and facilities by reason of its inaccessible location and would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. Furthermore, due to the design and layout of the proposed development, the proposal would result in significant harm to the character and appearance of the countryside. In light of the above, it is considered that the development would be contrary to the policies of the development plan to an extent that cannot be outweighed by the limited positive aspects of the proposal.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Achieving sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 80-84 Building a strong, competitive economy
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E5 Tourism
- N2 Natural Environment and Biodiversity.
- T1 Sustainable Transport
- T2 Accessibility

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

- Planning Practice Guidance (PPG)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards (VPS) SPD

### **5. MAIN CONSIDERATIONS**

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

5.1.1 The Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the National Planning Policy Framework (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 construction of a new four-bedroom house.

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 7, 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.”*

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

- 5.1.5 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).
- 5.1.6 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’.
- 5.1.7 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.
- 5.1.8 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.1.9 Paragraph 78 of the NPPF states that:

*‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’*

5.1.10 The nearest settlement to the application site is Althorne, which is around 0.5 miles from the application site. Althorne has a limited range of facilities/services, including a relatively small post office/store to the north of the village and public house to the east. Whilst it is acknowledged that there is a footpath running along the northern side of Farnbridge Road, opposite the application site, this is unlit. There is also a bus stop adjacent to the site, but the frequency of bus services at this bus stop are limited, running only once a day between Burnham-on-Crouch and Chelmsford, and twice a day between Basildon and Burnham-on-Crouch. To the south of the site there is a railway station, however, much of the walking route from the application site to the station is shared with vehicles on an unlit, narrow road. Whilst existing residents rely on the private car in this part of the district, this in itself would not be a justification for allowing additional dwellings in an essentially unsustainable location. Althorne is a reasonable distance away and is not readily accessible by safe public footpaths or public transport. The future occupiers of the dwelling would need to travel for day to day services and facilities to other nearby villages and towns. The proposal would therefore conflict with the aforementioned policies and the principles contained within the NPPF in terms of sustainable development.

5.1.11 It is worth noting that since the introduction of the NPPF (2012), new development in Althorne has been consistently resisted, by the Council, due to its inaccessible location. Where the decisions have been appealed, they have all been supported by Inspectors. This has even been the case when the Council has been unable to demonstrate a 5YHLS in recent years. Given the above, it is not considered that the proposed development would amount to a sustainable development.

## **5.2 Principle of Development – Replacement Dwelling**

5.2.1 Policy H4 contains the necessary requirements to make replacement dwellings acceptable. These are as follows:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting;  
and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

- 5.2.2 The applicant refers to the mobile home as a caravan, which according to the section 29 of Part 1 of the 1960 Act defined as “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent. Caravans are mobile structures and thus, due to criterion (2) of policy H4, the proposal cannot provide grounds for a replacement dwelling. The development cannot be considered to constitute a replacement dwelling on the basis of requirements set out in policy H4 and will be assessed as a new dwelling.

### **5.3 Housing Mix**

- 5.3.1 The proposal would provide a four bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller 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.
- 5.3.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.

The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide a four bedroom dwelling would not contribute towards the identified need for smaller houses. Even if a two bedroom dwelling was proposed, the benefit of this in terms of providing the size of housing that is required within the District, would not outweigh the other fundamental grounds of objection that are set out above and below.

### **5.4 Design and Impact on the Character and Appearance of the Countryside**

- 5.4.1 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.
- 5.4.2 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”.
- 5.4.3 Paragraph 64 also states that “*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*”. This principle of good quality design is

reflected in the approved MDLDP. The basis of policy D1 of the approved Maldon District 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*

- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.5 As noted above, the site is located outside the settlement boundary of Althorne, within a rural location with small clusters of houses, most of which are sited a substantial distance away from the public highway. The application site, together with the adjacent sites to the east and west, comprises part of a larger green space occupied by heavy vegetation between developments along Fambridge Road that makes a positive contribution to the rural character of the area. This gap between the small cluster of houses to the east and the mobile home park to the west, contributes to the visual amenity of the area and enhances the countryside setting of the locality and the rural landscape more widely.
- 5.4.6 The proposal comprises a large formal parking area to the front of the proposed dwelling, together with a brick boundary wall curving into the site, piers to the road side and set within the site with gating, and associated residential garden land at the rear. The rear garden would comprise substantial elements of hard surfacing, partly as a result of the engineering works to both support and level up the land to take the building works. Access to lower parts of the garden would be through the introduction of steps to the east and south. Taking also into consideration that the site is largely open to the front and given that the structures contained within the site are temporary or of a limited scale, the residential dwelling would inherently result in a substantial urbanisation of the site in this rural locality to the detriment of the countryside. The development, although it would be set back and down from the public highway, would still be visible from the public vantage points. Whilst it is noted that due to the sloping ground level, the property would be largely screened from Fambridge Road, it is not considered that this would mitigate the impact or provide a justification to the conflict with the planning policy or the identified harm.
- 5.4.7 Furthermore, the existing hedgerow and mature landscaping along Fambridge Road contributes to the rural setting of this part of Althorne. Although there appears to be a close-board fence located towards the front of the site at present, this does not appear to benefit from planning permission and is therefore unauthorised. At present

the fence is slightly set back from the highway edge and there is some landscaping to the front of it. As part of the proposal, this fence would be relocated so that it would run along the front boundary of the property, immediately abutting the highway. This would mean that most of the landscaping to the front of the site would be lost in order to facilitate the erection of the fence, as well as create a parking area for the proposed property. The proposed car dominated frontage, as well as the erection of a close-boarded fence along the front boundary of the site, would be urban in appearance and would not be sympathetic to the rural setting of the site. In these ways, the development would have a significant harmful impact on the visual amenity of the area to the detriment of the intrinsic rural character of the countryside.

- 5.4.8 In light of the above, it is considered that the proposed dwelling would fail to provide visual enhancement to the wider rural locality and would intensify the urban appearance of this rural area. As such, it would have a significantly harmful impact on the character and appearance of the area and it would ruin the open character of this green gap, which currently contributes to the rural character of the area and the open countryside. The development is considered to be harmful to the character and appearance of the countryside contrary to the stipulations of policies S1, S8, and D1 of the LDP.

## **5.5 Impact on Residential Amenity**

- 5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017)
- 5.5.2 Due to the location of the application site, which is located a substantial distance away from any neighbours, there is limited development within the surrounding area, which will be affected by the proposal. Based on the submitted plans, the proposed dwelling would be sited 25.5m away from the nearest dwelling to the east (Hill Crest) and 50m away from no. 6 Riverview Terrace to the south. It is considered that the distance maintained would be sufficient to prevent any adverse impacts caused to the residential amenity of the nearby neighbours, in terms of loss of light, domination, sense of enclosure or overlooking.

## **5.6 Access, Parking and Highway Safety**

- 5.6.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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.



- 5.6.2 The proposed conversion would result in the creation of a four-bedroom dwelling. The recommended parking provision for a four-bedroom dwelling is three car parking spaces, which could be accommodated to the front of the site.
- 5.6.3 The existing access to the site would be utilised and the highway authority has been consulted and raised no objection to the proposal. Therefore, no concerns in terms of parking, access or highway safety are raised.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.7.2 The proposed amenity area would be in excess of 100m<sup>2</sup>. Therefore, no concerns in this respect are raised.
- 5.7.3 A condition in respect of the landscaping scheme and boundary treatments would be imposed should the application be approved.

## **5.8 Ecology regarding development within the zone of influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)**

- 5.8.1 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 residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (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. The findings from HRA Stage 1: Screening Assessment are listed below:

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 following development types? **Yes** - The planning application relates to one new dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

## Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? **No**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**

- 5.8.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to be re-consulted on this Appropriate Assessment.
- 5.8.4 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE would not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.8.5 The Essex Coast RAMS is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £127.30, based on the RPI uplift, and thus, the developer contribution should be calculated using this figure. However, in the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development may not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

## 6. **ANY RELEVANT SITE HISTORY**

- **10/00922/FUL** – Erection of wooden storage shed. Refused 22/12/2010. Appeal Dismissed 21/04/2011.
- **05/01018/FUL** – Retention of boat shed. Approved 25/10/2005.
- **94/00006/LDE** – Use of land for station of mobile home for seasonal occupation. Approved 05/05/1994.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Althorne Parish Council	Recommend refusal for	Noted

Name of Parish / Town Council	Comment	Officer Response
	the following reasons: Outside the village envelope Unsafe access	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No objection	Noted
Natural England	No comments	Noted

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Conditions relating to drainage and informatives recommended	Noted

## 7.4 Representations received from Interested Parties

7.4.1 No representations have been received for the application.

## 8. REASONS FOR REFUSAL

- 1 The proposed development would be disconnected from services and facilities by reason of its inaccessible location and would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. The limited sustainability credentials of the site and its locality would significantly and demonstrably outweigh any benefits of the proposal. The development would therefore be unacceptable and contrary to policies S1, S8, D1, H4 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development, due to its design and layout, would result a substantial urbanisation of this rural site which is would result in significant harm and detract from the character and appearance of the countryside. The proposal is therefore contrary to policies S1, D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the Maldon District Design Guide and the National Planning Policy Framework.
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.

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