

APOLOGIES Committee Services  
Email: [Committee.clerk@maldon.gov.uk](mailto:Committee.clerk@maldon.gov.uk)

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

05 October 2021

Dear Councillor

You are summoned to attend the meeting of the;

**SOUTH EASTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 13 OCTOBER 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  
A S Fluker  
M W Helm  
A L Hull  
W Stamp, CC





**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**WEDNESDAY 13 OCTOBER 2021**

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1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 15 September 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. **20/01191/FUL - Hall Farm, Hall Road, Southminster, Essex, CM0 7EH** (Pages 17 - 34)

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

6. **21/00193/FULM - Land Adjacent Cliffords Farm, Burnham Road, Althorne, Essex** (Pages 35 - 68)

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

7. **21/00682/FUL - Mundon Hall, Vicarage Lane, Mundon, Essex, CM9 6PA** (Pages 69 - 78)

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.

**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  
15 SEPTEMBER 2021**

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**PRESENT**

|               |   |
|---------------|---|
| Chairman      | Councillor V J Bell   |
| Vice-Chairman | Councillor N J Skeens   |
| Councillors   | M G Bassenger, B S Beale MBE, R G Boyce MBE,<br>Mrs P A Channer, R P F Dewick, A S Fluker, M W Helm and<br>A L Hull |
| In attendance | Councillor C Morris   |

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor W Stamp.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 18 August 2021 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

There were none.

**5. 21/00488/FUL - LAND BETWEEN FURZEDOWN AND ELMS COAL YARD, MAIN ROAD, MUNDON, ESSEX. CM9 6NU**

|                             |  |
|-----------------------------|--|
| <b>Application Number</b>   | <b>21/00488/FUL</b>  |
| <b>Location</b>             | Land Between Furzedown And Elms Coal Yard Main Road Mundon Essex CM9 6NU |
| <b>Proposal</b>             | New one and a half storey chalet style dwelling.                         |
| <b>Applicant</b>            | Mr Melvin Thurkettle   |
| <b>Agent</b>                | Mr Anthony Cussen - Cussen Construction Consultants                      |
| <b>Target Decision Date</b> | 20.08.2021   |
| <b>Case Officer</b>         | Hannah Dungate   |

|   |  |
|---|--|
| <b>Parish</b>   | <b>MUNDON</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Not Delegated to Officers as Departure from Local Plan |

Following the officer's presentation, the Chairman opened the debate. Councillor Boyce noting that this application already had extant permission, proposed that the application be approved in accordance with the Officer's recommendation. This was duly seconded.

The Chairman put the proposal to the committee and the application was approved by assent.

**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.
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: 1193-01; 1193-02; 1193-03; 1193-04; 1193-07; 1193-08 B; 1193-09 B; 1193-10; 1193-11 B
- 3 Prior to their use in the development hereby approved, written details and high-quality photographs of the materials to be used in the construction of the external surfaces, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained in perpetuity.
- 4 Full details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These landscaping details shall include the layout of the hard-landscaped areas with the materials and finishes to be used together with details of the means of enclosure (fencing and boundaries), car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance program. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.
- 5 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:



- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 6 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 7 Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing 1193/03, this includes a minimum of three off-street parking spaces. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking areas shall be retained in the agreed form at all times.
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 10 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
- 11 There shall be no discharge of surface water onto the Highway.
- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development under schedule 2, part 1 classes A, B, C, D, E or F shall take place without planning permission having been obtained from the local planning authority.
- 13 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the north and south elevations as shown on drawing nos. 1193/10 and 1193/11B shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

- 14 The roof area of the single storey flat roof rear extension as shown on drawing nos. 1193/11B and 1193/09B shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

**6. 21/00522/OUT - 7 STATION COTTAGES, HALL ROAD, SOUTHMINSTER, CM0 7EH**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>21/00522/OUT</b>                                    |
| <b>Location</b>                                       | 7 Station Cottages, Hall Road, Southminster, CM0 7EH   |
| <b>Proposal</b>                                       | Proposed new detached two storey dwelling.             |
| <b>Applicant</b>                                      | Mr Danny Townsend                                      |
| <b>Agent</b>  | Mrs Belinda Bowen - Townsend Bowen Ltd                 |
| <b>Target Decision Date</b>                           | 20.08.2021   |
| <b>Case Officer</b>                                   | Hannah Dungate   |
| <b>Parish</b>   | <b>SOUTHMINSTER</b>                                    |
| <b>Reason for Referral to the Committee / Council</b> | Not Delegated to Officers as Departure from Local Plan |

Prior to the presentation it was verbally reported that subsequent to the circulation of the Members' Update an objection had been received regarding the impact of the development on the surrounding area. However, due to the location of the site the comments were not deemed to have any bearing on the application. Following the Officer's presentation, the Chairman opened the debate.

In response to a question regarding indicative elevations the Lead Specialist Place advised that should Members have concerns they could be addressed by way of an informative.

Councillor Fluker, taking into consideration the opportunity for inclusion of alternative elevations by way of an informative, proposed that the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor Helm.

The Chairman put the proposal to the Committee and the application was approved by assent.

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

- 1 The development shall be carried out in accordance with plans and particulars relating to the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 2 Application(s) for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
- 4 No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted

to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

- 5 No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 6 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
  - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 7 Prior to first occupation, a 2-meter-high, acoustic, close boarded fence shall be erected on part of the eastern boundary of the development identified in red on the approved drawing no. TB/02 contained within the approved Noise Impact Assessment dated 27<sup>th</sup> July 2021. The acoustic fence shall be maintained as such thereafter.
- 8 The scheme to be submitted pursuant to the reserved matters shall make provision for the car parking of two off-street car parking spaces at both the existing and proposed properties in accordance with the Council's adopted car parking standards. Prior to the occupation of the development 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.
- 9 The landscaping reserved matters details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard-landscaped areas with the materials and finishes to be used together with details of the means of enclosure (fencing and boundaries), car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance program. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

- 10 No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11 Prior to occupation of the development the existing dropped kerb vehicle crossing shall be extended by no more than 3.6 metres and shall be provided with an appropriate dropped kerb crossing of the footway. The total length of the shared dropped kerb shall be not be more than 7.2 metres in width.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan.
- 13 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

**7. 21/00526/FUL- APPLEBERRY BY THE GABLES, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX, CM0 8QA**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>21/00526/FUL</b>   |
| <b>Location</b>                                       | Appleberry By The Gables, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA   |
| <b>Proposal</b>                                       | Demolition of existing dwelling and outbuildings and erection of 8 single storey dwellings with associated cart lodges, parking, access and landscaping   |
| <b>Applicant</b>                                      | Lauren Nicole Homes Limited   |
| <b>Agent</b>  | Mrs H Webb - Smart Planning Ltd   |
| <b>Target Decision Date</b>                           | 17.09.2021  |
| <b>Case Officer</b>                                   | Anna Tastsoglou   |
| <b>Parish</b>   | <b>BURNHAM NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Departure from the Local Development Plan 2014 – 2029<br>Member Call In<br>Councillor V J Bell has called in the application for the following policy reasons: LDP policy H4 (replacement dwellings), D1(c),(d). BTC NDP policy HO2 |

A Members' Update had been circulated prior to the meeting that detailed amendments to both consultations and proposed conditions. It was verbally advised that a further letter of objection had been submitted subsequent to the Members' Update. However, it was noted that no new material issues had been raised. Following the Officer's presentation, the Agent, Mr Russell Forde, addressed the Committee.

In response to a question raised around changes to the bungalow submission in front of the Committee the Lead Specialist Place advised that each application was considered on its own merits. Should the applicant change that approach they would have to resubmit to the committee for approval. He further advised that an application of this size did not trigger contributions towards infrastructure needs. The Committee noted that given the history of Inspector approvals in this area it was deemed a sustainable location and that going forwards piecemeal development should be resisted.

Councillor Boyce, noting the Officer's recommendation, proposed that the application be approved. This was duly seconded.

The Chairman then put the proposal to the Committee and upon a vote being taken the application was approved in accordance with the Officer's recommendation.

**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.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: M001, M002, M003 E, E101, E102, E103, P201 K, P202 C; P203 C; P204 D; P205 D; P206 C, P207 C, P210 D, P211 C AND P212.
3. The development shall be undertaken in accordance with the finishing material details as shown on the Proposed Materials Plan, P211 C and be retained as such in perpetuity.
4. Prior to works above ground level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
  - i. Proposed finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
  - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.

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

originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

5. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
6. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
7. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building hereby permitted without planning permission having been obtained from the local planning authority.
8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - A scheme for recycling/disposing of waste resulting from demolition and construction works
9. 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, and any construction until an investigation and risk assessment has been submitted to and approved by the local planning authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons 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:
  - a) Human health,
  - b) Property (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
  - c) Adjoining land,
  - d) Groundwaters and surface waters,
  - e) Ecological systems
  - f) Archaeological sites and ancient monuments;

iii) An appraisal of remedial options, and proposal of the preferred option(s).

This 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 is subject to the approval in writing of the Local Planning Authority.

10. Where identified as necessary in accordance with the requirements of condition 9, no development shall take place, other than that required to enable remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the local planning authority in writing.

The measures set out in the remediation scheme shall be implemented prior to commencement where possible. Where remediation measures are incorporated into the wider development and cannot be completed prior to commencement they shall be highlighted in the remediation scheme submitted for approval.

The scheme will remove unacceptable risks to human health, buildings and other property and the natural and historical environment. It 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.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority within 28 days.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

11. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented as approved prior to the first occupation of the development.
12. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1/l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by

BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

13. No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
14. The dwellings hereby approved shall not be occupied until two car parking spaces have been provided as shown on plan P201 K. The car parking hereby approved shall be retained for the use of occupiers or visitors to the residential units in perpetuity.
15. The trees and hedges identified for retention in the Arboricultural Implication Assessment, dated 22<sup>nd</sup> December 2020, the Arboricultural Method Statement and Tree Protection Plan, dated 22<sup>nd</sup> December 2020, as well as the Tree Protection Plans no's 201133/03 Rev A and 201133/02 Rev A, which are attached to and form part of this permission shall be protected during the course of the development. The trees and hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement 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.
16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4ecology Ltd, January 2021).
17. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

18. Prior to the occupation of the proposed development, a Waste Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.

The meeting closed at 8.07 pm.

V J BELL  
CHAIRMAN





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**13 OCTOBER 2021**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>20/01191/FUL</b>   |
| <b>Location</b>                                       | <b>Hall Farm, Hall Road, Southminster, Essex, CM0 7EH</b>   |
| <b>Proposal</b>                                       | Change of use of Southminster Hall to a mixed use providing a wedding ceremony room and residential use and the change of use of Southminster Hall grounds to provide a wedding venue to include siting of a marquee and WC facilities and ancillary parking and conversion of outbuilding to ancillary bridal suite. |
| <b>Applicant</b>                                      | Mr & Mrs Cooper   |
| <b>Agent</b>  | Kate Jennings – Whirledge & Nott  |
| <b>Target Decision Date</b>                           | 16.09.2021  |
| <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 conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.

# Hall Farm, Hall Road, Southminster 20/01191/FUL



|  |               |                         |
|--|---------------|-------------------------|
|  <p><b>Copyright</b><br/> For reference purposes only.<br/> No further copies may be made.<br/> This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright.<br/> Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/> Maldon District Council 100018588 2014</p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p> | Scale:        | 1:1,250                 |
|  | Organisation: | Maldon District Council |
|  | Department:   | Department              |
|  | Comments:     | SE Area Committee       |
|  | Date:         | 26/09/2021              |
|  | MSA Number:   | 100018588               |

### **3. SUMMARY**

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

- 3.1.1 The application site is located within the rural area to the south of Hall Road and to the east of the settlement of Southminster. The site currently accommodates a residential dwelling and associated land. It is stated that the site extends to 1.7ha. To the north of the site, on the opposite side of Hall Road, is Pandole Wood and open countryside. To the east is land and buildings also owned by the applicant. To the west is Goldsands Road and to the south are existing buildings in commercial use including Wibblers Brewery, Taproom and Kitchen (which has an outdoor seating area) along with open countryside.
- 3.1.2 Southminster railway station is just over 200m to the west of the site with the centre of Southminster beyond. The nearest bus stop is approximately 800m to the west of the site on the High Street and there is understood to be a bus service between Burnham-on-Crouch and Chelmsford running between 7am to 8.30pm Monday to Saturday and 9am and 9pm on Sundays.
- 3.1.3 There are residential properties along Goldsands Road. It is stated that The Lodge and Southminster Hall Farm are located beyond the adjacent buildings associated with Southminster Hall Farm and there are further residential properties at a distance of 180m from the application site at their closest point. Beyond Goldsands Road is Hillside Nursery and Hall Road Industrial Estate opposite which there are further residential properties.
- 3.1.4 The existing vehicular access to the site from Hall Road would be retained and used to access the development proposed.
- 3.1.5 The existing floorspace to be converted is stated as being a total 159sq.m. which would consist of 47sq.m. to be used as a ceremony room and 112sq.m. to be used as a 'bridal suite'. A ground floor room in the south-western corner of the dwelling would be used as the ceremony room. Part of an existing outbuilding which abuts the eastern boundary of the site would be converted into accommodation described as a 'bridal suite' for overnight accommodation which would consist of two en-suite bedrooms, a lounge/dressing room and a kitchen. To accommodate the 'bridal suite', there would be changes to the existing fenestration pattern of the building including two additional windows on the southern flank elevation to serve the lounge/dressing room and bi-fold doors inserted into the rear/western elevation.
- 3.1.6 The marquee proposed would be located 19m to the north of the existing dwelling on what is described as a paddock and 16.5m from the northern boundary of the site at its closest point. The marquee would measure 30m x 12m and 4.58m in height to be enclosed with white coloured canvas and a ridged roof.
- 3.1.7 Toilet facilities would be provided in the form of 'self contained mobile WC facilities' to be located between the marquee proposed and the existing dwelling. The mobile toilets would measure 3.2m in height, 3m in length and 2.3m in width.
- 3.1.8 An area (around 3450sq.m.) to the western side of the application site (described as an existing paddock) is identified for parking which would be at a distance of around 60m from Goldsands Road. The area is not proposed to be hard surfaced and no parking layout has been included but there would be a one-way taxi lane around the periphery of the car park and it is stated that parking would be provided for 75 vehicles.

- 3.1.9 The use proposed would employ one full-time and two part-time employees. Hours of opening are proposed as 11:00 to 23:59 Monday to Sundays (including Bank Holidays).
- 3.1.10 As part of the application, it is stated that the venue would cater for parties ranging from 10 up to a maximum of 200 people. The ceremony room could accommodate a maximum of 50 people, but the marquee could accommodate up to 200 people for receptions. There would be approximately 40 events per year with the majority of the events expected to take place on a Saturday. It is understood that the venue would be available for parties and other social gatherings, not just weddings.
- 3.1.11 The application is accompanied by a 'Design and Access Statement incorporating Planning Statement' as part of which it is stated that the use proposed would support the renovation of this Victorian property. It is also stated that the nearest 'competition' is High House Farm in Asheldham and Creeksea Manor in Burnham-on-Crouch.
- 3.1.12 A Noise Impact Assessment (February 2021) has also been submitted and, following the receipt of comments from the Specialist – Environmental Health, a Noise Impact Assessment Addendum (May 2020) has also been provided.

## **3.2 Conclusion**

- 3.2.1 The proposal would result in economic benefits for the local area and the District and no objections are raised to the principle of the development. The development would not cause material harm to the character and appearance of the rural area as a result of the marquee and parking area proposed. Furthermore, the proposal would not have a harmful impact on this locally listed building or its setting and, subject to the imposition of conditions, would not have a materially adverse impact on the amenity of local residents. No objections are raised in relation to highways safety, access and parking.
- 3.2.2 Therefore, it is recommended below that planning permission is granted for the development proposed.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2021 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places

- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Economy
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E1 Employment
- E5 Tourism
- T1 Sustainable Transport
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

- 5.1 The main issues which would require consideration as part of the determination of this application are the principle of the development, any impact on the character and appearance of the area, any impact on local residents and highway safety/ access/ parking.

#### **5.2 Principle of Development**

- 5.2.1 Policy S8 of the Local Development Plan (LDP) defines the settlements of the Maldon District within which 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 (Policy S8: a-m). This list of acceptable development includes criteria (b) 'Employment generating proposals (in accordance with Policy E1)' and e) 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); and h) Rural diversification, recreation and tourism (including equestrian and related activities) proposals (in accordance with Policies E4 and E5). Policy E4 relates to 'agricultural and rural diversification' and so is not relevant to the consideration of the proposal. Policy E5 relates to tourism and is, therefore, of some relevance to this case.

- 5.2.2 Policy S7 states that the Council will actively seek to support and facilitate sustainable economic development within villages through the retention of employment designations and supporting rural diversification, tourism and leisure proposals.
- 5.2.3 Policy E5 states that the Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment. The Policy goes on to state that development for new tourist attractions, facilities and accommodation will be supported across the District where it can be demonstrated that:
- 1) *There is an identified need for the provision proposed;*
  - 2) *Where possible, there are good connections with other tourist destinations, the green infrastructure network and local services, preferably by walking, cycling or other sustainable modes of transport;*
  - 3) *There will not be any significant detrimental impact on the character, appearance of the area and the quality of life of local people; and*
  - 4) *Any adverse impact on the natural and historic environment should be avoided wherever possible. Where an adverse impact is unavoidable, the proposal should clearly indicate how the adverse impacts will be effectively mitigated to the satisfaction of the Council and relevant statutory agencies. Where a development is deemed relevant to internationally designated sites, the Council will need to be satisfied that a project level HRA has been undertaken and that no potential significant adverse impact has been identified.*
- 5.2.4 In relation to criterion 2, the accessibility of the site is discussed in section 5.5 below and the requirements of criterion 3 are discussed in sections 5.3 and 5.4 below. The impact of the development on the historic environment (criterion 4) is discussed in section 5.3 below but the proposal, as a result of its location, would not have an adverse impact on the natural environment. Criterion 1 requires that there is an identified need for the provision proposed. It is stated as part of the application that the nearest 'competition' is High House Farm in Asheldham and Creeksea Manor in Burnham-on-Crouch, but the applicant has been asked for further information in relation to the need for the use proposed.
- 5.2.5 With respect to Policy E1 of the LDP, the use proposed would result in benefits including the employment of staff and business for associated companies such as catering, transport, events, entertainment etc. Whilst it cannot be ensured that all employment will come from the local area, it is reasonable to consider that some local businesses will be used.
- 5.2.6 Based on the above, subject to the applicant being able to demonstrate a need for the use proposed, no objection to the principle of the use of the site for hosting weddings is raised, subject to an assessment of the proposal against all other material planning considerations, as set out below. However, given the temporary nature of the marquee and toilets proposed, it would not be appropriate for a permanent planning permission to be granted.

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

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

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

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

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

5.3.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

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

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

5.3.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.3.6 Policy D3 of the LDP states that the Council will give great weight to a heritage asset's conservation and that any harm or loss will require clear and convincing justification. Development that affects a heritage asset will be required to *‘preserve or enhance its special character, appearance, setting ... and any features and fabric of architectural or historic interest’*. LDP Policies S1 and D1 are also relevant to the assessment of the impact of the proposal on this locally listed building.

5.3.7 The Specialist – Heritage and Conservation has not raised any objections to the proposal based on the temporary nature of the facilities proposed. Therefore, it is not considered that the proposal would have an adverse impact on this locally listed building or its setting. No financial evidence has been provided to demonstrate the claim made that the proposal would help support the renovation of the property and it has not been shown that there would be any public benefit in these renovations.

Therefore, it is considered that this matter cannot be afforded any weight in the determination of the application.

- 5.3.8 The site does benefit from existing trees and other vegetation along the northern boundary of the site which would help to screen the marquee from view from Hall Road. The proposed toilets would be located between the marquee and the existing dwelling and, along with their limited size, would not cause significant harm to the character and appearance of the area. In addition, these elements of the proposal would be temporary in nature. The changes proposed to the exterior of the existing buildings at the site would be minor and the buildings would still have the appearance of a single residential property. Therefore, this element of the proposal would not have an adverse impact on the character or appearance of the site or its surroundings. The proposed parking area would be of a significant size and be located in a more open part of the site to the west of the existing dwelling. However, existing boundary hedging would reduce the visual intrusion of this element of the proposal into the surrounding area, the parking area would not be hard surfaced, and its use would only be intermittent i.e. when functions were being held at the site (around 40 times a year). A post and rail fence is proposed to separate the parking area proposed from the rest of the paddock but no other means of enclosure is proposed as part of the development. Based on this, it is not considered that the harm this element of the proposal would cause to the character and appearance of the site and the surrounding rural area would be significant enough to justify a refusal of planning permission in this case. If planning permission were to be granted, it is recommended that a condition be imposed to ensure that the existing trees and other vegetation is retained. Additional screen planting would reduce the visual impact of the proposal on its surroundings, but this would not be a reasonable requirement in this case as it is recommended that only a temporary planning permission is granted.
- 5.3.9 The conclusion of this assessment is that the proposal would comply with Policies S1, S8, D1 and D3 of the LDP, subject to only a temporary planning permission being granted.

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

- 5.4.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 One of the requirements of Policy D2 of the approved LDP is that all forms of possible pollution including air, land, water, odour, noise and light are minimised and that any detrimental impacts and potential risks to the human and natural environment are adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.4.3 As a result of the separation distance between the development proposed and the existing residential properties within the vicinity of the site, it is not considered that the proposal would cause harm to the amenity of the occupiers of any existing residential property by reason of a loss of privacy, overlooking, loss of outlook, loss of light, an adverse visual impact or loss of daylight or sunlight. Due to the nature of the use proposed, an adverse impact as a result of smell and general pollution would also not be caused. However, as a result of the nature and scale of the use proposed, the development does have the potential to cause harm to local residents as a result of the noise generated by the use proposed. This would principally be noise from activities within the marquee where facilities for dancing and amplified sound would be provided as well as from the arrival/departure of guests particularly



as the hours of use proposed are 11am to 12am seven days a week which include unsociable times of the day.

5.4.4 The application has been accompanied by a Noise Impact Assessment (February 2021) which indicates that amplified music noise emanating from the proposed marquee has the potential to exceed the assessment criterion at dwellings towards the northern end of Goldsands Road and at the eastern periphery of Southminster village. The Assessment provides the following information:-

- *There would be no plant associated with the use proposed.*
- *There would be no amplified sound outside the marquee.*
- *Amplified live or recorded music where used would usually be played between around 19:30/20:00 to 00:00. Background music may be played with the occasional use of a microphone for speeches between 13:00 to 19:30/20:00.*

5.4.5 The Assessment also recommends the following noise mitigation measures:

- *Specific orientation of the speakers associated with any amplified live or recorded music.*
- *Use of a noise limiter and staff to periodically conduct noise measurements during an event.*
- *Provision of a 'complaints' mobile telephone number for local residents and recording of complaints.*
- *Within the marquee, the performance area to be sited at the north-east end, at the north-west elevation of the marquee, with the associated loudspeakers directed south-east towards the Southminster Marshes.*
- *Hard items of refuse (such as empty bottles etc.) should be placed, rather than dropped, in the bins and prior to 23:00; the recycling storage area should be appropriately located.*

5.4.6 Following the receipt of comments from the Specialist – Environmental Health, a Noise Impact Assessment Addendum (May 2020) has been provided which included the following additional information:

- *Music would not be played beyond 23:30*
- *At its closest point, parking would be 145m from 20 Hall Road if parking is limited to the eastern part of field/paddock as proposed (a post and rail fence would section off the area) (although the western part of this field/paddock is already used for overflow parking by the adjacent Brewery).*

5.4.7 The following further mitigation is also proposed:

- *Signage will be installed at strategic points throughout the site, including at the car park exit and along on-site pedestrian pathways, which advise that 'When in the car park and leaving the venue please respect our neighbours by keeping noise to a minimum'.*
- *Signage and/or information that directs the first arriving guests to park right up to the east boundary of the car park then those arriving subsequently to park close by and 'outwards' to concentrate parking on the east side of the car park.*
- *There would be a signed and cordoned-off one-way taxi lane around the periphery of the car park with a dedicated taxi stop at the east boundary of the paddock to mitigate noise from guests waiting to board and/or boarding a taxi and if taxis wait with their engine running.*
- *Directions to the venue would advise guests of the above parking arrangements and remind them to be 'thoughtful of neighbours'.*

5.4.8 As part of the submitted Noise Assessment, it is recommended that the following conditions are imposed if planning permission is granted:

- *Except for music that is incidental to wedding ceremonies and to other events within Southminster Hall, no amplified sound or music (live or recorded) shall take place on the site other than within the marquee.*
- *No amplified sound or music (live or recorded) shall take place within the marquee except between 11:00 and 23:30 hours.*
- *The noise level of amplified sound or music (live or recorded) emitted from the marquee and measured at the dwelling 20 Hall Road shall not exceed 23 dB LAeq, 15minutes between 11:00 and 23:30.*
- *The Zone Array sound system within the marquee shall be provided in accordance with the details given by the Noise Impact Assessment Addendum of 18th May 2021. The system shall be retained for all events.*
- *The electronic noise limiter shall be provided in accordance with the details given by the Noise Impact Assessment Addendum of 18th May 2021. All amplified sound or music (live or recorded) shall be channelled through this device to limit the sound level from within the marquee. The system shall be retained for all events.*
- *The car parking area shall be implemented in accordance with the details given by the Noise Impact Assessment Addendum of 18th May 2021.*
- *The Noise Management Plan measures shall be implemented in accordance with the details given by the Noise Impact Assessment Addendum of 18th May 2021.*

5.4.9 Having considered the details of the proposal along with the mitigation measures proposed, the Specialist – Environmental Health has raised no objection to the proposal, subject to the imposition of conditions, which could be imposed if planning permission were to be granted for the development. The conditions recommended by the Specialist are as follows:

- *No amplified sound or the playing of amplified music shall take place other than within the marquee.*
- *No public entertainment or public address system shall be used except between 11:00 hours and 23:30.*
- *The proposed Zone Array sound system shall be installed and maintained at all times.*
- *The electronic sound limiting/cut out device proposed shall be used.*
- *No fireworks or other pyrotechnics shall be used in connection with the use proposed.*
- *In a 15-minute period, the level of amplified sound emitted from the site shall not exceed 23dB as measured on the boundary of 20 Hall Road, Southminster.*
- *The car parking area for the venue shall be limited to that proposed.*
- *The mitigation measures identified shall be implemented and retained.*
- *The premises shall only be open to customers/visitors/guests between 11:00 hours and 00:00 hours.*
- *Details of all external illumination are to be approved.*

5.4.10 The proposed use would be at least 145m from 20 Hall Road which is anticipated to be the residential property most affected by noise generated by the use proposed. The parking area proposed would also be around 55m from Goldsands Road at its closest point. In addition, there would only be 40 events per year which would each be limited to being held between 11am to 12am. Furthermore, the granting of a temporary planning permission, as referred to above, would provide an opportunity to monitor the impact of the noise generated by the development.

- 5.4.11 Based on the above, including the imposition of the conditions recommended by the Specialist – Environmental Health, it is anticipated that the development proposed should not have a materially adverse impact on the amenity of the occupiers of any existing local residents, in compliance with Policies D1 and D2 of the LDP.
- 5.4.12 The submitted drawings indicate that sufficient private amenity space would be retained for the occupiers of the existing dwelling to comply with the minimum recommended in the SPD.

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

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. The NPPF also recognizes that sites within rural areas may not be well served by public transport and that it should be ensured proposals do not have an unacceptable impact on local roads.
- 5.5.3 In terms of accessibility, it is acknowledged that the majority of guests are unlikely to travel to the site by public transport. However, given the proximity of the site to Southminster railway station and bus stops on the High Street, there would be opportunities for guests to travel to and from the site by both train and bus. Furthermore, wedding events are often provided with arranged transport such as coaches which would reduce the number of guests travelling to and from the site by private car.
- 5.5.4 In terms of access, the existing means of access to the site from Hall Road along the northern boundary of the site would be used. Essex County Council Highways (ECC) have not raised objections to the proposal but have raised the following issues:

*The current access appears to be approximately 4.5m in width, as the proposal will intensify the use of the access it is suggested that a wider access point such as 5.5m should be provided. It is also noted that the existing access road does not accommodate two-way vehicle traffic..... the applicant needs to provide more detail on how many vehicles are anticipated and if this will lead to any traffic waiting to access the site on carriageway.*

*The applicant shows a parking area which appears to be an existing field on the proposed plans ..... [if the applicant is proposing to use the] existing field gate by the main access point, ..... the turning manoeuvre for eastbound traffic to the site will [not] be possible, therefore the field access plans should be revised.*

- 5.5.5 The applicant's agent is in the process of addressing these issues and, given the nature of the issues raised, it is anticipated that this can be achieved. Subject to these issues being satisfactorily addressed, no objection is raised to the proposed

vehicular access to the site and the proposal would not have an adverse impact on the local road network.

5.5.6 With respect to on-site parking provision, a rectangular shaped area extending to around 2,900sq.m. has been identified for parking which is proposed to be on an informal basis as the area is not proposed to be hard surfaced. A waiting area for taxis has also been included. The applicant has been asked to demonstrate the number of parking spaces that could be accommodated within the area proposed but, if planning permission were to be granted, it would be necessary to impose a condition requiring details of how the parking area would be laid out to ensure the satisfactory functioning of this facility.

5.5.7 There is no parking standard specifically for wedding venues, but the following standards are relevant to the proposal:

Use Class D2 – Assembly & Leisure – Cinemas, concert halls, bingo halls, dance halls – 1 per 4 staff and 1 per 20 seats

Use Class C1 – Hotels – 1 per 4 staff plus 1 per 10 beds or 1 per 25sq.m. restaurant-entertainment areas whichever is the greater.

5.5.8 The proposal includes a bridal suite with two bedrooms and a marquee (which would accommodate up to 200 guests and would measure 360sq.m). Based on this and the information provided as part of the application, it is anticipated that the area identified for parking would be of sufficient size to accommodate an adequate level of parking. It would normally be expected that such a parking area was hard surfaced to ensure that it was useable in all weather conditions but, as only a temporary planning permission is being recommended, it would not be reasonable to require that the area is hard surfaced. No cycle parking storage is included in the proposal, but this could be required by condition, if planning permission were to be granted.

5.5.9 Sufficient space for at least three parking spaces for the occupiers of the existing dwelling would be retained.

5.5.10 Therefore, subject to the issues raised by ECC Highways being satisfactorily addressed, no objections to the proposal are raised in relation to highway safety, access or parking, in compliance with Policies T1, T2 and D1 of the LDP.

## **5.6 Other Material Considerations**

5.6.1 In terms of drainage, the Specialist – Environmental Health has recommended that a condition is imposed requiring details of surface water and foul drainage (Policy D2). Such a condition could be imposed if planning permission were to be granted.

5.6.2 The Specialist – Environmental Health has also recommended that a condition is imposed requiring a Phase 1 survey in relation to contaminated land (Policy D2). Such a condition could be imposed if planning permission were to be granted.

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

- **01/00402/AGR** - Prior notification steel framed agricultural building. Prior approval not required.
- **13/00890/FUL** - Installation and operation of a two 250kW wind turbine with hub height of 40m on agricultural land at Southminster Hall. Refused 20.12.2013

- **16/01114/FUL** - Change of use of barn from agricultural to Use Class B8 (Storage and distribution). Approved 08.12.2016
- **94/00077/FUL** - Outdoor leisure/corporate entertainment off road pursuits and clay pigeon. Refused 09.03.1994
- **94/00401/FUL** - Outdoor pursuits leisure/corporate entertainment (go kart racing). Approved 01.08.1994

## **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          | No response    |                         |

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

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>      | <b>Officer Response</b>         |
|---|---------------------|---------------------------------|
| Essex County Council Highways (ECC)                     | No formal response. | Refer to section 5.5 of report. |

### **7.3 Internal Consultees**

| <b>Name of Internal Consultee</b> | <b>Comment</b>  | <b>Officer Response</b>   |
|-----------------------------------|---|---|
| Specialist – Environmental Health | Initially raised a holding objection due to concerns in relation to the measurements of existing noise levels provided. Properties on Goldsands Road are shielded from the venue by farm buildings therefore 20 Hall Road is the property likely to experience the highest noise levels from entertainment at the venue. Potential for noise disturbance from the activities within the marquee and at the end of a function when people leave the venue. The latter is very difficult to quantify, but up to 200 people could be leaving the site at the same time, when background noise levels are likely to be at | Noted – refer to sections 5.4 and 5.6 of report. Following the receipt of an addendum to the noise assessment report, the Specialist – Environmental Health has withdrawn their holding objection, subject to the imposition of conditions which are recommended below. |

| Name of Internal Consultee             | Comment   | Officer Response                        |
|--|---|---|
|  | <p>their quietest. Further information regarding how the departure of patrons will be managed effectively is required.</p> <p>There is an area of unknown infill in the vicinity of the proposed location of the marquee and the application also includes the conversion of the outbuilding into overnight accommodation. This service has no information about previous uses of the outbuilding so the applicant should provide a phase 1 risk assessment. Details of foul and surface water drainage schemes are also required. These matters could be covered by condition.</p> |   |
| Specialist – Conservation and Heritage | The property is on the List of Local Heritage Assets in Southminster and so is a 'non-designated heritage asset'. No physical alterations are proposed to the main farmhouse and the marquee would be sited a reasonable distance from the house, well screened by mature trees, and is temporary in nature. The toilet facilities would be discreetly placed. The proposal will result in no material harm to the setting or significance of locally listed building and so no objection is raised and no conditions recommended.  | Noted – refer to section 5.3 of report. |
| Tree Consultant                        | No response.  |   |

#### 7.4 Representations received from Interested Parties

7.4.1 No representations were received for this application.

## 8. **PROPOSED CONDITIONS**

- 1 The use hereby permitted shall be discontinued and the site restored to its current condition within two years of the date of this planning permission.  
**REASON:** To provide an opportunity to assess the impact of the proposal and the temporary nature of the marquee and toilets proposed, in accordance with Policies S1, S8, D1, D2, T2 of the Maldon District Local Development Plan and the NPPF.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Site layout plan 15.09.2021
  - Location plan 22.09.2021
  - Proposed ceremony room floor plan
  - Marquee images
  - Details of mobile WCs
  - Existing floor and roof plan – 03rev.E
  - Existing sections – 04rev.E
  - Existing elevations – 05rev.E
  - Proposed floor plans – 06rev.E
  - Proposed sections – 07rev.E
  - Proposed elevations – 08rev.E**REASON:** To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to the first use of the 'bridal suite' hereby permitted, details of the foul drainage scheme to serve this element of the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the 'bridal suite' and retained as approved thereafter.  
**REASON:** To ensure that satisfactory means of drainage is provided in accordance with Policy D2 of the Maldon District Local Development Plan and the NPPF.
- 4 The existence of any contaminated ground or groundwater and/or hazardous soil gases found must be reported in writing immediately, a risk assessment of the site undertaken and a scheme to bring the site to a suitable condition 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 pollution in accordance with Policy D2 of the Maldon District Local Development Plan and the NPPF.
- 5 With the exception of music played in the ceremony room during a wedding ceremony no public entertainment or public address system whatsoever, including but not limited to amplified sound or the playing of amplified music, shall take place on site other than within the marquee.  
**REASON:** To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 6 No public entertainment or public address system, including but not limited to amplified sound or the playing of amplified live or other music associated with the use hereby permitted, shall take place within the marquee except between 11:00 hours and 23:30 hours.

- REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 7 Prior to the first use of the site as a wedding venue the Zone Array sound system referred to in the report reference 12811220/NIAAdd dated 18th May 2020 by Integrated Acoustics Ltd shall be installed, used and maintained at all times that the venue is in use.
- REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 8 Prior to the first use of the site as a wedding venue the electronic sound limiting/cut out device referred to in the report reference 12811220/NIAAdd dated 18th May 2020 by Integrated Acoustics Ltd shall be installed and fitted so that all regulated entertainment, including live performances, is channelled through the device to regulate the maximum sound level from the amplified sound systems used in the marquee. The system shall be retained thereafter for use at all events in the marquee.
- REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 9 No fireworks or other pyrotechnics shall be set off at the site in connection with the use hereby permitted.
- REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 10 Over any 15-minute period, the level of amplified sound emitted from the site shall not exceed 23dB as measured on the boundary of 20 Hall Road, Southminster. The site shall not open as a wedding venue until a verification report has been submitted to and agreed in writing by the local planning authority that demonstrates that this noise level has been achieved.
- REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 11 The car parking area for the venue shall be as detailed in Appendix 3 - Amended car parking area associated with the proposed development - of the Noise Impact Addendum, ref 12811220/NIAAdd dated 18th May 2020.
- REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 12 The measures identified in the Noise Management Plan detailed in Section 6.32 of the Noise Impact Assessment ref 12811220f1 dated 19th February 2021 and on page 3 of the addendum ref 12811220/NIAAdd dated 18th May 2020 shall be implemented prior to the first use of the wedding venue and remain as detailed at all times that the venue is in use.
- REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 13 The premises shall only be open to customers/visitors/guests between 11:00 hours and 00:00 hours. No persons other than staff connected with the use or guests staying in the overnight accommodation hereby permitted shall be on site outside of these hours.
- REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 14 There shall be no external lighting installed at the site unless and until details including the luminance and spread of light and the design and specification of the light fittings have been submitted to and approved in writing by the local planning authority. All illumination within the site shall be installed in accordance with the approved details and retained as such thereafter.
- REASON: To protect the visual amenity of the rural area and the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 15 The 'bridal suite' hereby permitted shall be only be used ancillary to the wedding venue use hereby permitted and for no other purpose.



- REASON: For the avoidance of doubt and to ensure that the accommodation proposed remains part of the wedding venue, in compliance with Policies S1, S8 and D1 of the Maldon District Local Development Plan and the NPPF.
- 16 There shall be no more than 40 events held each year.  
REASON: To protect the amenity of the local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
- 17 Prior to the commencement of the use hereby permitted, storage for bicycles shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The storage shall be retained as approved for the length of the planning permission.  
REASON: To encourage the use of non-motorised means of transport, in accordance with Policy T2 of the Maldon District Local Development Plan and the NPPF.
- 18 Other than the post and rail fence proposed (which shall be a timber fence of no more than 1.5m in height) and notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no gates, fence, wall or other means of enclosure shall be erected within the site without planning permission having been obtained from the local planning authority.  
REASON: To protect the character and appearance of the site and the surrounding rural area, in accordance with Policies S8 and D1 of the Maldon District Local Development Plan and the NPPF.
- 19 All existing trees and hedgerows shall be retained and shall be protected in accordance with the requirements of BS5837:2012 – Trees in Relation to Design, Demolition and Construction, in relation to the installation of the marquee and toilet facility hereby approved.  
REASON: To protect the character and appearance of the site and the surrounding rural area, in accordance with Policies S8 and D1 of the Maldon District Local Development Plan and the NPPF.

## **INFORMATIVES**

- 1 The Applicant is advised to consult Environment Services on any requirements they may have regarding Food Safety and Health & Safety matters at the premises. New food business will need to register with Environment Services 28 days before it commences operation and comply with EC Regulation 852/2004.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
13 OCTOBER 2021**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>21/00193/FULM</b>   |
| <b>Location</b>                                       | Land Adjacent Cliffords Farm, Burnham Road, Althorne, Essex  |
| <b>Proposal</b>                                       | Erect 13No. dwellings comprising 8No. one and two-bedroom affordable apartments in 2 x two-storey buildings, and 5No. 4/5 bedroom two-storey detached houses with garages, form three new vehicular accesses onto Burnham Road, private drives, vehicle parking and manoeuvring areas and gardens, and lay out hard and soft landscaping |
| <b>Applicant</b>                                      | Mrs Georgina McHugh  |
| <b>Agent</b>  | Mr Stewart Rowe - The Planning And Design Bureau Ltd   |
| <b>Target Decision Date</b>                           | 15.10.2021   |
| <b>Case Officer</b>                                   | Louise Staplehurst   |
| <b>Parish</b>   | <b>ALTHORNE</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Major Application  |

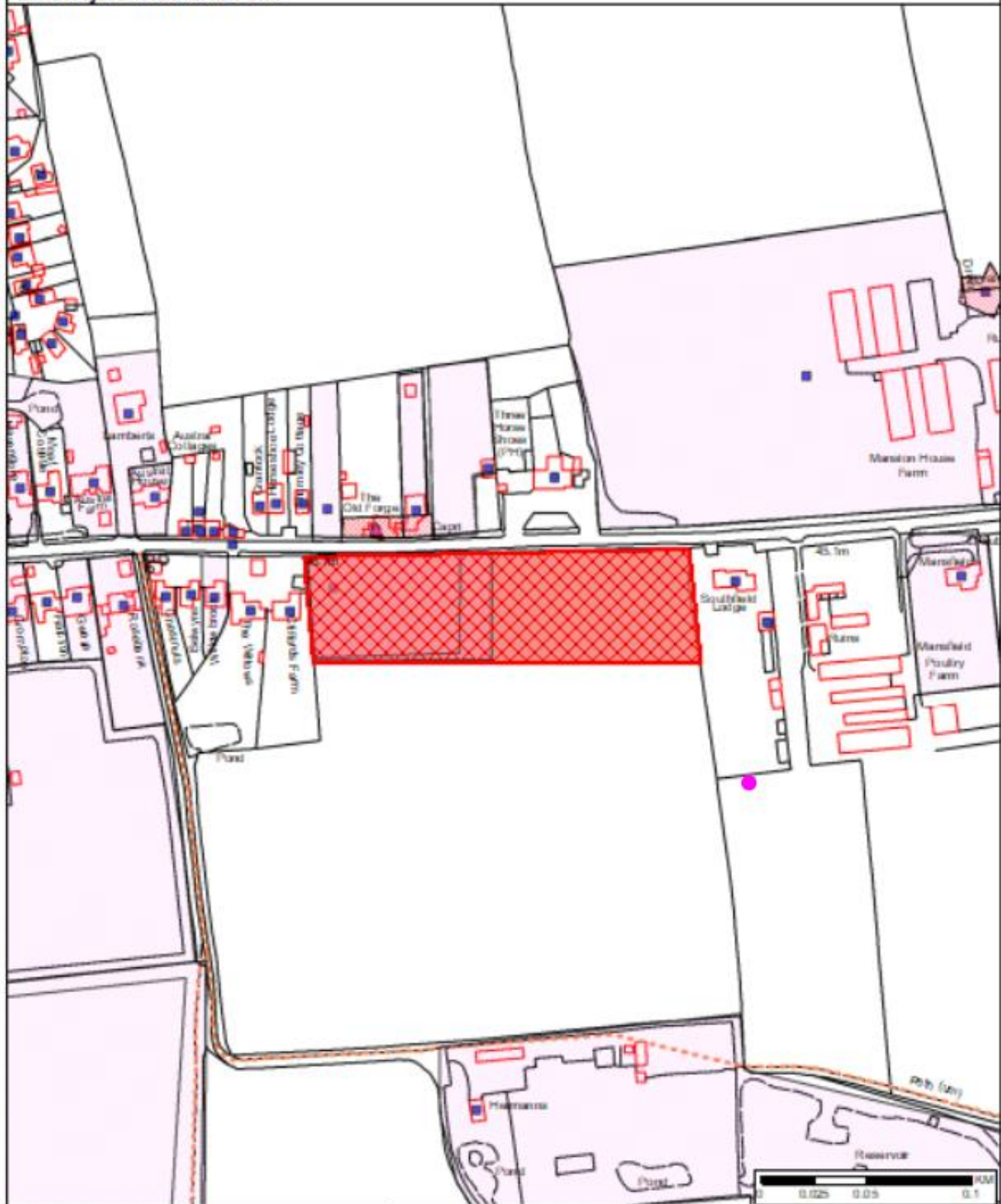
**1. RECOMMENDATION**

**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.

**21/00193/FULM**  
**Land Adjacent Cliffords Farm**



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|               |                         |
|---------------|-------------------------|
| Scale:        | 1:2,500                 |
| Organisation: | Maldon District Council |
| Department:   | Department              |
| Comments:     | SEAC 13 October 2021    |
| Date:         | 24/09/2021              |
| MSA Number:   | 100018588               |

### **3. SUMMARY**

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

3.1.1 The application site forms part of the northern area of an agricultural field and lies on the southern side of Burnham Road, Althorne, opposite The Three Horseshoes public house. To the west of the site and on both sides of the highway are detached dwellings which lie within the defined settlement boundary of Althorne. Burnham Road comprises the main highway linking Althorne with Burnham-on-Crouch to the east and the wider District to the west. The main settlement of Althorne lies to the west and northwest of the site.

3.1.2 The site is currently part of an agricultural field with an existing field access in the northwest corner and bounded to the north by a mature field hedgerow. The common boundary to the east which is shared with the dwelling known as Cliffords Farm comprises a row of mature fir trees.

#### Proposal

3.1.3 The application proposes the construction of 13 no. dwellings in total; 8 affordable dwellings and 5 detached market dwellings. The 8 affordable units would be in the form of two blocks of flats in the western part of the site, with 4 units in each building. The detached market dwellings would front the road in the eastern part of the site.

3.1.4 Three accesses are proposed, one to the flats, one to the market dwellings and a separate one is proposed between the market and affordable housing which will be used to access the agricultural fields to the south of the site. A footpath is proposed at the site frontage to join to the existing pedestrian network. A large proportion of soft landscaping is proposed within the site however no specific details of planting have been provided.

3.1.5 The housing mix will be as follows:

- 4 one-bedroom units (affordable)
- 4 two-bedroom units (affordable)
- 5 four-bedroom units (market)

#### Flat building 1 and 2 (Affordable Housing)

3.1.6 The flat buildings will have a maximum width of 20 metres, a depth of 12.3 metres, an eaves height of 5.6 metres and a ridge height of 10 metres. There will be both a one-bedroom and a two-bedroom unit at ground floor and first floor level, 4 units in total in each building. Both upper floor flats will have access to their own private terrace. Each building will be of a cross gable design with access to the flats via a main shared front door. The proposed materials consist of brick and render with clay tiles.

3.1.7 Parking will be positioned in a communal area to the front and side of the buildings, with a large shared amenity area (600sqm for flat building 1 and 600sqm for flat building 2) for each building to the south. There will be a shared refuse and cycle store within the northern corner of the site, measuring 6.7 metres wide, 4 metres deep, 2.2 metres high to the eaves and 4.6 metres high overall.

#### Plots 1-5 (Market dwellings)

3.1.8 Four different house types are proposed for the five market dwellings.

Plot 1 – House type A – 4 bedrooms

3.1.9 The proposed dwelling to occupy plot 1 will measure 20 metres in width in total including the double garage, and 15 metres in depth in total, with an eaves height of 5.3 metres and a ridge height of 9.1 metres. The main part of the dwelling will have a gable roof with the roof slope fronting the road, with an M-shaped roofline to the rear. The single storey double garage will be attached on the western side of the dwelling. Materials will consist of render, brick and stained and painted weatherboarding and clay tiles for the roof.

3.1.10 It will have a double garage, dining room, snug, utility room, toilet and kitchen/family area at ground floor level and 4 bedrooms and 1 bathroom and 3 en-suites at first floor level.

3.1.11 Two parking spaces will be available in the garage as well as at least one more space on the driveway. Amenity space will be located to the south and will measure over 600sqm.

Plot 2 and 4 – House type B – 4 bedrooms

3.1.12 The proposed dwellings to occupy plot 2 and 4 will measure 16.9 metres in width in total and 15.8 metres in depth in total, with an eaves height of 5.4 metres and a ridge height of 9.4 metres. It will be of a cross gable roof design, with smaller gable projections. There will be a first-floor terrace and balcony to the rear. Materials will consist of render, brick and stained and painted weatherboarding and clay tiles and slates for the roof.

3.1.13 At ground floor level, there will be a double garage, toilet, gym, utility room, living room, office and kitchen/dining room. At first floor level, there will be a master suite with bathroom and dressing area, 3 further bedrooms, 2 with en-suites and a bathroom.

3.1.14 The double garage will house two cars, with space for two more on the drive. The garden area will measure over 400sqm on plots 2 and 4.

Plot 3 – House type C – 4 bedrooms

3.1.15 The proposed dwelling to occupy plot 3 will measure 16.8 metres in width in total and 15.7 metres in depth in total, with an eaves height of 5.5 metres and a ridge height of 9.3 metres. It will be of a cross gable roof design, with smaller gable projections. There will be a first-floor terrace and balcony to the rear. Materials will consist of render, brick and stained and painted weatherboarding and clay tiles for the roof.

3.1.16 At ground floor level, there will be a garage, toilet, snug, office, kitchen, dining room, utility room and gym. At first floor level, there will be a master suite with bathroom and dressing area, 3 further bedrooms, 2 with en-suites and a bathroom.

3.1.17 The double garage will house two cars, with space for two more on the drive. The garden area will measure over 400sqm.

Plot 5 – House type D – 4 bedrooms

- 3.1.18 The proposed dwelling to occupy plot 5 will measure 16.8 metres in width in total and 12.3 metres in depth in total, with an eaves height of 5.5 metres and a ridge height of 8.8 metres. The dwelling will have a cross gable roof form with bay window on the front. Materials will consist of render, brick and stained and painted weatherboarding and clay tiles for the roof.
- 3.1.19 There will be a dining room, snug, utility room, toilet, lounge, kitchen and living area at ground floor level. At first floor, there will 4 bedrooms, two en-suites, shared each by two bedrooms, a bathroom and a home office which could be used as a fifth bedroom.
- 3.1.20 The double garage will be detached and will house two cars, with space for two more on the drive. The garden area will measure 700sqm.

## **3.2 Conclusion**

- 3.2.1 The development has been assessed as being acceptable in principle, overall, taking into account the substantial benefits of the proposal which would outweigh the conflict that the development would have with the Development Plan. In particular, the volume of affordable housing proposed, in a locality within the district where it has previously been difficult to deliver affordable housing, would weigh heavily in favour of the development.
- 3.2.2 The development is not anticipated to cause material harm to the amenity of the occupiers of existing residents, highway safety or nature conservation. The development has also been found to be satisfactory in terms of ecology and drainage. The proposed development would have an acceptable visual impact and the design of the dwellings and flats would be in keeping with the area. In addition, provision for adequate levels of parking will also be made. The proposal would therefore accord with the policies set out within the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF).
- 3.2.3 The applicant has agreed to enter into a Section 106 Agreement to address matters of affordable housing and RAMS.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2021 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services

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

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards (VPS) SPD
- Althorne Village Design Statement

### **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 requires 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 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).

5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 8, of the NPPF which states:

*"For decision taking this means:*

*"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*



*“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

*Footnote 8 - 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)*

- 5.1.4 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).
- 5.1.5 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’.
- 5.1.6 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.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 Paragraph 79 of the NPPF states that:
- 5.1.9 *‘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 Althorne is classed as a small village containing few or no services and facilities, with little access to public transport with very limited or no employment opportunities. Therefore, it is considered that any future occupiers of the dwellings would be required to travel to access day to day facilities, work and education. There is a bus stop opposite Mansion House Farm, just east of the site. However, this appears to serve only school buses. Althorne has a train station however access to this is down an unlit track with no footpath and therefore it is not considered to be a viable alternative day to day transport option to the private car. There are therefore concerns over the accessibility of the site.
- 5.1.11 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. The Council cannot demonstrate achieving a 5YHLS. The proposed development proposes a substantially higher level of affordable housing (62%) than the requirement of 40%. The Council's strategic approach to delivering housing has been to provide the vast majority in the form of large-scale strategic development; this has resulted in the affordable housing provision to be predominately in these locations and does not necessarily meet the more localised need for affordable housing across the District. There has been no affordable housing delivered in Althorne for a number of years and as discussed further below there is an accepted need for affordable units in this part of the District. Therefore, it is considered that the benefits of the development, delivered through the significant over provision of affordable housing, outweighs any harm.
- 5.1.12 It is noted that public comments have made reference to applications in the area which have been refused due to unsustainability, inaccessibility and the impact on the character of the area (specifically 17/01010/FUL, 21/00300/FUL and 20/00725/FUL) and the previous refused application on the site 14/00046/OUT. All history of the site and surrounding area is a material consideration in the determination of the application and has been taken into account. It is acknowledged that there have been many applications for residential development refused on these grounds within Althorne, and also supported at appeal, it must be noted that in most instances these applications were for a relatively small level of market housing and none of these applications proposed an over-provision of affordable housing. The report acknowledges that the site is not located within an accessible location and that there would be some impact on the character of the area from the development; however, it also considers in section 5.11 that the benefits of the development in terms of the contribution to the 5YHLS and affordable housing provision, significantly outweigh the harm in relation to the accessibility of the site and the character of the area.
- 5.1.13 Regarding the appeal decision northeast of the site at Mansion House Farm for 48 dwellings (reference 16/00171/OUT - APP/X1545/W/16/3152730); this was dismissed due to the location of the site and the impact on the character of the area. The Inspector considered that the benefits of the proposal would not outweigh the harm. However, it is noted that the Council could demonstrate a 5YHLS at this time and therefore development outside of a settlement boundary would not be supported. Furthermore, affordable housing was proposed in line with the policy requirement, and not in excess of this requirement. This current application proposed an over-provision of affordable housing and the Council is significantly under achieving a 5YHLS and therefore it is considered the benefits of the proposal greatly outweigh the harm. In addition, the proposal would have a lesser impact on the character of

the area and relate better to the pattern of development in the area (discussed further in section 5.4), compared to the proposal at Mansion House Farm.

- 5.1.14 Having regard to the above assessment, it is considered that the principle of the development can be found acceptable.

## **5.2 Housing Need and Supply**

- 5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.4 The proposal would provide 4 one-bedroom units, 4 two-bedroom units and 5 four-bedroom units. The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for 2 and 3 bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds. Whilst the development does not provide any 3-bedroom units, it does provide a high level of smaller units, contributing towards the housing mix.
- 5.2.5 Also, importantly, it must be noted that the application was submitted prior to the LHNA being published, where the Strategic Housing Market Assessment (SHMA) stated the greatest need was for one and two-bedroom units and the submission is compliant with the housing mix required at this time. Therefore, it would be unreasonable to raise an objection to the housing mix given the mix matched the requirement at the time of submission.

## **5.3 Affordable Housing**

- 5.3.1 Policy H1 requires that all housing development 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. The site falls within the sub-area of Rural South and therefore, the requirement towards affordable housing has been set at 40% of the total amount of housing provided.

- 5.3.2 The application proposes 13 dwellings and therefore 6 affordable units of accommodation need to be provided in order for the proposal to be policy compliant. The application however proposes 8 affordable units, 62% of the total amount of housing provided, which is in excess of the policy requirement.
- 5.3.3 The Housing Service have been consulted on this application and consider that the Council's strategic housing policies have directed affordable housing provision towards Heybridge, Maldon and Burnham-on-Crouch. The Housing Service has a high demand for affordable residential units across the whole district and would therefore support the principle of affordable housing outside of the aforementioned locations. Whilst there is some affordable housing in Althorne, this is very limited; there is a massive shortfall of affordable housing both across the District and this area. The Housing Register contains a significant number of people interested in affordable accommodation in Althorne. Whilst there is significantly more than 8 units of affordable housing required, the provision of affordable housing is highly necessary in Althorne and therefore the Housing Service strongly support the proposal. Furthermore, the fact that the applicant is proposing well above the policy requirement for affordable housing significantly weighs in its favour and adds additional support for the proposal from Housing Services.
- 5.3.4 All the affordable units would comply with the Nationally Described Space Standards (NDSS) as 1-bed 2-person units and 2-bed 2-person units.
- 5.3.5 Policy H1 states that *"Affordable housing should be provided on-site, either through free serviced land provided to a registered provider or constructed affordable dwellings to be sold to a registered provider upon completion to provide the number, size, type and tenure of affordable homes required by the Council's policies having regard to the SHMA, the Council's adopted Affordable Housing Guide, and the Council's Housing Strategy. In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District's need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site."*
- 5.3.6 The proposed affordable housing would be provided in full on-site, therefore, complying with Policy H1 of the LDP. The required on-site affordable units would be secured through a Section 106 (S106) agreement.

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

- 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 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;
  - 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
- 5.4.4 Policy H4 states that “all development will be design-led and will seek to optimise the use of land having regard to the following considerations:
- 1) The location and the setting of the site;
  - 2) The existing character and density of the surrounding area;
  - 3) Accessibility to local services and facilities;
  - 4) The capacity of local infrastructure;
  - 5) Parking standards;
  - 6) Proximity to public transport; and
  - 7) The impacts upon the amenities of neighbouring properties.”
- 5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.6 The Althorne Village Design Statement (VDS) aims to encourage better quality design in villages, which respects the local identity. The Althorne VDS guidance for the Burnham Road area emphasises the importance of the rural character of this area. Guidance in the VDS indicates that weatherboarding, brick, render, clay tiles and slates are all characteristic of the area. Guidance for development includes suggestions that buildings should respect the scale and design of adjacent properties, wherever possible new roofs should be pitched, and boundary treatments should such as traditional fencing, railings and walls should be encouraged.
- 5.4.7 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.
- 5.4.8 The development would be highly visible from Burnham Road to the north, as the dwellings would be sited towards the road frontage. The site is currently an undeveloped field and therefore the proposal would have an impact on the character

of the area. However, dwellings fronting onto Burnham Road forms the prevailing pattern of development within the area and therefore, whilst this layout would be more visible from the road than, for example, a cul-de-sac style development, the proposal would relate well to the alignment of built form within the area. Furthermore, the development would be spacious in nature with the dwellings set in large plots, the buildings set back over 20 metres from the road and substantial amounts of landscaping and vegetation proposed. In addition, additional landscaping would enhance the existing vegetation and help to assimilate the development into its setting. It is considered that the level of development, the proposed soft landscaping and appearance of the development are considered to be appropriate for a semi-rural location.

- 5.4.9 In terms of the interrelationship of the units it is considered that a fairly strong building line has been followed by most of the units facing the main road, creating a distinct road edge. This is considered to result in a consistent approach in terms of the urban grain where properties front the road. Overall it is considered that the orientation of the residential units achieves an acceptable layout throughout the site.
- 5.4.10 The development would consist of two two-storey buildings containing a total of 8 flats on the western side of the site, and 5 detached dwellings towards the eastern side of the site. The dwellings surrounding the site are two-storey and therefore the proposed development would be of a suitable scale to reflect the bulk of nearby dwellings. In terms of their roof design, the properties would be a mixture of hipped and gable roofs creating cross-gabled designs, which reflects the character of the wider area.
- 5.4.11 In terms of the design of the individual dwellings, it is noted that different designs of houses and materials (brick, render, weatherboarding, pantiles, slates) have been incorporated into the development which offers a degree of visual interest, whilst retaining a relatively uniform style through similar fenestration, ridgelines and rooflines. The development is traditional in style; however, it also incorporates modern aspects such as glazing and terrace areas to the rear. Overall, the design of the development would be sympathetic to the mix of dwellings styles along Burnham Road.
- 5.4.12 The flatted buildings follow the ridgeline of the detached dwellings, also having similarly designed cross gable rooflines and fenestration patterns, with the same material palette proposed, ensuring a cohesive relationship between the affordable and market dwellings.
- 5.4.13 The proposed mix of materials of brick, render, timber weatherboarding, clay tiles, pantiles and slates, have been drawn from the Essex rural palette and would complement the rural character of the area. A condition has been imposed to ensure full details of materials are submitted prior to their use in the development to ensure they are of a suitable quality.
- 5.4.14 The construction of the cycle/refuse store and detached garage for plot 5 would reference the positioning of detached garages within the front driveways of surrounding developments along Burnham Road.
- 5.4.15 Policy H2 requires that the design and appearance of affordable housing is indistinguishable from market housing. The thrust of this policy requirement is not to ensure all housing units are designed exactly the same, but to ensure that there is no difference in the quality of each aspect of the development. It is accepted that the affordable housing, as it consists of 1- and 2-bedroom units, would have a different appearance to the market dwellings, however it is not uncommon for residential

developments to incorporate both flats and dwellings. The proposed development would be designed so that the affordable and market dwellings would relate well to each other in terms of their style similarity and would consist of the same palette of materials. Therefore, the development is considered to comply with the requirements of policy H2.

- 5.4.16 Parking for the market dwellings would be mostly contained within the garages and soft landscaping to the frontage of the site would soften the views of the parking area particularly for the flats. The site proposes a suitable proportion of landscaping to the frontage as well as within the communal garden and amenity areas for the detached dwellings, ensuring a sympathetic appearance when viewed in context of the rural area.
- 5.4.17 The vehicular access down the centre of the site to the fields to the south is considered acceptable in design terms.
- 5.4.18 Therefore, whilst it is noted that the proposed development would alter the nature of the application site which is currently an agricultural field, it is considered that due to the layout and the relatively low density of the development, the impact on the character of the area, when viewed from public vistas, would be acceptable. Taking into account the Council's lack of a 5YHLS, the significant need for affordable housing and the need to deliver additional housing outside the sites allocated within the LDP, it is considered that the proposal would, in relation to design and impact on the character of the area, be acceptable. It can be concluded that the development would bring benefits to the District that would outweigh any potential harm that the development would have to the character and beauty of the countryside and the locality more widely.

## **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 The proposed development would increase the levels of activity at the site, by reason of the erection of a residential development on what currently comprises agricultural land. However, on balance, it is not considered that the proposed residential development of 13 units would have a materially harmful impact on the residential amenity of the existing neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential areas.
- 5.5.3 The western block of flats labelled 'flat building 1' on the submitted block plan 6812-1102-P2 would be located 4.6m from the western boundary shared with Cliffords Farm and 9.6m from the dwellings itself. Due to the separation distance and the fact there are no first-floor flank windows facing this neighbour, it is not considered that it would result in an unneighbourly form of development in terms of a loss of light or privacy.
- 5.5.4 The eastern dwellings on plot 5 would be located 6m from the eastern boundary shared with Southfield Lodge and 23m from the dwelling itself. Due to the separation distance, it is not considered that it would result in an unneighbourly form of development in terms of a loss of light. There would be two first floor windows on the flank elevation facing this neighbouring site, which are secondary windows serving bedrooms. Whilst they would not cause direct overlooking to the neighbouring

dwelling due to the separation distance, there would be some views of the neighbouring garden area from these windows and therefore a condition has been included to ensure they are obscure glazed and non-opening below 1.7 above floor level, to ensure the protection of the privacy of the neighbour.

- 5.5.5 There are two dwellings and a pub located opposite the site across the road; the two dwellings are located over 28 metres from the closest block of flats. The proposal would not have a harmful impact on these neighbouring sites due to the separation distance and the road between.
- 5.5.6 All other residential dwellings would be located a further distance away from the application site and thus, no greater impact is expected to be caused by the proposed development.
- 5.5.7 All 5 detached dwellings would be positioned suitably so that there would be no harmful impact on visibility or privacy to each other. The only first floor windows on the flank elevations adjacent to the other proposed dwellings serve bathrooms. To ensure there would be no visibility between these windows, a condition has been imposed to ensure these windows are obscure glazed and non-opening except for a top hung fanlight. There is some potential for overlooking however from the first-floor rear terrace of plot 2 of plot 1's rear garden; as such, a condition has been recommended below requiring a privacy screen in order to limit overlooking to an acceptable level. There would also be overlooking between plots 3 and 4 from their respective first floor rear terraces; as such, a condition has been recommended below requiring a privacy screen in order to limit overlooking to an acceptable level.
- 5.5.8 It is considered that the two blocks of flats would be positioned in a manner so that the occupiers would have a suitable level of privacy. Whilst there may be some visibility between each building, any views would be across the parking area and would not be at such a level to harm the amenity of the future occupiers.

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

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

### *Access*

- 5.6.2 Access to the site would be gained off of Burnham Road to the north. There would be three accesses; one to access the affordable flats, one to access the market dwellings and one to access the agricultural fields to the south. A new pedestrian footpath is proposed along the front of the site to join onto the existing footpath.
- 5.6.3 Essex County Council Highways Authority (ECC) has not objected to the proposal but has raised some comments regarding the footpath location to join onto the existing pedestrian network, radius kerbs on the accesses, the access width needing to be 5.5 metres wide and the requirement to show vehicle tracking to show vehicles can enter and exit the site in a forward gear. The agent has submitted additional detail to address these comments. No further comment from ECC Highways has been received at the time of writing this report however their comments will be included in the Members' Update, should it be received.



## *Parking provision*

- 5.6.4 The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.6.5 The 4/5 bed dwellings are required to provide 3 parking spaces each. Each of the 5 detached dwellings has a double garage, which would measure in accordance with the adopted parking standards (6m wide by 7m deep) and would house 2 cars. There would also be space for at least one vehicle on each driveway, and therefore there would be sufficient parking for the market dwellings. A condition has been imposed to ensure that each plot has one electric charging point, in the interests of promoting electric vehicles in order to adapt to climate change. The development will also provide two visitor car parking spaces for the residential dwellings.
- 5.6.6 The flats require 16 parking spaces in total; 13 for the occupiers of the flats including one disabled space, and 3 visitor spaces. This requirement has been provided on the submitted site plan and therefore suitable parking would be provided. A condition has been imposed to ensure that 4 of the spaces, including the disabled space, has an electric charging point, in the interests of promoting electric vehicles in order to adapt to climate change.
- 5.6.7 Overall, having assessed the proposed parking plan it is considered that each dwelling and flat would be provided with a sufficient number of vehicle parking spaces and the parking bays measure to the requirements of the VPS.
- 5.6.8 In terms of cycle parking, the 5 detached dwellings have garages where bicycles can be stored, with further potential storage in their rear gardens.
- 5.6.9 The flats should have 13 cycle parking spaces. A refuse/cycle store has been shown within the north western corner of the site which would provide for 14 cycle spaces. A condition is suggested to ensure that a sufficient number of cycle parking spaces is delivered prior to the occupation of the development.

## **5.7 Private Amenity Space and Living Conditions of Future Occupiers**

- 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 MDDG 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 25m<sup>2</sup> for flats.
- 5.7.2 All 5 of the detached dwellings would have over 100 square metres of private amenity space, in accordance with the MDDG requirements.

- 5.7.3 In regard to flats, 25sqm of amenity space should be provided per unit. Each block of 4 flats would have access to a high level of communal amenity space, 600sqm for flat building 1 and 500sqm for flat building 2, which is well in excess of the required standard. In addition to this, the first floor 2 bedroom flat would have access to a 12sqm terrace and the first floor 1 bedroom flat would have an 8sqm terrace area.
- 5.7.4 Therefore, it is considered that the development would provide adequate outdoor amenity space that is capable of meeting the outdoor amenity space requirements of the future occupiers and it would comply with the minimum standards, as set out in the adopted MDDG.
- 5.7.5 All properties would be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. A good level of accommodation would be provided for the future occupiers of all proposed residential properties and on that basis, it is considered that the development would provide a good level of living environment to the future occupiers.
- 5.7.6 It is acknowledged that the Environmental Health (EH) team have requested a noise impact assessment be provided due to the application site being located opposite a pub 'Three Horseshoes'. They have stated that whilst there is no record of any noise complaints, their license hours for closing are until 2.00am Friday and Saturday and 1.00am during the week. The comments from EH have been noted however the proposed dwellings would be located over 50 metres from the pub and there are already dwellings within the area located along Burnham Road, at a similar distance to the proposed dwellings. Furthermore, the application site and the public house are separated by a road. There doesn't appear to be any planning history for the public house however their opening hours appear to be until 23:00 at the latest. It is therefore not considered that the public house would result in such a level of noise and disturbance that would justify the undertaking of a noise impact assessment, particularly due to the separation distance and being located across the road. Furthermore, a relationship such as this between residential dwellings and drinking establishments is not uncommon to that proposed as part of this application.
- 5.7.7 EH has also raised that the terrace areas in the flats may cause disturbance to other residents, however it is considered reasonable and common for terrace areas to be included in flatted developments. There is no evidence that the proposed terraces would lead to an unreasonable level of noise and disturbance above that which is expected in normal residential occurrences. The internal layout of buildings is a building regulation matter and not a planning consideration.
- 5.7.8 Having regard to the above comments, it is considered that the future residents of the development would have a satisfactory standard of living.

## **5.8 Drainage**

- 5.8.1 The application includes a Sustainable Drainage System (SuDS) assessment. The Lead Local Flood Authority (LLFA) has reviewed this assessment and submitted a holding objection to the granting of planning permission due to the following:
- 1 Verify 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. Infiltration testing has not been undertaken but should be carried out and the test results for that should be provided.

- 2 Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- 3 Detailed engineering drawings of each component of the drainage scheme should be provided.
- 4 A final surface water drainage plan which details exceedance and conveyance routes, FFL and ground levels, manhole cover levels, invert levels, pipe dimensions and invert levels, and location and sizing of any drainage features should be provided.
- 5 A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

5.8.2 Following on from this consultation response, the agent has provided additional details to address the concerns by the LLFA. In relation to point 1, the additional details set out that infiltration testing is unnecessary as the infiltration potential at the site is extremely low. A 24 hour drain graph has been provided to address point 2. Points 3 and 4 can be addressed by planning condition. In relation to point 5, the drainage consultant does not consider this necessary at this stage as the layout has not yet been approved by the Council. They consider this can be dealt with via condition.

5.8.3 The LLFA has been re-consulted on the additional information. A consultation response has not been received at the time of writing this report, but their response will be included on the Members' Update, should it be received.

5.8.4 It is noted that Anglian Water has confirmed the foul drainage and sewerage system have capacity for these flows and therefore there are no objections in this regard.

## **5.9 Impact on Ecology and Biodiversity**

5.9.1 The application site does not fall within or in close proximity to nature conservation sites. However, policy N2 of the LDP states that "All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance." Conservation and enhancement of the natural environment is also a requirement of the NPPF.

5.9.2 The report concludes that 'the site has suitable habitats for nesting birds and Great Crested Newts and these habitats have the potential to be impacted by the development. The design proposals include the removal of the full extent of the hedgerow to facilitate the works, including a sewage pipe along the road side and access into the site. Replacement hedgerows are proposed along the road side, farm track and along the back of the properties, totalling approximately 380 m. Additionally, there will be habitat creation as part of the soft landscaping proposals, including amenity grass, gardens and tree planting. In order to increase the Development's biodiversity value, and to adhere to Government guidance set out in the National Planning Policy Framework 2021 (NPPF), a range of enhancement measures will be required.' Several mitigation and enhancement measures have been proposed including landscape proposals, bird boxes and suitable timings of work.

5.9.3 Following consultation with the Council's Ecological Consultant, a holding objection was submitted due to insufficient evidence to confirm that the proposal would not impact on Great Crested Newts. Following discussions with the agent and Ecology, the agent has agreed to enter into the District Level Licencing (DLL) Scheme as

mentioned in the response from Ecology. This means that the developer will pay to join the DLL meaning that they will not need to carry out their own surveys or plan or carry out mitigation work themselves. DLL schemes operate in certain parts of England to better protect great crested newts. An amended consultation response from Ecology states that they are happy with this approach and consider this sufficient to mitigate any impact, as long as an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England (NE) is provided prior to the determination of the application. This report recommends approval of the application subject to this document being provided. A condition will be imposed to ensure no development commences until the developer has joined the DLL scheme in conjunction with NE and the relevant fee paid. The development will have to be undertaken in accordance with the DLL protocols.

5.9.4 It is noted that it is proposed to remove approximately 170 metres of hedgerow to facilitate the works including a sewage pipe and the accesses into the site. This hedgerow is likely to be a priority habitat; replacement hedging should be proportionate to the loss of the hedgerow to be removed. Ecology consider that sufficient hedgerow planting has been demonstrated on the proposed site plan and includes replacement hedgerows along the roadside, farm track and along the back of the properties, totalling approximately 380 metres. The replacement hedgerow should be planted in double staggered rows consisting of a mix of native species. This has been secured via condition.

5.9.5 The Ecology consultant recommends appropriate mitigation measures including bird boxes as outlined in the submitted Ecology report, and specific measures implemented during the construction phase, which has been sought via condition requiring a precautionary biodiversity method statement. A wildlife sensitive lighting strategy condition and a biodiversity net gain condition have also been imposed.

5.9.6 Having regard to the above, it is considered that the details included in the Ecology Impact Assessment are sufficient to secure that the development would not adversely impact on the existing ecological assets and habitats and subject to the implementation of the abovementioned enhancement measures, it would provide sufficient ecological enhancement as required by policy N2 of the approved LDP.

5.9.7 The Council's Tree Consultant has provided a response and has suggested a condition requiring a soft landscaping scheme to be submitted, which focuses on providing screening/softening on the street frontage with suitable tree and shrub species as well as elsewhere on the site. It should be ensured that the species are indicative of the surrounding landscape, provide seasonal amenity and habitat for wildlife. It is important that thought is given to ensure that tree species have sufficient space to develop into landscape features without potentially impacting on the properties in the future. This condition is considered to meet the six tests and has been imposed.

## **5.10 Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)**

5.10.1 NE has produced advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational Zol of these sites cover the whole of the Maldon District.

- 5.10.2 NE anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.10.3 Prior to the Essex Coast RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - NE have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.10.4 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.10.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE 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.
- 5.10.6 To accord with NE's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to 13 dwellings

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.

- 5.10.7 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.

- 5.10.8 It is noted that the Essex Coast RAMS has been adopted. A flat rate tariff of £127.30 per new dwelling is identified within the Essex Coast RAMS as the contribution to mitigate the impact of a new residential property. Therefore, as the proposal is for 13 dwellings, the fee is calculated at £1654.90. This contribution would be secured through a S106 agreement. Subject to a signed legal agreement, the development would comply with Policies S1, and I1 of the LDP and the NPPF.

## **5.11 Tilted balance**

- 5.11.1 It is important to recognise the balance between the Local Plan 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 local planning authority 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.
- 5.11.2 The key priority within the NPPF, 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 an economic, social and environmental objective as set out in the NPPF.
- 5.11.3 Notwithstanding the considerations as contained in those paragraph's, 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.
- 5.11.4 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 (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.11.5 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Any economic benefits would therefore be considered nominal.
- 5.11.6 In social terms, although the proposal would not be located in a highly accessible location, the proposal would result in the provision of 13 dwellings, including 8 affordable housing units, which is an overprovision of affordable housing (62%). Due to the fact that the Council cannot demonstrate a 5YHLS, and that there is a high need for affordable housing, it is considered that the provision of 13 dwellings; with 8 being affordable, would be a significant benefit in terms of the housing supply.
- 5.11.7 In environmental terms, the site is not located in a highly accessible location and therefore there would be limited benefits in terms of reducing the use of private vehicles by increasing the use of public transport or cycling.

5.11.8 Overall, having regard to the above assessment, it is considered that the benefits of the proposal in terms of the overprovision of affordable housing (62%) would significantly outweigh the harm identified above.

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

- **13/01055/OUT** - Construction of four dwellings, all matters reserved at Land at Burnham Road, Althorne. – Withdrawn
- **14/00046/OUT** - Construction of four dwellings, all matters reserved at Land at Burnham Road, Althorne. – Refused – appeal dismissed

## 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              | Information in the application is incorrect.                                       | No details regarding the incorrect information have been provided. The application has been assessed on the information as submitted. |
|                                      | Outside the village envelope. Unsustainable location.                              | Comments noted. See section 5.1.  |
|                                      | Unsafe access - Concerns over addition of vehicles emerging onto a dangerous road. | Comments noted. See section 5.6.  |
|                                      | Lack of infrastructure.  | See section 5.1.  |
|                                      | Flooding in the village including sewerage.  | Comments noted. See section 5.8.  |

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

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>   | <b>Officer Response</b> |
|---|--|-------------------------|
| Essex Fire and Rescue                                   | Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. Your attention is drawn to ADB, B5 Section 13.<br>More detailed observations on access | Comments noted.         |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b>                         |
|---|---|---|
|   | and facilities for the Fire Service will be considered at Building Regulation consultation stage  |   |
| Natural England   | Undertake RAMS assessment   | Comments noted. See section 5.10.               |
| Essex County Council<br>Place Services – Ecology        | Initial objection regarding great crested newts has been overcome. No objection subject to conditions.  | Comments noted.                                 |
| Essex Police – Designing Out Crime                      | No concerns – some suggestions as to the finer detailing (landscaping, boundary treatments etc)   | Comments noted.                                 |
| Anglian Water   | <p>There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that an informative be included within your Notice should permission be granted.</p> <p>The foul drainage from this development is in the catchment of Maylandsea Water Recycling Centre that will have available capacity for these flows.</p> <p>The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.</p> <p>No comment on surface water disposal as the method proposed does not relate to Anglian Water.</p> | Comments noted. An informative will be imposed. |
| SuDS  | Holding objection due to insufficient information   | Amended details have been provided.             |
| Tree Consultant   | There doesn't appear to be a soft landscape scheme;   | Comments noted.                                 |



| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>   | <b>Officer Response</b> |
|---|--|-------------------------|
|   | <p>this should be conditioned. It will need to focus on providing screening / softening on the street frontage with suitable tree and shrub species, as well as elsewhere on the site. Ensuring that the species are indicative of the surrounding landscape, provide seasonal amenity and habitat for wildlife. It will be important that thought is given to ensure that tree species have sufficient space to develop into landscape features, without potentially impacting on the properties with shadow, cast, berry drop etc where it will result in pressure to remove them in the future.</p> |                         |

### 7.3 Internal Consultees

| <b>Name of Internal Consultee</b> | <b>Comment</b>   | <b>Officer Response</b> |
|-----------------------------------|--|-------------------------|
| Housing Department                | <p>The Housing Register contains a significant number of people interested in affordable accommodation in Althorne. The number of affordable units proposed, whilst going towards meeting this need, is significantly below the demand for affordable housing in Althorne. Therefore, the Housing Service would strongly support the provision of affordable housing on this site. Furthermore, the fact that the Applicant is proposing well above the Policy requirement for affordable housing adds additional support to the proposal from Housing Services.</p> | Comments noted.         |
| Environmental Health              | Provide a noise impact   | Comments noted. See     |

| Name of Internal Consultee | Comment  | Officer Response  |
|----------------------------|--|---|
|                            | <p>assessment to ensure the pub opposite will not impact on the amenity of future occupiers</p> <p>It is proposed that the first-floor units in the apartment blocks will have a private amenity terrace/balcony but this may lead to disturbance to the residents in the other units. It is good practice to ensure, where possible, that similar rooms are located above below each other in a stacked layout.</p> <p>A rising main is shown on the Water Authority sewer map as running diagonally across the site and I would therefore recommend that you also consult with Anglian Water</p> | <p>section 5.7.</p> <p>See section 5.7.</p> <p>Comments noted. Anglian Water have been consulted.</p> |

## 7.4 Representations received from Interested Parties

7.4.1 **13** 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  |
|--|---|
| Concerns regarding highway and pedestrian safety and access          | Comments noted. See section 5.6.  |
| Design concerns – would not be in keeping with surrounding dwellings | See section 5.4.  |
| The site lies below the main sewer level                             | Comments noted. Drainage details will be secured via condition. Anglian Water have confirmed the foul drainage and sewerage system have capacity for these flows. |
| The site floods in winter – the proposal could make this worse       | See section 5.8.  |
| Note the previous refusal on the site                                | This has been noted.  |
| Outside the settlement boundary                                      | The Council cannot demonstrate a 5YHLS, therefore policy S8 in relation to development outside of settlement boundaries is redundant.                             |
| Surrounding applications have been refused                           | The history of the area has been taken into consideration.  |
| Impact on the rural character of the area                            | See section 5.4.  |

| <b>Objection Comment</b>  | <b>Officer Response</b>  |
|---|--|
| No need for the development   | Comments noted. The Council cannot demonstrate a 5YHLS. Both market and affordable dwellings are required. See section 5.2 and 5.3.                                |
| Limited facilities in the village   | Comments noted. See section 5.1.   |
| Increase in traffic   | Comments noted. It is not considered there would be such an increase in traffic from 13 dwellings that would justify the refusal of the application on this basis. |
| Transport Statement shows a different housing layout  | Comments noted. This has been updated to show the correct layout.  |
| Limited bus services  | Comments noted. See section 5.1.   |
| Proposal does not meet the requirements of being a rural exceptions scheme                                  | Comments noted. The proposal has not been assessed as a rural exceptions scheme.   |
| There is no need for affordable housing   | This is incorrect, there is a high need for affordable housing. See section 5.3.   |
| The development is not financially viable   | This is not a material planning consideration for this development.  |
| Impact on neighbouring amenity  | Comments noted. See section 5.5.   |
| Impact on property values   | This is not a material planning consideration.   |
| Concerns over setting a precedent   | Each application is assessed on its own merits. It is considered the benefits outweigh the concerns due to the overprovision of affordable housing.                |
| Previous applications and appeals dismissed for housing in Althorne acknowledging it as being unsustainable | Comments noted. See section 5.1 and 5.11.  |
| Affordable and market housing is divided from each other  | Comments noted. See section 5.4.   |
| Background and history about the developer  | Comments noted.  |
| Concerns over capacity of the sewer network   | This is not a material consideration. Foul drainage details have been requested via condition.   |
| Concerns over surface water drainage  | See section 5.8. The further response from SuDS will be included on the Members' Update.   |
| Broadband capacity issues   | This is not a material planning consideration for this development.  |
| Will it be connected to gas   | This is not a material planning consideration.   |
| Roads unsafe for cyclists   | Comments noted. This would not justify the refusal of the application.   |
| No pedestrian access to the train station   | Comments noted. See section 5.1.   |
| Noise from traffic  | It is not considered the scale of the development would result in such a noise increase to justify its refusal.  |
| An area of landscape sensitivity  | Comments noted. See section 5.4.   |
| Impact on wildlife  | Comments noted. See section 5.9.   |
| Application opposite refused on access  | It is not clear which application this is  |

| <b>Objection Comment</b>  | <b>Officer Response</b>   |
|---|---|
| and highway safety issues   | referring to, however there are no objections in terms of highway safety or access. |
| Loss of the view  | This is not a material planning consideration.                                      |
| Application at Mansion House Farm to the north east was refused due to being unsustainable                              | This has been acknowledged. See section 5.1.  |
| Contrary to the village design statement  | Comments noted.   |
| 17/01010/FUL refused  | See section 5.1 (5.1.12 specifically)   |
| 20/00725/FUL - Land Adjacent The Old Forge And Thornley Cottage – appeal dismissed as site was considered unsustainable | Comments noted, see section 5.1, 5.1.12 specifically.                               |
| 21/00300/FUL argues why lack of a 5YHLS does not justify building in an unsustainable area                              | See section 5.1 (5.1.12 specifically)   |
| Lack of a 5HYLS means the development should be assessed as whether it is sustainable under the NPPF definition         | Comments noted. See section 5.1 and 5.11.   |

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

### **HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- £1654.90 contribution towards the Essex Coast Recreational Avoidance disturbance Mitigation Strategy
- 8 Affordable Housing units – 4 one-bedroom units and 4 two-bedroom units
- Footpath to the front of the site
- Impact Assessment and Conservation Payment Certificate (IACPC) document in relation to the District Level Licensing Scheme for Great Crested Newts

### **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 6812-1102-P4 Proposed site layout plan
  - 16244/GN/1
  - 16244/HN/2
  - 6812 Design and Access Statement 19.02.24(1)
  - Sustainable Drainage System Assessment (1)
  - Transport Statement
  - 6812-1101-P3
  - 6812-1206-P1
  - 6812-1208-P2
  - 6812-1209

- 6812-1210
- 6812-1211
- 6812-1212
- 6812-1301-P1
- 6812-1207-P1
- Planning Statement – Amended
- Preliminary Ecological Appraisal
- 1 in 100+CC 24hr Draindown Graphs
- BH Location Plan
- BH TQ99NW27
- Essex SuDS 005342 Response
- 6812-1102-P4 (3)
- 6812-1102-P4 (2)
- 6812-1102-P4 (1)
- Refuse 1
- Refuse 2

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

- 3 No works above ground level shall take place until high quality photographs and written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

- 4 Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval.

Within the Construction Management Plan, it must consider the following requirements:

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

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

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

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

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

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

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

REASON To protect the amenity of the area and neighbouring sites during construction, in accordance with policies D1 and D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 5 Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities, including details of the native hedgerow to replace the 170 metres to be removed.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

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

Hard landscape works:

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

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

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

- 6 No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing

hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.

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

- 7 No development work above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained as such thereafter.

REASON To ensure appropriate drainage is provided at the site in the interest of protecting against pollution and contamination, in accordance with policies D2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 8 The market dwellings on plots 1-5 hereby approved shall not be occupied until three car parking spaces have been made available (two in the double garages and at least one on the driveway for each plot) and sufficient space for vehicles to turn so that they may enter and leave the site in forward gear, have been provided, in accordance with drawing 6812-1102-P3 Proposed site layout plan. Furthermore, a fast charging point shall be provided adjacent to at least one parking space on each plot. The approved parking shall thereafter be kept available for such purposes in perpetuity.

REASON To ensure suitable parking is provided in the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 9 The market dwellings on plots 1-5 hereby approved shall not be occupied until two visitor spaces have been laid out. Furthermore, a fast charging point shall be provided adjacent to at least one of these parking spaces. The approved parking shall thereafter be kept available for such purposes in perpetuity.

REASON To ensure suitable parking is provided in the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 10 Prior to first occupation, the three accesses shown from Burnham Road shall be constructed as shown on plan 6812-1102-P3 Proposed site layout plan and retained as such thereafter.

REASON In the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 11 Provision shall be made for 16 car parking spaces (13 for the occupiers of the flats, including at least one disabled bay and 3 visitor spaces) within the site to serve the proposed flats by means of communal parking. Furthermore, a fast charging point shall be provided adjacent to at least four of these parking spaces, including one for the disabled bay. The communal parking and means of access thereto shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme prior to the first occupation of any of the flats and shall be retained as such thereafter.

REASON To ensure suitable parking is provided in the interests of highway safety in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 12 The garages on plots 1-5 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 house as such and shall not at any time be converted or used as habitable space / living accommodation.

- REASON To ensure suitable parking is provided in the interests of highway safety and to protect the amenity of the area and neighbouring sites, in accordance with policies D1, H4 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.
- 13 The refuse/cycle store within the north west corner of the site shall be constructed and made available for its intended use, prior to first occupation of any of the 8 flats hereby approved and shall provide sufficient space for the parking of at least 13 bicycles.
- REASON To ensure suitable cycle parking and bin storage is provided, in accordance with policies D1, D2 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.
- 14 Prior to first occupation of the dwelling on plot 5, the upper floor windows on the eastern flank elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
- REASON To protect the amenity of the future occupiers of the proposed dwelling and the neighbouring occupier to the east, in accordance with policy D1 of the Maldon District Local Development Plan.
- 15 Prior to first occupation of the market dwellings on plots 1-5, all upper floor bathroom windows on the flank elevations shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
- REASON To protect the amenity of the future occupiers of the proposed dwellings, in accordance with policy D1 of the Maldon District Local Development Plan.
- 16 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected on plots 1-5 without planning permission having been obtained from the local planning authority.
- REASON To protect the character and appearance of the site and the surrounding area, in accordance with policies D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 17 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of window, addition or opening shall be constructed in the roof or gable walls of the new residential units on plot 1-5 without planning permission having been obtained from the local planning authority.
- REASON To protect the amenity of neighbouring occupiers and the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 18 The following works - Erection of 13No. dwellings - shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species



Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON To ensure the protection of Great Crested Newts which are a protected species, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 19 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Surface Property, June 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON To ensure appropriate mitigation and enhancement measures are carried out, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 20 No development shall take place (including any demolition, ground works, site clearance or hedgerow removal) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON To ensure mitigation is in place during construction, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.

- 21 A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority prior to works above ground level.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- REASON** To ensure biodiversity net gain is achieved, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.
- 22 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- REASON** To protect biodiversity, particularly bats, in accordance with policy N2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.
- 23 The surface water drainage scheme shall be implemented prior to occupation of the development hereby approved as set out within the details submitted with the application; Sustainable Drainage System Assessment (1), 1 in 100+CC 24hr Draindown Graphs, BH Location Plan, BH TQ99NW27, Essex SuDS 005342 Response.
- REASON** To ensure appropriate drainage is provided, in the interests of mitigation against flood risk, in accordance with policy D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.
- 24 Prior to first occupation of the development hereby approved, the footpath as shown on plan 6812-1102-P3 Proposed site layout plan shall be laid out, connecting the site to the existing pedestrian network. This shall be maintained as such thereafter.
- REASON** To promote accessibility and connectivity of the site to surrounding areas, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the NPPF.
- 25 Screens at 1.8m in height, the design and materials of which shall be submitted to and approved in writing by the local planning authority prior to their installation, shall be erected along:
- a) the western side boundary of the first-floor rear terrace of the house at Plot 2.
  - b) the eastern side boundary of the first-floor rear terrace of the house at Plot 3.
  - c) the western side boundary of the first-floor rear terrace of the house at Plot 4.
- The screens as approved shall be erected prior to the occupation of the development to which it relates and shall be retained and maintained as such thereafter.
- REASON** To protect the amenity of the future occupiers of the proposed dwellings, in accordance with policy D1 of the Maldon District Local Development Plan.

## **INFORMATIVES**

### **1. Refuse and Recycling**

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. Land Contamination

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

## 3. Alteration to an Ordinary Watercourse

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively, you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk). Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

## 4. Timing of submission of details

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.

## 5. Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
13 OCTOBER 2021**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>21/00682/FUL</b>   |
| <b>Location</b>                                       | Mundon Hall, Vicarage Lane, Mundon, Essex, CM9 6PA                            |
| <b>Proposal</b>                                       | Erection a covered cattle yard for the purposes of animal welfare             |
| <b>Applicant</b>                                      | J Milligan – M & B Livestock  |
| <b>Agent</b>  | Melanie Bingham-Wallis – Foxes Rural Consultants                              |
| <b>Target Decision Date</b>                           | 15.10.2021  |
| <b>Case Officer</b>                                   | Annie Keen  |
| <b>Parish</b>   | <b>MUNDON</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In by Councillor B Boyce, MBE – Highways and Lighting – Policy E4 |

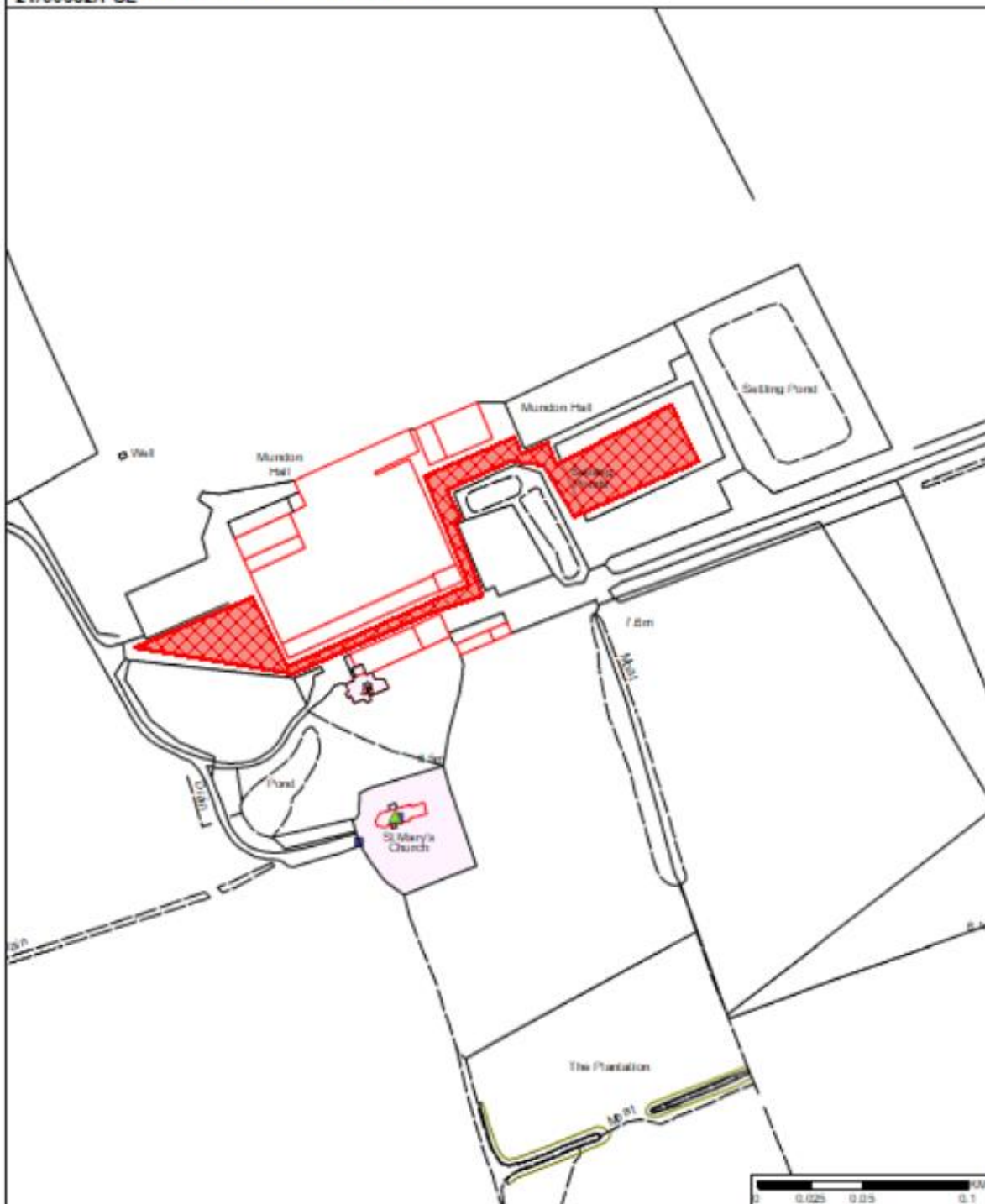
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see below.

**Mundon Hall, Vicarage Lane, Mundon**  
21/00682/FUL



|  |               |                           |
|--|---------------|---------------------------|
| <br><b>Copyright</b><br><small>For reference purposes only<br/>No further copies may be made.<br/>This map is reproduced from Ordnance Survey<br/>material with the permission of Ordnance Survey on<br/>behalf of the Controller of Her Majesty's Stationary<br/>Office. © Crown copyright.<br/>Unauthorized reproduction infringes Crown copyright<br/>and may lead to prosecution or civil proceedings.<br/>Maldon District Council 100018588 2011</small> | Scale:        | 1:2,500                   |
|  | Organisation: | Maldon District Council   |
|  | Department:   | Department                |
|  | Comments:     | South East Area Committee |
|  | Date:         | 20/09/2021                |
| www.maldon.gov.uk  | MSA Number:   | 100018588                 |

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the east of Vicarage Lane, outside of any defined settlement boundary. The site is part of an area occupied by existing agricultural buildings and animal pens. It is stated in the information provided with the application the farm holds 1200 cattle which are located in the pens to the east of the existing buildings on site.
- 3.1.2 The proposed cover over the cattle yard would consist of a roof measuring 31 metres in width and 31 metres in depth with an eaves height of 6.3 metres and a ridge height of 10 metres.
- 3.1.3 The development would be constructed of pre-stressed concrete panels which would sit on the ground with fibre cement roofing tiles and steel box profile cladding to the apex.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development, by reason of its design, appearance and siting would not harm the appearance, character of the locality or the setting of the listed buildings. Additionally, due to the relationship with the adjoining properties, the proposed development is not considered to result in any undue harm by way of loss of amenity and no concerns are raised in terms of highway safety. The proposal would also offer minor economic benefits in terms of improving agricultural facilities at the site. It is therefore considered that the proposed development is in accordance with policies E4, D1, D3, S1 and S8 of the approved Local Development Plan (LDP).

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

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

#### **4.1 National Planning Policy Framework (NPPF) 2021, including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places
- 152 – 173 Meeting the challenge of climate change, flooding and coastal change
- 189 – 208 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E4 Agricultural and Rural Diversification
- H4 Effective Use of Land

- T2 Accessibility

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

- Planning Practice Guidance (PPG)
- Maldon District Design Guide (MDDG) (2017) (SPD)
- Maldon District Vehicle Parking Standards (VPS) (SPD)

### **5. MAIN CONSIDERATIONS**

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

5.1.1 The principle of providing new buildings or activities in association with existing agricultural or rural businesses is generally considered acceptable. Policy S8 of the LDP aims to protect the intrinsic character and beauty of the countryside. This states that outside of defined settlement boundaries, the Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of thirteen developments listed within policy S8, one of which is; d) Agriculture and forestry and related development (in accordance with Policy E4).

5.1.2 Policy E4 aims to support the development of new buildings or activities associated with agriculture where:

1. There is a justifiable and functional need for the building/activity;
2. The function of the proposed building/activity is directly linked, and ancillary to, the existing use, and,
3. The building /activity could not reasonably be located with existing towns, villages or allocated employment areas.

5.1.3 The application is supported by a planning statement which justifies the need for the proposed cattle yard covering as follows:

- The proposed covering is required to facilitate the efficient farming of the cattle, providing protection for the livestock in extreme weather and reduce damage to pasture from out-wintering.
- The covering will provide shade for the livestock during hot temperatures, reducing the effect of heat stress on the cattle, which could impact upon the growth of the cattle.
- The covering is essential for welfare, hygiene and economic reasons.
- Allows for segregation of livestock during breeding periods, allowing bulls, cows and calves to be kept separate, enabling management of the livestock.

5.1.4 The agricultural function of the proposed buildings is directly linked to the use of the site for the farming of cattle, which is farmed by the applicant. Therefore, it is not considered reasonable to argue that the cattle yard cover should be located within existing towns, villages or allocated employment areas.

5.1.5 Given the above it is considered to be appropriate to support the erection of an agricultural building in this location. It is therefore considered that the proposal



meets the abovementioned criteria and therefore, it is considered that the proposed development would be in accordance with policy E4 of the approved LDP.

## **5.2 Design and Impact on the Character of the Area and the Setting of the Listed Building**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the National Planning Policy Framework (NPPF). Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundary, 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 is for proposals that are in compliance with policies within the LDP and other local planning guidance.
- 5.2.5 The proposed development would be sited approximately 151m from the Grade II listed building 'Mundon Hall' and the Grade I listed 'St Mary's Church' which are to the south west of the application site. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building and its setting. In the terminology of the NPPF, the Council must consider whether the proposal will 'harm' the listed building's 'significance'. Similarly, policy D3 of the LDP and the core planning principles and guidance in the NPPF seek to ensure the protection of heritage assets such as listed building, including their settings.
- 5.2.6 The proposed agricultural development would be located within the farm yard and would be situated around 255 metres to the east of Vicarage Lane and approximately 34 metres from the adjacent public footpath located along the south eastern boundary. The area surrounding the site is rural in nature, characterised by large expanses of open fields and soft landscaping, with Mundon Hall and St Mary's Church located to the south west. The site contains an existing farm yard with several buildings and structures situated to the west of the application site and several animal pens. The closest building is a relatively large structure, which is located around 94 metres from the proposed covered yard.
- 5.2.7 The proposed cover over the cattle yard has a floor area of 961m<sup>2</sup> and it is noted a similar sized cattle cover was applied for under 21/00498/AGR, which would be situated adjacent to the proposed structure. Views of the development from Vicarage Lane would be minimal due to the presence of other agricultural buildings on the site, however there is a public footpath located adjacent to the south eastern boundary of

the application site and therefore views of the development would be available from public vistas.

- 5.2.8 As a result, it is considered the development would have a visual impact on the surrounding area due to its height and visibility from the public footpath, however the design of the structure is typical of a modern agricultural building and, given the rural context of the site and the presence of existing farm buildings to the west, it is considered to be an appropriate setting for a development of this type. Beyond the application site and to the north, south and east of the footpath, there are views of uninterrupted countryside that could still be enjoyed by the users of the public footpath and therefore it is considered the structure would be read in context with the agricultural use of the site and would not have a detrimentally harmful visual impact on the intrinsic character and beauty of the countryside.
- 5.2.9 In respect of the materials to be used in the construction of the cattle yard cover, the proposed materials of concrete panels and steel box profile cladding are typically used for this type of development. Internally, the agent has confirmed in an email dated 13.09.2021 that there would be 5No. defused LED lights within the centre of the building that would emit a light of 80-100lux. The lights would operate during the winter months of November-February and between the hours of 6-8am and 4-6pm. The agent states the lighting would be facing downwards into the cattle pens in order to prevent lighting spillage. It is considered, due to the position of the lighting which would hang from the ridge of the pitched roof, that the proposed lights would not detrimentally impact upon the surrounding locality through the seepage of light pollution.
- 5.2.10 The proposed agricultural development is not considered to harm the setting or significance of the listed building Mundon Hall, located to the south west of the site. The Council's Specialist in Conservation and Heritage has raised no objections to the proposed development as it is considered the cattle yard would *'cause no harm to the significance or setting of the nearby grade II listed Mundon Hall or the grade I listed Church of St Mary'*. This is due to the separation distance and the existing vegetation between the proposed structure and the listed buildings. Additionally, the structure is considered to form part of a group of modern agricultural buildings and therefore would not alter the established character of the area.
- 5.2.11 Therefore, it is considered that the development, by reasons of its design, appearance and siting would not result in a demonstrable harm to the character and appearance of the site, surrounding area or setting or significance of the listed buildings in accordance with policies D1, D3 and H4 of the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 There is one dwelling within the vicinity of the site, 'Mundon Hall' and 'The Thatch' situated to the west of the site.
- 5.3.3 Mundon Hall is a listed building situated to the south west of the site and is located approximately 151 metres from the proposed cattle cover. Given the extensive separation distances between the developments and the proposed structure and Mundon Hall, it is considered that the proposed development would not result in overlooking, overshadowing or appear unduly overbearing.

- 5.3.4 The development would be situated over 514 metres from the next nearest dwelling, 'The Thatch'. It is considered due to the separation distance the development would not have a detrimental impact upon the neighbouring occupiers of 'The Thatch' by way of overlooking, overshadowing or being unduly overbearing.
- 5.3.5 Concerns in respect to the proposed internal lighting of the cattle cover have been raised however it is considered due to the position of the lighting, which would be angled downwards from the internal ridge of the pitched roof, it is considered the lighting would not have a detrimental impact upon neighbouring amenity.
- 5.3.6 There are no other neighbouring dwellings within sufficient proximity of the site to be impacted by the proposal.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The site would be accessed from an established vehicular access and farm track through the yard, which are currently used for agricultural purposes. Therefore, no objection in terms of the access is raised.
- 5.4.3 The expanse of hardstanding within the yard is large enough for farm vehicles to manoeuvre and due to there being a large area of hardstanding to the west of the proposed building, near to the access, it is considered the development would not impact upon the provision of on-site parking. Additionally, it has not been stated that the development would increase the number of employees at the site and therefore there would be no increased demand for vehicle parking. It is therefore considered no concerns are raised in respect of parking.

#### **5.5 Other Matters**

- 5.5.1 A consultation response from Environmental Health states no objections are raised regarding the proposal subject to a condition regarding surface water run-off from the roof of the building and a condition regarding the use of lighting. It is also noted the consultation response states the importance of consulting the Environment Agency (EA) regarding the storage of slurry and manure to ensure the protection of watercourses. The EA has been consulted however no response has been received to date.

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

| <b>Application Number</b> | <b>Description</b>  | <b>Decision</b>                                     |
|---------------------------|---|---|
| <b>00/00012/AGR</b>       | Proposed extension to barn  | Prior Approval Not required                         |
| <b>04/00711/TEL</b>       | Proposed 10m mock telegraph pole communications apparatus and equipment cabinet adjacent to | Prior Approval Required – Appeal Allowed 25.07.2005 |

|                     |   |                             |
|---------------------|---|-----------------------------|
|                     | the track leading to Mundon Hall Farm   |                             |
| <b>09/00535/FUL</b> | Part Change of use from primary Residential C3 use to Residential C3 use and A3 tea rooms as set out in the Town and Country Planning (Use Classes) Order 1987. | Approved                    |
| <b>10/00035/LBC</b> | Re-tile roof  | Refused                     |
| <b>21/00498/AGR</b> | Prior notification to erect a roof covering over a cattle yard  | Prior Approval Not required |

## **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> |
|--------------------------------------|----------------|-------------------------|
| Mundon Parish Council                | No response    |                         |

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

| <b>Name of Statutory Consultee/Other Organisation</b> | <b>Comment</b>                  | <b>Officer Response</b> |
|---|---------------------------------|-------------------------|
| Essex County Council Highways (ECC)                   | No response at time of writing. |                         |
| Environment Agency                                    | No response at time of writing. |                         |

### **7.3 Internal Consultees**

| <b>Name of Internal Consultee</b>      | <b>Comment</b>  | <b>Officer Response</b>                                       |
|--|---|---|
| Specialist – Heritage and Conservation | The proposal to erect a roof over a cattle yard will cause no harm to the significance or setting of the nearby grade II listed Mundon Hall or the grade I listed Church of St Mary. This is the due largely to the distance and intervening vegetation separating the listed buildings from the proposed structure. The proposed structure will form part of an established group of modern agricultural buildings and will not alter the established character of the area. | Comments noted  |
| Environmental Health                   | The Environment Agency must be consulted on the application.<br>No objections however need to ensure adequate arrangements  | Comments noted and the Environment Agency has been consulted. |

| Name of Internal Consultee | Comment  | Officer Response |
|----------------------------|--|------------------|
|                            | <p>are made for surface water drainage i.e. run-off from the roof and therefore a surface water drainage condition is required.</p> <p>It is also noted additional information is provided regarding lighting and recommend this information forms part of any permission given.</p> <p>Therefore, no objections subject to the inclusion of conditions regarding surface water drainage and lighting.</p> |                  |

#### 7.4 Representations received from Interested Parties

- 7.4.1 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

| Objection Comment  | Officer Response |
|--|------------------|
| <p>Concern has been raised regarding lighting, the movement of waste and the use of the single-track road by farm vehicles.</p> <p>The size of the site seems small for 1200 cattle.</p> | Comments noted   |

- 7.4.2 1 letter was received from the Applicant **commenting** in response to the above objection and is summarised as set out in the table below:

| Comment   | Officer Response |
|---|------------------|
| <p>The lighting will be diffused LED florescent units of 80-100lux and will only operate within the winter months when it is dark at the start and end of working hours.</p> <p>Lighting will allow for the care an and welfare of the animals.</p> <p>The lighting will be downward facing into the cattle pens, limiting light pollution outside of the building.</p> | Comments noted   |

#### 8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON** To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the

following approved plans and documents: Location Plan, Block Plan, Existing Site Plan, Floor Plans & Elevation, Proposed Site Plan

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

- 3 The materials used in the construction of 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 policies D1 and H4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 4 No floodlighting or other external forms of illumination of the site shall be undertaken without the express consent of the local planning authority.

REASON In the interest of the character and appearance of the area and neighbouring amenity in accordance with policies D1 and H4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

5. The details of the internal illumination of the building shall be as set out in the email dated 13 September 2021 from Melanie Bingham-Wallis and shall be retained as such thereafter.

REASON In the interest of the character and appearance of the area and neighbouring amenity in accordance with policies D1 and H4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 6 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

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