

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

23 December 2023

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 11 JANUARY 2023 at 7.30 pm**

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

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance
COMMITTEE MEMBERSHIP:

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor J V Keyes

COUNCILLORS

M F L Durham, CC
Mrs J L Fleming, CC
S J N Morgan
C P Morley
R H Siddall
E L Stephens
S White





AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 11 JANUARY 2023

1. **Chairman's notices**

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 30 November 2022, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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. **22/00499/FUL - Land rear of Hawthorns, Braxted Park Road, Great Braxted, Essex** (Pages 11 - 22)

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

6. **22/00822/FUL - Lawns Farm, 29 Plains Road, Great Totham, Essex, CM9 8DT** (Pages 23 - 32)

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

7. **22/00931/FUL - 9 Cherry Blossom Lane, Cold Norton, Essex CM3 6JQ** (Pages 33 - 48)

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**

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

* 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

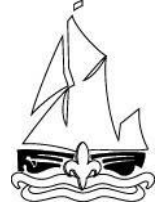
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

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
NORTH WESTERN AREA PLANNING COMMITTEE
30 NOVEMBER 2022**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	Mrs J L Fleming, CC, S J N Morgan, C P Morley, E L Stephens and S White

416. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

417. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M F L Durham and R H Siddall.

418. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 November 2022 be approved and confirmed.

419. DISCLOSURE OF INTEREST

There were none.

420. 22/00336/LBC - EASTCROFT COTTAGE, FAMBRIDGE ROAD, MUNDON, CM9 6PH

Application Number	22/00336/LBC
Location	Eastcroft Cottage, Fambridge Road, Mundon, CM9 6PH
Proposal	Section 73A application for Internal amendments
Applicant	Viking Estate Management Ltd
Agent	Mr Craig Woods of Purcell
Target Decision Date	17.11.2022
Case Officer	Jonathan Doe
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor S White with regard to Policy D1

Following the Officer's presentation the Chairman opened the discussion. Councillor S White, having called in the application said that she knew the site really well and agreed with the Officer's recommendation. On that basis she proposed that listed building consent be granted in accordance with the Officer's report and this was duly seconded. There being no further discussion the Chairman put the Officer's recommendation to the Committee and it was unanimously agreed.

RESOLVED that listed building consent be **GRANTED** subject to the following condition:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

237235-05-PUR-00-SL-DR-A-1000 Rev P02 Site and location plan

237235-05-PUR-00-SL-DR-A-2000 Rev P03 Block plan

237235-05-PUR-00-GF-DR-A-1001 Rev P02 Existing ground floor plan

237235-05-PUR-01-XX-DR-A-1002 Rev P02 Existing first floor

237235-05-PUR-00-XX-DR-A-1100 Rev P02 Existing elevations

237235-05-PUR-00-GF-DR-A-2001 Rev P03 Proposed ground floor plan

237235-05-PUR-00-01-DR-A-2002 Rev P02 Proposed first floor plan

237235-05-PUR-00-XX-DR-A-2100 Rev P01 Proposed elevations

Design and Access Statement

421. 22/00831/OUT - HAWKINS FARM, HACKMANS LANE, COCK CLARKS, ESSEX, CM3 6RE

Application Number	22/00831/OUT
Location	Hawkins Farm Hackmans Lane Cock Clarks Essex CM3 6RE
Proposal	Outline planning application with all matters reserved for the demolition of existing dwelling and the construction of 2no. dwelling houses.
Applicant	Ms Tracy Garner
Agent	Mr Glynn Williams - Glynn Williams Architects Limited
Target Decision Date	16.11.2022
Case Officer	Hannah Dungate
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call-in by Councillor S White citing Policy D1

Following the Officer's presentation the Chairman opened the discussion.

Councillor White, having called in the application, sought clarity as to whether the entire site was already residential and if what the applicant was proposing for the site was known. The Lead Specialist: Place advised that as per the officer report the application was outline in nature proposing the demolition of an existing bungalow with no information on what was being proposed.

A discussion ensued around the access and representations received from both the Parish Council and statutory consultee Essex Highways regarding the adverse impact of the access on highway safety. It was noted that Essex Highways would not have objected to the proposal if there was a way to mitigate the potential harm. The consensus was that the proposal as it stood could not be approved. Councillor Morgan proposed that the application be refused in accordance with the Officer's recommendation and this was duly seconded. The Chairman then put the recommendation of refusal to the Committee and it was agreed.

RESOLVED that the application be **REFUSED** for the following reasons:

- 1 The proposed development would be remote and disconnected from local services and facilities by reason of its location and would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D1, H4 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2021).
- 2 The proposed development would result in a cramped and contrived form of development which would not reflect the spacious pattern of development within the area which would have a harmful impact on the visual amenity to the detriment of the character of the site and surrounding area, contrary to Policies D1 and H4 of the Maldon District Local Development Plan (2017) and the guidance contained within the National Planning Policy Framework (2021).
- 3 The proposed development would result in undue harm to the residential amenity of the future occupiers by reason of direct overlooking from No. 5 Hawkins Close resulting in a loss of privacy to the detriment of the living environment of the future occupiers. The proposal would therefore be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework (2021).
- 4 The proposal would lead to the intensification of the access along Hackmans Lane. The lack of suitable visibility from the access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety. The development would therefore be unacceptable and contrary to the National Planning Policy Framework, policies S1, T1 and T2 of the Maldon District Local Development Plan (2017).
- 5 Insufficient information has been provided to fully assess the impact on the trees which are located along the north and east boundaries of the site. It is therefore considered that it has not been demonstrated that there would not be a significantly harmful impact on these trees and the visual amenity of the locality. The proposal is therefore contrary to policies D1 and N2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 6 The applicant has failed to supply adequate ecological information which would allow for a full assessment of the impact of the proposed development on European Protected Species (Great Crested Newts and Bats). In the absence of any sufficient ecological information, the proposal is considered to conflict with the Policy N2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 7 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, I1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

The meeting closed at 7.48 pm.

MRS M E THOMPSON
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
11 JANUARY 2023**

Application Number	22/00499/FUL
Location	Land rear of Hawthorns, Braxted Park Road, Great Braxted, Essex.
Proposal	Erection of twelve stables (6 stables for hobby use and 6 stables for commercial use) including tack and hay store incorporating permissive farm rides to connect to highway and bridle network.
Applicant	Mr John and Mr Jim Purdy.
Agent	Mr Russell Ford, Smart Planning
Target Decision Date	21.12.2022
Case Officer	Lisa Greenwood
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call in by Councillor J V Keyes. Policies S1, E1 and D1.

1. RECOMMENDATION


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

2. SITE MAP

Please see below.

North West Committee
22/00499/FUL



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:2,507
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	
	Date:	16/12/2022
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application site

- 3.1.1 The site is located to the south of Braxted Park Road, outside of a defined settlement boundary. The application form submitted to support the proposal confirms that the site measures circa 4350 square metres in area. Access to the site is via an existing and established access at Braxted Park Road.
- 3.1.2 Development (existing housing/commercial etc) at Braxted Park Road is sporadic, however, 1no. dwelling, Hawthorns, is located to the east of the site and Broadfield Fruit Farm is located to the west. The site is surrounded on all other sides by open countryside. The character of the site is rural.

The Proposal and Background Information

- 3.1.3 Planning permission is sought for the erection of twelve stables (6 stables for hobby use and 6 stables for commercial use) including tack and hay store incorporating permissive farm rides to connect to highway and bridle network.
- 3.1.4 The stables are proposed to be arranged in a 'u' shape layout, measuring 38.758 metres in width and 17.079 metres in depth, with a main eaves height of approximately 2.5 metres and a ridge height of 3.940 metres. The roof type will be of a pitched and hipped design, with a central archway extending to 5.619 metres in height. The materials proposed include weatherboarding, brick and a clay tiled roof. The individual stables will measure approximately 3.8 metres x 4 and 4.2 metres. 6no. parking spaces are proposed at the western flank.
- 3.1.5 The Planning Statement submitted to support the proposal states that 6no. stables are for the private domestic use of the applicant (a hobby use), and 6no. stables are for commercial use, with the potential to offer livery, riding lessons, and local guided trails or treks. Drawing no.21.7589/P201 Rev A, which has been submitted to support the proposal, shows the trails currently owned by the applicant.
- 3.1.6 The Planning Statement acknowledges that the stables will be served by "at least" 28 acres of paddock to the south of the site. It should be noted, however, that the paddock is outside of the development boundary (the red line boundary) and is considered to be agricultural land.

3.2 Conclusion

- 3.2.1 Incorrect and insufficient information has been submitted to support the proposal. The applicant is required to apply for a change of use, and for this to be set out within the description of development for any future planning application. This must also be supported by robust evidence to justify the requirement for the change of use (in this case, a change from agriculture to equestrian), and justification as to the requirement for this business, in this location.
- 3.2.2 With regard to the business itself, robust information is also required to provide the hours of opening, actual employee numbers, and full details to ensure horse welfare is maintained. This includes suitable long-term grazing arrangements for each horse, and a management plan.

- 3.2.3 The proposal has been found to be contrary to Policies S1, S8, E4 and E5 of the Local Development Plan (LDP) and the policies and guidance within the National Planning Policy Framework (NPPF) (2021). It is therefore recommended that planning permission is refused.

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 – 59 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 104-113 Promoting sustainable transport
- 119 – 125 Making effective use of land
- 126 – 136 Achieving well-designed places
- 152 – 173 Meeting the challenge of climate change, flooding and coastal change

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management
- E1 Employment
- E4 Agriculture and Rural Diversification
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG) (first released in 2014, but regularly updated)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise

(Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).

- 5.1.2 Prior to assessing the proposal against the relevant policies, it is pertinent to consider the current use of the application site and the permission applied for.
- 5.1.3 Whilst it is acknowledged that the application form submitted to support the proposal states that 240 square metres of non-residential floor space is to be provided, the description of development does not include a change of use. Further, the Planning Statement submitted to support the proposal refers to the use of the site as “agricultural.”
- 5.1.4 The Statement asserts that *“of relevance to this application is an appeal allowed immediately to the north of the site (Broadfield Fruit Farm).”* At Paragraph 6 of this appeal, the Inspector acknowledged that *“I am satisfied that the site forms part of the agricultural holding and that the appellant is in the farming business.”* The use of the site (and the associated land in the applicant’s ownership) has, therefore, been accepted as being agricultural.
- 5.1.5 Section 336 of the Town and Country Planning Act 1990 states that “agriculture” includes:
- “horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purpose.”*
- 5.1.6 To fall within the definition of “agriculture” means to have horses in the same way as cattle, sheep or pigs, i.e., to work on the land etc. The proposal seeks to erect 12no. stables, 6no. of which are for commercial purposes. The proposal has the potential of employing 1no. permanent member of staff and providing the riding of horses on the adjacent land and trails. The horses will graze on the land to the south of the site, which is outside of the red line boundary. This use cannot, therefore, be referred to as agricultural, and forms an equestrian use, which would require a change of use in the first instance.
- 5.1.7 Notwithstanding this, the Planning Statement submitted to support the proposal states that Policy E4 of the LDP is most pertinent to the application. However, Policy E4 relates to rural diversification, not a change of use. In any event, to support rural diversification, further information would be required to allow the Local Planning Authority(LPA) to understand the justifiable and functional need for the building / activity and how the proposed building / activity is directly linked, and ancillary to, the existing agricultural use.
- 5.1.8 Concern is also raised as to how the horses will be able to graze on the adjacent land. The Planning Statement suggests that the stables would be served by at least 28 acres of paddock to the south of the site, however, this land is outside of the red line boundary and is accepted as being in agricultural use. This conflicts with the proposed commercial use of the stables.
- 5.1.9 The Statement also refers to Policy E5 of the LDP, however, insufficient information has been provided to justify a tourist requirement in this location.

5.1.10 Whilst it is acknowledged that equestrian uses can be acceptable in rural areas and outside of settlement boundaries, in the opinion of the LPA, incorrect and insufficient information has been submitted to support the proposal. The applicant is required to apply for a change of use, and that this application is supported by robust evidence to justify the requirement for this business, in this location, demonstrating how the business will operate (hours of opening, actual employee numbers, grazing arrangements etc.). For the reasons aforementioned, the proposal has been found to be contrary to Policies S1, S8, E4 and E5 of the LDP and the policies and guidance within the NPPF (2021) and the principle of development has been found to be unacceptable.

5.2 Design and Impact on the Character of the Area

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

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

a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;

b) Height, size, scale, form, massing and proportion;

c) Landscape setting, townscape setting and skylines;

d) Layout, orientation, and density;

e) Historic environment particularly in relation to designated and non-designated heritage assets;

f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and

g) Energy and resource efficiency.

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

5.2.4 The application site lies outside of a defined settlement boundary. In accordance with 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. In addition, planning permission 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.

5.2.5 In addition, Policy H4 of the same Plan requires all development to be design-led and to seek to optimise the use of land having regard, among other things, to the location and the setting of the site, and the existing character and density of the surrounding area.

- 5.2.6 It is acknowledged that equestrian uses can be suited to rural locations outside of defined settlement boundaries. Whilst the proposed stables would be a large structure, it would have a traditional appearance, which includes the use of traditional materials such as weatherboarding.
- 5.2.7 The site is set well back from the highway, and if viewed within the site to the south, or at the streetscene, would appear to be in keeping with rural buildings typically found within the open countryside.
- 5.2.8 On balance, it is not considered that as a result of the design, layout, scale and bulk of the proposal, no material harm to the character and appearance of the site, nor the intrinsic character and beauty of the countryside, would result from the proposed development. This is in accordance with Policies S1, S8 and D1 of the LDP and the policies and guidance within the NPPF (2021).

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 The proposed development is located in excess of 90 metres to the south west of the nearest residential development, 'Hawthorns', and in excess of 80 metres to development to the north.
- 5.3.3 Owing to the significant separation distance between the residential development and the proposed stables, it is not considered that the development will result in a loss of residential amenity to either neighbour and is acceptable in this regard.

5.4 Access, 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 maximising 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 Access and Highway Safety

- 5.4.2.1 The proposal has been reviewed by the Highways and Transportation team at Essex County Council. In this regard, the proposal has been found to be acceptable, subject to the imposition of planning conditions regarding the submission and approval of a Construction Management Plan to the LPA; visibility splays; parking and turning.

5.4.3 Parking Provision

- 5.4.3.1 The proposal seeks to provide 6no. parking spaces. In accordance with the Parking Standards, non-residential parking bays should measure 2.9m x 5.5m. Drawing no. 1348/01c shows that the spaces are in accordance with the size required and are acceptable in this regard.
- 5.4.3.2 The Parking Standards has not yet been updated to reflect the changes to the Use

Class Order, effective as of 1 September 2020. Against the previous Use Class order, the proposed commercial element of the development would have been classified as 'Use Class D2'. The application form submitted to support the proposal states that there will be 240 square metres of non-residential floor space provided. In accordance with the Standards, a D2 must provide 1 space per 22 square metres. 11 parking spaces must therefore be provided on site. Whilst it is acknowledged that the drawing does not make provision for 11no. parking bays, there is additional space on-site where parking for 11no. vehicles could be provided. Should planning permission be forthcoming, a suitably worded condition would be required to ensure the correct level of parking is achieved on site.

5.5 Flood Risk and Drainage

- 5.5.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.5.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.5.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has noted that should planning permission be forthcoming, additional information is required with regard to surface water drainage and foul water; this can be secured via the imposition of a suitably worded planning condition.

5.6 Biodiversity and Geodiversity

- 5.6.1 The presence of protected species is a material consideration, in accordance with the NPPF (2021), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states "*a competent authority, in exercising any of their functions, must have regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.*"
- 5.6.2 The proposal has been reviewed by the Council's Ecological Consultant (Place Services, Essex County Council). The Consultant raises no objection to the proposal, but notes that should planning permission be forthcoming, the mitigation measures identified in the Preliminary Ecological Appraisal submitted to support the proposal should be imposed by way of a condition and implemented in full. This is necessary to conserve and enhance protected and priority species, particularly nesting birds and badgers.

5.7 Tree Impact

- 5.7.1 Policy D1 of the LDP encourages all development to make a positive contribution in terms of landscape setting.
- 5.7.2 The proposal has been reviewed by the Council's Arboricultural Consultant, who raises no objection to the scheme. However, if the Council is minded to approve the application, a soft landscaping scheme demonstrating how the proposal will contribute to ecological enhancements can be provided, as included in the ecological report. Further, the use of appropriate tree specimens is encouraged.

5.8 Other Matters

Horse welfare

- 5.8.1 Consideration has also been given to the welfare of the horses and whether the proposed facilities and land area would be compliant with the Department for Environment, Food and Rural Affairs (DEFRA) Code of Practice (2017). This Code acknowledges that the British Horse Society minimum stable size recommendations for a large horse is 3.65m x 4.25m.
- 5.8.2 As previously stated, insufficient information has been submitted to support this proposal, and this includes information with regard to the size of the horses proposed to be kept at the stables. Notwithstanding this, the stables proposed are shown to measure 3.8 metres x 4 and 4.2 metres, and this is considered to be adequate.
- 5.8.3 The Code also states that as a general rule, each horse would require approximately 0.5-1 hectare of grazing land of a suitable quality if no supplementary feeding is provided. The Planning Statement submitted to support the proposal states that there is the potential for the horses to graze on land an area of paddock land measuring 28 acres to the south of the site. This is problematic, however, as the land lies outside of the red line boundary. Whilst currently in the applicant's ownership, the applicant could sell this parcel of land and there would be no reasonable way for the LPA to ensure that the paddock land remains linked to the stables and that grazing could be provided.
- 5.8.4 Further, insufficient evidence has been provided to demonstrate that the parcel of land discussed forms a paddock. The Planning Statement submitted to support the proposal states that the land is agricultural, and whilst the appeal statement submitted to support the proposal references a grassed paddock, this is located to the north of the site. For the reasons aforementioned, additional information is required to allow the LPA to accurately assess the proposal as a whole. A revised application is therefore required, and this should include not only robust supporting evidence providing all the information required to satisfy the welfare of the horses (this should include a management plan), but details regarding and justifying the change of use.

Conditions of use

- 5.8.5 As stated, the proposal has been reviewed by the Council's Environmental Health Officer, who has stated that should planning permission be forthcoming, the imposition of conditions is required regarding the use of the stables; stable waste; the burning of waste; floodlighting; and the construction of a menage.

6 **ANY RELEVANT SITE HISTORY**

The planning history below relates to the immediate site only.

Application Number	Description	Decision
15/00555/FUL	Alterations to existing access, creation of hard surfaced access track, extension to established storage yard and comprehensive new landscaping.	Withdrawn.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish/Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	No comments received.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection, subject to the imposition of planning conditions.	Noted.
Ecology (Place Services)	No objection, subject to securing biodiversity and mitigation and enhancement measures.	Noted, and discussed at Section 5.6 of this report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Arboricultural Consultant	No objection, subject to the imposition of a planning condition to secure a soft landscaping scheme demonstrating how it will contribute to ecological enhancements.	Noted, and discussed at Section 5.7 of this report.
Environmental Health	No objection, subject to the imposition of planning conditions.	Noted, and discussed at Sections 5.5 and 5.8 of this report.

7.4 Representations received from Interested Parties

No letters of representation have been received.

8. REASONS FOR REFUSAL

1. Incorrect and insufficient information has been submitted to support the proposal. The applicant is required to apply for a change of use, and for this to be supported by robust evidence to justify the requirement for the change of use (in this case, a change from agriculture to equestrian), and justification as to the requirement for this business, in this location. In the absence of such information, the Local Planning Authority is not able to provide an accurate assessment of the development proposed. The proposal has been found to be contrary to Policies S1, S8, E4 and E5 of the Maldon District Council Local Development Plan (2017), and the policies and guidance in the National Planning Policy Framework (2021).

2. Insufficient information has been provided with regard to the welfare of the horses and the business proposed. Robust information is required with regard to the operational activities associated with the business, and full details to ensure horse welfare is maintained. This includes suitable long-term grazing arrangements for each horse, and a management plan. In the absence of such information, the Local Planning Authority is not able to provide an accurate assessment in this regard. The proposal is therefore contrary to Policies S1, S8 and E4 of the Maldon District Council Local Development Plan (2017) and the policies and guidance in the National Planning Policy Framework (2021).

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
11 JANUARY 2023**

Application Number	22/00822/FUL
Location	Lawns Farm, 29 Plains Road, Great Totham, Essex, CM9 8DT
Proposal	Proposed stables, tack room and feed and machinery store building.
Applicant	Mr Thomas Gregan
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	21.11.2022
Case Officer	Nicola Ward
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call-in by Councillor J V Keyes citing Policy E4 and E6

1. RECOMMENDATION

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

2. SITE MAP

Please see below.

22/00822/F UL
NWAC

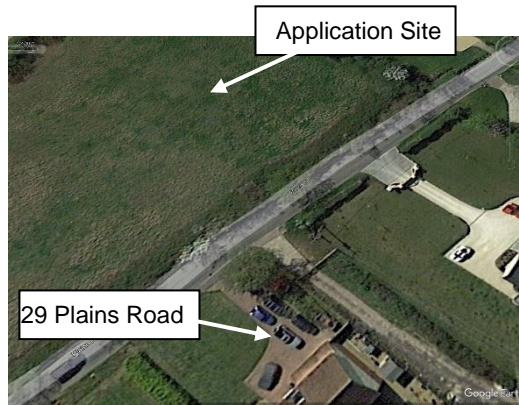


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	Organisation:	Malden District Council
	Department:	Department
	Comments:	Not Set
	Date:	19/12/2022
	HSA Number:	100018588

3. **SUMMARY**

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

- 3.1.1 The application site is located to the southern side of Plains Road and lies within the rural area outside of any defined settlement boundary. The application site is open maintained agricultural grassland. The site hosts a small wooden open outbuilding adjacent to 29 Plains Road. At the time of the site visit no horses were located on the site. It can be seen from the google earth images below, the small wooden outbuilding was constructed sometime between April 2020 and March 2022.



April 2020 Google Earth Image



March 2022 Google Earth Image

- 3.1.2 The surrounding area is predominantly rural in character, with open agricultural fields to the south and east, and sporadic residential development surrounded by open countryside to the north and west of the site.
- 3.1.3 Planning permission is sought for the construction of a stable block, a tack room and a feed and machinery store building.
- 3.1.4 The proposed outbuilding would have an L-Shaped design and would have a maximum height of 6.5 metres with a eave's height of 3.4 metres, an overall depth of 12.3 metres and a width of 27.9 metres. The floor plan of the building shows that there will be four stables with a separate tack room and a large feed and machinery store. The external materials of the building will consist of facing brick plinth with black stained timber weather boarding to the walls, Plain clay roof tiles and timber windows and doors.

3.2 **Conclusion**

- 3.2.1 Having taken all material planning consideration into account, it is considered that the development would not be acceptable in principle, given that the proposal would have a substantial and harmful visual impact on the open countryside that has not been adequately justified and would not be off-set by the benefits of supporting agricultural enterprise. Furthermore, the applicant has not demonstrated that the development would have a functional relationship to the dwelling known as Lawns Farm. Therefore, it is considered that the development is contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan (MDLDP).

4. **MAIN RELEVANT POLICIES**

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
- 54-58 Planning Conditions and Obligations
- 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 (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- E1 Employment
- E4 Agricultural Rural Diversification
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its approved Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).
- 5.1.2 The proposal relates to the erection of stables and tack/feed room. There has been no information submitted by way of a Planning Statement or Design and Access Statement to provide information with regard to the domestic/ancillary link to Lawns Farm, and the host dwelling is not included within the red line boundary of the site. Although the dwelling has been included in the Blue line, indicating land within the ownership of the application, as noted above, no information as to the relationship of the proposed building to the existing dwelling has been provided. Further, no information has been provided with regard to any commercial/equestrian use (opening hours, number of employees etc.) although the application form submitted to support the proposal states that there are no employees. The application form states no, to the relevant questions on the form, but confirmation of the end use/relationship of the proposal site has not been provided to ascertain either way.
- 5.1.3 The proposed stables would lie outside of the residential curtilage of Lawns Farm and is accessed separately to the host dwelling. Therefore, it must be considered whether the principle of the proposed development goes beyond what would represent an ancillary use, and whether the Council will support the development of new buildings or activities of this type, in this location.

- 5.1.4 Whilst the development is located outside of a defined development boundary, within the rural countryside, it is considered reasonable to support the provision of structures that are ancillary to outdoor recreational facilities such as the keeping of horses in rural locations within the District. However, given the size, scale and extent of the stables proposed, outside of the residential curtilage of Lawns Farm, it is not considered that the use of the building continues to be ancillary to the host dwelling and there has been no information provided to substantiate and justify this link.
- 5.1.5 Although Policy S8 supports agricultural related development or recreation and tourism development, this is in accordance with Policies E4 and E5 of the LDP. Policy E4 supports new buildings or activities associated with agriculture and other land-based rural businesses, or the change of use to other employment generating proposals. As aforementioned, there has been no information provided to justify the need for the stables and tack / feed room in this location. The application form submitted to support the proposal does not provide hours of opening, and states there are no employees. It is also not clear where parking to serve the building is located, and whether or not this is acceptable. Policy E5 relates to tourism, and there is nothing to suggest that the development provides a tourist facility or attraction.
- 5.1.6 From the limited information provided, in the opinion of the Local Planning Authority (LPA), it is not possible to establish an ancillary link with the host dwelling and the stables cannot be considered as ancillary. Further, insufficient information has been provided to justify a development of this scale and type in this location and there are no tourism or economic benefits resulting from the scheme. A robust justification for the development is therefore required. It is therefore not considered that the acceptability of the principle of development has been demonstrated.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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 local design standards, style guides in plans or supplementary planning documents”.*
- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.6 The application site is located within a rural context; the site is part of a larger complex known as Lawns Farm, which currently comprises a detached dwelling to the north and farm buildings northwest of the application site. The wider area is rural in context, surrounded by open fields and sporadic residential development along Chelmsford Road.
- 5.2.7 The proposed building host an overall height of 6.5m and a total length of 27m in an area of open grassland which currently hosts a small wooden outbuilding, with an approximate height of 2.5m and is free from any other built form. The building itself would be highly visible due to its height and extent, in particular the proposed feed store and machine storage section. Given that the building would be sited in an area which is predominately open countryside, it would have an urbanizing impact on the countryside. It is considered that due to the urban sprawl of development across the site and increase in built form into an open area of grassland, the proposal would result in demonstrable harm to the intrinsic character and appearance of the countryside.
- 5.2.8 It is noted that the proposed development would be located 15m from Plains Road, it is considered that the landscaping along Plains Road would not be sufficient to screen the development from the road, in part as it cannot be relied upon as a permanent means of screening, and in any case would not provide a sufficient justification to mitigate harmful development. The visibility of the proposed building from the main road would worsen its intrusive visual impact on the surrounding rural area.
- 5.2.9 The substantial unjustified built form proposed is considered to have a detrimental impact on the appearance and intrinsic character of the countryside. Due to the proposed siting, scale and size of the building, on an area of open countryside, it would have a detrimental impact on the character and appearance of the site and surrounding area, which has not been offset or justified by the benefits of supporting agricultural practices. Therefore, the proposal is contrary to Policy D1 of 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 The application site is bordered by the residential farmhouse to the north and open meadow to the east and south. The closest neighbour would sit in excess of 100 metres from the proposed development and due to this significant degree of separation, it is not considered to represent an unneighbourly form of development.
- 5.3.3 The proposed building would also be located in excess of 100 metres from the main dwellinghouse, and would not therefore give rise to overlooking or overshadowing to the main farmhouse, in accordance with the stipulations of D1 of the LDP.

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 Council's adopted Vehicle Parking Standards 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 is 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.
- 5.4.3 Whilst it is noted that the block plan submitted indicates there is an existing site access, within the officers site visit there was no established existing access to the site. Therefore, it is considered that the development includes a new proposed access onto Plains Road Lane from the application site. The proposed access is considered to have a deficiency in terms of visibility splays. The proposal has not provided the standard vehicular visibility splays of 2.4m x 215m required for accesses as measured from and along the nearside carriageway edge. The lack of suitable visibility from the access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

- 5.4.4 In addition, Essex County Council Highways have been consulted and raised an objection stating the following:
'1. The applicant has failed to demonstrate that an appropriate visibility splay in accordance with the current standards could be achieved at the proposed vehicular access. The proposal would therefore lead to a substandard access onto Plains Road resulting in an unacceptable degree of hazard to all road users to the detriment of highway safety.
2. The proposal, if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users.'

- 5.4.5 Based on the assessment above it has not been justified that suitable visibility splays can be achieved and therefore, the proposed new access is not considered to comply with policy T2 of the LDP.

5.5 Ecology

- 5.5.1 Paragraph 170 of the NPPF states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'*
- 5.5.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.5.3 Policy N2 of the LDP which states that *'All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.'*
- 5.5.4 The application concerns the construction of an outbuilding located next to an open meadow that surrounds the application site, and a dense area of hedgerow which could be a suitable habitat for protected species such as bats, which would be removed as part of the proposed development, to make way for the proposed access point. Therefore, to identify whether any protected species would be present and affected by the proposal it is expected that an Ecological Survey undertaken by a suitably qualified ecologist using standard methodologies should be submitted with the application.
- 5.5.5 A Preliminary Ecological Appraisal (PEA) has been submitted which has identified enhancements to the site. The Council's Ecological Advisor as part of the current application and has raised no objection. It is therefore considered that the methodology, conclusion and recommendations within the PEA would be acceptable in this instance. Subject to appropriate conditions it is therefore considered that appropriate mitigation measures could be put in place to mitigate the likely harm the proposal would cause. The proposal is therefore considered to comply with Policy N2.

5.6 Other Matters

- 5.6.1 As part of the site visit during the application process, it was evident that dense vegetation, which is located in close proximity to the application site, would have to be removed as part of the proposal to facilitate a proposed access point to the building. However, no information has been received about the proposed trees to

be removed and whether their removal would have a harmful impact on the amenity value of the area. Although the Council's Tree advisor has been consulted on the plans, no response has been received at the time of writing this report.

6. **ANY RELEVANT SITE HISTORY**

6.1 The relevant site history is set out in the table below:

Application Reference	Description of Works	Decision
02/01016/FUL	Non-compliance with condition 2 of ref. FUL/MAL/382/91 concerning agricultural occupancy restriction	Refused
03/01212/FUL	Non-compliance with condition 2 of FUL/MAL/382/91 concerning agricultural occupancy	Refused
06/00214/AGR	Erection of Agricultural Building for the storage of agricultural machinery.	Prior Approval Required
06/00813/AGRPN	Proposed agricultural building for the storage of agricultural machinery.	Refused
08/00774/FUL	Change of use from agricultural to B1 (light industry) workshop. External wall treatment and new porch canopy.	Refused
09/00076/FUL	Change of use of agricultural barn to B1 (light industry) to provide workshop.	Approved
09/00927/AGR	Proposed barn	Prior Approval not required
13/00072/FUL	Demolition of existing barn and erection of a bungalow single dwelling unit. Change of land use from B1 to C3.	Approved
22/00354/AGR	Prior notification for an agricultural storage barn.	Prior Approval not required

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	No Comment	Noted

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	Objection – 1. The applicant has failed to demonstrate that an appropriate visibility splay in accordance with the current	Noted and discussed within section 5.4 above

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	standards could be achieved at the proposed vehicular access. 2. The proposal, if permitted, would set a precedent for future similar developments.	
Ecology – Place Services	No objection subject to the relevant conditions	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to foul and surface water drainage and external illumination and informatives relating to contamination and construction works.	Noted
Tree Consultant	No response received at time of writing.	

7.4 Representations received from Interested Parties

7.4.1 No representations received for this application.

8. REASONS FOR REFUSAL

- The proposed development, by virtue of its bulk scale, and its location within the open countryside, would cause substantial harm to the rural character of the site and the surrounding area that has not been adequately mitigated or justified. Furthermore, the development has not been justified in terms of its functional link to the Lawns Farm nor that the development comprises commercial development of a form supported in the rural area. The proposal is therefore contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.
- The standard vehicular visibility splays of 2.4m x 215m required for accesses as measured from and along the nearside carriageway edge, have not been provided. The lack of suitable visibility from the proposed access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
11 JANUARY 2023**

Application Number	22/00931/FUL
Location	9 Cherry Blossom Lane Cold Norton Essex CM3 6JQ
Proposal	Construction of detached three bedroom bungalow with associated vehicular access, hardstanding and landscaping.
Applicant	Mr Penny - Penny Homes Ltd
Agent	Andrew Pipe - Andrew Pipe Associates
Target Decision Date	11.01.2023 (EOT requested until 18.01.2023)
Case Officer	Lisa Greenwood
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan Member Call-in by Councillor S White citing Policy D1

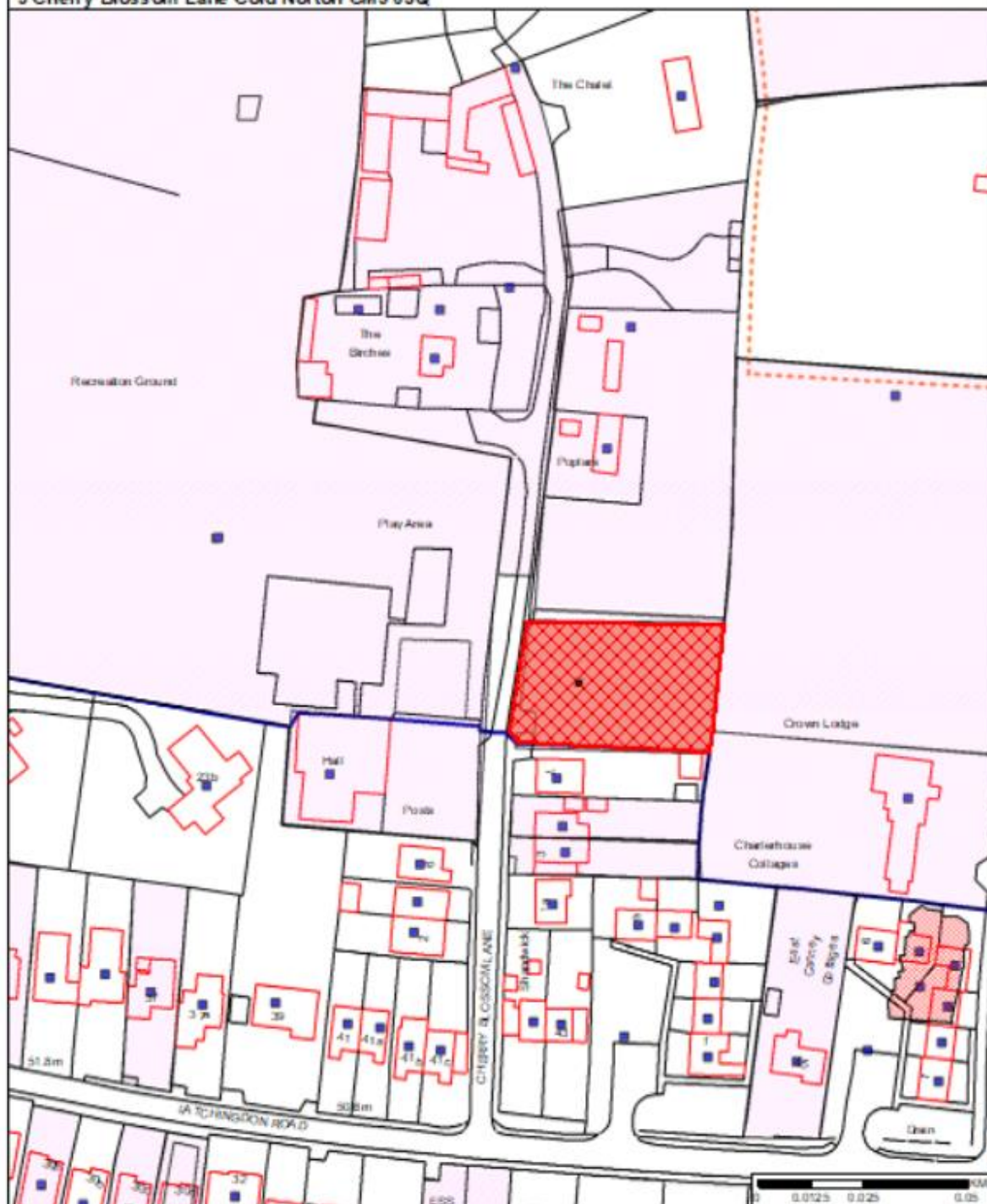
1. RECOMMENDATION


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 a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy and subject to the conditions as detailed in Section 8.

2. SITE MAP

Please see below.

22/00931/F UL
9 Cherry Blossom Lane Cold Norton CM3 6JQ



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	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 31/10/2022
MSA Number: 100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located on the eastern side of Cherry Blossom Lane, just outside of the defined settlement boundary of Cold Norton which runs along the southern edge of the site. The application site is currently grassland bounded by fencing along the western and northern boundaries, and hedgerows to the east. Cherry Blossom Lane largely comprises two storey dwellings of pitched roof designs. However, immediately adjacent to the south of the site is No. 7 Cherry Blossom Lane which is a detached bungalow with a pitched roof design. To the north of the site is the garden of a dwelling known as Poplars, which is sited further away to the north. To the east of the site is a large plot associated with a large dwelling known as Crown Lodge. To the west, opposite the site is the Cold Norton Village Hall. As Cherry Blossom Lane extends into the countryside, outside of the defined settlement boundary, the residential character becomes less dense and more spacious in nature, reflecting the semi-rural character of this area.

Description of proposal

- 3.1.2 Planning permission is sought to construct a detached bungalow with associated off-street parking and amenity space. The dwelling would be located along the northern edge of the site and would have a hipped roof design. It would have a similar orientation to the bungalow south of the site. The proposed bungalow would measure 17.6m in depth, 8.8m in width, and 5.1m in ridge height. There would also be a smaller hipped roof projection to the south of the bungalow comprising the porch.
- 3.1.3 During the life of the application, amended plans have been received to amend the roof design of the bungalow so that it would be fully hipped at both ends as opposed to hipped at the front with a gable end at the rear.
- 3.1.4 The bungalow would comprise living/dining area, kitchen, bathroom three bedrooms and one en-suite.

Background of the application

- 3.1.5 The application follows a previous application for a similar proposal that was approved in 2017 (Reference 17/00988/FUL). This application followed a previous application (Reference 13/01172/OUT) which was allowed on appeal (Appeal Reference APP/X1545/A/14/2219763). As part of this appeal decision, the Inspector concluded that the site is in a sustainable location, there would be no significant harm to the character and appearance of the countryside and the site would therefore be in a suitable location for housing.
- 3.1.6 The current application seeks to amend the design of the bungalow previously approved under the terms of 17/00988/FUL, as it would be larger in size and would have a hipped roof design. The layout of the proposed development would be similar to what has already been approved. It must be noted that the previous application was approved over 3 years ago, and as the development has not been commenced, the permission has expired and a new permission is required. The application is for committee consideration as the proposal is for a new dwelling outside of the defined settlement, which is a departure from the local plan.

3.2 Conclusion

- 3.2.1 The proposed development is located outside the settlement boundary for Cold Norton and thus, is in principle contrary to policies that seek to direct new residential development to established settlements. However, the development abuts the settlement boundary and was assessed against all the dimensions of sustainability and it is considered that, when also taking into account the planning history of the site, the proposal constitutes sustainable development. Based on the Inspector's findings previously, the development would infill a parcel of unused land which limitedly contributes to the countryside. Therefore, it is considered that the principle of a residential dwelling in this location is acceptable and the proposal would not result in detrimental harm to the character of the area. The development would be, on balance, acceptable in terms of design and impact on the area. No objection is raised to the impact on the residential amenity of the neighbours and the future occupiers. The proposal is not considered to result in a detrimental impact on the highway network and safety. Furthermore, a financial contribution has been requested in relation to Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and upon receipt the impact of the development on designated sites can be mitigated. The proposal is therefore in accordance with the policies set out within the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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
- 54-58 Planning Conditions and Obligations
- 78-80 Rural Housing
- 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 (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SP (MDG) (2017)D
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.
- 5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan(MDLDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 The proposal site is located just outside of the defined settlement boundary of Cold Norton. The proposal is, therefore, contrary to the objectives of Policy S8 of the LDP.
- 5.1.4 In terms of the sustainability of the proposed development, it is noted that an important element when considering the appropriateness of a residential development is the ability of the future occupiers to access the essential services and facilities through sustainable modes of transport.
- 5.1.5 Although the village of Cold Norton is designated as one of the small villages, it has a number of services and facilities to provide the daily requirements of the future residents, including a primary school, public house and convenience stores. There are also frequent bus services to Chelmsford, Maldon, Southminster and other villages within the District. Although the property is located outside of the defined settlement boundary it is considered that due to its close proximity, the future occupiers of the proposed dwelling would not be reliant on private vehicles to meet regular day to day needs.
- 5.1.6 Policy S8 of the LDP supports sustainable development within the settlement boundaries with exceptions outside of the development boundaries being subject to identified criteria and the protection of the intrinsic character of the countryside. The Council currently cannot demonstrate a five-year supply of deliverable housing sites and as such policies for managing the location of housing development carry lesser weight in favour of paragraph 11 (d) of the NPPF.
- 5.1.7 In 2014, the Inspector, in considering an appeal against the Council's refusal of 13.01172/OUT noted that "*the site would be a suitable location for housing development, and it would represent sustainable development within paragraph 7 of the Framework for which there is a presumption in favour.*" Although some time has passed since this decision, there has been a subsequently approved application for a detached bungalow at the site in 2017. Although the planning permission from 2017 has now expired, given this context and the Inspector's previous findings, to which significant weight is given, it is considered that the site would be suitable for housing in this instance.
- 5.1.8 The planning history at the site is a material consideration in addition to the above It is noted the Planning Inspector, in allowing the appeal in 2014, took into consideration the fact that the Council had no 5 year housing supply, housing policies

for restraint were out of date, the NPPF (2012) in terms of sustainable development was invoked, and noted also that there was agreement that the site is in a sustainable location. Taking this into account, the more recent decision in 2017, and also for the need for consistency within the decision-making process, it is considered that the principle of residential development in this location has been accepted by the Council. Other considerations for the proposal are discussed below, including the impact on the character of the area and residential amenity and the provision of parking and private amenity space at the site.

5.2 Housing Mix

- 5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council's current land supply position, the NPPF states that 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 Maldon District Local Housing Needs Assessment (2021) (LHNA) is an assessment of the 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 LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds. The proposed dwelling would have three bedrooms and would therefore be policy compliant and would meet the Council's identified need for smaller dwellings, albeit limitedly, which would weigh in favour of the scheme.

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 local design standards, style guides in plans or supplementary planning documents”.

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible, enhances the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.6 The application site is located at the end of an existing residential street which is fronted by bungalows and two storey detached dwellings of predominantly pitched roof design. Although the proposed development would be located on a parcel of land beyond the defined settlement boundary, it is noted that a previous application approved a single storey detached bungalow at the site in a similar location to the current proposal (Reference 17/00988/FUL). Prior to this, an Inspector found that the site would be suitable for development as the area of land did not represent a *“sensitive countryside location”* as it *“makes very little contribution to the visual appearance of the locality”* and *“The open countryside is not immediately apparent from the appeal site”*.
- 5.3.7 Although the current application differs slightly to the previous scheme, in that the proposed bungalow would have a hipped roof design, and would be slightly larger in depth and width, it is considered that overall, it would have a similar appearance within the street scene as the previously approved dwelling. As such, it is considered that, on balance, the revised design of the bungalow would not be so harmful to the street scene to warrant refusal of the application. No changes have been made to the layout of the proposed bungalow, parking or amenity space within the site.
- 5.3.8 Given this site context, it is not considered reasonable to recommend refusal of the application on design grounds and it is considered that the development, on balance, would be acceptable in terms of its design and impact on the wider character of the area.

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 A minimum of 21 metres separation distance would be maintained between the proposed dwelling and the south and east boundaries of the application site. This is considered to be a reasonable separation distance to prevent from overshadowing, overlooking and creating an undue sense of enclosure from the proposed dwelling.
- 5.4.3 Whilst the distance maintained to the northern boundary would be around 1.5m, the site abuts the south garden of the property to the north named Poplars. The dwelling sits an additional 30 metres away from the shared boundary and thus, there would be no adverse impact caused to the residential amenity of the neighbours to the north.
- 5.4.4 The proposed development, by reason of its location and relationship with the neighbouring dwellings, would not have a greater impact on the amenity of any other nearby neighbours and it not considered that it would result in unacceptable levels of noise and disturbance from the additional activity caused by the additional dwelling on the road. The impact of the development on the residential amenity is therefore considered acceptable, in accordance with the stipulations of D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The development would be accessed from Cherry Blossom Lane, an unadopted road. Although the site has an existing access and gate, the plans submitted show that the development would involve the formation of a new access centred to the front boundary of the site. The access appears to be wide enough to allow an access which would not result in the obstruction of the shared road.
- 5.5.3 In accordance with the Maldon District Vehicle Parking Standards, two off-street parking spaces are required to be provided for a three bedroom dwelling. The proposal would provide ample space to be used for off-street parking. Two off-street parking spaces have been shown in the plans submitted, in accordance with the above requirements.
- 5.5.4 Two cycle parking spaces should be provided in order for the development to accord with the requirements of the Maldon District Vehicle Parking Standards. Although no details have been submitted in that respect, it is considered reasonable for these details to be dealt with by condition.

5.6 Ecology (including the impact of development within the Zone of Influence (Zoi) for the Essex Coast RAMS)

- 5.6.1 Paragraph 170 of the NPPF states that 'planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'

- 5.6.2 Strategic LDP Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.6.3 Policy N2 of the LDP which states that '*All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.*'
- 5.6.4 The application concerns the construction of 1no. dwelling within an open meadow. Therefore, to identify whether any protected species would be present and affected by the proposal it is expected that an Ecological Survey undertaken by a suitably qualified ecologist using standard methodologies should be submitted with the application.
- 5.6.5 The proposal has been reviewed by the Council's Ecological Consultant, who initially raised a holding objection, owing to insufficient information. The applicant has now submitted a Preliminary Ecological Appraisal (PEA) by ACJ Ecology, November 2022, which has identified enhancements to the site. The Council's Ecological Advisor is satisfied that there is sufficient ecological information available for the determination of the application, and should planning permission be forthcoming, recommends the imposition of planning conditions to ensure compliance with the PEA and the installation of sensitive lighting.
- 5.6.6 The Consultant also notes that the site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Local Planning Authority (LPA) must therefore establish if the proposal falls within the scope of the RAMS as "relevant development". The LPA should prepare a Habitat Regulation Assessment (HRA) assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at designated sites.
- 5.6.7 The development of 1no. dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice a 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. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? Yes – The proposal is for one dwelling

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

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

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

Summary of Appropriate Assessment

- 5.6.8 As a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £137.31 per dwelling is necessary. During the application process, the Council has requested a signed Unilateral Understanding (UU) and subject to the receipt of this, the appropriate mitigation would be secured, in compliance with policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.
- 5.6.9 Subject to appropriate conditions it is therefore considered that appropriate mitigation measures have been put in place to mitigate the likely harm the proposal would cause. The proposal is therefore considered to comply with Policy N2.

5.7 Planning Balance and Sustainability

- 5.7.1 One of the key priorities 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.
- 5.7.2 Notwithstanding the considerations as contained in that paragraph, there may be times where there are 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 could no longer be refused on those grounds alone.
- 5.7.3 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.
- 5.7.4 With regard to the 3 tests of sustainability, in economic terms, there would only be a single dwelling provided, however, given the Housing Land Supply shortfall, the weight afforded to this benefit increases its weight as a material consideration, although limited in terms of support for local trade and businesses. Whilst the occupiers of the proposed dwelling would bring some economic benefits to the village, which may provide some support to existing services, it is considered that the benefits would be limited given the proposal is for a single dwelling. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.7.5 In relation to environmental sustainability, as stated within preceding sections of this report, the site is considered to be within a relatively sustainable location, which would weigh in favour of the scheme in relation to environmental sustainability. In light of the Council's housing supply position, it is considered that the proposal would not be considered harmful to warrant refusal of the scheme.
- 5.7.6 In social terms, development should assist in supporting a strong, vibrant and healthy community. Whilst the proposed dwellings would be located outside of the defined settlement boundary the site is considered to be relatively close to public transport such that any future occupiers of the site would not be heavily reliant on the use of private vehicles to access everyday facilities. Although there is a single dwelling

proposed which would provide minor social benefits, the site would be sufficient in size to meet the recommended amenity space standards which would benefit the future occupiers, and weighs in favour of the scheme.

- 5.7.7 Taking into account the above assessment, the proposal would be considered to be sustainable development in the tilted balance.

6. **ANY RELEVANT SITE HISTORY**

- **13/01172/OUT** – Single storey bungalow and garage. Appeal Allowed 06.03.2014 (Reference APP/X1545/A/14/2219763).
- **17/00988/FUL** – Construction of a detached 3 bedroom bungalow with associated vehicular access, hardstanding and landscaping. Approved 31.10.2017.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	<p>Whilst it must be pointed out that this site is outside the development boundary, the Parish Council has no objections to this one bungalow subject to conditions being imposed on the developer in respect of the road surface of Cherry Blossom Lane.</p> <p>This is the third application for this plot of land for a 3 bedroom bungalow: the first back in 2014 was refused by MDC, but allowed on appeal by The Planning Inspectorate, but the bungalow was not built. Then in 2017 an application was put in again for a 3 bedroom bungalow – this was granted permission by MDC, presumably because of the previous appeal decision, but again the bungalow was not built.</p> <p>Interestingly this application has been submitted, just as the Parish Council has taken out a £100,000 Public Works Loan and started works to improve the surface of Cherry Blossom Lane – which will obviously make the proposed new bungalow a more</p>	<p>Noted. The comments relating to the unadopted road would be a private matter between the applicant and the owner of the land and is not a material planning consideration for this application. Furthermore, should any future applications be submitted these will be considered on their own merits as to their acceptability or otherwise and cannot be considered under this application. Taking forward any such consideration would be ultra vires, could not be defended on an appeal and could lead to costs against the Council.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>saleable property at an increased premium.</p> <p>The condition the Parish Council wants to be applied, should MDC grant planning permission, is that the Parish Council is indemnified against any damage at all to the new surface of the road during the construction of the proposed property, which will by necessity mean that there will be increased, heavy traffic to the construction site.</p> <p>As well as an indemnity clause re any damage, the Parish Council believes it should be duly compensated financially with a share of the improved market value via an imposed condition, as it believes that's it's recent heavy investment in upgrading Cherry Blossom Lane to a proper tarmac road, has precipitated the Developer's application. To enforce this as a planning obligation can a Unilateral Undertaking, Section 106 Agreement or a Community Infrastructure Levy as appropriate be applied.</p> <p>Also, whilst this application is for one bungalow, the site is sizeable and the Parish Council is concerned that there will be a further application/or applications for additional bungalows or that a revised application for this modest bungalow will be submitted for an increased number of perhaps two storey larger properties as was the case recently in Purleigh Grove, Cold Norton – where the number of properties on the original application grew in number and the properties proposed grew in stature.</p>	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways (ECC)	<p>The proposed bungalow will be accessed via a private road and there are no proposed alterations to the existing access arrangements to the local highway network.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.</p>	Noted
Place Services – Ecology	Holding objection due to insufficient ecological information on designated sites (Crouch and Roach Estuaries Ramsar and SPA), European Protected Species & Habitats.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface and foul water drainage and informatives relating to refuse and recycling, contamination and construction.	Noted
Tree Consultant	<p>No objection to this proposal. The scheme will present a good opportunity to have new landscape installed to benefit amenity and ecological net gain.</p> <p>Recommend condition for a soft landscape scheme to be provided to provide suitable tree and shrub planting with suitable plants, quantities, sizes and planting specification to ensure establishment.</p>	Noted

7.4 Representations received from Interested Parties

7.4.1 No representations have been received for this application.

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) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 22.663 01; 22.663 02 Rev A; 22.663 03 Rev B; 22.663 04 Rev B
REASON In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. 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.
REASON In the interest of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
4. No development above slab level shall take place until details of all hard and soft landscape works and means of protecting the existing hedges at the site that are to be retained during the course of development have been submitted to and approved 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 occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

REASON In the interests of the character and appearance of the rural area and highway safety, in accordance with Policies T2, D1, E1 and S8 of the Maldon District Local Development Plan and the NPPF.

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.
REASON In the interest of local amenity and residential amenity in accordance with Policy D1 of the approved Maldon District Local Development Plan.
6. The existing hedgerows and trees along the northern and eastern boundaries of the application site shall be protected during the construction of the development.
REASON To protect the character of the area and the natural environment in accordance with the National Planning Policy Framework and Policy D1 and N2 of the approved Maldon District Local Development Plan.
7. 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 ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and Policy D5 of the approved Maldon District Local Development Plan.

8. No works above ground level shall take place until details of the foul drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To ensure the adequate provision of drainage to mitigate against pollution in accordance with the National Planning Policy Framework, and policy D2 of the Maldon District Local Development Plan.

9. No works above ground level shall take place until details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority and shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.

REASON In order to encourage the use of non-motorised means of transport, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

10. Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown on drawing no. 22.663 02 Rev A, including a minimum of two off-street parking space for the dwelling hereby approved. 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.

REASON To ensure that on-street parking is provided as approved in accordance with policies D1 and T2 of the approved Local Development Plan.

11. All mitigation and enhancement measures and / or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology, November 2022), 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 conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation and Habitats and Species

Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

12. Prior to any works above slab level: biodiversity enhancement strategy

A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product information descriptions to achieve stated objectives;
- c) Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plants;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

REASON To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the National Planning Policy Framework (2021) and Section 40 of the Natural Environment & Rural Communities Act 2006 (Priority habitats & species).

13. Prior to occupation: Wildlife sensitive lighting design scheme

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 (through the provision of appropriate lighting plans, drawings and technical specifications) 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 allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section 40 of the Natural Environment & Rural Communities Act 2006 (Priority habitats & species).