

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

DIRECTOR OF STRATEGY AND
RESOURCES
Paul Dodson

18 July 2023

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 26 JULY 2023 at 7.30 pm**

in the **Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch, Essex, CM0 8JA.**

Please Note: All meetings will 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 do so via Microsoft Teams.

To register your request to speak / attend in person please complete 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 and Resources

COMMITTEE MEMBERSHIP:

CHAIRPERSON	Councillor V J Bell
VICE-CHAIRPERSON	Councillor A Fittock
COUNCILLORS	M G Bassenger D O Bown A S Fluker L J Haywood W J Laybourn M G Neall R G Pratt U C G Siddall-Norman W Stamp, CC





AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 26 JULY 2023

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 28 June 2023, (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. **22/01005/FUL - Land at Theedhams Farm, David Fisher Way, Southminster, CM0 7BD** (Pages 15 - 36)

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

6. **23/00574/FUL - Land Rear Of Mill Farm, Stoney Hills, Burnham-On-Crouch** (Pages 37 - 60)

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

7. **Any other items of business that the Chairperson 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 - 6.
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, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

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

iii) Maldon District Council

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

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

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
28 JUNE 2023**

PRESENT

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	M G Bassenger, D O Bown, A S Fluker, L J Haywood, W J Laybourn, M G Neall and W Stamp, CC

123. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone present and went over some general housekeeping arrangements for the meeting.

124. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R G Pratt and U C G Siddall-Norman.

125. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 25 June 2023 be approved and confirmed.

126. DISCLOSURE OF INTEREST

Councillor V J Bell disclosed that all members of the committee knew the Applicant for agenda item 6 - 23/00076/FUL - Land North West of Riversleigh, Nipsells Chase, Mayland.

Councillors L J Haywood and A S Fluker disclosed that they knew the applicants for agenda item 6 - 23/00076/FUL - Land North West of Riversleigh, Nipsells Chase, Mayland.

127. 22/01071/OUT - LAND AT THE OLD RECTORY, EAST END ROAD, BRADWELL-ON-SEA, CM0 7PX

Application Number	22/01071/OUT
Location	Land at The Old Rectory, East End Road, Bradwell-on-Sea, CM0 7PX.
Proposal	Outline planning application (with all matters of detail reserved) for a detached self-build dwelling.
Applicant	Mr & Mrs David and Christine Gould
Agent	Mr James Caan – Planning Direct
Target Decision Date	29.03.2023 (EOT to deadline)
Case Officer	Lisa Greenwood

Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	The application was called in (11 January 2023) to be determined by the Planning Committee by Councillor R P F Dewick, on the grounds of Policy D1, design. It also represents a departure from the Local Plan.

Following the Officers presentation, the Applicant, Mr Gould, addressed the committee.

Councillor A S Fluker proposed to approve the application in accordance with the Officer's recommendation and this was duly seconded. The Chairperson put the proposal to the committee and this was agreed by assent.

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

1. The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in accordance with the details as approved.
2. Application (s) for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
4. The development shall be carried out in accordance with drawing 03 Revision 6 as far as it relates to the access of the site.
5. 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.
6. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking standards within the site in accordance with the Council's adopted Vehicle Parking Standards Supplementary Planning Document (2018). Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
7. The landscaping details referred to in Condition no.1 shall provide full details and specifications of both hard and soft landscaping works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used, together with details of the means of enclosure (fencing and boundaries), car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.
The hard landscaping works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree planted in its replacement is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted

shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

8. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan it must consider the following requirements:

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

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

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

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

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

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

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

9. 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.
10. No works above ground level shall take place until details of the surface water 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.
11. No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Landscape Partnership, December 2023) 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.

13. Concurrent with reserved matters and prior to commencement a Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

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

14. Concurrently with reserved matters prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

15. Concurrently with reserved matters and prior to occupation, 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, x 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.

16. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
17. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
18. Prior to first occupation of the development, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
19. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

20. Concurrently with reserved matters and prior to the commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of dbh x 12 where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
 - c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
- The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.
21. Concurrently with reserved matters and prior to the commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
22. Concurrently with reserved matters no development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
23. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

128. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 7:44pm due to technical difficulties.

129. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the business of the meeting resumed in open session at 8:08 pm.

130. 23/00076/FUL - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND

Application Number	23/00076/FUL
Location	Land North West of Riversleigh, Nipsells Chase, Mayland
Proposal	Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration
Applicant	Mr & Mrs Kenny Paton
Agent	None
Target Decision Date	13.04.2023
Case Officer	Devan Hearnah
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member of the Council

It was noted from the Members' Update that since the meeting of the South Eastern Area Planning Committee held on 23 May 2023 at which this application was deferred, the Council has issued an Enforcement Notice against the breach set out within the Committee Report, which was served on 15 June 2023.

Following the Officers presentation, the Legal Agent, Mr Whale, address the Committee. The Chairperson then opened the debate.

Councillor W J Laybourn raised concerns with the Officer's report, stating it was one sided, disproportionate, the case law was unrelated to the case, questioned the enforcement investigation and the harm, and agreed with the representative of the applicants. Councillor Laybourn then proposed to approve the application contrary to Officer's recommendation, this was seconded by Councillor W Stamp.

A lengthy debate ensued around the current use of the building including comments from Councillors A S Fluker, T Fittock and M G Bassenger raising concerns over the proposal. Cllr Stamp highlighted documentation relating to food standards for the care and storage of apples and was concerned over proposed enforcement action. The Head of Development Management stated the evidence and legal position as set out in the officer's report, demonstrated that the development had not been built in accordance with the approved scheme and as such. the change of use could not be approved as a lawful decision if members were minded to approve the application contrary to Officers recommendation. Members subsequently aired concerns around the implications for the Council of such a decision if this application progressed without a legal advisor being present.

Councillor Fluker raised further concerns over Officers not being aware of letters that had been sent to Members only, alleging the use of the building as an apple store. He then proposed that the application be deferred to the next meeting of the District Planning Committee on 11 July 2023, to ensure that the Council would have a legal advisor present, this was seconded by Councillor M G Neall.

The Chairperson considered the proposal from Councillor Fluker and thought it would be the most pragmatic approach going forward and asked if Councillor Laybourn would

consider withdrawing her proposal to allow proposal of Councillor Fluker to be put to Members. Councillor Laybourn then withdrew her proposal.

The Chairperson put the proposal of Councillor Fluker to the Committee and this was agreed by assent.

RESOLVED that the application be **DEFERRED** until the next meeting of the District Planning Committee to be held on 11 July 2023.

There being no other items of business the Chairperson closed the meeting at 8.48 pm.

V J BELL
CHAIRPERSON

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
SOUTH EASTERN AREA PLANNING COMMITTEE
26 JULY 2023

Application Number	22/01005/FUL
Location	Land at Theedhams Farm, David Fisher Way, Southminster, CM0 7BD
Proposal	New medical practice with dispensary retail unit and other ancillary uses together with access onto David Fisher Way; associated car parking facilities and other hard and soft landscaping works.
Applicant	Assura Aspire Ltd
Agent	Mr M. Robinson - Simpson Hilder Associates
Target Decision Date	17.02.2023 EoT to 28.07.2023
Case Officer	Jonathan Doe
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Call in by Councillor A S Fluker with reference to policies D1 and E3. The proposal is a Major development outside a defined settlement boundary

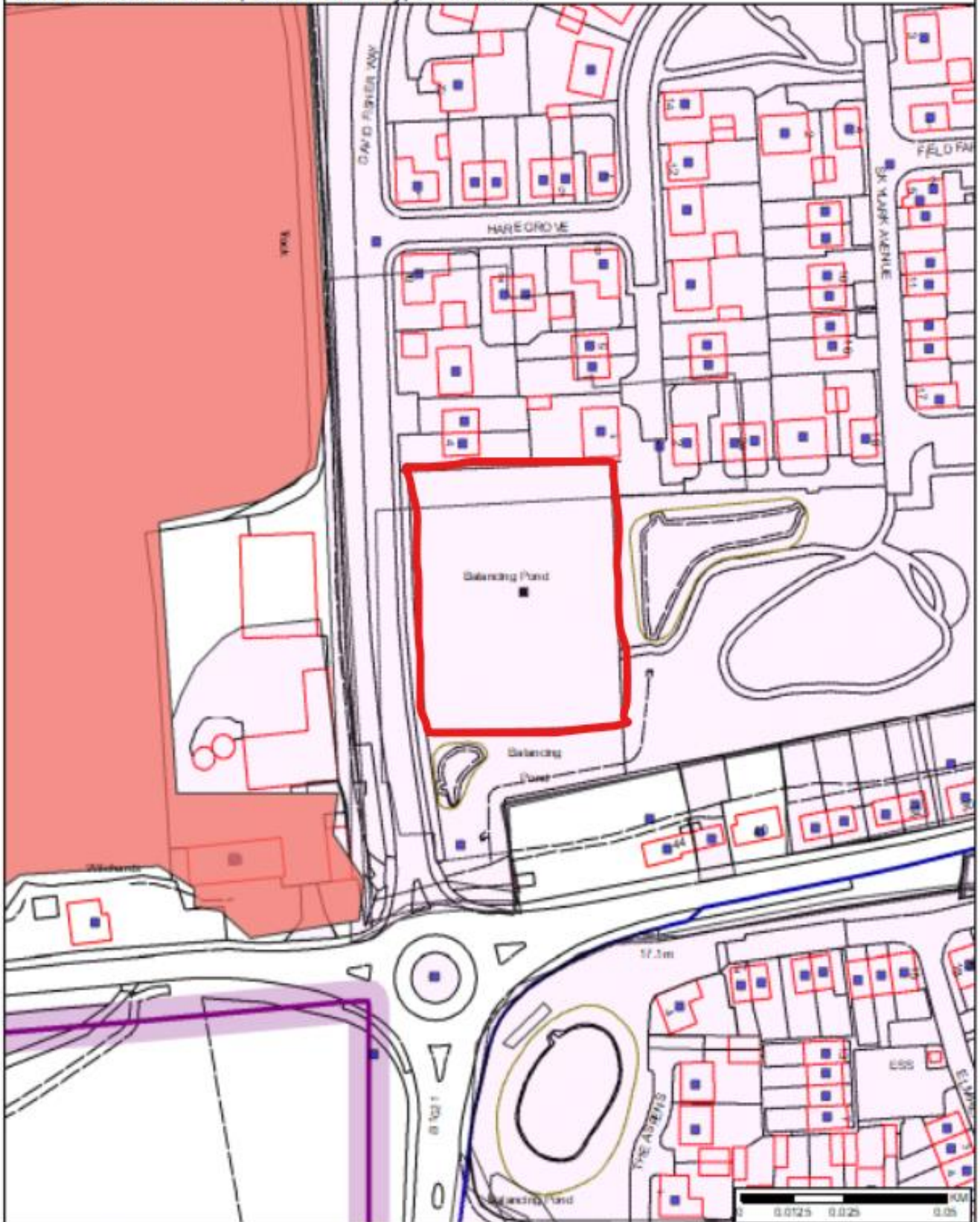
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

Application reference 22/01005/F UL
Land at Theedham's Farm, David Fisher Way, Southminster



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	14/06/2023
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is currently an open grassed area, of some 0.3 hectares, on the eastern side of David Fisher Way.
- 3.1.2 The site is to the western side of the built-up area of Southminster, some 1km from the centre of the village. The site is within an area of recent comprehensive development to the west of Steeple Road and north of Queen Street.
- 3.1.3 There is recent residential development to the north of the site. To the east is public open space with a swale. To the south of the site is public open space and residential development fronting onto Scotts Hill, part of the B1018. On the opposite side of David Fisher Way, to the west of the site, are industrial units accessed off Scotts Hill. To the northwest and further to the west are agricultural fields. The site is in Flood Zone 3.
- 3.1.4 The relevant history of the site begins with an outline planning permission, 14/00613/OUT, granted at appeal for residential development which included land being reserved for a medical centre. The most recent planning history relating to the site is 21/00012/VAR which approved various aspects regarding the setting of the current site including 94 houses, the provision of new public open space and the allocation of 0.275 hectares of land reserved for the provision of a medical centre.

Description of proposal

- 3.1.5 The proposal is for a medical centre in a new two-storey building. The layout of the proposed site would be with the medical centre building to the north of the site and a parking area to the south. Vehicular access would be mid-way along the site frontage with David Fisher Way.
- 3.1.6 The medical centre building would have a maximum width of some 34m by a maximum depth of some 19m, the two-storey form having a depth of some 13m.
- 3.1.7 The proposed new medical facility would replace the existing William Fisher Medical Centre in Southminster. The proposal has received support from the Mid-Essex Clinical Commissioning Group, a supporting letter forms part of the application documentation. The application refers to the existing surgery being outdated, lacking capacity and the GP client requires improved facilities to cope with the expected expansion of its patient list from 6,000 patients to 9,500 patients within the next five years.
- 3.1.8 The proposed medical centre would have nine consulting and treatment rooms, a multi-use room, associated administration spaces and support and welfare spaces. There would also be a small dispensary, of some 20 sq m, to replicate the existing dispensing provisions at the current William Fisher Medical Centre. Sixteen full-time employees would be employed. 33 car parking spaces are proposed.

3.2 Conclusion

- 3.2.1 The proposal is for a community service and is supported by Policy E3 of the Local Development Plan (LDP) which states that the Council will seek to enhance the provision of community services and facilities. The site is outside a settlement

boundary but is part of a continuum of built development which now forms the built-up area of Southminster. The impact of the proposed development to occupiers of neighbouring residential development is acceptable. Flood risk has been adequately addressed with such risk relating only to the car park and not to the proposed building.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S8 - Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D5 - Flood Risk and Coastal Management
- Policy E1 – Employment
- Policy E3 – Community Services and Facilities
- Policy H4 – Effective Use of Land
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services
- Policy I2 – Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards

5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, highways / access / parking, flood risk, and nature conservation.

5.2 Principle of Development

- 5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan is the approved LDP.
- 5.2.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.
- 5.2.3 The application site lies outside of any defined development boundary. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.4 The application site is within the context of a comprehensive development for housing which was granted at appeal. The proposal would have no material impact to the intrinsic character or beauty of the countryside. This is discussed below in the section addressing the design and impact on the character of the area.
- 5.2.5 Policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities. Development proposals which will help to improve the provision of and accessibility to community services and facilities in a local area will be encouraged including the re-located, co-location, modernisation and expansion of existing services. The proposal would align with the aims of this policy. Accordingly, the proposal is supported by Policy E3.
- 5.2.6 Policy I1 is concerned with infrastructure and services and states that the Council will work with relevant partners and infrastructure providers to improve infrastructure provision. Policy I2 is concerned with health and wellbeing and states that the Council will aim to improve the District's health and wellbeing by such means as addressing delivery of modern healthcare. In that the proposal is a form of infrastructure provision and that the proposal would deliver modern healthcare, Policies I1 I2 support the proposal.
- 5.2.7 In conclusion with regard to the principle of the development, the setting and history of the site are such that it is acceptable with regard to Policies S1 and S8 and the proposal is supported by Policy E3.

5.3 Design and Impact on the Character of the Area

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

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

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

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

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

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

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017).

5.3.5 The proposed building would be set against a background of mainly two-storey housing development to the north and northeast. Land to the east is public open space with no built forms though its character is not that of open countryside, but of landscaped open space. David Fisher Way forms a strong visual boundary to the west of the site and on the far side of the road are sizeable commercial buildings. The proposed built form would be in the northern part of the site with the car park to the southern part forming relatively open land and a buffer from the southern boundary of the site. Beyond the southern boundary of the site is built development facing onto Queen Street, part of the B1018.

5.3.6 The introduction of built form as proposed would be in keeping with the overall setting to the site. Furthermore, the proposed building would obscure the side elevation of a

house to the north and thereby improve on an element of townscape with an unfinished appearance.

- 5.3.7 Amended plans have been received in the course of the consideration of the application which show a flat roofed two-storey building. The proposal is for a building with a contemporary style and with a horizontal emphasis to the massing of the building. The appearance of the mass of the building would be broken into a number of visual elements. The front elevation achieves a visual balance appearing as a vertical element in facing brick to the left-hand side, then an element with a first-floor area of glazing which would slightly protrude set against a wall of vertical timber boarding, then a wider element of essentially facing brick, with two panels having a feature brick pattern. On the ground floor would be a protruding open canopy with a colour coated finish.
- 5.3.8 Policy D1 states at 1) a) that innovative design will be considered where appropriate. This site is wholly appropriate to a more contemporary design as there is an absence of a more traditional architectural style within which the proposal would be viewed. The front elevation would be seen in an oblique view on a long stretch of David Fisher Way due to the proposed parking area in front forming open land. The comment of the Parish Council regarding the “gate way” nature of the site is an appropriate way to describe the setting of the proposal. The design is to a high standard and officers concur with the Parish Council in its support of the design.
- 5.3.9 In conclusion, the development proposed would enhance the local context of this particular site and make a positive contribution with regard to its contemporary architectural style appropriate for this particular site. As such the development complies with Policies S1, S8, D1 of the approved LDP.

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 Policy H4 7 is concerned with the impacts on the amenities of neighbouring properties in the context of the effective use of land.
- 5.4.3 The Environmental Health team raises no objection in principle subject to conditions regarding specification of the air source heat pumps, reporting any previously unidentified ground contamination, assessment of drainage, details of external lighting, a construction management plan, and details of any external plant to ventilation.
- 5.4.4 Two residential properties adjoin the northern boundary of the site: 4 David Fisher Way and 1 High Brooke Drive. Five first-floor windows would look towards these properties over a distance of some 7m. The windows would be to two consulting rooms, a half-landing of a staircase, a corridor, and an office for the practice manager. The imposition of a condition to require the windows to the staircase and corridor to be obscure glazed is considered reasonable and unproblematic. A condition to require the practice rooms and the office to also be obscure glazed is necessary, to avoid overlooking of the rear gardens to the north, and reasonable given that these rooms would be workspaces. Subject to such conditions, the proposal is acceptable with regard to privacy and overlooking.

- 5.4.5 The rear elevations of the house and bungalow to the north would be orientated at a right-angle to the rear elevation of the proposed building and the two-storey built form of the proposed building would be nearly 7m from the common boundary with these properties. In these circumstances the proposal would be acceptable with regard to outlook in relation to Policy D1.
- 5.4.6 The built form of the proposed building would screen activity and any noise arising from the use of the site from neighbours to the north. Environmental Health has recommended a condition to agree the specification of air source heat pumps prior to installation. The public open space would distance any noise to neighbours to the south. Subject to a condition regarding heat pumps, the proposal is acceptable with regard to noise in relation to Policy D1.
- 5.4.7 An external light management strategy has been submitted as part of the application documentation. Environmental Health has no objection to this in principle though recommend a condition be imposed to seek further detail of lighting to ensure that no light overspill occurs. Subject to such a condition, the proposal is considered acceptable with regard to light in relation to Policy D1.
- 5.4.8 The proposed building would have a height to the top of a parapet to the flat roof of the main body of the building of some 8m. The elevation drawings, 942-P005 Revision E, show that the ground level to the building would be raised such that the height of the building would be 8.5m higher than the ground level of the existing land. However, it was noted from a site visit that the residential properties to the north are on ground some 1m higher in level than the level of the application site. The distance between the boundary with the neighbouring properties to the north and the two-storey built form of the proposed building would be some 7m. The built form of the house to the north is some 2m from this boundary and the built form of the bungalow is some 1m from this boundary. Whilst the proposal would lead to some loss of light to the rear gardens of the dwellings to the north, loss of light to windows of these dwellings would not be to a degree which would form a basis for refusal.
- 5.4.9 In conclusion with regard to residential amenity, the proposal is acceptable.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 The standard for a medical centre is one space per full-time staff and two spaces per consulting room, or individual assessment / justification. The proposal would involve 16 full-time staff and nine consulting rooms. The car parking standard would therefore be a minimum of 34 spaces. Following receipt of an amended plan, to address an issue raised by the Environment Agency (EA), 33 spaces are proposed.
- 5.5.4 Essex County Council (ECC) Local Highways Authority has confirmed in writing that from a highway and transportation perspective the impact of the proposal is

acceptable subject to conditions regarding the construction of the vehicular access and implementation of parking provision.

- 5.5.5 Based on the above, no objection to the proposal is raised on the grounds of highway safety, access or car parking.

5.6 Flood Risk and Drainage

- 5.6.1 Policy D5 is concerned with Flood Risk and Coastal Management and sets out a number of requirements of new development including that it be demonstrated how it would maximise opportunities to reduce the causes and impacts of flooding.
- 5.6.2 A Flood Risk Assessment (FRA) and Drainage Report forms part of the application documentation. This refers to how surface water from the development would be discharged to the local ditch network with attenuation in the form of permeable paving being included such that the proposed development would not have a detrimental impact on the Theedhams Farm site. Permeable paving would be used within the car park, the circulation area would be hard surfaced, and the parking spaces would be of another permeable material. The foul water network would connect into the existing Theedhams Farm foul network.
- 5.6.3 The EA originally confirmed in writing that having reviewed the documents as submitted it did not have any objection to the proposed application, providing that the flood risk considerations are taken into account which is the responsibility of the Local Planning Authority (LPA). The written response confirms that all 'more vulnerable' built development has been sequentially sited outside of the 1% (1 in 100) annual probability flood extent including an allowance for climate change, as delineated by the bespoke flood risk modelling. Therefore, all buildings will remain dry during a 'design flood' event.
- 5.6.4 The written response from the EA continues by pointing out that the associated car park is partially sited within land liable to flooding and suggests that evidence to confirm that the car park is not within Flood Zone 3b, in order to determine the appropriateness of the proposed development in accordance with Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change be provided. This has subsequently been provided in the form of a document, Technical Note: Flood Zone 3b Extent and Parking Spaces. However, a response on this technical note raised a holding objection.
- 5.6.5 A Flood Response Plan was subsequently submitted. This concluded that there is a small risk of low-level flooding to a small area of the southern portion of the site. Due to early consideration in the design, there is only minimal impact, limiting the use of seven car parking spaces during the event, with the rest of the site remaining operational. Furthermore, an amended plan has recently been submitted which has deleted the provision of the relevant seven car parking spaces.
- 5.6.6 Given that the EA has confirmed that in the circumstances of this case the flood risk responsibilities are those of the LPA, it is considered that the benefit of the medical centre far outweighs the disbenefit of potential flooding to a small portion of the car park. Furthermore, the objection of the EA, that seven car parking spaces could be flooded, has been overcome by an amended plan which has deleted these spaces from the design.
- 5.6.7 Essex County Council Development and Flood Risk section, the Sustainable Drainage Systems (SuDS) team, has made a holding objection based on an absence of information regarding treatment of water draining from the roof of the proposed

building. The written response from the SuDS team states “As treatment for the roof has not been equated for, there is insufficient pollution treatment”.

5.6.8 Notwithstanding the comment of the SuDS team, there is insufficient ground to refuse the application based on the issue raised regarding lack of detail regarding water draining from the roof of the proposed building. However, it is considered necessary to impose a condition to address any pollution implication of drainage of water from the roof of the building.

5.6.9 Having examined the information regarding flood risk, it is apparent that there is no flood risk to the proposed building. Accordingly, the proposal as a whole is acceptable with regard to flood risk.

5.7 Nature Conservation

5.7.1 The site adjoins land to the south which has a balancing pond. Adjoining land to the east is public open space / a play area which also has some ecological value.

5.7.2 Policy N2 is concerned with the natural environment and biodiversity and requires, amongst other matters, that wherever possible, all development proposals should incorporate ecologically sensitive design and features. Where appropriate, development proposals near any watercourses or water bodies should provide a sufficient buffer which will be beneficial from the perspective of minimizing the encroachment of development, providing ecological enhancements, and preventing pollution.

5.7.3 Essex Place Services ecological advice service has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures.

5.7.4 The application documentation includes a Preliminary Ecological Appraisal (PEA). Place Services comment that the mitigation measures identified in the PEA should be secured by a condition. This is necessary to conserve and enhance protected and Priority species particularly reptiles and Hedgehog.

5.7.5 It is also noted that the site lies within an Amber Risk Zone for the Great Crested Newt (GCN) District Level Licensing and that potentially suitable aquatic habitats are present in close proximity to the site. GCN should therefore be considered as part of this planning application. However, due to the type of development and area impacted, Place Services recommends that potential impacts to GCN can be managed under a precautionary method statement for GCN for the construction stage, including storage of materials.

5.7.6 Place Services also support the proposed reasonable biodiversity enhancements of log piles, insect boxes, hedgehog friendly fencing and native species planting, which have been recommended by the PEA to secure net gains for biodiversity, as outlined under Paragraph 174d of the NPPF (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

5.7.7 Subject to imposition of appropriate conditions, the proposal is acceptable with regard to Policy N2.

5.8 Other matters

- 5.8.1 The proposal would create employment at the site and as such is supported by Policy E1 which states that the Council will encourage employment generating developments and investment in the District.

6. ANY RELEVANT SITE HISTORY

- **14/00613/OUT** - Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre. – Allowed at appeal (APP/X1545/W/15/3132936) 01.08.2016.
- **18/00752/RES** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on planning application OUT/MAL/14/00613 which was allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.) – Approved 23.11.2018.
- **17/03047/PREAPP** - The proposal will be to prepare and submit a reserved matters application for 94 units, including access for land at Theedhams Farm and provide land for the provision of a medical centre.
- **22/03093/PREAPP** - New two storey medical centre with a total area space of circa 780sqm. This will include nine consulting and treatment rooms, a multi-use group room, associated administration spaces and support, welfare and a small dispensing pharmacy. The site will provide parking, drop off cycle storage and other external support elements.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommends the granting of planning permission. Southminster Parish Council support the design and feel it is an appropriate property for the gateway to the village.	None.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority, Essex County Council (ECC), SuDS advisor	Holding objection	See paragraphs 5.6.7 to 5.6.9 and Condition 14
Anglian Water	<p>Full assessment cannot be made due to lack of information, the applicant has not identified a discharge regime, topography suggests a pumped connection may be required, for pumped connections a rate must be provided, and a clear strategy given which indicates the point of connection, by Anglian Water manhole references for Steeple Road. We therefore request a condition requiring an on-site drainage strategy.</p> <p>The foul drainage from this development is in the catchment of Southminster Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.</p>	Conditions 12 and 13 address
Environment Agency	Holding objection	See paragraphs 5.6.2 to 5.6.6
Essex Police Designing Out Crime	<p>Maldon's Core Strategy, states that a high priority is placed on doing all they can to reduce crime. It further states that one of Maldon's key objectives is to reduce the fear of crime. The NPPF also supports the need to create safe and secure environments. Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which are places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 95 of the NPPF states that Planning policies and decisions should promote public safety and take into account wider security.</p> <p>Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the boundary</p>	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>treatments and physical security measures.</p> <p>We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the risk commensurate security is built into each property and the development as a whole.</p>	
ECC Highways	No objection subject to conditions	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	<p>An Environmental Noise Assessment by Hunter Acoustics 6561/ENS1_Rev2 has been included with the application. I note that there is an intention to provide air source heat pumps, therefore I would recommend a condition to ensure that we agree the specification prior to installation.</p> <p>The Geo-Environmental Assessment by DeltaSimons issued June 2022, Project No:22-0764.01 is satisfactory. As recommended in the report, I would suggest a condition requiring the developer to report previously unidentified contamination.</p> <p>A Flood Risk Assessment and Drainage Report dated 1 September 2022 has been prepared by Civic Engineers. I understand that provisions were made in the Theedhams Farm development for the potential drainage requirements of the medical centre and the intention is to drain into the constructed network. As ECC commented on the original scheme I will leave them to comment on this.</p> <p>The intention to drain foul water into the public sewer is acceptable, subject to Anglian Water approval.</p> <p>An external light management strategy, ref 8808 dated Aug 22 has been provided. This is essentially the lighting specification with a plan of where they are to be sited. No details of light spill have been included and should</p>	<p>Condition 8 addresses details of air source heat pumps.</p> <p>Condition 7 addresses previously unidentified contamination.</p> <p>Condition 9 addresses external lighting.</p> <p>Condition 6 addresses a construction management plan.</p>

Name of Internal Consultee	Comment	Officer Response
	<p>be provided to ensure there is no light trespass beyond the boundary of the development site.</p> <p>Therefore, whilst I have no objections to the proposal I would recommend the inclusion of conditions regarding a construction management plan, reporting should any contaminated ground water being found, no ventilation equipment or similar being installed except as by prior approved details and further details of external lighting.</p>	
Ecology	No objection subject to securing biodiversity mitigation and enhancement measures.	Conditions 10 and 11 address
Specialist - Heritage and Conservation	Proposal will have no impact on the setting or significance of any nearby designated heritage assets.	Noted

7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
Represents relocation to outskirts of village leading to an accessibility issue.	The site is at an accessible location.
Without retaining existing medical centre this proposal would run at capacity in five years putting community back to same position that it is at today.	This is a matter for the NHS.
Scale and massing inappropriate, too urban looking and would block light.	See paragraphs 5.3.8 and 5.4.7.
Noise disturbance.	See paragraph 5.4.5.
Overlooking and loss of privacy.	See paragraph 5.4.3.
Not efficient use of space as larger than existing facility yet would cater for only an increase of patients of 42-58%.	The proposal offers modern facilities.

7.4.2 **Two** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Would mitigate effect on provision of GP services due to significant housing developments in Southminster.	
Existing medical centre unable to adequately support its expanding patient list due to space restrictions.	

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 9412-P001 Rev B Block and location plan
 - 9412-P002A Existing site plan
 - 9412-P003B Proposed site plan
 - 9412-P004 Rev B Proposed ground and first floor plans
 - 9412-(2-) 001 Proposed ground floor plan
 - 9412-(2-) 002 Proposed first floor plan
 - 9412-P005 Rev E Proposed elevations
 - 9412-P006 Rev B Proposed roof plan
 - 9412-P007 Rev B Streetscene
 - Design and access statement issue 02
 - Geo-Environmental Assessment by Delta Simons dated June 2022
 - Flood Risk Assessment and drainage report by Civic Engineers dated 1 September 2022
 - Flood Risk Assessment and drainage report by Civic Engineers dated 22 August 2022
 - External Light Management Strategy
 - Transport Statement by Rossi Long Consulting dated August 2022
 - Environmental Noise Assessment by Hunter Acoustics dated 08/09/2022
 - Preliminary Ecological Appraisal by Geosphere Environmental dated 08/09/2022
 - Flood Response Plan by Simpson Hilder Associates LtdREASON To ensure that the development is carried out in accordance with the details as approved.
3. Notwithstanding the elevation drawing hereby approved, prior to the first occupation of the building hereby permitted, the first-floor windows in the northern elevation shall be glazed with opaque glass and of a non- operable design with the exception of any top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
REASON To avoid overlooking of neighbouring properties, in the interest of the residential amenity of the occupiers of properties to the north of the site, and in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
4. Prior to the first use of the development the vehicular access as shown on the approved plans shall be provided with a dropped kerb crossing of the footway with all details to be agreed with the Highway Authority. The visibility splays and vegetation height shall be maintained as shown on the approved plan for the life of the development.
REASON To ensure that pedestrians are prioritised, and vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy T2 of the Local Plan.

5. Prior to first use of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided with the turning areas being hard surfaced, sealed and marked out and the parking spaces being marked out. The parking and turning areas shall be retained in perpetuity as such for their intended purpose. No hard-standing areas to be constructed until the works have been carried out in accordance with a drainage strategy.

REASON To ensure that appropriate parking and turning is provided.

6. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan it must consider the following requirements:

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

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

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

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

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

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

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

REASON In the interest of public amenity in accordance with Policy D1 4) and Policy D2 6) of the Local Plan.

7. Should the existence of any contaminated ground or groundwater and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, it must be reported in writing immediately and a risk assessment of the site shall be undertaken and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems

and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11)', the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.

REASON To avoid pollution in accordance with Policy D2 6) of the Local Plan and paragraph 183-186 of the National Planning Policy Framework.

8. No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment including air source heat pumps shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

REASON In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with Policy D1 4) and Policy D2 6) of the Local Plan.

9. Notwithstanding the information already provided in respect of the external lighting scheme, further details of the spread of light and operating hours of the lights shall be submitted to and approved in writing by the local planning authority prior to first use of the development hereby approved. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.

REASON In the interests of public amenity and biodiversity in accordance with Policy D2 6) and Policy N2 of the Local Plan.

10. Prior to construction above damp-proof course a scheme for biodiversity net gain and nature conservation enhancement of the site, along the lines referred to in the Preliminary Ecological Appraisal (Geo Environmental, September 2022), shall have been submitted to and approved in writing by the local planning authority. 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. 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 descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The scheme as approved shall be implemented prior to first use of the development hereby approved and retained as such.

REASON To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in the interest of sustainable development in accordance with Policy S1 9), Policy D1 1) f) and Policy N2 and the provisions of the National Planning Policy Framework.

11. Prior to first construction a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
REASON To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Local Plan.
12. Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. The agreed scheme shall be implemented prior to the first use or occupation of the building hereby permitted.
REASON The foul drainage from this development is in the catchment of Southminster Water Recycling Centre which currently does not have capacity to treat the flows the development site. To prevent environmental and amenity problems arising from flooding and in the interests of good planning and public amenity in accordance with Policy T2, Policy S1 6) and 11), Policy D1 4) and Policy D5 6) of the Local Plan.
13. No development works above ground level shall occur until details of a surface water drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the 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 Anglian Water will need to plan effectively for the proposed development and will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. In the interest of sustainable development in accordance with Policy S1 7), Policy D2 5) and Policy D5 1) and 4) of the Local Plan and the provisions of the National Planning Policy Framework.
14. Details of an appropriate level of treatment for all rainwater runoff leaving the site, with particular regard to treatment to water from the roof of the medical practice, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753, shall be submitted to and approved in writing by the local planning authority prior to construction of the medical practice building above ground level. The details as approved shall be implemented and retained as approved.
REASON In the interest of the avoidance of pollution in accordance with Policies D1 4) and D2 6) of the adopted Local Plan.

INFORMATIVES

1. There shall be no discharge of surface water onto the Highway.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
3. The applicant may require a Flood Risk Activity Permit if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert. Asheldam Brook, is designated a 'main river'.

Application forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Anyone carrying out these activities without a permit where one is required, is breaking the law.

Further information can be found in the technical appendix of the response of the Environment Agency (dated 25 November 2022) to planning application 22/01005/FUL.

4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
5. The foul drainage from this development is in the catchment of Southminster Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity.
6. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
7. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
8. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

9. The preferred method of surface water disposal would be to a Sustainable Drainage System (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to the rate provided being far greater than Anglian Water would expect for a site of this size. Anglian Water also require a clear strategy for a site of this size, detailing the Anglian Water point of connection, "MHS12" is not an Anglian Water point of connection that we are able to locate. We would therefore recommend that the applicant consults with Anglian Water and the Environment Agency. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to draw substantially on the public sewerage network capacity and capacity at the receiving Water Recycling Centre. If developers can avoid new surface water flows entering the public sewerage, the impact of developments on wastewater infrastructure and the risk and impact of sewer flooding can be managed effectively, in accordance with paragraph 163 of the NPPF, minimise the risk of flooding. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.
10. Desktop analysis has suggested that the proposed development will lead to a risk of flooding downstream. It is highly recommended that you engage with Anglian Water at your earliest convenience to develop in consultation with Anglian Water a feasible drainage strategy. If you have not done so already, it is recommended that you submit a Pre-planning enquiry with our Pre-Development team of Anglian Water. This can be completed online at <http://www.anglianwater.co.uk/developers/pre-development.asp>
11. With regard to the conditions regarding foul and surface water drainage, Anglian Water will require a copy of the following information prior to recommending discharging the condition:
- Foul water: Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including: Development size Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s) Connecting manhole discharge location (No connections can be made into a public rising main) Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website) Feasible mitigation strategy in agreement with Anglian Water (if required)
- Surface water: Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including: Development hectare size Proposed discharge rate (Our minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1

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

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
26 JULY 2023**

Application Number	23/00574/FUL
Location	Land Rear Of Mill Farm, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Construction of 4 chalet-style bungalows
Applicant	Mrs P Green
Agent	Mr O Dickens – Design Designed Ltd
Target Decision Date	02.08.2023
Case Officer	Kathryn Mathews
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the local plan

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is within Stoney Hills which is an area located outside the settlement boundary of Burnham-on-Crouch, but which has been the subject of a number of redevelopment proposals over recent years which have changed the area's character from a predominantly rural environment to a more suburban setting, including a number of developments to the north of the subject site where properties are accessed by cul-de-sacs. The properties within the wider area are mainly individual detached chalet style dwellings and bungalows along with some two storey dwellings all of which vary in terms of style, scale and form. The changed character of the area has been recognised by Planning Inspectors when determining recent planning appeals for additional residential development in the area.
- 3.1.2 The application site is 0.34 hectares (ha) in area and consists of a roughly square shaped piece of land to the rear of Mill Farm linked to Stoney Hills road, which is located to the west, by an existing accessway which also forms part of the site. As part of the application, it is stated that the existing use of the site is residential and equestrian. The site accommodates a manege surrounded by mown grass. There are no trees or hedges within the application site but there is existing vegetation along parts of the site's boundaries, particularly to the east and south.
- 3.1.3 There are residential properties immediately to the south and west of the main part of the application site. Those to the south front Mill Road and those to the west (Mill Farm), along with an existing stable block, are indicated as being within the ownership of the applicant. To the north and east of the site is more open land although it is understood that the land to the east is associated with an existing residential property. The subject site, along with adjoining land, used to be associated with 50 Mill Road to the south.
- 3.1.4 Planning permission is sought for 4 new dwellings, described as chalet-style bungalows, which would consist of 2no. two-bedroom dwellings and 2no. three-bedroom properties. The submission of the current application follows the dismissal of an appeal for the same development (reference 22/00571/FUL) but which was only dismissed due to the Inspector not being satisfied that adequate mitigation in relation to Recreational disturbance Avoidance and Mitigation Strategy (RAMS) had been secured and the effect of the proposed development on the living conditions of future occupiers, with particular reference to outlook .
- 3.1.5 The two-bedroom dwellings (Plots 1 and 2) would measure 11.3m in depth, 12m in width and 7.1m in height with the first-floor accommodation mainly within the roof space of the dwellings but also within a two-storey gabled projection to the front and rear elevations along with a dormer window to the front elevation. The roof of the main part of the dwelling would be half hipped with velux roof lights within the front and rear roof slopes. There would be a porch to the front elevation and an external chimney stack. There would be two bedrooms at first floor level and a study at ground floor level.
- 3.1.6 The three-bedroom dwellings (Plots 3 and 4) would measure 13m in width, 11.5m in depth and 7.7m in height with the first-floor accommodation being mainly within the roof space of the dwellings, but also within the two two-storey front projections. The main roof of the dwelling would be half-hipped with velux roof lights to the front and rear roof slopes. There would be a porch to the front elevation and an external chimney stack. There would be two bedrooms at first floor level and a study / 3rd bedroom at ground floor level.

- 3.1.7 The external materials proposed would consist of face brickwork with render above and clay tiles for the roofs. The two storey gabled projections would be finished with cedar cladding (anthracite) at first floor level.
- 3.1.8 Vehicular access to the site would utilise the existing access to Mill Farm from Stoney Hills which is around 45m in length and at least 6m in width. The four detached dwellings proposed would be arranged around an extension to this accessway. A turning head would be provided at the eastern boundary of the site. It is noted that on the Landscape Plan 000_SL/03 submitted reference is made to a proposed vehicle verge passing point with culvert adjacent to site entrance on Stoney Hills but this is outside the application site boundary.
- 3.1.9 The amenity areas for the dwellings would all exceed 100sq.m. Each of the dwellings would be provided with two parking spaces.
- 3.1.10 1.8m high close boarded fencing is proposed along the northern and western boundaries (including the boundary with the existing dwelling at Mill Farm), along the northern margin of the existing driveway and as a means of separating the gardens between the plots. Pedestrian gates would be included to provide access. It is proposed to plant a hornbeam hedge along the existing and proposed 1.8m high fencing which would enclose the accessway. 1.2m high timber post and rail fencing is proposed to the boundaries of the dwellings with the driveway and to the eastern boundary, along with planting. The existing screen panelled fencing along the southern boundary is to remain. Each house would have a rear patio which would be paved, and the driveways finished in gravel.
- 3.1.11 The application is accompanied by the following supporting documents: Preliminary Ecological Appraisal (January 2022), Construction Method Statement (April 2022 referring to application 22/00222/FUL), Geo-Environmental Data-Search Summary (January 2022), Renewable Energy Statement (it is proposed to install an air source heat pump to each of the dwellings proposed) and Sewage & Surface Water Management Strategy.

3.2 Conclusion

- 3.2.1 Whilst the site is located outside the settlement boundary of Burnham-on-Crouch, no objection is raised to the principle of the proposal as the development would be comparable to residential schemes granted planning permission within the Stoney Hills area.
- 3.2.2 It is concluded that the development would provide an adequate quality of life for the occupiers of the proposed dwellings, would not have an adverse impact on the amenity of the occupiers of any neighbouring residential property and would be acceptable in terms of highways safety / access / parking and drainage.
- 3.2.3 Whilst the previous appeal (mentioned above at paragraph 3.1.4) relating to the same development was dismissed (reference 22/00571/FUL), the Inspector did not raise concerns regarding the layout or design of the development and considered that the development would not cause harm to the character or appearance of the area.
- 3.2.4 Whilst the Council is now able to demonstrate a five year supply of deliverable housing land (Five Year Housing Land Supply (5YHLS)) (which was not the case at the time the previous appeal was dismissed), given the Inspector's assessment of the proposal, it is not considered that there would be any reason to justify different conclusions now being reached. It is Officers' view that the current proposal

overcomes the concerns of the previous scheme which were supported by the Inspector on appeal. Therefore, provided that the necessary financial contribution towards RAMS is secured or made, it is considered that the proposal would be sustainable development of a form supported by local and national policies for new housing.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Burnham-on-Crouch Neighbourhood Development Plan

- Policy HO.1 – New Residential Development
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.8 – Housing Design Principles

- Policy EN.3 - Enhancement of the Natural Environment
- Policy EN.7 - Waste Bins Storage
- Policy HC.2 - New Development Features

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of development, the impact on the character and appearance of the area, any impact on the amenity of existing residents, the quality of life for the occupiers of the proposed dwellings, highway safety / access / parking, nature conservation and drainage.

5.2 Principle of Development

5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).

5.2.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.3 Policy S8 of the LDP does not allow for the construction of new dwellings outside the development boundaries even if the intrinsic character and beauty of the countryside is not adversely impacted upon (discussed below). However, whilst the proposal is contrary to this Policy, no objection was raised to the principle of the development by the Inspector who determined the previous appeal for the same development. It is noted that the Council is now able to demonstrate a 5YHLS (of 6.35 years) (which was not the case at the time the previous appeal was dismissed) but, given the Inspector's assessment of the proposal and in the absence of any material harm being identified (see assessment below), it is not considered that there would be any reason to justify a different conclusion being reached regarding the acceptability of the principle of the development proposed. Furthermore, it is noted that, due to the conflict with the Habitat Regulations (see below), even though the Council was unable to demonstrate a deliverable 5YHLS at the time of the previous appeal, the 'tilted balance' was not engaged in any event.

5.2.4 Whilst the Council is now able to demonstrate a 5YHLS, it is still necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's *'presumption in favour of sustainable development'* applies.

5.2.5 Sustainable Development

5.2.5.1 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental parts. The LDP through Policy S1 reiterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. These three dimensions are assessed below.

5.2.6 Environmental Dimension

5.2.6.1 Accessibility is a key component of the environmental dimension of sustainable development.

5.2.6.2 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment.

5.2.6.3 The application site is located outside of the defined settlement boundary of Burnham-on-Crouch, a town that is classified as one of the 'main settlements' within the District, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside is assessed below as well as whether the development constitutes sustainable development.

5.2.6.4 Burnham-on-Crouch is a main settlement which contains a range of services and opportunities for employment, retail and education and serves a wide catchment area, with good public transport links. The Stoney Hills area lies to the north of the main Burnham-on-Crouch settlement. The nearest bus stops lie along Southminster Road, approximately 15 minutes' walk away. These bus stops provide services to Maldon and into Chelmsford, where there is a wide range of facilities and trains to London. Burnham-on-Crouch train station is located a half an hour walk away, which provides services into Chelmsford and London. It is noted that the road leading to Stoney Hills is an unmade, unlit track. However, a number of new dwellings have been approved in the area in recent years, some at appeal (see below), as part of the assessment of which it was accepted that, whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is in an accessible location and therefore supports the direction of the NPPF which aims to focus growth within sustainable locations offering a choice of transport modes (walking and cycling routes) to public transport facilities. It has also been acknowledged that the character of the area has evolved over time, so it is no longer an area of loose knit, scattered residential development but more akin to a suburban residential area. The recent appeal decisions relating to the development of the site for the same description of development currently proposed supports this view.

5.2.6.5 Based on this assessment, the location of the site would not fail to discourage the use of private cars. Paragraph 105 of the NPPF states that "*The planning system should actively manage patterns of growth in support of these objectives [sustainable transport]. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*". As highlighted above, occupiers of the site would have opportunities for utilising sustainable transport. The proposal is considered to accord with Policy T2 of the LDP where it seeks '*to provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate*'. The proposal, therefore, is considered to be sustainable development in relation to its accessibility to sustainable means of transport.

5.2.6.6 Two relevant appeal decisions are 15/00445/OUT - APP/X1545/W/16/3147227 and 15/01082/OUT - APP/X1545/W/16/3147572 which relate to residential development at Grove Farm. Within the appeal decisions relating to these, the Inspector states:

'Although the appeal sites are outside the development boundary of Burnham-on-Crouch I consider them to be within a residential area. Based on the evidence before me and my observations during my visit to the area I also agree with previous Inspectors that Stoney Hills is a sustainable location for development. Moreover, I have not identified any harm in respect of character and appearance arising from the proposed developments...I conclude that the location of the proposed developments would be suitable and sustainable, and no harm has been identified in terms of character or appearance. Further, although providing only a small number of dwellings, the proposals would make a contribution to the supply of housing to which I attach significant weight. They would also provide small scale units which is also policy compliant in terms of mix. They would therefore conform with paragraph 54 of the Framework which requires local planning authorities to respond to local circumstances and for housing to reflect local needs. As such I consider the proposals would meet the three dimensions.'

5.2.6.7 It is noted that a similar stance has been taken within the following appeal decisions in the area of Stoney Hills: 15/00108/FUL (APP/X1545/W/15/3134072), 15/00402/FUL (APP/X1545/W/15/3134076) and 15/00420/FUL (APP/X1545/W/15/3134078) (land opposite Monksfield), 15/00978/OUT - APP/X1545/W/16/3146160 (land rear of Charwood), 16/00196/OUT - APP/X1545/W/16/3157183 (Land at Hillcrest), 16/00408/FUL - APP/X1545/W/16/3161178 and 16/00849/OUT (rear of The Hollies), 17/00752/OUT - APP/X1545/W/17/3187513 and 17/01107/OUT - APP/X1545/W/17/3192426 (South of Charwood) and 18/00895/FUL - APP/X1545/W/18/3211805 (Land at Hillcrest). Furthermore, it is noted that costs were awarded against the Council for appeals APP/X1545/W/18/3211805, dated 2nd May 2019 - 18/00895/FUL (Land North of Hillcrest) and APP/X1545/W/17/3187513, dated 28 September 2018 - 17/00752/OUT (Land South of Charwood), as it was considered that the refusal of planning permission was unreasonable behaviour in these cases.

5.2.7 Having regard to the planning history of the Stoney Hills area, some of which is referred to above, it is considered that the acceptability of the principle of similar additional residential accommodation in the area of Stoney Hills has been established. The application site is clearly contained within a residential enclave and would not represent sprawl into the open countryside. For these reasons, it is considered the introduction of additional dwellings in this location is acceptable.

5.2.8 The other aspects of the environmental dimension of sustainable development (including the impact of the development on the character and appearance of the area, nature conservation and residential amenity) are discussed in the relevant sections below.

5.2.9 Housing Provision and Mix

5.2.9.1 The development would provide four dwellings (50% two-bedroom units and 50% two / three-bedroom units). The Council currently encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. However, the most up-to-date Local Housing Needs Assessment (May 2021) (LHNA) identifies that the greatest need is for two and three-bedroom dwellings. As a result, the development would contribute positively to the identified housing need and be responsive to local circumstances, which weighs in favour of the proposal. However,

the social benefits of the residential development proposed would not be significant as only four dwellings are proposed.

5.2.9.2 Based on the above, it is considered that the proposal would have a limited positive impact in regard to the housing mix being proposed.

5.3 Design and Impact on the Character of the Area

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

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

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

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

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

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

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (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. It is considered that the proposal could be described as ‘infill’ as the site is partly residential curtilage, is contained within a residential enclave and would not represent sprawl into the open countryside. It is considered that the proposal complies with the criteria set out in policy H4 relating to infill development (see below) which are as follows:

- 1) there is a significant under-use of land and development would make more effective use of it;
 - 2) there would be no unacceptable material impact upon the living conditions and amenity of nearby properties [see below];
 - 3) there will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and
 - 4) the proposal will not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.6 Appendix 2 in conjunction with policy HO.8 of the Burnham-on-Crouch Neighbourhood Plan highlights housing design principles. In particular, principle NHD.9 states that *"The design of new homes in the area should reflect the materials, forms and scale of traditional local buildings. Sensitive modern interpretations of the local vernacular are encouraged, and the town centre conservation area provides many high quality examples of local forms"*.
- 5.3.7 The site is located outside the defined settlement boundaries of the District, but the site is more visually and physically associated with the neighbouring properties than the open countryside beyond and, therefore, the development would not represent sprawl into the open countryside and would not result in demonstrable harm to the intrinsic character or beauty of the countryside.
- 5.3.8 The development proposes the extension of the existing accessway off Stoney Hills to provide access to the dwellings proposed. Whilst there are no similar examples adjacent to the site, suburban-type developments consisting of small cul-de-sacs are now characteristic of the Stoney Hills area with the nearest examples around 140m to the north of the site. Therefore, the proposal is consistent with the pattern and density of development in the area and would not be out of keeping with its mixed character.
- 5.3.9 With reference to Policy H4, whilst it is not considered the site is currently significantly underused, it is recognised that the construction of additional dwellings within this large infill plot would represent a more effective use of the land and be compatible with the established pattern of development in the area. The proposal would not result in the loss of land which is of local, social, economic, historic or environmental significance and the site does not host any important landscape, heritage features or ecological interests. The site is located within the developed area of Stoney Hills and the density of the development, whilst low, would not be out-of-keeping with the existing development within the vicinity of the site.
- 5.3.10 In a recent appeal decision in Stoney Hills, concerning the demolition of an existing dwelling and the erection of three dwellings (Stapleton, Stoney Hills, Burnham-On-Crouch CM0 8QA – 18/00544/OUT - Appeal Ref: APP/X1545/W/18/3207171, dated 8th May 2019) the Inspector in relation to the character of the area stated *"in recent years a number of planning permissions have been approved for new housing development within these large plots, built around shared access driveways. Examples of these include new housing developments at: Mirfield (Council Reference:14/00224/OUT, allowed on appeal); the Hollies (Council References: 16/00408/FUL and 16/00849/OUT); Hilcrest (Council Reference: 16/00196/OUT); and Sunnyside (Council Reference:17/00735/OUT). A number of these new developments have been carried out and I observed during my site visit that the character of the area has changed from a rural one to more suburban residential character. I also observed that house sizes, design and styles vary considerably within the area."*

- 5.3.11 A similar approach was taken by another Inspector assessing a proposal for the erection of two dwellings at Hedge End (Appeal Ref: APP/X1545/W/18/3198533, 18/00005/OUT - dated 28 September 2018) where it was stated that *“The area’s character appears to have changed gradually from a more rural and scattered environment as a result of development of single dwellings or groups of dwellings. The existing pattern of development across Stoney Hills includes detached bungalows and two-storey houses, some of which are sited in larger plots and others are located in cul de sacs off the main road through the area. The design, size and appearance of houses and bungalows throughout Stoney Hills varies considerably”*.
- 5.3.12 In terms of layout, the proposed development consists of four dwellings spread-out within the site with space for intervening landscaping and so the dwellings would not appear cramped within their setting. However, the development, whilst set back from Stoney Hills, would be visible from Stoney Hills and would consist of four substantial dwellings with a mixture of front-facing properties as well as a dwelling at a partial angle to both Stoney Hills and the east-west alignment of the proposed accessway.
- 5.3.13 With respect to the design of the dwellings themselves, the external materials proposed are not considered to be inappropriate and would not be out-of-keeping given the variety of building materials within the local area.
- 5.3.14 Whilst the previous appeal for the same development was dismissed, the Inspector did not consider that the proposal would have harmed the character or appearance of the area. There have been no amendments to the proposal as part of the current application which would justify a different conclusion being reached. The Inspector noted that the site is heavily screened from public vantage points by existing dwellings, trees, hedgerows and other vegetation. The Inspector did not raise any concerns regarding the design of the dwellings proposed taking into account the varied mix of property designs and heights in the surrounding area and considered that the proposed layout was acceptable given the distance of the dwellings from surrounding roads and given their siting behind existing dwellings. The Inspector also considered that planting a hornbeam hedge along both sides of the proposed accessway to the development from Stoney Hills would adequately soften the appearance of the existing / proposed 1.8m high close boarded fence along both sides of this accessway.
- 5.3.15 Based on the above assessment and taking into account the planning history and now-established pattern of development of the Stoney Hills area, it is concluded that the development proposed would not cause harm to the character or appearance of the area, in accordance with Policies S8, D1 and H4 of the LDP.

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 The dwellings proposed would be set off the boundaries of the site by at least 3.3m and the dwellings would be limited in height at a maximum of 7.7m. As a result, it is considered that the development would not cause harm to the amenity of the occupiers of any neighbouring property by reason of dominance, loss of light or loss of outlook. The dwelling on Plot 2 would be around 2m from the western boundary of the site with Mill Farm at its closest point but would be adjacent to a stable block and not the proposed residential curtilage of this dwelling.

- 5.4.3 The dwellings would also be positioned and have been designed in such a way that the development would not result in a material loss of privacy for the occupiers of neighbouring residential properties. Specifically, the only first floor window proposed would be bedroom windows in the gabled ends of the two storey front projections and front-facing dormer windows, and the velux roof lights would be positioned above eye-level.
- 5.4.4 The increased use of the access road adjacent to Mill Farm which would be generated as a result of the development proposed would cause disturbance to the occupiers of Mill Farm. However, a screen fence is proposed between the accessway and Mill Farm. It is considered that this, along with the limited number and size of dwellings proposed, would not cause harm to the amenity of this neighbouring property.
- 5.4.5 In response to a previous application for the same development, the Specialist – Environmental Health commented that air source heat pumps can be a source of noise nuisance but did not object to their use or make any recommendations in relation to their installation. However, no details of the exact position of the air source heat pumps have been submitted as part of the application and given this potential noise disturbance, it is considered necessary to impose a condition requiring details to be approved, if planning permission were to be granted.
- 5.4.6 It is noted that a Construction Method Statement has been submitted as part of the current application. The Specialist – Environmental Health's comments on this Statement had not been received at the time of writing this report.
- 5.4.7 Based on the above, it is concluded that the development would not cause harm to the amenity of the occupiers of neighbouring residential properties, in compliance with Policy 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 include 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 to maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 The development would make adequate provision for off-street parking to comply with the adopted standards in the form of two parking spaces per dwelling. The provision of cycle storage could be required by condition if planning permission were to be granted. A condition could also be imposed to ensure that each dwelling was provided with at least one electric vehicle charging point.
- 5.5.4 In terms of the vehicular access, the site is accessed off Stoney Hills and would utilise an existing accessway which would be extended in an easterly direction to accommodate the development proposed. The proposed block plan suggests that it is the applicant's intention for the accessway to be able to accommodate a waste collection truck with a turning facility. This has not been demonstrated but, if the accessway were not to be adequate for waste collection trucks and planning

permission were to be granted, a condition requiring details of a suitable waste collection point could be imposed.

- 5.5.5 Essex County Council (ECC) Highways has not commented on the current application. However, they raised no concerns with regard to highway issues previously in response to the same but previously refused scheme (reference 22/00571/FUL), and the Inspector similarly raised no further issues when determining the subsequent appeal. Therefore, whilst it is acknowledged that Stoney Hills is a relatively narrow, private and unlit road, due to the limited number of dwellings proposed, it is not considered that the development would result in material harm to highway safety.
- 5.5.6 Based on the above, it is considered that the development would be acceptable in relation to highway safety, access and parking provision, and therefore in compliance with Policies T2 and D1 of the LDP in this respect.

5.6 Quality of Life for the Occupiers of the Proposed Dwellings

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The proposed dwellings would each be provided with in excess of 100sq.m. private amenity space which would comply with the MDDG (2017). Intervisibility between the plots would be limited and there would be a sufficient distance between the rear of the dwellings proposed for Plots 3 and 4 to the boundaries of Plots 1 and 2 (around 8m and 10m, respectively) to ensure that harm was not caused through overdominance or loss of light. A condition could be imposed if planning permission were to be granted prohibiting the addition of windows on the rear elevations of Plots 3 and 4 in order to prevent overlooking of Plots 1 and 2. Furthermore, all of the bedrooms proposed would be provided with an adequate outlook. As a result, it is considered that the development would provide an adequate quality of life for the occupiers of the dwellings.
- 5.6.3 It is noted that an appeal (reference 22/00222/FUL) relating to a different proposal was dismissed partly due to concerns regarding the quality of life of the occupiers of the dwellings proposed. The Inspector agreed with the Council that the bedroom which was annotated as 'Bed 2' on plots 1 and 2 and the bedroom which was annotated as 'Bed 3' on plots 3 and 4, as they would each have only been served by two above eye level rooflights, would have resulted in the outlook of future occupiers of these bedrooms being severely limited. This concern does not apply to the current application which relates to a revised scheme where all of the bedrooms proposed would be provided with an adequate outlook.

5.7 Nature Conservation

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of

the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).

- 5.7.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.5 The Preliminary Ecological Assessment (PEA) (January 2022) submitted concludes that the proposal would not adversely affect any protected species habitats and recommends enhancement measures are implemented. The mitigation measures recommended are vegetative management, protection measures for trees and hedgerows during site works and best practice guidelines for breeding birds and development. The ecological enhancements recommended are wildlife friendly planting, bats and lighting, bird nest boxes and hedgehog doorways in fence panels.
- 5.7.6 The development has the potential to have an impact on nature conservation interests both within the site and off-site.
- 5.7.7 In relation to on-site impacts, ECC Ecology has advised that, having reviewed the PEA, the mitigation measures identified should be secured by a condition of any consent and implemented in full to conserve and enhance protected and Priority species particularly reptiles, nesting birds, and Hedgehogs. They also support the proposed reasonable biodiversity enhancements which have been recommended to secure net gains for biodiversity and recommend that the reasonable biodiversity enhancement measures are outlined within a Biodiversity Enhancement Strategy secured by a condition of any consent. They also note that the PEA recommends that, if any external lighting is to be proposed, a sensitive lighting scheme is developed to minimise any impacts.
- 5.7.8 In terms of off-site impacts, Natural England (NE) has advised that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.9 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater

Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.

- 5.7.10 NE anticipates that, in the context of the Local Planning Authority's (LPA) duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitutes a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.11 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.12 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £156.76 per dwelling.
- 5.7.13 To accord with NE's requirements, 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, as follows:

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

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

Does the planning application fall within the specified development types? Yes

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

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

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

Summary of Appropriate Assessment – As a competent authority, the Local Planning Authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution, is secured.

- 5.7.14 Even though the necessary payment had been made, the previous appeal for the same development as currently proposed was dismissed as, in the absence of a copy of the receipt for the payment and a completed Unilateral Undertaking to secure the necessary financial contribution as required by the Council's RAMS SPD, the Inspector was not satisfied that the payment had been properly secured and was, therefore, unable to give it any weight.

5.7.15 The applicant did make the relevant financial contribution towards RAMS as part of the previous planning application for the same development of four dwellings (reference 23/00571/FUL). However, the financial contribution required has since increased by £19.05 per dwelling. Therefore, a further financial contribution of £76.20 would need to be secured as part of the current application to ensure that the harm to off-site nature conservation interests had been adequately mitigated. Therefore, as this additional contribution had not been received at the time of writing this report, it is recommended below that planning permission is granted for the development proposed but subject to a Section 106 Agreement being completed to secure the necessary financial contribution.

5.8 Other Material Considerations

5.8.1 With respect to drainage (Policies D2 and D5), details of foul and surface water schemes for the development have been submitted as part of the application. For foul drainage, it is proposed to connect to the Anglian Water manhole on the applicant's adjoining land i.e. to the public sewer. Surface water would be attenuated through on-site storm crates to mimic greenfield run-off rates. The Specialist - Environmental Health has advised that the details submitted are satisfactory.

5.8.2 With respect to contaminated land (Policy D2), the Geo-Environmental Data Search submitted concludes that the data does not identify any significant potential sources of contamination and the site lies outside the area where there is an increased risk of potentially contaminative infill being present. The Specialist – Environmental Health has not raised any concerns regarding the proposal in relation to contaminated land.

5.9 Planning Balance and Sustainability

5.9.1 With regard to the three tests of sustainability, it is reasonable to assume that there may be some support for local trade from the development, and the occupiers of the additional units may support local businesses. This would however be limited given the scale of the proposal in the context of the District as a whole. There is also no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. These economic benefits would therefore be considered to be very limited.

5.9.2 In social terms, the proposal would have some benefits but, again, these would be limited given the number of residential units proposed.

5.9.3 It is also considered that the development would not cause material harm to the character or appearance of the area and would provide an adequate quality of life for the occupiers of the dwellings.

5.9.4 No objections are raised in relation to highway safety/access/parking or drainage. The potential harm to off-site nature conservation interests could be adequately addressed through a Section 106 Agreement, as explained above.

5.9.5 Therefore, overall, the development is considered to be sustainable which weighs in favour of planning permission being granted and results in the development being acceptable.

6. ANY RELEVANT SITE HISTORY

- **90/00300/FUL** - Erection of two dwellings and improvements to southern section of Stoney Hills roadway. Refused 24.05.1990.

- **91/00385/FUL** - Erection of two detached dwellings and improvements to southern section of Stoney Hills. Refused 19.06.1991.
- **92/00027/FUL** Erection of brick built front wall. Approved 10.03.1992.
- **93/00644/FUL** – Erection of stables Approved 24.08.1994.
- **98/00494/FUL** Proposed demolition of existing buildings surrender of all subsisting commercial uses and replacement with a single detached barn style residential dwelling. Refused 09.09.1998.
- **01/00341/FUL** Proposed single storey building to accommodate three stables and two tack rooms, to rear of 50 Mill Road. Approved 23.05.2001.
- **01/00764/LDE** Use of land as a building contractors yard and premises. Refused 15.10.2001.
- **02/00413/LDE** Use of the site as a building contractors yard and premises. Appeal dismissed 03.04.2003.
- **02/00607/FUL** Formation of menage to front of stable. Approved 12.08.2002.
- **02/01232/FUL** Proposed erection of stables and change of use of land for keeping of horses. Refused 05.02.2003.
- **03/00878/FUL** – Erection of stables and change of use of land for the keeping of horses Appeal allowed 15.03.2004 [to the north of application site].
- **04/00336/OUT** – Outline application for one dwelling and garage in lieu of existing yard and buildings used for storage of building material. Appeal dismissed 21.02.2005.
- **08/01109/FUL** Rear conservatory. Approved 13.11.2008.
- **13/01048/OUT** Outline planning permission for one detached dwelling Refused 08.01.2014.
- **14/00212/OUT** Outline planning application for one detached dwelling (resubmission). Approved 12/06/2014.
- **14/01232/RES** Reserved matters application for the approval of appearance and landscaping for one detached dwelling, approved under outline permission OUT/MAL/14/00212. Approved 15.04.2015.
- **15/00586/RES** Reserved matters application for the approval of appearance and landscaping following outline approval OUT/MAL/14/00212 Approved 24.09.2015.
- **22/00222/FUL** - proposed 4 new chalet styled bungalows – appeal dismissed 31.05.2023.
- **22/00571/FUL** – proposed 4 chalet styled bungalows – appeal dismissed 31.05.2023.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No response.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No response.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objections – the application is not materially different from two previously submitted applications (22/00571/FUL & 22/00222/FUL) and no further comments. Noise from the air source heat pumps has been considered and found to be acceptable as are the ground condition report and drainage strategies. Recommends a condition requiring a construction environmental management plan, if approved.	Noted – comments on the Construction Management Plan submitted have been sought.
ECC Ecology	No objection subject to securing: a proportionate financial contribution towards Essex Coast RAMS and biodiversity mitigation and enhancement measures	Noted – refer to section 5.7 of report.
ECC Tree Consultant	No response.	

7.4 Representations received from Interested Parties

- 7.4.1 17 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concerned regarding future retention and maintenance of proposed hedging leading to narrowing of the road	This could be the subject of a condition if planning permission were to be granted.
Dwellings ill-proportioned and too large for the plot of land. Would have adverse effect on living conditions of occupiers.	Noted – refer to sections 5.3 and 5.6 of report.
Highway safety and access issues associated with Stoney Hills area.	Noted – refer to section 5.5 of report. Damage to Stoney Hills, being a private

Objection Comment	Officer Response
Further damage to road surface.	road, would be a civil matter to be resolved privately.
Concerns regarding drainage and potential flooding	Noted – refer to section 5.8 of report.
Area suffers from variable water pressure already	This is not a material planning consideration.
Insufficient garden and parking for three bedroom dwellings	Refer to section 5.6 of report.
Loss of privacy and noise to Mill Road houses from patio areas and one of the dwellings only 3.3m from the boundary fence	Refer to section 5.4 of report.
Potential for further development on retained land	Noted.
Adverse impact on wildlife	Refer to section 5.7 of report.
Increased pressure on existing services and infrastructure	Noted.
Too many units and too dense. Not in keeping with surrounding plots – small gardens and limited parking	Noted
Inadequate drainage	Refer to section 5.8 of report
Housing not needed as Council has a five-year supply of housing	Noted.

7.4.2 **One** letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
There is potential to increase the width of the vehicle passing point proposed and installation of mirrors at junctions of Stoney Hills and Mill Lane and the bend in Mill Lane before the junction with Romans Farm Chase.	Noted but these measures could not be reasonably required as they would be off-site.

7.4.3 **Two** letters were received **supporting** the application and summarised as set out in the table below:

Comment	Officer Response
The passing point proposed is a positive benefit to all residents a	Noted

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Financial contribution towards RAMS

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 the approved drawings and documents as follows:
 - 000_S2/06 Site Location Plan
 - 000_SL/01 Site Block Plan
 - 00_SL-03 Landscape Plan
 - 000_H1/04 Design Notes – House 1
 - 000_H2/04 Design Notes – House 2
 - 000_H3/04 Design Notes - House 3
 - 000_H4/04 Design Notes - House 4
 - 000_H1/01 Proposed Plans Ground and First – House 1
 - 000_H2/01 Proposed Plans Ground and First – House 2
 - 000_H3/01 Proposed Plans Ground and First – House 3
 - 000_H4/01 Proposed Plans Ground and First – House 4
 - 000-H1/02 Proposed Plans Roof – House 1
 - 000_H2/02 Proposed Plans Roof – House 2
 - 000_H3/02 Proposed Plans Roof – House 3
 - 000_H4/02 Proposed Plans Roof – House 4
 - 000_H1/03 Proposed elevations – House 1
 - 000_H2/03 Proposed elevations- House 2
 - 000_H3/03 Proposed elevations – House 3
 - 000_H4/03 Proposed elevations – House 4
 - Renewable Energy Statement
 - Sewage & Surface Water Management Strategy
 - Preliminary Ecological Assessment (January 2022)REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The boundary treatments shall be constructed as approved prior to the first occupation of the development and be retained as such thereafter.
REASON To ensure appropriate boundary treatment for the site in the interest of the character and appearance of the area, which is rural area, and in the interests of highway safety, in accordance with Policies D1, H4 and T2 of the approved Maldon District Local Development Plan and the NPPF.
- 4 The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

- REASON In order to ensure an appropriate landscaping scheme for this site and to protect the character and appearance of the area, which is rural area, in accordance with Policies D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.
- 5 The parking spaces and means of access proposed shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme along with the provision of an electric vehicle charging point for each dwelling prior to the occupation of the dwellings and shall be retained as such thereafter.
- REASON To ensure appropriate parking and means of access is provided in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan.
- 6 The dwellings shall not be occupied until each dwelling has been provided with cycle storage in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The approved storage shall be retained as approved thereafter.
- REASON To encourage the use of non-motorised forms of transport, in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan and the NPPF.
- 7 The development shall be carried out in accordance with the Construction Method Statement hereby approved throughout the construction period.
- REASON In the interests of the amenity of local residents and highway safety, in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 8 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ASW Ecology Ltd, January 2022).
- REASON To conserve and enhance protected and Priority species, 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 s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.
- 9 No development above slab level shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Assessment (ASW Ecology Ltd, January 2022). The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance.
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- REASON To enhance Protected and Priority Species/habitats, allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.
- 10 The dwellings hereby permitted shall not be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the

Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. No other external lighting shall 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 s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window(s) or other form of addition or opening shall be constructed in the roofs or gable walls of the buildings hereby permitted without planning permission having been obtained from the Local Planning Authority.

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide SPD and the NPPF.

- 13 No dwelling shall be occupied until the foul and surface water drainage schemes for the site have been completed in accordance with the submitted details. The drainage schemes shall be managed and maintained as approved, thereafter.

REASON To ensure the satisfactory surface water and foul drainage from the site, in accordance with policies D2 and D5 of the approved Maldon District Development Local Plan.

- 14 No air source heat pump shall be installed unless and until details of its location have been submitted to and approved in writing by the Local Planning Authority. The air source heat pump(s) shall be retained as approved, thereafter.

REASON In the interests of the amenity of local residents, in accordance with Policies D1 and D2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 15 No dwelling shall be occupied unless and until details of the means of collection of refuse from the site has been submitted to and approved in writing by the Local Planning Authority. Refuse collection shall be carried-out in accordance with the approved details, thereafter.

REASON As the proposed means of refuse collection is unclear, in the interests of the amenity of local residents and the character and appearance of the area, in accordance with Policies D1, H4 and T2 of the approved

Maldon District Local Development Plan and the National Planning Policy Framework.

- 16 No windows or other fenestration shall be added to the rear elevations of dwellings hereby approved for Plots 3 or 4.

REASON In order to prevent overlooking of Plots 1 and 2, in the interests of the quality of life of the occupiers of these Plots, in accordance with Policy D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

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