

APOLOGIES Committee Services  
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DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson

08 August 2023

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 16 AUGUST 2023 at 7.30 pm**

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

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

To register your request to speak / 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 M F L Durham, CC
VICE-CHAIRPERSON	Councillor M E Thompson
COUNCILLORS	J C Hughes S J N Morgan C P Morley R H Siddall E L Stephens S White L L Wiffen





**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**WEDNESDAY 16 AUGUST 2023**

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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 21 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. **23/00121/FUL - Land at Poplar Grove Farm, Poplar Gove Chase, Great Totham, Essex** (Pages 15 - 36)

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

6. **23/00220/OUTM - Land West of Crown Road, Cold Norton, Essex** (Pages 37 - 66)

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

7. **23/00332/FUL - Land Adjacent to Honeywood Farm, Honeypot Lane, Purleigh, Essex** (Pages 67 - 76)

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

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

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**Note:**

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

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

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

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

**Fire**

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

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

**Closed-Circuit Televisions (CCTV)**

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

**Lift**

Please be aware, there is not currently lift access to the Council Chamber.

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

### **Legislation**

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

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

#### **i) Government policy and guidance**

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

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

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

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

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

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

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

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**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
21 JUNE 2023**

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**PRESENT**

Chairperson	Councillor M F L Durham, CC
Vice-Chairperson	Councillor M E Thompson
Councillors	J C Hughes, S J N Morgan, C P Morley, R H Siddall, E L Stephens, S White and L L Wiffen

**102. CHAIRPERSONS'S NOTICES**

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

**103. APOLOGIES FOR ABSENCE**

There were none.

**104. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 24 May 2023 be approved and confirmed.

**105. DISCLOSURE OF INTEREST**

There were none.

**106. 23/00128/FULM - LAND SOUTH OF BOUNCERS, WICKHAM HALL LANE, WICKHAM BISHOPS**

<b>Application Number</b>	<b>23/00128/FULM</b>
<b>Location</b>	Land South of Bouncers, Wickham Hall Lane, Wickham Bishops
<b>Proposal</b>	Erection of stable building with associated ancillary facilities and storage for hay and feed.
<b>Applicant</b>	Mrs P Green
<b>Agent</b>	Mr Kieron Lilley – Smart Planning Ltd
<b>Target Decision Date</b>	28.06.2023
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

It was noted from the Members' Update that since the agenda had been published one letter of objection had been received.

Following the Officer's presentation, Mr Lilley, the Agent, addressed the Committee. The Chairperson then opened the discussion and a lengthy debate ensued after which Councillor S White proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded. The Chairperson put the proposal to the Committee and following a vote it was agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 21.7656/P201 Rev F, 21.7656/P202 Rev E, 21.7656/P203 Rev D, 21.7656/P204 Rev C.
- 3 Prior to their use in the development hereby approved, samples of the facing material to be used, including glazing, shall have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details
- 4 The trees and hedges identified for retention within the Arboricultural Impact Assessment (Arborterra Ltd 12th august 2022) which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.
- 5 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
  - i. Proposes finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
  - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its



replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

- 6 Prior to any works above ground level details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 7 Prior to the first use of the building, a management plan shall be submitted to the Local Planning Authority and agreed, in writing demonstrating how feed will be delivered to the site and stored, including amounts and frequency, as well as how grazing will take place within the site.
- 8 The stables hereby permitted shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.
- 9 The stables hereby permitted shall not be used unless and until details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes have been submitted to and approved in writing by the Local Planning Authority. All such wastes shall be stored and disposed of in accordance with the scheme as approved.
- 10 There shall be no burning of animal stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.
- 11 No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority. Before the development hereby permitted commences, details of an proposed floodlighting and all other external illumination of the site shall be submitted to and approved in writing by the local planning authority. 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.
- 12 No ménage, riding arena, hardstanding or similar finished surface shall be constructed within the site without the prior written approval of the Local Planning Authority.
- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Plumb Associates, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

- 14 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a precautionary method statement for Great Crested Newt.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

- 15 Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.
- 16 The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).
- 17 The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
- 18 Prior to occupation of the development, the existing field access shall be upgraded and reconstructed at right angles to the highway boundary and to the existing carriageway as shown in principle on planning drawing no. 21.7656/P201 Rev F.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary

#### 107. **23/00201/OUT - LAND WEST OF WILLOWS END, STEPHENSON ROAD, NORTH FAMBRIDGE**

<b>Application Number</b>	<b>23/00201/OUT</b>
<b>Location</b>	Land west of Willows End, Stephenson Road, North Fambridge
<b>Proposal</b>	Outline planning permission (with all matters reserved for future determination) for erection of five dwellings.
<b>Applicant</b>	Ms Alison Rampling
<b>Agent</b>	Mr John Pearce
<b>Target Decision Date</b>	2 June 2023 (EOT to this date)
<b>Case Officer</b>	Lisa Greenwood
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Not delegated to officers as a departure from the local plan.

Following the Officers presentation, the Chairperson opened the discussion.

Councillor S J N Morgan proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded.

A debate ensued after which, Councillor S White proposed to include a condition for a full Biodiversity Net Gain Metric to be carried out, this was agreed and seconded.

The Chairperson then put Councillor Morgan's proposal to approve the application, together with the aforementioned additional condition to the Committee and it was agreed.

**RESOLVED** that the application be **APPROVED** subject to the aforementioned additional condition and the following conditions outlined in the report:

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 plan reference Location Plan (scale 1:2500) dated 15th December 2022 as far as it relates to the access of the site.
5. The residential development hereby approved shall be single storey only.
6. No more than three bedrooms shall be provided per dwelling.
7. 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.
8. 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.
9. 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.

10. 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.

11. No development works above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted to and agreed in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

Discharge rates / location

Storage volumes

Treatment requirements

Detailed drainage plan

A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out

upon the subsoil in accordance with DG 365 2016. 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 rates (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates. The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible. 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.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.

12. 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.
13. Any contamination that is found during the course of construction of the approved development that was not previously Identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
14. 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.
15. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal

(Liz Lord Ecology, January 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.

16. Concurrent with reserved matters and 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) 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 works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

17. 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.

18. As only market dwellings are to be provided, the total floor space for the entire development (including any associated outbuildings) shall not exceed 950 square metres in floorspace.

**108. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRPERSON OF THE COMMITTEE DECIDES ARE URGENT**

The Chairperson made Committee Members aware that due to a change in responsibilities at Essex County Council, he proposed that he would possibly be standing down and that there would be a call for a new Chairperson at the next meeting of the North Western Area Planning Committee.

There being no other items of business the Chairperson closed the meeting at 8.25 pm.

M F L DURHAM, CC  
CHAIRPERSON



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
16 AUGUST 2023**

<b>Application Number</b>	<b>23/00121/FUL</b>
<b>Location</b>	Land at Poplar Grove Farm, Poplar Grove Chase, Great Totham, CM9 8NX.
<b>Proposal</b>	Proposed residential development of 9 dwellings
<b>Applicant</b>	Jennifer Phillips
<b>Agent</b>	Miss Nicole Bushell
<b>Target Decision Date</b>	25 August 2023 (EOT date)
<b>Case Officer</b>	Lisa Greenwood
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Called in by ex-Councillor J V Keyes with regard to Policies S1, S2, S3, D1, E4, H2 & H4.

**1. RECOMMENDATION**

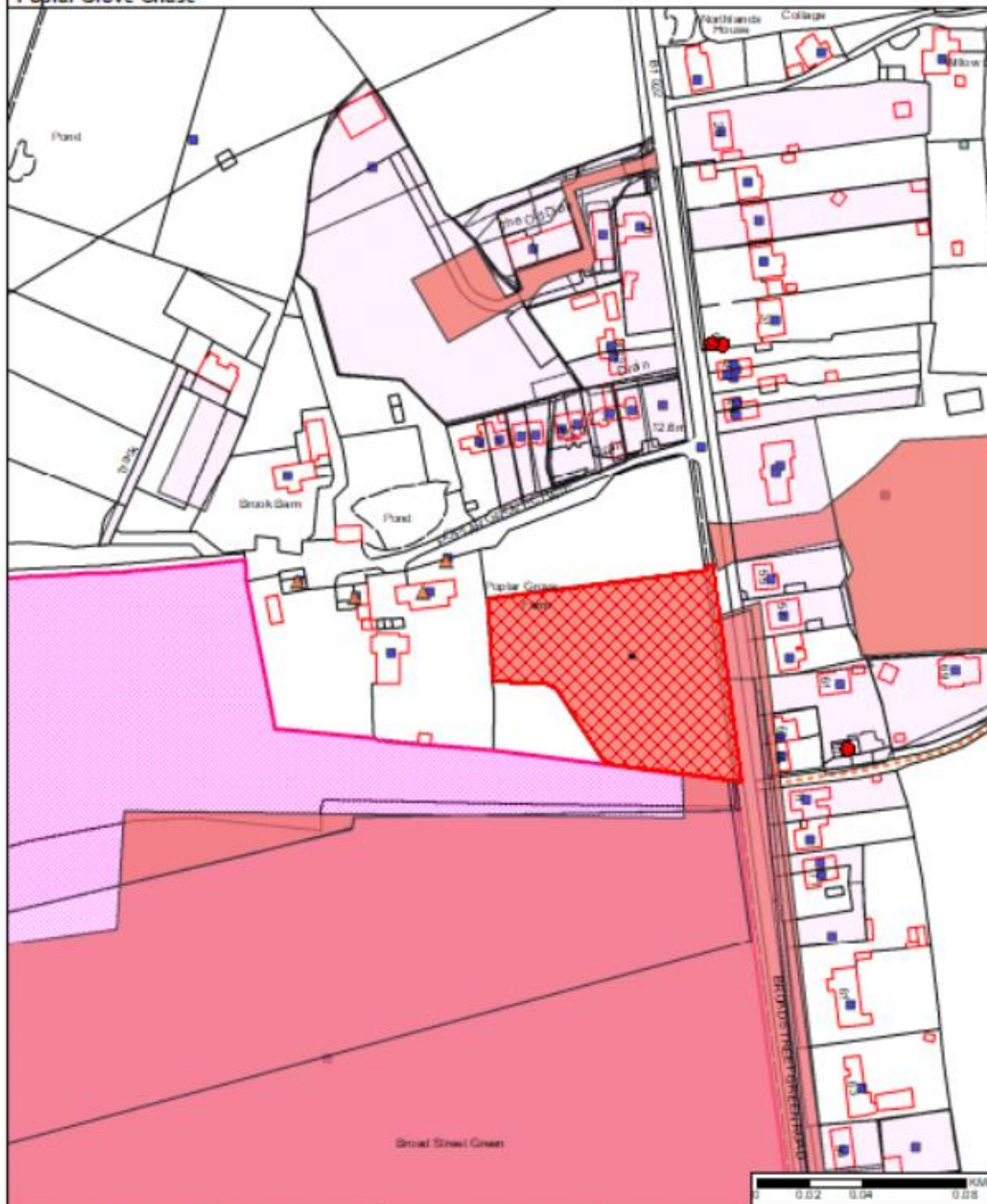
**REFUSE** for the reasons as detailed in Section 8.

**2. SITE MAP**

Please see below.



# Land at Poplar Grove Farm Poplar Grove Chase



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Maldon District Council 100018588 2014



[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale: 1:2,000

Organisation: Maldon District Council

Department: Department

Comments: Great Totham

Date: 04/05/2023

MSA Number: 100018588



### **3. SUMMARY**

#### **3.1 Site Description**

- 3.1.1 The application site is located on the western side of Broad Street Green Road and the southern side of Poplar Grove Chase and is outside of a defined settlement boundary. The site represents an undeveloped parcel of land, laid to grass, and bound with thick vegetation along the majority of boundaries. The site measures 0.53 hectares in area.
- 3.1.2 Abutting the site to the north is a plot of natural grass land also in the applicant's ownership. Further north, beyond Poplar Grove Chase, is a row of linear residential development. Residential development is also located to the east of the site, beyond Broad Street Green Road. To the west of the site is Poplar Grove Farm and its associated heritage assets, which include the grade II wheel pump (list UID: 1337328), Poplar Grove Farmhouse (list UID: 1166297), stable (list UID: 1337329), and cart lodge (list UID: 1111046).
- 3.1.3 The land to the south of the site is designated as a strategic site for development and forms the Heybridge Garden Suburb. The Heybridge Garden Suburb will see the phased development of a mixed-use development, which includes up to 1138 dwellings including 30% affordable dwellings, residential care for up to 120 beds, and associated neighbourhood uses. This development includes a relief road linking Broad Street Green and Langford Road, bisecting Maypole Road. The original planning reference for this development is 15/00419/OUT. It is noted that amendments and subsequent submissions have been made since this proposal was allowed at appeal, including reference 19/0071/OUT, and subsequent reserved matters applications reference 22/00523/REM and 23/00226/RESM.

#### **3.2 The Proposal**

- 3.2.1 Planning permission is sought for the erection of 9no. residential dwellings.
- 3.2.2 A mixture of two, three and four bedroom detached and semi-detached dwellings are proposed. Plots 1 – 8 would be two storey in height and of a “traditional appearance”. Plot 9 would be a bungalow. The two storey dwellings would range in height from between 8.7 metres and 9.4 metres. The ridge height for the bungalow would be 5.7 metres.
- 3.2.3 The materials proposed would include plain roof tiles, pan tiles, natural slate, facing brickwork, render and horizontal weather boarding. Brick plinths, ornate porches, casement and sliding sash windows, bay windows, flat gauge brick arches, dentil brick bands, detailed brick chimneys and detailed eaves are proposed.
- 3.2.4 The Planning Statement confirms that the density of the proposed development would be 16.9 dwellings per hectare. A new access point is proposed off Broad Street Green Road. A size 3 turning head is proposed to the north east of the site and an internal access road to the south and west.
- 3.2.5 A landscape buffer is proposed at the perimeters of the site. The hedgerow to the south and west would be retained. Trees would be planted along the existing boundaries.
- 3.2.6 Plots 1 - 8 would be served by detached garages, located to the side of each dwelling. A single garage would measure 7.3 metres in depth, 3.2 metres in width, with a maximum ridge height of 4.6 metres, and an access width of approximately 2.4

metres. A double garage would measure 7.3 metres in depth, 6.4 metres in width, with a maximum ridge height of 5.2 metres and an access width of approximately 2.4 metres. 2no. additional parking spaces are proposed at the front of the garages and would be arranged in a tandem formation. Plot 9 would not have a garage but would be provided with 2no. parking spaces at the frontage. An area of private amenity space is proposed to the rear.

### **3.3 Conclusion**

- 3.3.1 By virtue of the layout of the existing built form, the site's relationship with the Heybridge Garden Suburb to the south, the excessive height of the dwellings proposed and the introduction of a new access road, parking areas, and domestic paraphernalia, the development would appear as a visually prominent and incongruous form of development that would urbanise the site and cause harm to the intrinsic character and beauty of the open countryside. Whilst it is recognised that the character to the south of the development is changing, any future development must consider the context within which it will sit, forming a sensible and legible separation with the strategic development to the south. A development of this quantum fails to achieve this. The principle of development at the site is therefore unacceptable.
- 3.3.2 In addition, the proposal does not provide for affordable housing and is unacceptable in terms of design, and the impact on the character and appearance of the area. At the time of writing, insufficient information has been submitted with regard to highway safety and efficiency, and a signed Unilateral Undertaking and the associated fees have not been submitted to mitigate for predicated recreational impacts on the Blackwater Estuary Ramsar and Special Protection Area (SPA).
- 3.3.3 The proposal has also been found to cause than less substantial harm to the grade II listed Poplar Grove Farmhouse. For the reasons stated, the public benefits of the scheme would not outweigh the harm stated. It is therefore recommended that planning permission is refused.

## **4. MAIN RELEVANT POLICIES**

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications
- 55-59 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of new homes
- 104-113 Promoting sustainable travel
- 119-125 Making effective use of land
- 126-136 Achieving well designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

#### **4.2 Maldon District Local Development Plan (2017)**

- 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
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

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

- Vehicle Parking Standards (2018)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) (2017)
- Local Housing Needs Assessment (LHNA) (2021)
- Great Totham Neighbourhood Development Plan (2022)

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) (2021) require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF” and apply a number of key principles in policy and decision making set out in the Policy.
- 5.1.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general use residential properties but does allow at (m) of S8, development which complies with other policies of the LDP. Of relevance to this consideration are: Policy I2 which states that suitable types of residential development which cater for the

ageing population and support healthy and independent lives will be provided; and Policy H3 which supports the provision of housing for 'specialist' needs.

- 5.1.4 As per Paragraph 74 of the NPPF, the Council, as the Local Planning Authority (LPA) for the Maldon District is expected to "identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old". To this end, Maldon District Council prepares and publishes a Five Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March.
- 5.1.5 Following a review into the suitability of the Five Year Housing Land Supply (5YHLS) methodology through its 5YHLS Working Group established in August 2022, the Council has confirmed that the official 5YHLS for the District of Maldon now stands at 6.35 years, updating the previous official position for 2021 / 22 of 3.66 years. This means that the Council's presumption in favour of sustainable development position against paragraph 11 (d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. The Council is therefore now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the NPPF, and the LDP), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure.
- 5.1.6 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. As stated, the LDP through Policy S1 re-iterates the requirements of the NPPF Policy S1 allows for new development within the defined development boundaries. Paragraph 79 of the NPPF states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."*
- 5.1.7 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment. Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that "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". This is supported by the update of the Government's Policy Paper, 'Strategic road network and the delivery of sustainable development' (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that "new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable".

- 5.1.8 The application site is located around 300m outside of the defined settlement boundary of Heybridge, with a pedestrian footpath leading from the site to within the settlement. Heybridge is defined as a 'Main Settlement' which is described with Policy S8 of the LDP as being 'defined settlements with a range of services and opportunities for employment, retail and education. They serve a wide catchment area and contain good public transport links.' There are two bus stops within the immediate vicinity of the site at Broad Street Green Road that link the site to Wickham Bishops, Witham and Colchester. Further, having regard to the approved residential development directly to the south of the site, it is considered that the site is in an accessible location, served by a range of transport modes.
- 5.1.9 As stated, Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general use residential properties but does allow at (m) of S8, development which complies with other policies of the LDP. Policy GT01 of the Great Totham Neighbourhood Plan (2022) acknowledges that new development will be focused within the settlement boundaries of North and South Totham, unless it can be demonstrated that there are no available and deliverable sites within the settlement boundary, the site is well related to the settlement boundary, sharing a boundary on at least one side, and that the site does not breach an existing defensible boundary, i.e. a watercourse or main road.
- 5.1.10 Whilst it is acknowledged that the accessibility of the site is considered to be acceptable, of concern is the design of the proposed development and the impact on the character and appearance of the area and the beauty of the countryside. The site currently provides an area of meadow land, that is well related to the nearby heritage assets, and provides a visual break between the residential development to the north of Poplar Grove Chase, and the new development to the south. The site is considered to contribute positively to the character of the semi-rural area. The site is constrained, and it is acknowledged that any proposal at the site would need to be sympathetically designed to ensure that harm is not caused to the nearby heritage assets, but also to the character and appearance of the area as a whole.
- 5.1.11 The applicant has retained an area of meadow to the north to try to reduce the impact on the nearby heritage assets. However, what is proposed is a form of development that is at odds with its surroundings. The introduction of development to the north, that would not front onto the existing highway, but would instead front onto a new internal access, would be out of keeping with the layout of residential development at this section of Broad Street Green Road. The Planning Statement acknowledges that the development has been designed "as a continuation of the urban form and pattern of dwellings along Broad Street Green Road, and yet create its own sense of place and individual identity in this setting". In the opinion of the LPA, this would not create a 'sense of place' as the development does not continue the form and pattern of development at Broad Street Green, nor has it considered the site's rural context.
- 5.1.12 By virtue of the layout of the existing built form, the excessive height of the dwellings proposed (up to 9.4 metres), and the introduction of a new access road, parking areas, and domestic paraphernalia, the development would appear as a visually prominent and incongruous form of development that would urbanise the site and cause harm to the intrinsic character and beauty of the open countryside. Whilst it is recognised that the character to the south of the development is changing, any future development must consider the context within which it will sit, and a development of this quantum is not acceptable.

- 5.1.13 It is noted that the applicant has referred to the Council's Housing and Economic Land Availability Assessment (January 2022) (HEELA), stating that the site was put forward for residential development (reference GTHS2) and deemed to be acceptable. A summary is provided, which states:

"On balance it is considered that development of the site would be suitable. It is located adjacent to the Heybridge Garden Suburb and can be accessed safely. There is a pavement opposite the site and bus stops so that services and facilities can be accessed by foot or public transport. There will be services and facilities on the garden suburb site which potential residents could use. There may be some harm to the heritage assets to the rear of the site, but this could be mitigated through design. Providing the boundary treatments and wooded area are retained on the site, less of the provision of an access may provide a gain of biodiversity. There will be no wider impact on the townscape or landscape."

- 5.1.14 For clarity, it should be noted that whilst the HEELA (2022) identifies a future supply of land which is suitable, available and achievable for housing and economic development over a Plan period, it does not determine whether a site should be allocated for development and this site has not been allocated for development in the Local or Neighbourhood Plan. The summary outlines the accessibility of the site, which has been found to be suitable, but states there may be some harm to the heritage assets. This harm may be mitigated against through design. In this instance, the proposed development has failed to mitigate such harm and has been found to be contrary to Policies S1, S2, S8, D1 and H4 of the LDP (2017), Policies GT01 and GT02 of the Great Totham Neighbourhood Development Plan (2022), and the policies and guidance contained in the NPPF (2021).

## **5.2 Affordable Housing**

- 5.2.1 Policy H1 of the LDP (2017) states that all housing developments of more than 10 units or 1,000 sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Councils' strategic objectives on affordable housing.
- 5.2.2 The Council's Affordable Housing and Viability Supplementary Planning Document (SPD)(2019) supports this Policy. The SPD provides clarification that the Gross Internal Area (GIA) of a building would include the measure of "the internal face of the perimeter walls at each floor level, including all rooms, circulation and service space, including lifts, corridors, toilets and ancillary floorspace (e.g. underground parking), as well as conversions, garages and any other buildings ancillary to residential use."
- 5.2.3 The Planning Statement submitted to support the proposal states that "the cumulative footprint of the dwellings comes to 964.7 sq.m. The threshold for providing affordable housing has not been met, and therefore there is no local planning policy requirement to deliver a contribution of affordable housing".
- 5.2.4 The proposal seeks to provide 9no. dwellings. 8no. dwellings are proposed to be served by garages (2no. single garages and 3no. double garages). As stated in the SPD, the GIA of garages will also be included in the total GIA of a building. The GIA of a single garage has been calculated at approximately 20m<sup>2</sup>. The GIA of the double garages has been calculated at approximately 40m<sup>2</sup>. This provides a total GIA of 160m<sup>2</sup> for the proposed garages, and 1,124.7m<sup>2</sup> overall. The application form submitted confirms that the houses would be market dwellings and affordable housing is not provided. Taking into consideration the GIA for the dwellings and the

garages, the proposal fails to satisfy Policy H1 of the LDP and the Council's Affordable Housing SPD and is unacceptable in this regard.

### **5.3 Housing Mix**

5.3.1 The NPPF is clear that housing should be provided to meet an identified need.

5.3.2 The LHNA (2021) is an assessment of housing need for Maldon District as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF (2021) and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build. The LNHA concludes that the District has a need for smaller dwellings, with the biggest requirement for three-bed dwellings, specifically, 25-35% two-beds and 40-50% three-beds.

5.3.3 The proposed 8no. dwellings and 1no. bungalow would provide for 3 x 2no. bedroom dwellings, 4 x 3no. bedroom dwellings, and 2 x 4no. bedroom dwellings. As the largest requirement in the District is for 3no. bedroom dwellings, the proposal will not fully meet this requirement, particularly as the development proposes to provide for 2 x 4no. bedroom dwellings.

### **5.4 Heritage Impacts**

5.4.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, Policy D3 of the approved Maldon District LDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.4.2 The proposal has been reviewed by the Council's Heritage Specialist, who has made noted that the proposal has the potential to affect the settings of four grade II listed buildings to the west of the application site. The buildings include:

- Poplar Grove Farmhouse
- A wheel water pump in the garden immediately to the north of Poplar Grove Farmhouse
- A brick former stable building to the west of Poplar Grove Farmhouse
- A timber framed cartlodge to the west of Poplar Grove Farmhouse

5.4.3 To the north of the listed buildings is Brook Barn, a timber framed threshing barn which was converted to a dwelling in the late 20<sup>th</sup> century. This may be regarded as a non-designated heritage asset for the purposes of Paragraph 203 of the NPPF (2021).

5.4.4 These historic buildings have value as a group of traditional farm buildings, each complementing the settings and significance of the others.

- 5.4.5 It is acknowledged that the setting of Poplar Grove Farm has changed significantly over the past two centuries. From the mid-20<sup>th</sup> century into the early 21<sup>st</sup> century, houses were incrementally built lining the north side of Poplar Grove Chase. Poplar Grove Farm is no longer a working farm. The residential conversion of the stable and the threshing barn has domesticated the character of the group, yet still preserving the historic buildings' form and ensuring their long-term survival.
- 5.4.6 The ongoing development of a new relief road and the North Heybridge Garden Suburb in the fields south of Poplar Grove Farm has – and will have – a notable impact on the wider setting of the listed buildings, resulting in moderately adverse “less than substantial harm” to their significance. This harm, however, was outweighed by the substantial public benefits of a very large volume of housing to meet the areas housing needs.
- 5.4.7 Notwithstanding these changes, Poplar Grove Farm retains its character as an historic farmstead, to some extent distinct and separate from the later suburban houses in its wider vicinity.
- 5.4.8 The application site forms the southern part of a meadow in between Poplar Grove Farm and Broad Street Green Road. The site was common land, until it was converted to agricultural land in the late 18<sup>th</sup> or early 19<sup>th</sup> century. The field has been taken out of cultivation and is now a meadow annexed to the farmhouse. It is roughly rectangular in shape, surrounded intermittently by trees, hedges and some post-and-rail fencing, and has a small woodland in the south-west corner. The heritage asset with the most direct relationship with the meadow, due to its proximity, is the farmhouse.
- 5.4.9 The Officer notes that an objection was raised with regard to heritage impacts for the previous scheme at the site. This scheme sought to develop the whole of the meadow, whereas the present scheme would leave the northern part of the meadow undeveloped.
- 5.4.10 The current scheme would result in a lower level of harm to the heritage asset's significance. As the application site has value as one of the last remnants of the listed building's rural undeveloped setting, the development of this part of this land will cause a degree of harm to the significance of the listed farmhouse. However, unlike the previous scheme, the present scheme would largely preserve the most important views of the listed farmhouse from and across the meadow.
- 5.4.11 The vernacular style and traditional materials of the proposed houses would not appear unsympathetic, and the quality of the materials could be controlled by an appropriately worded condition.
- 5.4.12 The development should have no impact upon the significance of the other heritage assets, due to the distance and intervening structures which separate them from the application site.
- 5.4.13 The Officer has suggested that one way to offset the harm against the farmhouse would be to ensure that the roof of the cartlodge is properly repaired. This would, however, require a legal agreement.
- 5.4.14 Using the terminology of the NPPF (2021) and Policy D3 of the LDP (2017), the proposal would cause less than substantial harm to the significance of Poplar Grove Farmhouse as a Grade II Listed Building, through the urbanisation of one of the last remnants of its agricultural setting. However, by leaving the northern portion of the meadow as undeveloped, the degree of harm to the significance of the Farmhouse



would be low. In accordance with Paragraph 202 of the NPPF (2021), such harm must be weighed against the public benefits of the proposal.

- 5.4.15 As stated in the body of this report, the proposal would still result in a lower level of harm to Poplar Grove Farmhouse. As is stated in the body of this report, the public benefits of the scheme do not outweigh the harm caused and the proposal is not acceptable in this regard.

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

- 5.5.1 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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2021). Policies D1 and H4 of the LDP (2017) and the MDDG (2017) are relevant in this respect.
- 5.5.2 As stated, the proposal seeks to introduce 8no. two storey dwellings and 1no. bungalow. The dwellings are a mix of detached and semi-detached dwellings, with a height of up to 9.4 metres. A new access road is proposed off Broad Street Green Road, and this will extend south and east to west, within the site. This will serve a number of parking areas to the side of each dwelling.
- 5.5.3 The site currently provides an area of meadow land that is well relate to the nearby heritage assets and provides a visual break between the residential development to the north, and the Heybridge Garden Suburb to the south of the site. The site is considered to contribute positively to the character of the semi-rural area. The built form at this section of Broad Street Green Road to the east is arranged in a linear pattern, with development fronting the existing highway.
- 5.5.4 It is acknowledged that the site is constrained, as any proposal must consider the impact on the nearby heritage assets. However, the proposal has not fully considered the context within which it will sit when taking into account the character and appearance of the built form in the locality, and the relationship of the site to the development at the Garden Suburb to the south. The introduction of the development to the north, that would not front onto the existing highway, would appear at odds when viewed at the street scene and would not be in keeping with the layout of residential development at this section of Broad Street Green Road. It would also appear as an extension of the Garden Suburb, when a clear separation between the Suburb and the countryside is required to avoid the appearance of coalescence.
- 5.5.5 With regard to the design of the individual dwellings, the dwellings would extend to up to 9.4 metres in height and would be readily visible at Poplar Grove Chase. By virtue of the excessive height of the dwellings, and the introduction of a new access road, parking areas, and domestic paraphernalia, the development would appear as a visually prominent and incongruous form of development that would urbanise the site and cause harm to the intrinsic character and beauty of the open countryside. Whilst the materials proposed could be controlled via the imposition of a condition on any consent, this would not overcome the harm caused to the character and appearance of the area.
- 5.5.6 The proposal has been found to be contrary to Policies S1, S8, D1 and H4 of the LDP (2017), Policies GT01 and GT02 of the Great Totham Neighbourhood Development Plan (2022), and the policies and guidance contained in the NPPF (2021).

## **5.6 Impact on Residential Amenity**

- 5.6.1 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, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section c07 of the MDDG (2017).
- 5.6.2 Whilst it is acknowledged that the proposed dwellings would be visible to the neighbouring dwellings located to the north at Poplar Grove Chase, and to the east at Broad Street Green Road, the dwellings to the north are separated from the proposed dwellings by in excess of 60 metres, and from the dwellings at Broad Street Green Road by in excess of 45 metres. Owing to the separation distances proposed, it is not considered that the proposal would result in a loss of privacy or daylight and sunlight to these neighbours, nor would the proposal appear as unduly overbearing.
- 5.6.3 With regard to the new development to the south of the application site, the proposal would be separated from this development by in excess of 75 metres and it is not considered that the proposal would result in a loss of privacy or daylight and sunlight to these neighbours, nor would the proposal appear as unduly overbearing.
- 5.6.4 Turning to the impact on the future occupants of the site, with regard to a loss of privacy, any windows present at the side elevations that may overlook the adjacent neighbouring dwelling are relatively small, single windows to be served by obscured glazing. Should planning permission be forthcoming, a condition would be imposed on any consent to ensure that the windows were obscure glazed, and non-opening from 1.7 metres.
- 5.6.5 Owing to the layout and the orientation of the proposed dwellings, it is not considered that the proposal would result in overshadowing and result in a loss of daylight and sunlight to the proposed dwellings.
- 5.6.6 Whilst it is acknowledged that the ridge height of the dwellings extends up to 9.4 metres, owing to the fact that the dwellings are detached and sufficiently separated, and have a hipped roof design, the dwellings would not appear as unduly overbearing.
- 5.6.7 Concern has been raised from neighbours with regard to an increase in noise and air pollution during the construction phase. The proposal has been reviewed by the Council's Environmental Health Officer, who has raised no objection with regard to the impact on neighbour amenity, but has stated that if planning permission is forthcoming, a condition would be imposed that requires the applicant to submit in writing a construction management plan to the LPA for approval. One of the aims of this plan would be to control potential nuisances.

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

- 5.7.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposal, inter alia, to provide sufficient parking facilities having regard to the Council's adopted Parking Standards. Similarly, Policy D1 of the LDP seeks to include safe and secure vehicle and car parking, having regard to the Council's adopted Parking Standards and maximise connectivity within the development and to the surrounding area.
- 5.7.2 The proposal has been reviewed by the Highways Authority, who notes that the proposal includes a new vehicle access onto Broad Street Green Road and the construction of 9no. new dwellings. Whilst it is acknowledged that each individual

application should be assessed on its own merit, in this particular instance, a planning application located to the south east of the site (planning reference 23/00110/FUL) is a consideration. This application is for the erection of nine detached dwellings and garage annexes together with associated drainage infrastructure, vehicle access, roads, parking and landscaping on land rear of 53 and 55 Broad Street Green Road, Great Totham. In this particular instance, the two proposals would have a wider impact on each other and on the local highway network.

- 5.7.3 Broad Street Green Road is classified as a Main Distributor in Essex County Council's Development Management Route Hierarchy. The function of such a route is to carry traffic safely and efficiently between major centres within the County. In order to approve a planning application with a new access onto a Main Distributor route, the Highways Authority will require a Stage 1 Road Safety Audit, including designer's response where appropriate, carried out in accordance with current standards by an independent auditor.
- 5.7.4 Given the unique circumstances of this proposal, it is not unreasonable that the applicant should submit two Stage 1 Road Safety Audits. The first should assess the proposal on its own merits and independent of the other application. The second should take into account the similar proposal on the other side of the carriageway. The other applicant has been advised of the same requirements. Therefore, as submitted, the proposal has not demonstrated it is acceptable in terms of Highway safety and efficiency. The Highways Authority would consider a revised proposal which addresses the reasons for refusal, however, as the proposal is not acceptable in other regards, this information has not been requested.
- 5.7.5 Discussion have taken place between the LPA and the agent for the applicant with regard to the objection raised. The agent wished to submit a Road Safety Audit. It was agreed that an extension of time could be agreed and for the application to be determined at the August Committee, as opposed to at the July meeting. The time constraints were explained to the agent. At the time of writing, the Audit had not been received.
- 5.7.6 With regard to parking, in accordance with the Council's Parking Standards (2018), dwellings with two-bedrooms are required to provide for 2no. parking spaces. Parking bay sizes are required to measure 2.9m x 5.5m (as a minimum, and this will vary depending on the parking layout). A 1no. car garage is required to measure 3m x 7m. A 2no. car double garage is required to measure 6m x 7m. Where parking is provided in front of a garage, an additional 0.5m is required to allow the opening of the garage door. Policy GT07 of the Great Totham Neighbourhood Plan acknowledges that to ensure good design and layout of development, proposals for parking are encouraged to use car ports and / or communal parking to deliver their parking requirements.
- 5.7.7 Referring to drawing no.21/15/24, proposed site plan, parking is provided within detached garages and in a tandem arrangement to the front of the garages. Whilst it is acknowledged that car ports and communal parking is not proposed, this design of the parking proposed could be controlled via the imposition of a condition on any consent, As the required parking could be achieved at the site, the proposal is considered to be acceptable in this regard.

## **5.8 Private Amenity Space, Tree Impact and Landscaping**

- 5.8.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open

spaces. In addition, the adopted MDDG (2017) advises a suitable garden size for each type of dwellinghouse, namely, 50m<sup>2</sup> of private amenity space for dwellings with 1-2 bedrooms, and 100m<sup>2</sup> for dwellings with 3+ bedrooms.

- 5.8.2 An area of private amenity space is proposed to the rear of each dwelling, the size of which meets the requirements of the MDDG (2017).
- 5.8.3 The proposal has been reviewed by the Council's Arboricultural Consultant, who raises no objection to the proposal. The tree survey submitted to support the application adequately identifies the tree quality, constraints and how they will be protected to implement the scheme. The soft landscape scheme also provides suitable replacement planting to compensate for tree loss.

## **5.9 Ecology and the impact on European designated sites**

- 5.9.1 Paragraph 170 of the NPPF (2021) states that 'planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'
- 5.9.2 Strategic LDP Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.9.3 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. LDP 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.
- 5.9.4 The proposal has been reviewed by the Council's Ecological Consultant and by Natural England (NE).
- 5.9.5 The Consultant has reviewed the Preliminary Ecological Appraisal (T4 Ecology, April 2023) relating to the likely impacts of development on designated sites, protected and Priority species and habitats, and the identification of appropriate mitigation measures. The Consultant raises no objection, subject to a proportionate financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), and the implementation of biodiversity mitigation and enhancement measures, which would be secured by the imposition of conditions on any consent.
- 5.9.6 NE and the Ecological Consultant note that the site falls within the evidenced recreational Zone of Influence (ZoI) of the Blackwater Estuary Ramsar and Special Protection Area. The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.9.7 The development of 9no. dwellings falls below the scale at which bespoke advice is given from NE. This has been confirmed in comments received by NE. To accord with NE's requirements and standard advice an Essex Coast RAMS HRA Record

has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the ZOI for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for 9no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 6no. dwellings

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

**5.9.8 Summary of Appropriate Assessment**

5.9.8.1 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.

5.9.9 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £156.76 (2022-2023 figure) and thus, the developer contribution should be calculated at this figure. The applicant has failed to submit a signed Unilateral Undertaking, nor the required checking and monitoring fees to ensure that the appropriate mitigation would be secured. The proposal is therefore contrary to Policies S1, D1, N1 and N2 of the LDP and the policies and guidance contained in the NPPF (2021) and is not acceptable in this regard.

**5.10 Flood risk and drainage**

5.10.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).

5.10.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.

5.10.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who advises that the same conditions are applied to any forthcoming consent as suggested by the SuDS team, in regard to the previously withdrawn planning application reference 22/00638/FULM. The conditions relate to surface water drainage, a maintenance plan detailing the maintenance arrangements

of the system, and the maintenance of a yearly log. Informatives should also be included on any consent regarding SuDS.

## **5.11 Archaeology**

- 5.11.1 Policy D1 of the LDP acknowledges that all development must respect and enhance the character and local context and make a positive contribution in terms of the historic environment, particularly in relation to designated and non-designated heritage assets. Policy D3 of the same Plan states that when development might affect geological deposits, archaeology or standing archaeology, an assessed from an appropriate specialist source should be carried out.
- 5.11.2 The proposal has been reviewed by a Historic Environment Officer at Essex County Council, who has noted that the Essex Historic Environment Record (EHER) who notes that the site is in an area known to have high archaeological potential. The site is located next to the former Plumpton's Farm, which is depicted on the 1777 Chapman and Andre map and has three post-medieval listed structures (EHER 38874, 38875, 38878). Broad Street Green is also medieval in origin. The Officer recommends that if planning permission is granted, a full archaeological condition is to be imposed on any consent.

## **5.12 Other matters**

- 5.12.1 Neighbour comments have been received with regard to the impact on the services in the area. The site is considered to be located in a sustainable location. Whilst there may be some increase in the pressure on services, when reviewed as a single development, and not in conjunction with the development to the south of the site, the development alone is not of a scale whereby such pressure would require additional financial contributions and the imposition of planning obligations on any consent.
- 5.12.2 Neighbour comments have also been received with regard to security, however, no technical objections have been received in this regard.
- 5.12.3 The Council's Environmental Health Officer has reviewed the proposal and stated that should planning permission be forthcoming, informatives should be applied to any consent advising the applicant to contact the Council's Waste and Street Scene Team to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the road is constructed to accommodate the size and weight of the Council's collection vehicles. In addition, an informative should also be included regarding land or groundwater contamination.

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

- **21/03128/PREAPP** – Proposed residential development of 9 dwellings.
- **22/00638/FULM** – Proposed residential development of 15 dwellings, withdrawn.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Great Totham Parish Council	Recommend refusal. The Council objects to the application which is for land outside of any area intended for development as well as overdevelopment of the site which would lead to undesired coalescence with the wider area.	Noted, and discussed at Paragraph 5.1 of this report.

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Archaeology	The proposed site is in an area known to have high archaeological potential. If this proposal is approved a full archaeological condition is attached to the planning consent.	Noted, and discussed at Paragraph 5.11 of this report.
Ecology	No objection, subject to securing a proportionate financial contribution towards the Essex Coast RAMS and the biodiversity mitigation and enhancement measures stated in the PEA.	Noted, and discussed at Paragraph 5.9 of this report.
Natural England	No objection, subject to securing appropriate mitigation for recreational pressure impacts on habitats sites. LPA to undertake a HRA.	Noted, and discussed at Paragraph 5.9 of this report.
Highways Authority	Objection. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency. The proposal will be in close proximity to another planning application that also includes a new access onto Broad Street Green Road and would have the effect of creating a staggered junction onto Broad Street Green Road. The two proposals would	Noted, and discussed at Paragraph 5.7 of this report.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	have a wider impact on each other and on the local highway network.	

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection, subject to the imposition of conditions regarding the submission and approval of a construction management plan; surface water drainage; the submission and approval of a maintenance plan detailing the different elements of the surface water drainage scheme and the maintenance activities; and maintenance logs.	Noted, and discussed at Paragraph 5.6 and 5.10 of this report.
Arboricultural Consultant	No objection. The tree survey adequately identifies the tree quality, constraints and how they will be protected to implement the scheme. The soft landscaping scheme provides suitable replacement planting.	Noted, and discussed at Paragraph 5.8 of this report.
Heritage Specialist	This scheme would result in a lower level of harm to the heritage asset's significance. The site has value as one of the last remnants of the listed building's rural undeveloped setting, the development of this land would cause a degree of harm to the significance of the listed farmhouse. However, it would largely preserve the most important view of the farmhouse from and across the meadow. The development should have no impact on other heritage assets, due to the distance and intervening	Noted, and discussed at Paragraphs 5.2 and 5.4 of this report.



Name of Internal Consultee	Comment	Officer Response
	structures which separate them from the application site. The harm could be offset by ensuring that the roof of the cartlodge is repaired, perhaps through a condition or legal agreement. The development would cause less than substantial harm to the significance of Poplar Grove Farmhouse as a grade II listed building, the degree would be low. Such harm should be weighed against other public benefits.	

#### 7.4 Representations received from Interested Parties

7.4.1 **8no.** 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
<ul style="list-style-type: none"> <li>1,000 homes proposed nearby. No need for more.</li> <li>This type of housing is not in short supply.</li> <li>Encroachment from Heybridge.</li> </ul>	Noted, and discussed at Paragraph 5.1 of this report.
<ul style="list-style-type: none"> <li>Out of keeping with current layout of development.</li> <li>Visual impact to existing development.</li> <li>Impact on character. Creating an 'estate' feel.</li> </ul>	Noted, and discussed at Paragraph 5.1 and 5.5 of this report.
Traffic and highway concerns. Traffic would increase on a quiet lane. No capacity for extra entry / exit into the small lane. Impact on highway safety.	Noted, and discussed at Paragraph 5.7 of this report.
Impact on biodiversity and geodiversity. Bats nesting in surrounding trees. Deer living in fields etc.	Noted, and discussed at Paragraph 5.9 of this report.
Impact on heritage assets.	Noted, and discussed at Paragraph 5.4 of this report.
<ul style="list-style-type: none"> <li>Impact on residential amenity. Loss of privacy with new homes looking over existing.</li> <li>Noise.</li> <li>Air pollution.</li> </ul>	Noted, and discussed at Paragraph 5.5 of this report.
Loss of green space.	Noted, and discussed at Paragraphs 5.2 and 5.4 of this report.

<b>Objection Comment</b>	<b>Officer Response</b>
Local services are under strain.	Noted, and discussed at Paragraph 5.12 of this report.
The proposal would remove all of the trees, which would impact amenity. Loss of hedgerow.	Noted, and discussed at Paragraph 5.8 of this report.
Security	Noted, and discussed at Paragraph 5.12 of this report.

## **8. REASONS FOR REFUSAL**

1. The site is located outside of a defined settlement boundary where rural policy constraints apply. By virtue of the layout of the existing built form and the relationship of the site to the development to the north, south, and east of the site, the excessive height of the dwellings proposed, and the introduction of a new access road, parking areas, and domestic paraphernalia, the development would appear as a visually prominent and incongruous form of development that would urbanise the site and cause harm to the intrinsic character and beauty of the open countryside. The proposal has not considered the context within which it will sit, and a development of this quantum is not acceptable. The proposal is therefore contrary to Policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan (2017), Policies GT01 and GT02 of the Great Totham Neighbourhood Development Plan (2022), and the policies and guidance contained in the National Planning Policy Framework (2021).
2. The cumulative Gross Internal Area of the proposed dwellings and garages exceeds 1000 square metres. All developments of more than 1000 square metres will be expected to contribute towards affordable housing. The proposal is for 9no. market dwellings and does not provide for any affordable units. The proposal is therefore contrary to Policy H1 of the Maldon District Local Development Plan (2017), the Council's Affordable Housing Supplementary Planning Document (2019), and the policies and guidance contained in the National Planning Policy Framework (2021).
3. The proposal has been found to cause less than substantial harm to the significance of Poplar Grove Farmhouse, a grade II listed building, through the urbanisation of one of the last remnants of its agricultural setting. In accordance with Paragraph 202 of the NPPF (2021), such harm must be weighed against the public benefits of the proposal. The public benefits of the scheme do not outweigh the harm caused and the proposal is not acceptable in this regard. The proposal is therefore contrary to Policies S1, D1 and D3 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework (2021).
4. Insufficient information has been submitted to demonstrate that the proposal would be acceptable in terms of highway safety and efficiency in relation to the proposed new access at Broad Street Green Road. The proposal is contrary to the policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance (February 2011), Policy T2 of Maldon District Local Development Plan (2017) and the policies and guidance within the National Planning Policy Framework (2021).
5. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites,

contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan (2017) and the policies and guidance within the National Planning Policy Framework (2021).

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
16 AUGUST 2023**

<b>Application Number</b>	<b>23/00220/OUTM</b>
<b>Location</b>	Land West of Crown Road, Cold Norton
<b>Proposal</b>	Outline planning application with all matters reserved apart from access, for residential development (up to 14 dwellings), vehicle circulation and parking, hard and soft landscaping and associated development.
<b>Applicant</b>	Mr Mike Spurgeon – Phase 2 Planning
<b>Agent</b>	SLA Property Limited
<b>Target Decision Date</b>	26.07.2023
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Member Call In – ex-Councillor J L Fleming (D2, S1, S2, S8, T2)

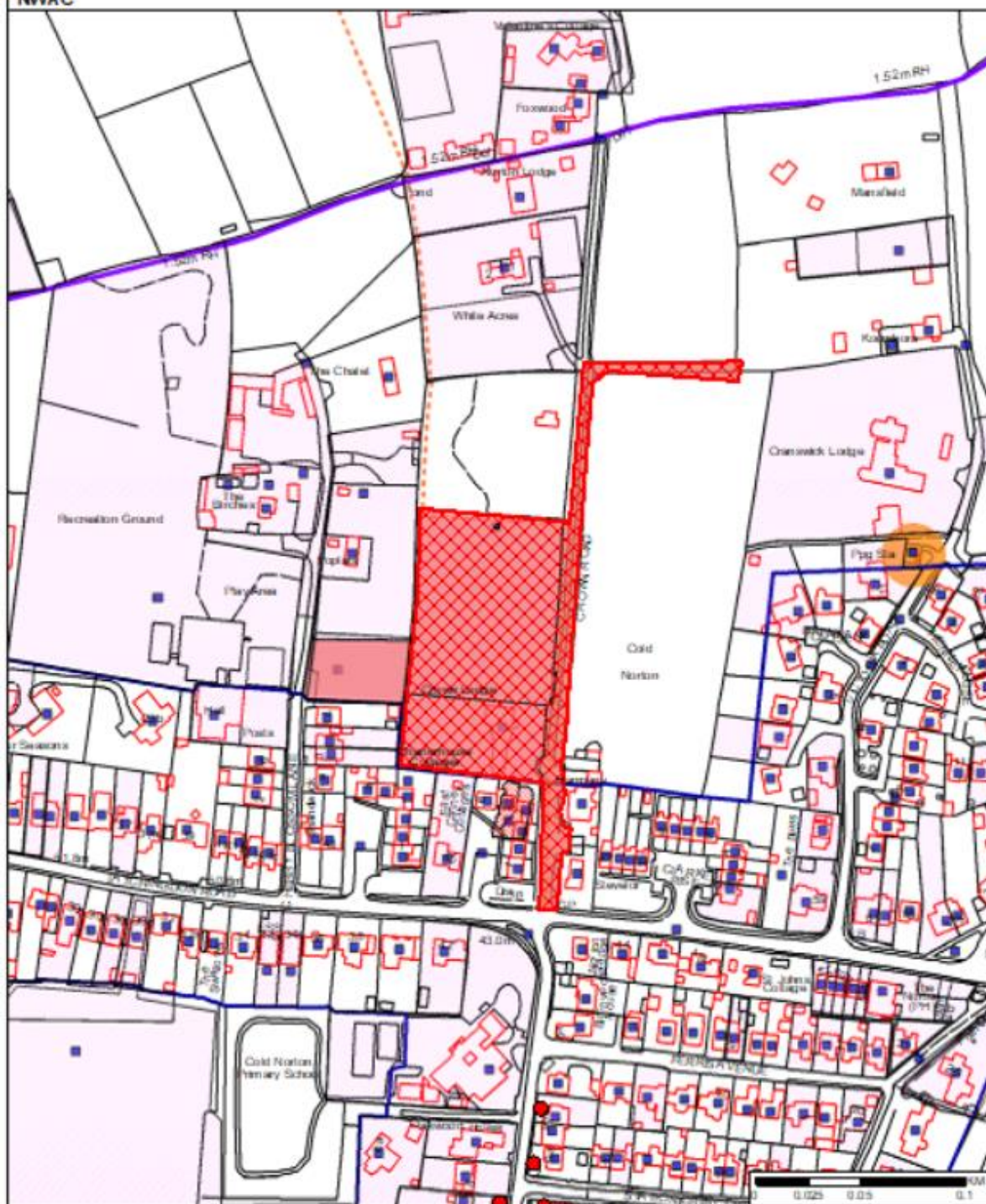
**1. RECOMMENDATION**


**REFUSE** for the reasons set out in section 8 below.

**2. SITE MAP**

Please see below.

23/00220/OUTM  
NWAC



 <p><b>Copyright</b> For reference purposes only No further copies may be made This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	
	Date:	01/06/2023
	MSA Number:	100018588

### **3. SUMMARY**

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

##### Site Description

- 3.1.1 The application site is located on the west side of Crown Road, outside of a defined settlement boundary, albeit the site adjoins the settlement boundary on its southern boundary and southwest corner. Crown Road is an unmade un-adopted highway leading north from the village of Cold Norton. The southern end of the highway where it adjoins the main highway is characterised by residential properties and built form. Further to the north of Crown Road is a pocket of development which includes some dwellings set-in larger plots and of varying designs as well as size.
- 3.1.2 The application site includes Crown Lodge, a residential dwelling, as well as land to the north which is a field currently used for grazing and as paddocks. The topography of the site slopes gradually west to east across the site. The northern boundary of the site is formed by a public right of way which leads across the current open field between Crown Road and Cherry Blossom Lane. The footpath continues along the eastern boundary of the site within Crown Road where it joins Latchingdon Road.

##### Proposal

- 3.1.3 The proposal is outline in nature with all matters reserved, except for the means access and proposes the erection of a residential development of up to 14 dwellings, including 40% affordable housing. The proposal also includes the provision of hard and soft landscaping, vehicle circulation and parking as well as other associated development. The proposal involves the demolition of Crown Lodge.
- 3.1.4 In relation to the above it should be noted that the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines access in relation to reserved matters as being:
- ‘the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made’*
- 3.1.5 As such, the internal estate road and access points also form part of the consideration of this application.
- 3.1.6 The proposed development would be accessed from Crown Road in the area which is currently occupied by Crown Lodge. The dwellings would be situated along the east and west boundaries of the site facing into the centre, towards the access road, before the access road leads into a cul-de-sac style development within the north of the site. A Sustainable Drainage Systems (SuDS) feature in the form of an attenuation pond is shown within the northeast corner of the site. There are a group of trees (G1 Leylandii) to be removed along the southern part of the western boundary as well as T2 (Willow), T4 (Prunus Sp.), T5 (Conifer Sp.) and T11 (Horse Chestnut) within the southwest corner of the site. All other trees and the mature hedgerow along the site boundary are to be retained. A footpath would be provided from the access road to the eastern boundary of the site before it would be directed north onto Crown Road.

- 3.1.7 The submitted Density and Storey Heights Parameter Plan (22011-101A) shows that dwellings on the eastern side of the estate road will be single storey and those along the west and towards the north will have a two-storey height.
- 3.1.8 Neither the application form nor the Planning Statement sets out the housing mix proposed. However, as stated above 40% affordable housing would be provided, and the description is clear that the proposal would provide up to 14 dwellings, an increase of thirteen dwellings given the loss of the existing dwelling within the site.

#### Relevant Background Information

- 3.1.9 Outline planning permission for four Bungalows was refused at the site, albeit the site did not include Crown Lodge on 10 November 2017. There was one reason for refusal which is set out below:

*'The provision of four dwellings on this site and associated works, outside the defined settlement boundary of Cold Norton would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site and be likely to cause a loss of landscaping that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality and represent unwarranted development within the countryside contrary to policies S1, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.'*

- 3.1.10 The 2017 was subsequently dismissed on appeal (APP/X1545/W/17/3191345) due to impacts on the character and appearance of the area, with the main points raised by the Inspector being:

- Crown Lodge (the southern portion of the application site) marks the end of the perceived line of development from Cold Norton Village.
- At the appeal site Crown Road is characterised by open land on both sides.
- The openness and rural quality of this land are positive aspects of the character and appearance of the area.
- Whilst there are properties further along Crown Road, these are spatially and visually separated from the village itself and appear as a handful of standalone dwellings.
- A residential development at this location would provide built form, along with parking, hardstanding and paraphernalia which would completely change the character of the land giving it a more urbanised appearance, eroding the undeveloped landscape at a point where there is a marked transition from village to countryside.
- This harm could not be overcome through landscaping or boundary treatments.

- 3.1.11 Exerts of the Indicative Site Layout Plans from the 2017 proposal and the current scheme are shown below to show the differences between the two proposal. The main points are that the development would now include the replacement of Crown Lodge and there has been an increase in dwelling numbers.





### 3.2 Conclusion

- 3.2.1 In applying the appropriate balance and having taken all material planning considerations into account, it is found that the proposed residential development, would result in an unacceptable urbanising effect into to what is currently considered an area constituting the countryside and an unresolved harm to the natural environment in terms of impacts on biodiversity and ecological assets. In addition, the proposed development would not provide suitable visibility splays or appropriate measures to improve and promote cycling and walking from the site, which would result in an unacceptable degree of hazard to all road users and fail to provide suitable access to the detriment of highway safety. The proposal would also intensify the conflict and interference between pedestrians and vehicles using Public Footpath no.20 which would lead to a deterioration of the Public Right of Way (PRoW) to the detriment of highway safety.
- 3.2.2 Whilst some social and economic benefits have been identified, it is considered that the harm identified to the character and appearance of the rural area and the countryside and the adverse impacts on biodiversity and ecological interests, as well as highway safety weigh significantly against the proposal.
- 3.2.3 A number of planning obligations would be required to make the development acceptable in planning terms, including the provision of affordable housing, health contributions and Recreational Avoidance Mitigation Strategy (RAMs) mitigation, and in the absence of a signed legal agreement, the impact arising from the development would not be able to be mitigated and thus this constitutes another reason for refusing the application.
- 3.2.4 On the basis of the assessment within this report it is concluded that the harm caused by the proposed development would outweigh the positive elements of the approving this permission.

#### **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
- 54-58 Planning conditions and obligations
- 74 – 77 Maintaining supply and delivery
- 78-80 Rural Housing
- 84- 85 Supporting a prosperous rural economy
- 92 – 103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 152 – 169 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
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- E1 Employment
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF) (2021)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) (2017) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the 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).

#### Five Year Housing Land Supply (5YHLS) position

- 5.1.2 Local Planning Authority (LPA) for the Maldon District is expected to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old”. To this end, Maldon District Council prepares and publishes a Five Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March.
- 5.1.3 Work has recently been carried out by the Council in reviewing the suitability of the 5YHLS methodology through its 5YHLS Working Group established in August 2022. The work has now assessed the current 5YHLS figure as 6.35 years. At its Statutory Annual Committee Meeting on 18 May 2023 the Council subsequently confirmed that the official 5YHLS for the Maldon District now stands at 6.35 years. This means that the Council’s presumption in favour of sustainable development position against Paragraph 11 (d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. The Council is therefore now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the NPPF, and the local plan), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure.
- 5.1.4 In addition to the points set out above relating to the updated 5YHLS position, the Applicants Agent has provided written information as part of the application as to why they do not consider that the 5YHLS position means that the LDP is now up to date.
- 5.1.5 The information notes that the reason that the 5YHLS requirement has been lowered is due to the adopted LDP being over five years old. Therefore, the standard methodology for calculating the supply has been adopted as required. The LPA has no choice in this, the plan is more than five years old and so the Standard Method is adopted. The same would apply if the Standard Method resulted in an increase in the requirement. The Council have received independent legal advice on this matter which confirms that the Standard Method should be adopted. It is also prudent to note that the affordability ratio has dropped which lowers the housing requirement. These are matters outside of the LPA’s control.
- 5.1.6 The supporting information also suggests that Policy S2 is out of date as a result of the Standard Methodology being adopted. However, as stated at paragraph 064 Reference ID: 61-064-20190315 of the Planning Practice Guidance, *‘Policies age at different rates according to local circumstances and a plan does not become out-of-*

*date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies’.*

- 5.1.7 The LDP review is underway, and it is acknowledged that the policies require reviewing but not because they are all out-of-date in terms of being out of conformity with key principles in national policy. However, there is a recognition that additional land will be required in the future and as such the settlement boundaries themselves may require review. The Council is recognising this through a more proactive approach to decision making, and whilst the flat planning balance applies due to the policies not being out-of-date, the Council is taking a pragmatic approach to decision making. However, this does not alter the fact that the Council must weigh the benefits against the harm.
- 5.1.8 The planning submission discusses the fact that the NPPF, whilst promoting the use of the Standard Methodology where plans are over five years, also seeks to significantly boost housing land supply. The NPPF also requires LPAs to maintain up-to-date plans. All matters that are acknowledged and are being considered as part of the assessment of this application. However, the submission suggests that the Council has allowed the Local Plan to go out-of-date to reduce the supply of housing below its Local Plan rate. On this matter it is important to note that if the Standard Method had been more than the Local Plan figure than the LPA would have been bound by that figure. Therefore, it is not possible for the LPA to manipulate the figures in the way suggested.
- 5.1.9 It is acknowledged that windfall development will be required in order to maintain a 5YHLS in future years. However, it is important that windfall sites are made up of the most sustainable sites and of sites where the benefits of the development outweigh any harm.
- 5.1.10 The supporting statement refers to the Maldon District Housing and Economic Land Availability Assessment (HELAA) 2021. The application site has been considered suitable for development as part of this process. However, it should be clearly noted that the HELAA does not allocate land for development or presume that a planning application would be supported. The HELAA has been prepared having regard to the published Government guidance that is applicable to all other Local Planning Authorities in England as well, and the methodology used is set out in the HELAA Report. It is a broad assessment that is not based on the policies contained within the LDP. There are a vast number of ‘suitable’ sites shown across the District and this does not automatically deem them to be granted planning permission. If this were to be the case, then the projected housing delivery would be well over and above the housing need required for the next plan period. Therefore, the HELAA is of very limited weight in considering a planning application.

#### Location of the site

- 5.1.11 The Maldon District LDP has been produced in light of the original NPPF’s emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

- 5.1.12 Policies S1, S2 and S8 of the approved LDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.13 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties.
- 5.1.14 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. However, sites outside of the defined development boundaries could still be judged to be 'sustainable development' through the three dimension tests of the NPPF'. The LPA is, however obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. Paragraph 78 of the NPPF states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."*
- 5.1.15 It is noted that the site is adjacent to the development boundary, but as a matter of fact it is outside of the settlement boundary. Nevertheless, by being in close proximity to the development boundary, it is noted that the site is in reasonably close proximity to the services, facilities and public transport connections of Cold Norton.
- 5.1.16 Cold Norton is defined within the adopted LDP as a 'smaller village', which is a settlement containing few or no services and facilities with limited or no access to public transport facilities and employment opportunities. Notwithstanding this, it is noted that evidence undertaken as part of the ongoing Local Plan review (Maldon District Rural Facilities Survey and Settlement Pattern (January 2022)) identifies Cold Norton as a 'medium village', with facilities such as a school, shop, nursery and pub/restaurant. Whilst this evidence is still in draft format, it does offer some insight as to the sustainability of the settlement. Further, it is noted that the application site is located a reasonable distance from the services of Cold Norton and the Inspector considering the previous appeal stated:

*'In terms of proximity to village services and support facilities, the site is considered to be relatively sustainable and albeit Cold Norton is considered a smaller village, there is a village hall, church, public house, primary school and bus stops within easy walking distance. The proximity of such services (other than the village hall) is considered to be comparable to the Cherry Blossom Lane site discussed previously. Noting that the Inspector found that site to be sustainable in terms of accessibility it is considered that a similar conclusion should be reached in relation to this proposal. However, overall, it is considered that the proposal does not meet the definition of sustainability as contained within the Framework.'*

- 5.1.17 Having regard to the planning history and above points which form material considerations in the determination of the application, it would not be reasonable to reach a different conclusion in terms of the accessibility of the site. Therefore, having regard to the content of policy T2, no objection is raised to the proposal on the grounds of accessibility, but it must be noted that accessibility is only part of the assessment of sustainability and the acceptability in this respect must be weighed against the other material considerations when applying the flat balance. This will be discussed below.

## **5.2 Housing Mix**

- 5.2.1 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and PPG, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.2 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three-bed dwellings; specifically, 25-35% two-beds and 40-50% three-beds for market dwellings. The submitted information does not set out the dwelling mix that would be provided. However, the Planning Statement suggests that there would be a range of different types of dwellings provided, which would also feature a mix of single storey and two-storey dwellings. Therefore, a condition could be imposed ensuring that the housing mix is in accordance with the LHNA.

## **5.3 Affordable Housing**

- 5.3.1 Annex 2 of the NPPF defines Affordable Housing as “housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)”.
- 5.3.2 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day-to-day living can lead to competing issues like fuel poverty and access to healthy food and it is clear that the number of people needing affordable housing in the District has grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.
- 5.3.3 As previously stated, the proposal would provide 40% Affordable Housing (six dwellings) which would be in accordance with Policy H1. Furthermore, the Strategic Housing Officer supports the application as it would comply with Policy H1. The LHNA sets out that 174 rented and 35 affordable ownership homes are required across the District on an annual basis. It also states that:

*‘... it is clear that provision of new affordable housing is an important and pressing issue in the District. It does however need to be stressed that this report does not provide an affordable housing target in policy terms - the amount of affordable housing delivered will be limited to the amount that can viably be provided. The evidence does however suggest that affordable housing delivery should be maximised where opportunities arise.’*



- 5.3.4 Affordable housing delivery figures as out in the Strategic Housing and Housing Policies Fact Sheet across the District for the period of 2014-2021/22 shows that affordable housing delivery has been falling well short of the necessary provision. Furthermore, ongoing work is being undertaken by the Planning Policy Team who have concluded that there is a shortfall of 546 affordable homes over the plan period, which does not include the current years shortfall.

Year	Recorded Completions	Affordable Completions	% of affordable housing
2014/15	69	0	0.00
2015/16	230	35	15.22
2016/17	243	26	10.70
2017/18	166	25	15.06
2018/19	306	39	12.75
2019/20	462	150	32.47
2020/21	426	128	30.05
2021/22	330	95	28.79
<b>Total</b>	<b>2232</b>	<b>498</b>	<b>22.31</b>

- 5.3.5 It has also been evidenced on appeal (APP/X1545/W/22/3303195, 9 February 2023) that there is a significant need for more affordable dwellings in the District.
- 5.3.6 Notwithstanding the above, despite the current shortfall in affordable housing, the provision of affordable housing would be limited. Furthermore, as in the absence of a signed Section 106 (S106) agreement securing the provision of Affordable Housing an objection must be raised on this basis.

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

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*
- “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.*
- 5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

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

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

5.4.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

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

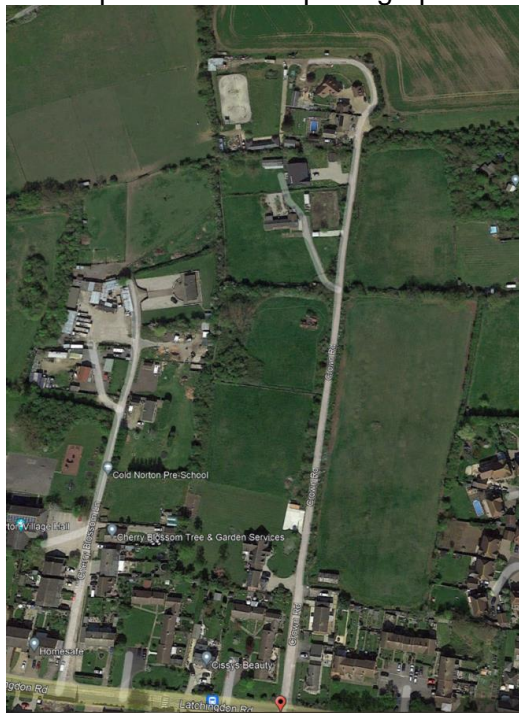
5.4.7 The site lies within an area defined by the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (September 2006) as East Hanningfield Wooded Farmland (F12). The key characteristics of this area are indicated to include:

- Gently rolling / undulating wooded farmland overlooking the Crouch River channel to the south
- Predominantly large arable fields, delineated with very mature treed field boundaries and ditches.
- Evidence of field boundary loss.
- Pockets of pasture and pony paddocks.
- Network of quiet narrow lanes.
- Generally dispersed settlement pattern
- Sense of tranquillity away from major road corridors.
- Fords where streams and narrow lanes meet.
- Views to wooded horizons and across the Crouch River channel.



- 5.4.8 The application has been supported by a Landscape and Visual Impact Assessment (February 2023) (LVIA). The LVIA concludes that the proposal would have a minor impact and the site has some capacity to absorb small scale development without detriment to the landscape character. It is stated that the visual change would be limited and not discordant with the existing local setting. The greatest degree of impact would be from neighbouring dwellings and the neighbouring PRoW, which would be subject to a high level of change, decreasing to a medium-high level of change by the 15<sup>th</sup> year, with the properties to the north experiencing a low level of change.
- 5.4.9 The supporting statement suggests that since the time of the appeal determination there have been dwellings constructed on land to the north. It is suggested that this now forms part of the context in which the application could be considered. However, the approved developments largely relate to replacement dwellings and therefore, do not demonstrably alter the character of the area. Furthermore, as demonstrated in the aerial photographs below any built form to north of the site is absorbed within the context of the existing development and has not materially changed the character of the area since the consideration of the previous appeal. Therefore, the relationship between the application site and the development within the north of Crown Road remains largely as it did previously.

April 2017 Aerial photograph



June 2023 Aerial Photo



- 5.4.10 The Inspector considering the previous appeal noted that Crown Road is 'flanked on both sides by residential dwellings at the point where the roads meet. When travelling along Crown Road, Crown Lodge marks the end of the perceived line of development from Cold Norton Village. When standing next to the appeal site, Crown Road is characterised by open land on both sides. Notwithstanding that the site is not subject to any special designation, the openness and rural quality of this land are positive aspects of the character and appearance of this area'. The Inspector goes on to say that 'Whilst there are properties further along Crown Road, these are spatially and visually separated from the village itself and appear as a handful of standalone dwellings'.

- 5.4.11 Whilst the Inspectors decision was based on the character and context of the surrounding area at the time of the previous appeal, as can be seen from the imagery above and as stated, these circumstances have not materially changed between the previous scheme and the current. Therefore, notwithstanding the content of the LVIA the proposed development would introduce a demonstrably harmful form of development that would cause an unacceptable degree of harm to the character and appearance of the area and the intrinsic character and beauty of the countryside by eroding this open land.
- 5.4.12 The Planning Statement suggests that the site represents an infill of the gap between the residential dwellings to the north and south of the site. However, the space between the development to the north, which is noted to be a handful of standalone dwellings, has a limited, if any, visual relationship with the southern part of Crown Road. Given the expanse of space between the application site and the development to the north, the proposal would not be read as an infill development, but as an unacceptable sprawl of development to the north beyond the existing village to the south.
- 5.4.13 The proposed scheme now includes the demolition of Crown Lodge and therefore, appears more cohesive in respect of the development to the south by the fact there is less of a separation between the proposal and southern built form. However, the layout of the development, which is largely dictated by the access which is a matter for determination as part of this application, bares no relation to the pattern of development to the north, south or west of the site on Cherry Blossom Lane. It was stated in the Officers Report as par to the previously dismissed proposal that *‘Adjacent dwellings within the vicinity of the site are directly served from the highway onto which they front and the proposed curved layout is at odds with the prevailing pattern of development as is the use of a cul-de-sac style access road within the site. This style of layout reflects neither the close grain of development along Latchingdon Road or the looser sporadic dwellings to the north within the rural countryside and would result in ribbon development leading north along Crown Road.... Whilst it is noted that there are more Arcadian layouts within Victoria Road to the east, that road and its dwellings is firmly rooted and viewed within the settlement boundary of the village’.*
- 5.4.14 Whilst layout is a reserved matter, as previously stated it is largely dictated by the access road, and the parameter plans that have been submitted. Therefore, based on the above the development of the site four fourteen houses would not result in a different conclusion to the previous findings and would appear at odds with the prevailing pattern of development.
- 5.4.15 The Density and Storey Heights Parameter Plan (22011-101A) shows that the two storey dwellings would be positioned to the west, with the single storey and open space to the east, reducing the visual impacts from Crown Road. However, the impacts from the PRow to the north would still be apparent due the two storey dwellings in the northwest corner, as well as the properties still having a demonstrable visual impact from the east in Crown Road. The LVIA acknowledges that from these viewpoints there would be a high impact significance during the first year with a medium-high by the 15<sup>th</sup> year. Similar applies in respect of viewpoints from dwellings from Latchingdon Road where the impacts will remain high. Therefore, whilst the long-range vistas would have a lesser impact, the immediate viewpoints would be subject to a high degree of change that would materially harm the character and appearance of the area.
- 5.4.16 The previous Inspector at paragraph 12 of the decision noted that ‘a residential development at this location would provide built form, along with associated car

parking, driveways and domestic planting, boundary treatments and paraphernalia would completely change the character of the land giving it a more urbanised appearance. This would erode an undeveloped landscape at a point where there is a marked transition from village to countryside thus harming the rural setting of Cold [Norton]. Due to the inherent nature of the harm, I do not consider that this could be overcome through landscaping or boundary treatments’.

- 5.4.17 The above illustrates the harm resulting from domestic paraphernalia and that boundary treatments alone would not be sufficient in eliminating the harm to a suitable degree. Boundary treatments cannot be guaranteed to be maintained in perpetuity and it would not be reasonable to impose a condition requiring a certain height to be maintained. Furthermore, this scheme now proposes development on the eastern edge of the site, which was not proposed as part of the dismissed appeal scheme. Therefore, the impacts are likely to be greater and the impacts of the domestic paraphernalia exacerbated by the increase in the number of units proposed.
- 5.4.18 The previous scheme was for four bungalows and as such the amount of built form proposed was far lesser than the fourteen units proposed as part of this application. As such, there is a greater degree of urbanisation resulting from this proposal that what would have been considered previously. Furthermore, the density of development and spread of development resulting from fourteen units would erode the edge of settlement character of the site to a greater degree than the previous appeal scheme. Therefore, there does not appear to be any sound reasoning for reaching a different conclusion to the previous Inspector in relation to this proposal.
- 5.4.19 It is noted that there are some areas where development has extended north of Latchingdon Road, such as Victoria Road. Furthermore, Officers are aware that there is an application for consideration (23/00371/FUL) for two bungalows to the west of this application site, accessed from Cherry Blossom Lane. However, Crown Road is a different context in that, as noted by the Inspector, both of its sides are largely free from built form.
- 5.4.20 In respect of the Cherry Blossom Lane application, it is also necessary to take account of the fact that the site already benefits from planning permission for one bungalow, where a previous Inspector had found that the site would be suitable for development as the area of land did not represent a “*sensitive countryside location*” as it “*makes very little contribution to the visual appearance of the locality*” and “*The open countryside is not immediately apparent from the appeal site*”. This is vastly different to the findings of the Inspector that considered the current application site who said that although ‘*not subject to any special designation the openness and rural quality of this land are positive aspects of the character and appearance of the area.*’ The openness of the application site therefore offers much greater value to the character and appearance of the surrounding area than the neighbouring site. As such the two proposals given their difference in context and scale are not comparable.
- 5.4.21 As set out above, it is considered that the proposed development for fourteen separate dwellings would have a detrimental impact on the rural character of the area. Therefore, it is concluded that the proposed development would visually and adversely harm the character of the rural locality, thus causing material harm to the rural qualities of the surroundings, contrary to Local Plan Policies S1, S8, D1 and H4 and the guidance and provision as contained within the Framework.

## **5.5 Impact on Residential Amenity**

- 5.5.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.5.2 The application is outline in nature, with matters relevant to the impact of the development on the neighbouring residential occupiers, such as scale, appearance and layout, being reserved for future consideration. Although it should be noted that there is little scope for the broadscale layout to be amended, given that if this outline application were to be approved the access arrangements include the internal road layout within the site. Therefore, the siting of the estate road will largely dictate the layout of the site. Furthermore, plan 22011-101A demonstrates that there will be two storey dwellings within the western parcel of the site. Nevertheless, given that the matters mentioned above are subject to submission and revision and considering the limited level of information provided with the application, it is not possible to fully assess the impact of the proposal on residential amenity.
- 5.5.3 Notwithstanding the above, what is clear from the submitted information is that the proposed development would result in up to 14 dwellings, which will inevitably increase levels of activity on site, which is currently a field. The site neighbours the countryside to the north and east and there are residential units to the south and west. On that basis, the proposed residential development would result in a use that is compatible in terms of amenity with the adjoining residential character of the area and thus, it would not adversely impact upon the amenities of the neighbouring occupiers in that respect.
- 5.5.4 The indicative site plan shows residential properties that back onto the application site. The MDDG (2017) states that where new development backs on to the rear gardens of existing housing, the distances between buildings should be 25m (C 07 Residential Amenity). The indicative layout shows that the dwellings proposed directly to the rear of the properties fronting Cherry Blossom Lane and Latchingdon Road, will achieve a back-to-back distance in excess of the required 25m. However, this would need to be fully assessed at the Reserved Matters stage when the layout is fully known. However, having regard to these distances and the indicative site plan it is considered that the proposed site is sufficiently distant to neighbouring dwellings so as to minimise any unacceptable harm to the outlook of privacy of existing residents.
- 5.5.5 It should, however, be noted that there is the potential for the noise resulting from the siting of the access to have detrimental impacts on the occupiers of Charterhouse Cottages which back onto Crown Road and the application site, as well as Stevelor Crown Road and Harmony Crown Road. However, it is not considered that the vehicle movements associated with 14 dwellings would create unacceptable levels of disturbance, particularly as the Environmental Health Department have not raised concerns in relation to this matter.
- 5.5.6 It is therefore considered that an appropriate layout could be produced so that the amenities of the neighbouring occupiers, including overshadowing, overlooking or undue sense of enclosures, would not be compromised. Notwithstanding this a full assessment of the impact of the development on the neighbouring occupiers would be subject to a reserved matters application, should permission be granted.

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

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

### Access

- 5.6.2 As stated in section 3.1 above the proposed access would be taken from the western side of Crown Road, an area of the site which is currently occupied by the dwelling to be demolished. The application has been supported by a Transport Statement (Ref: JTP 640, February 2023) which includes access arrangement plans at Appendix 5. Whilst there is no objection relating to the access onto Crown Road, the Local Highway Authority have advised that it has not been demonstrated that appropriate visibility splays, in accordance with current standards, can be achieved for the speed of the road, at the access from Crown Road onto Latchingdon Road. The lack of visibility would consequently result in an unacceptable degree of hazard to all road users to the detriment of highway safety.
- 5.6.3 Further to the above, the submission does not include details of the location of Public Footpath no. 20 (Cold Norton) that runs along the eastern boundary of the site within Crown Road and across the northern boundary. As advised by the Local Highway Authority, it is noted that there is a small degree of conflict and interference between vehicles and pedestrians using the footpath. However, the intensification resulting from the development would increase the conflict and interference resulting in a deterioration in Public Footpath no.20, as a public right of way, to the detriment of highway safety. Likewise, the proposal does not demonstrate that appropriate measures are being provided to improve and promote cycling and walking from the development along Crown Road, and unmade and unlit private road. Therefore, in the absence of any suggested improvements it is not considered that safe and suitable access to the site is being provided for all users. As a result, the proposal is contrary to Policies S1, T1 and D1 of the LDP as well as the NPPF.
- 5.6.4 Whilst it is noted that these concerns were not raised as part of application 17/01045/OUT, the number of dwellings to be provided (four) was much lesser and as such the resultant intensification would have been less significant.

### Trip Generation

- 5.6.5 The Transport Statement includes a TRICS trip generation assessment that demonstrates that the proposal would not have a significant impact on highway capacity. Furthermore, it is not anticipated that a maximum of 14 dwellings would add a significant number of traffic movements to the local highway network. Therefore, no objection is raised on this basis.

### Parking

- 5.6.6 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it

is recognised that the Maldon District is predominantly rural in nature and there is a higher-than-average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.6.7 It is noted that the application has been submitted in outline and no details for off-street parking have been provided with the application. However, it is likely that sufficient space could be provided within the site to ensure that parking provisions is compliant with the adopted Parking Standards. Therefore, should permission be granted a condition to secure off-street parking provision for the development that is compliant with the Vehicle Parking Standards would be imposed.

## **5.7 Private Amenity Space**

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG (2017) advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.7.2 Although layout is a reserved matter, albeit this will be largely dictated by the positioning of the access road, and the amount of amenity space required cannot be confirmed as the size of the dwellings are unknown, it is considered that the site would be of ample size to enable adequate amenity for each dwelling.

## **5.8 Green Infrastructure**

- 5.8.1 Policy D2 of the LDP requires green infrastructure to be incorporated into developments as a way of adapting and mitigating for climate change through the management and enhancement of existing habitats and the creation of new ones to assist with species migration, to provide shade during higher temperatures and for flood mitigation. Negative impacts on ecology, landscape and green infrastructure should be minimised.
- 5.8.2 Policy N1 of the LDP encourages the enhancement of the green infrastructure network, identifying that *"The requirement for new green infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development"*.
- 5.8.3 The greenspace standards for Maldon District are identified in the Green Infrastructure Strategy for Maldon District (2018). It states that new developments will be required to provide LEAP (Local Equipped Areas for Play), unless it can be demonstrated that this is not appropriate due to the scale or design of the development, or likely impacts in relation to biodiversity, cultural heritage, landscape or flood risk. Also, the MDDG (2017) at section C 06 requires open space to be of an appropriate size, shape and layout to meet the schemes users.

- 5.8.4 The proposed development would be located less than a five-minute walk from the play area located at Cold Norton Village Hall, which can be accessed by the public footpath to the north of the site. Furthermore, 14 dwellings would not create a development of a significant enough scale as to warrant a public open space contribution. Therefore, no concerns are raised in respect of public open space provision.

## **5.9 Ecology and Biodiversity**

- 5.9.1 The application site does not fall within or in close proximity to nature conservation sites. However, policy N2 of the LDP states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”*. Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.9.2 The application has been supported by a Preliminary Ecological Appraisal (T4 Ecology, January 2023) (PEA) relating to the likely impacts of the development on designated sites, protected and Priority species and habitats, as well as identification of proportionate mitigation.
- 5.9.3 The PEA identifies that there are two ponds on site which are to be removed. Therefore, the PEA recommends that the District Level Licensing should be applied for to mitigate and compensate for the potential impacts to Great Crested Newts onsite. However, following consultation with the Councils Ecological Consultant, it is noted that the LPA would require the submission of an Impact Assessment and Conservation Payment Certificate (IACPC) document, countersigned by Natural England, as evidence of site registration. This would ensure that the LPA has certainty of the likely impacts to Great Crested Newts, a European Protected Species.
- 5.9.4 Without the above information the LPA cannot be certain of the impacts on legally protected species or secure appropriate mitigation. Consequently, the LPA cannot demonstrate compliance with its statutory duties. As such, the proposal is contrary to policies S1, D1 and N2 of the LDP and Government advice contained in the NPPF.

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

- 5.10.1 Natural England (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 Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational Zol of these sites cover the whole of the Maldon District.
- 5.10.2 NE anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation

(HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

- 5.10.3 NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - NE have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.10.4 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.10.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.10.6 To accord with NE's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

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

Does the planning application fall within the following development types? Yes - The planning application is for up to fourteen dwellings.

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

Test 2 – the integrity test

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

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

- 5.10.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to be re-consulted on this Appropriate Assessment.
- 5.10.8 The Essex Coastal RAMS is now post consultation and constitutes an emerging document for the Council. This document states that the flat rate for each new



dwelling has been calculated at £122.30 and thus, the developer contribution should be calculated using this figure. However due to indexation this figure is now £156.76. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £2,194.64 is necessary. The Supporting Statement acknowledges that the Applicant is willing to provide the necessary RAMS contribution. However, in the absence of a signed S106 securing the contribution the development is contrary to policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

## **5.11 Other Material Considerations**

### Flood Risk and Drainage

5.11.1 The application has been supported by Surface Water and Foul Water Drainage Statement (31 January 2023). The report sets out that the development would make provision for the retention of surface water within the site before it is discharged into the wider surface water drainage network.

5.11.2 The Lead Local Flood Authority have raised a holding objection having reviewed the Drainage Statement for the following reason:

*'The surface water pipes cross a road and encroach on third party land, which is outside of the drainage plans red line site boundary. Please clarify if the road is under the applicant's ownership. Please also provide evidence of third-party agreement for discharge to their system (in principle/consent'.*

5.11.3 The Applicant nor their Agent has provided any information in response to the above. However, given that the application is recommended for refusal by Officers it is not considered in the best interests to delay the application further and request this information. Therefore, this should also form a reason for refusal for the application as it has not been demonstrated that the proposed surface water drainage scheme would be sufficient and as such the development is contrary to Policies S1 and D5 of the Maldon District LDP.

### Trees

5.11.4 The application has been supported by a Tree Survey Report (December 2022). Paragraph 3.1.6 above outlines the trees and hedgerows which are to be lost as a result of the development. The trees to be removed are located within the south west of the site. The Tree Survey demonstrates that the trees and hedgerows to be removed are of low quality with the majority falling within the category U 'of such poor condition that any existing value would be lost within 10 years' The report also demonstrates that the better-quality trees will be retained and protected. Therefore, subject to a condition requiring a suitable landscaping scheme coming forward at Reserved Matters, as well as a detailed Tree Protection Method Statement prior to any works commencing on site, no objection is raised in relation to the Arboricultural impacts.

### Health

5.11.5 Policy I1 seeks to maintain and improve infrastructure provision in the District by ensuring that an appropriate level and type of infrastructure is provided for new developments where required to meet community and environmental needs. It outlines that Developers will be required to contribute towards local and strategic infrastructure and services necessary to support the proposed development. Mitigation can be secured through a S106 agreement.

- 5.11.6 As the development would involve more than ten dwellings the National Health Service (NHS) has been consulted on the application. In their response the NHS has stated that the development is likely to have an impact on the services of the surgery which operates within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from the development and cumulative development in the area.
- 5.11.7 Health services within a 5km radius of the proposed development have an existing deficit of 628.9m<sup>2</sup> of floorspace. The proposed development would create an additional population growth of 34 and would consequently have an impact on healthcare provision within the area, where there is already a deficit of primary care facilities. Therefore, if left unmitigated the development would be unsustainable. As such a contribution of £7,000 is required in order to increase capacity for the benefit of the patients of the Primary Care Network operating in the vicinity of the site. This can be secured through a S106 agreement. However, given the absence of a S106 agreement to secure the contribution to further healthcare places an objection is raised on these grounds.

#### Renewable Energies and Sustainability

- 5.11.8 The Planning Statement suggests that the development will include provision for renewable energy generation as part of the development and that planning conditions could secure the minimum standards for new developed. It also suggests that these standards could be exceeded so that the dwellings are delivered to a form which is comparable to the standards of Crown Lodge. However, given the limited information available and that it is only reasonable to impose conditions relating to the minimum requirements this carries limited weight in the planning balance.

### **5.12 Contribution to the Achievement of Sustainable Development**

- 5.12.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies. The LPA must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purpose of the planning system, as a material consideration.
- 5.12.2 The key priority within the NPPF, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.12.3 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm identified (if any) arising from the proposed development.
- 5.12.4 The main benefits of the proposal are considered to be as follows:
- Social benefits from providing market homes in a variety of sizes and types;
  - Social benefits of providing affordable homes in a variety of sizes and types.
  - Social and economic benefits by encouraging churn of existing housing in the District;
  - Economic benefits flowing from the construction phase of the development, where the opportunity exists for sourcing local labour and materials;
  - Environmental benefits resulting from ecological enhancements as a result of soft landscaping proposals as well as they use of energy efficient measures.

5.12.5 The disadvantages of the development, which cannot be mitigated, are considered to be as follows:

- The proposal lies outside the settlement boundary and fails to make a positive contribution to the locality. It would cause an unacceptable degree of harm to the character and appearance of the locality and represent unwarranted development within the countryside.
- It has not been demonstrated that an appropriate visibility splay can be achieved for the speed of the road at the access from Crown Road onto Latchingdon Road.
- The application does not include any details of the location of Public Footpath no. 20 (Cold Norton) or any priority or suggested improvements for pedestrian movements along Crown Road, for uses of the public footpath. The development would intensify the current conflict between vehicles and pedestrians using the footpath, which would create deterioration of the footpath as a public right of way.
- The application also fails to demonstrate that appropriate measures would be provided to improve and promote cycling and walking from the development along Crown Road.
- The development does not include a signed S106 agreement securing the necessary mitigation towards RAMS, healthcare or securing the necessary provision of affordable housing.

5.12.6 With regard to the three tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and that the additional units may support local businesses in Cold Norton. Although, there is no guarantee that the construction would be undertaken by local businesses or use locally sourced materials. Furthermore, the proposal does not provide any additional retail or employment provision in the operational phase, and the development is not of a scale that would provide substantial support to existing services and facilities. Any economic benefits would therefore be considered minor.

5.12.7 In social terms although the Council can now demonstrate that it has a five year housing supply, it is acknowledged that this can only be maintained by approval of new permissions on suitable sites and the District still has a shortfall of affordable housing. However, the proposal would provide for fourteen dwellings, which is considered to be of limited benefit in terms of social sustainability. Furthermore, given the limited size of the site these dwellings are unlikely to contribute much to the period beyond the current fifth year. Therefore, although affordable housing is much needed within the District the limited provision of both market and affordable dwellings, given the needs of the District this is not considered to outweigh the impacts on the character and appearance of the area, ecology and highway safety.

5.12.8 The development would also result in negative social impacts as a result of conflicts between highway users and pedestrians and the lack of visibility at the junction of Crown Road with Latchingdon Road which weighs against the development.

5.12.9 In environmental terms, the harm would be to the character and appearance of the area and biodiversity, as well as a lack of provision of suitable cycle and walking provision. Whilst there would be some ecological enhancements proposed through the soft landscaping, there is considered to be a demonstrably harmful impact on the undeveloped site as a result of the sprawl of development and harm to the countryside site discussed in the character and appearance section above. Furthermore, the LPA cannot be certain of the impacts on Great Crested Newts.

- 5.12.10 In consideration of the above, at this time it is considered that the environmental and social harm would go beyond any benefits of the proposal. This harm is not considered to be significantly outweighed by the benefits of granting planning permission.

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

- **17/01045/OUT** - Residential development comprising 4 bungalows. Refused 10.11.2017 – **Appeal dismissed 07.09.2018.**

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Cold Norton Parish Council	<p>Object:</p> <ul style="list-style-type: none"> <li>• Outside the settlement boundary</li> <li>• The Council can now demonstrate a 5YHLS.</li> <li>• Private, unmade road, with steep drop to the main road, limited public transport and no footway.</li> <li>• Lack of infrastructure including school places</li> <li>• Foul and surface water concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• Addressed at section 5.1 &amp; 5.4.</li> <li>• Addressed at section 5.1.</li> <li>• Addressed at section 5.6.</li> <li>• The development is not of a scale that would warrant an education contribution. Health care contribution is discussed at section 5.11.</li> <li>• Foul water can be addressed by way of a condition</li> </ul>

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Local Highway Authority	<p>Object –</p> <ul style="list-style-type: none"> <li>• The applicant has failed to demonstrate that an appropriate visibility splay, in accordance with the current standards, can be achieved for the speed of the road, at the access from Crown Road onto Latchingdon Road. The lack of such visibility would result in an unacceptable degree</li> </ul>	Addressed at section 5.6

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>of hazard to all road users to the detriment of highway safety.</p> <ul style="list-style-type: none"> <li>The applicant has not referred to or provided details of the location of Public Footpath no. 20 (Cold Norton) on their submitted plans and has not provided any priority or suggested any improvements for pedestrian movements along Crown Road, for users of the public footpath. It is recognised that there is currently a small degree of conflict and interference between vehicles and pedestrians using Public Footpath no. 20 (Cold Norton), but the intensification of that conflict and interference which this proposal would engender would lead to a deterioration in Public Footpath no. 20 (Cold Norton) as a public right of way, to the detriment of highway safety.</li> <li>Further to the above, the applicant has also failed to demonstrate that appropriate measures are being provided to improve and promote cycling and walking, from the development along Crown Road, an unmade and unlit private road. Consequently, it is not considered that safe and suitable access to the site is being provided for all users, to the detriment of highway safety.</li> </ul>	
Lead Local Flood Authority	<p>Holding Objection –</p> <ul style="list-style-type: none"> <li>The surface water pipes cross a road and encroach on third party land, which is outside of the drainage plans red line site boundary. Please clarify if the road is under the applicant's ownership. Please also provide evidence of third-party agreement for discharge to their system (in principle/consent)</li> </ul>	Addressed at section 5.11

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	<p>An informative is required in relation to assets owned by Anglian Water that are within or close to the development site boundary.</p> <p>Latchingdon Waste Water Recycling Centre does not have capacity to accept the flows, although Anglian Water are obliged to accept the foul flows should permission be granted and would take the necessary steps to ensure that there is sufficient treatment capacity.</p> <p>The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.</p>	Addressed at section 5.6
NHS	<p>The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 34 new residents and subsequently increase demand upon existing constrained services.</p> <p>Additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated.</p> <p>The 34 new residents would create a requirement of 2.3m<sup>2</sup> of additional floorspace, equating to a financial contribution of £7,000 needed to mitigate the impacts.</p>	Addressed at section 5.11
Essex Police	Key aspects of the Essex Design Guide are set out as well as the Police and Crime Plans twelve priorities	Noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>A suitable foul water condition should be imposed.</p> <p>A condition requiring any previously undeclared contaminated land to be declared is required.</p> <p>A Construction Management Plan should be conditioned.</p>	Noted
Strategic Housing	Support – the 40% affordable housing would assist in meeting the Housing needs for the District	Addressed at section 5.3
Ecology	<p>Holding objection due to insufficient information on Great Crested Newts</p> <ul style="list-style-type: none"> <li>RAMs contribution will be required.</li> <li>the Preliminary Ecological Appraisal (T4 Ecology, January 2023) identifies two ponds onsite which are to be removed as a result of the proposals.</li> </ul> <p>Therefore, the Preliminary Ecological Appraisal (T4 Ecology, January 2023) recommends that the District Level Licensing should be applied for, to mitigate and compensate for the potential impacts to Great Crested Newts onsite. However, prior to determination of this application the LPA would require the submission of an Impact Assessment and Conservation Payment Certificate (IACPC) document, countersigned by Natural England, as evidence of site registration. This is to ensure the LPA has certainty of the likely impacts to GCN, a European Protected Species.</p>	Addressed at section 5.9
Arboricultural Consultant	No objection to the proposal. The tree report identifies the trees and constraints, showing the better-quality ones will be retained and protected. For a detail application a detailed tree protection method statement would be required, with more information relating to how procedures to excavate the root protection area will be done and other measures such as supervision etc.	Addressed at section 5.11

Name of Internal Consultee	Comment	Officer Response
	A robust landscaping scheme should also be provided to address amenity and biodiversity.	

#### 7.4 Representations received from Interested Parties

7.4.1 2 letters were received **supporting** the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
<ul style="list-style-type: none"> <li>• Efficient use of land</li> <li>• The Council consider the site suitable for housing</li> <li>• Settlement boundaries are out of date</li> <li>• Development is small scale with green space</li> <li>• Improvements to the condition of the lane</li> <li>• Good access to services and facilities</li> <li>• Less landscape impacts than other sites</li> </ul>	<ul style="list-style-type: none"> <li>• Addressed at sections 5.1 and 5.4 of the report</li> <li>• Addressed at section 5.1</li> <li>• Addressed at section 5.1</li> <li>• Addressed at section 5.4</li> <li>• Any upgrades to Crown Road would be limited and would largely be to facilitate the access to the site.</li> <li>• Addressed at section 5.1</li> <li>• Each application must be assessed on its own merits, the landscape impacts are addressed at section 5.4</li> </ul>

7.4.2 3 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
<ul style="list-style-type: none"> <li>• Overdevelopment</li> <li>• Increase in traffic and highway quality and safety concerns</li> <li>• Impacts on infrastructure</li> <li>• Water and electricity supply concerns</li> <li>• Ecological impacts</li> <li>• No need for the housing</li> <li>• Unsustainable location</li> <li>• Loss of green space and turn the village into a town.</li> </ul>	<ul style="list-style-type: none"> <li>• Addressed at section 5.4</li> <li>• Addressed at section 5.6</li> <li>• Addressed at section 5.11</li> <li>• Addressed at section 5.9</li> <li>• Addressed at section 5.1</li> <li>• Addressed at section 5.1</li> <li>• Addressed at section 5.4</li> </ul>



## 8. **REASONS FOR REFUSAL**

- 1 The provision of fourteen dwellings on this site and associated works, outside the defined settlement boundary of Cold Norton would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site and be likely to cause a loss of landscaping that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality and represent unwarranted development within the countryside contrary to policies S1, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.
- 2 It has not been demonstrated that an appropriate visibility splay can be achieved for the speed of the road at the access from Crown Road onto Latchingdon Road. Further, the application does not include any details of the location of Public Footpath no. 20 (Cold Norton) or any priority or suggested improvements for pedestrian movements along Crown Road, for uses of the public footpath. The development would intensify the current conflict between vehicles and pedestrians using the footpath, which would create deterioration of the footpath as a public right of way. The application also fails to demonstrate that appropriate measures would be provided to improve and promote cycling and walking from the development along Crown Road. The proposal would therefore would not provide a suitable and safe access for all users and would result in an unacceptable degree of hazard to all road users to the detriment of highway safety and contrary to the National Planning Policy Framework and policies, S1, D1, T1 and T2 of the Maldon District Local Development Plan (2017), and guidance contained within the Maldon District Design Guide (2017).
- 3 The proposed development has a potential significant impact upon protected species. Insufficient information has been submitted to allow the Local Planning Authority to determine that the proposed development would not have significant impact on these features, or the significant impact is such that it can be mitigated or compensated in a satisfactory way. The development is therefore unacceptable and contrary to policies S1, D2 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.
- 4 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the proposal includes inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 5 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary the provision of any necessary contribution towards health care provision the impact of the development cannot be mitigated contrary to Policies S1, D1, N1, N3, I1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 6 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the

impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the NPPF.



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
16 AUGUST 2023**

<b>Application Number</b>	<b>23/00332/FUL</b>
<b>Location</b>	Land adjacent to Honeywood Farm, Honeypot Lane, Purleigh, CM3 6RT
<b>Proposal</b>	Section 73A application for the construction of 6 office units
<b>Applicant</b>	Mr A Brown - Honeywood Holdings Ltd
<b>Agent</b>	M. Foley of Stanfords
<b>Target Decision Date</b>	23.06.2023
<b>Case Officer</b>	Jonathan Doe
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call in by Councillor S White with regard to Policies S1, S7, S8 and E3

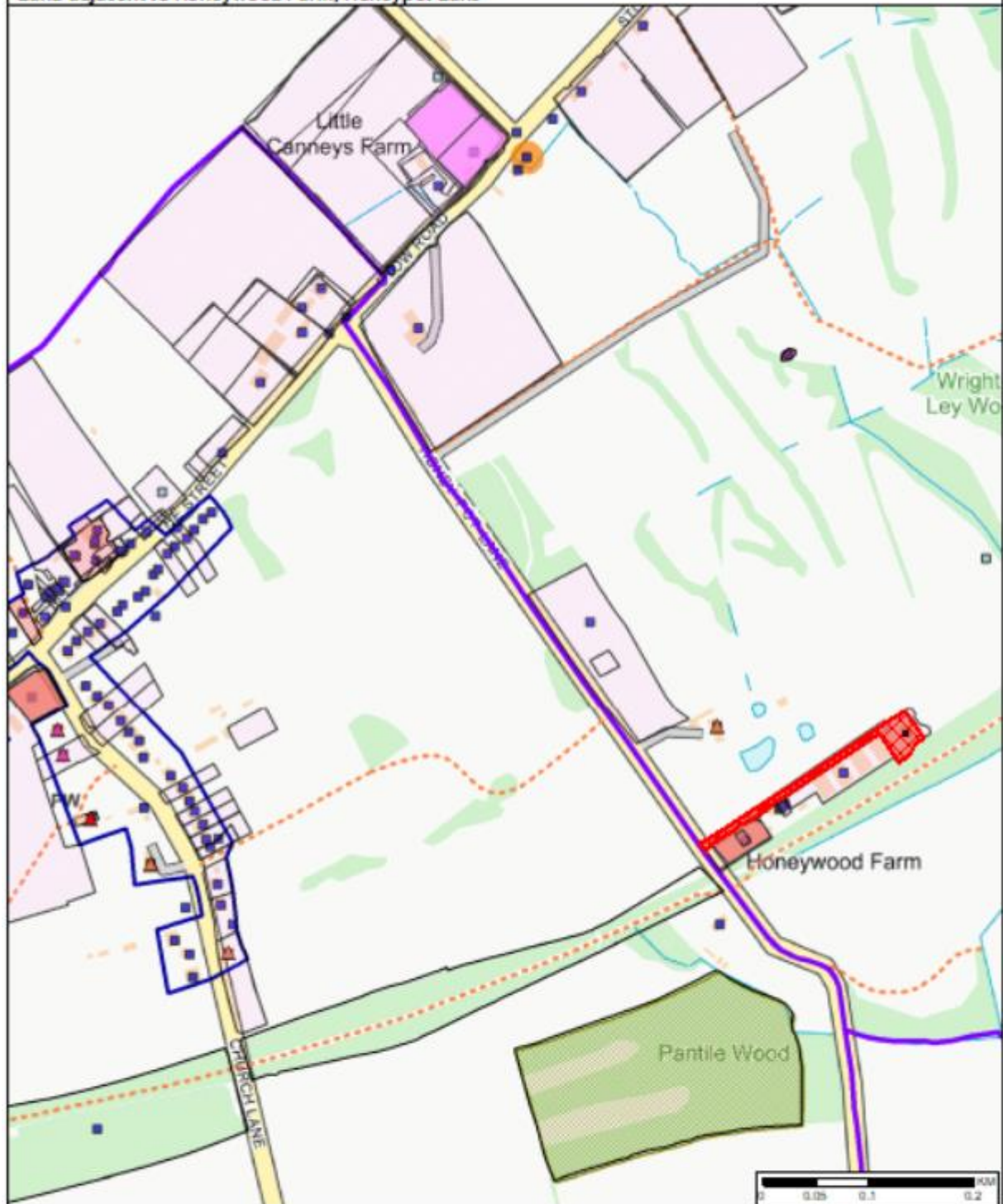
**1. RECOMMENDATION**


**APPROVE** subject to conditions as detailed in Section 8.

**2. SITE MAP**

Please see below.

**Application reference 23/00332/F UL**  
**Land adjacent to Honeywood Farm, Honeyput Lane**



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	Scale: 1:5,000
	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>	Date: 07/06/2023
	MSA Number: 100018588

### **3. SUMMARY**

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

##### Site description

- 3.1.1 The site is land to the rear of a property known as Honeywood Farm, a house with a farm of some 7.5 acres. The application site is associated with land known as Honeywood Farm Business Park. The site has a vehicular access on the eastern side of Honey Pot Lane. Honey Pot Lane is a rural road linking the road between Stow Maries and Cold Norton, to the north, with the B1012 which runs between South Woodham Ferrers and the turning to North Fambridge.
- 3.1.2 Fowlers Farm is to the north and a bridleway, along the route of a former railway, is to the south. Three Rivers golf course is to the east.
- 3.1.3 The website for Honeywood Farm Business Park describes the site as a family-run business park offering office and light industrial lets in a rural setting. a variety of office spaces available, either in a converted barn or recently built wood cabins. Light industrial lets are also part of Honeywood Business Park, in four converted turkey sheds, immediately to the west of the site the subject of this current application.
- 3.1.4 The site is outside any Settlement Boundary.

##### Description of proposal

- 3.1.5 The proposal is to retain the existing use of the site for commercial use, for Class E use. The application seeks retrospective planning permission for the existing use.
- 3.1.6 Class E is for commercial, business and service use with Class E (g) being for offices, research and development of products or processes or any industrial use which has no material detriment by noise, vibration, smell, fumes, or other pollution.
- 3.1.7 The application is for the retention of office units which are arranged in a U-shaped footprint of built form. The buildings have a central footway network and an outdoor seating area with a canopy. The office units are formed by three individual units which are 10m in length and 3m in width, with a total combined floor area of approximately 90 sq m.
- 3.1.8 Each unit is accessed via a central door within the courtyard and leads into a reception/kitchen area with a w/c. From this room, two 'pods' can be accessed. There are a total of six pods within the development. Each pod has an approximate floor area of 10 sq m.
- 3.1.9 A planning statement forming part of the application documentation states that the office units have been available for occupation since April 2021. The units have solely been used for commercial rental purposes and are associated in conjunction with the farm holding. The scheme aims to provide spaces for local microbusinesses on business tenancies. The small-scale nature of the development has avoided any noise generation and traffic intensification which would compromise the serenity of the countryside. There is no external flood lighting proposed which would cause light pollution. The units have the benefit of electricity and water from a local source, whilst a package treatment plant has been operating satisfactorily for the office complex. The applicant connected to the existing package treatment plant used for the B8 units adjacent.

- 3.1.10 The planning statement refers to the detailed nature of the units as follows: The office complex is currently home to five microbusinesses across the six pods:

Pod Number	Nature of business	Number of staff
1	Mental health therapy	4
2	Medical staff recruitment	3
3	Craft making and selling	1
4	Mental health charity	2
5 and 6	Hospitality recruitment company	6

- 3.1.11 These companies would fall within the newly established Use Class E, which aimed to provide a flexible commercial use class for the changing nature of commercial business. In total, this office complex employs 16 local people in the human health, creative and recruitment sectors. The working hours for these office units are generally 8am to 7pm Monday to Friday. These businesses secure tenancies on a business licence agreement. The terms are one months' notice by either party as these are designed for micro / start-up style businesses and provide flexibility and adaptability. In addition, the applicant employs five people part time for the administration, maintenance, marketing and weekly cleaning of the office complex.

## **3.2 Conclusion**

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

## **4. MAIN RELEVANT POLICIES**

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning Conditions and Obligations
- 81-82 Building a strong, competitive economy
- 84-85 Supporting a prosperous rural economy
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-134 Achieving well-designed places

#### **4.2 Maldon District Local Development Plan (2017)**

- S1 Sustainable Development
- S7 Prosperous Rural Economy
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E1 Employment
- E4 Agricultural and Rural Diversification
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

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

- Vehicle Parking Standards (2018)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) (2017)

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and paragraph 47 of the National Planning Policy Framework (NPPF) (2021).
- 5.1.2 Policy S1 of the approved Maldon District LDP seeks to support sustainable developments within the defined settlement boundaries.
- 5.1.3 Policy S7 states that the Council will actively seek to support and facilitate sustainable economic development within villages through the retention of employment designations and supporting rural diversification, tourism and leisure proposals. However, it should be noted that the site is outside any defined settlement boundary being some 500m as the crow flies from the nearest settlement boundary, that of Stow Maries. The settlement boundary of Cold Norton is some 800m to the northeast.
- 5.1.4 Policy S8 of the LDP defines the settlements of the Maldon District within which development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories (Policy S8: a-m). This list of acceptable development includes criteria (b) 'Employment generating proposals (in accordance with Policy E1)' or f) 'Rural diversification', in accordance with Policies E4 and E5).

- 5.1.5 Policy E1 states that the Council will encourage employment generating proposals. The policy also states that proposals to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the current needs of local businesses in the District. Whilst the policy is aimed at the consideration of new development and the subject of this application is retention of an existing use, it is considered that the thrust of Policy E1 gives considerable support to the retention of the use of the site.
- 5.1.6 Policy E4 relates to 'agricultural and rural diversification' and is of broad relevance to the consideration of the proposal.
- 5.1.7 Policy E5 relates to tourism and is, therefore, not relevant to this case.
- 5.1.8 Given that the proposal generally meets the aim of Policy E1, the application is seen to meet an exception whereby it is acceptable outside a settlement boundary and indeed has support in principle. Retention of the use would not materially harm the intrinsic character and beauty of the countryside because the site is hidden away behind other development which is also accessed from Honey Pot Lane. There is a bridleway to the south though this is set within wooded, well treed land, such that views from the bridleway are screened. Furthermore, any sight of the office units would be seen in the context of commercial / modern agricultural buildings of a considerable scale on the adjoining land to the west. Overall, the office units have no harm to the landscape.
- 5.1.9 The office units appear in aerial photograph dating from 1985 and accordingly a "fall back" position whereby the site might be given a Certificate of Lawfulness by virtue of the length of time it has continuously existed is considered to carry weight.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".*
- "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".*
- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
  - b) *Height, size, scale, form, massing and proportion;*



- c) *Landscape setting, townscape setting and skylines;*
- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) *Energy and resource efficiency.*

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

5.2.5 The offices are clad in timber and have a profiled metal sheet flat roof. There is one small window on each end of the office units. There are two wider windows on either side of the door of each unit which face the central courtyard.

5.2.6 The office buildings are considered to have a good appearance and, as referred to above, have no material adverse impact to the landscape or the character or appearance of their setting. As such the office units are acceptable with regard to Policy D1.

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

5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

5.3.2 There are no residential dwellings close to the application site, the closest dwelling to the development is Fowler's Farm some 160m to the west.

5.3.3 Environmental Health was consulted on the application and a response received in writing to state that there were no objections.

5.3.4 On this basis, the proposal is considered acceptable with regard to residential amenity.

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

5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The Local Highway Authority has been consulted and a response received in writing stating that from a highway and transportation perspective the impact of the proposal is acceptable to the Highways Authority.

5.4.3 The application form states that seven car parking spaces are provided. These are shown on the block plan. A site visit has established that there is further parking provision to the northeast of the site. The seven car parking spaces are each 2.9m by 5.5m. The extent of parking provision is in accordance with the Maldon District

Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)  
standards for the former use class B1(a).

5.4.4 The proposal is considered acceptable with regard to Policy T2.

## **5.5 Ecology**

5.5.1 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.

5.5.2 Place Services' ecological advice service has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures. A condition is recommended regarding biodiversity enhancement strategy. Such a condition could be imposed if planning permission were to be granted.

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

- **18/00587/FUL** – Section 73A application for the change of use of agricultural buildings to Use Class B8 (storage and distribution) – Approved 07.09.2018.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Cold Norton Parish Council	Written confirmation of no comment	Noted

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highways Authority	No objection	Noted

### **7.3 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	This Service has no objections	Noted
Ecology	No objection subject to securing biodiversity enhancement measures	Noted.

### **7.4 Representations received from Interested Parties**

7.4.1 No representations have been received for the application.

## 8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be retained in complete accordance with approved drawings:  
Site Location Plan
  - Block Plan
  - MRF – 46594-01 – Floor Plan
  - MRF – 46594-02 – Elevations
  - MRF – 46594-03 – Roof Plan
  - Planning Statement

**REASON** To ensure the development is retained in accordance with the details as approved.
- 2 The premises shall only be used as E(g) purposes and for no other purpose including any purpose as defined within Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.  

**REASON** For the avoidance of doubt as to the scope of this planning permission and to ensure the use is appropriate to the setting of the site which is outside any settlement boundary in accordance with policies S1, S2 and S8 of the Local Plan and the provisions of the National Planning Policy Framework.
- 3 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order amending, revoking or re-enacting that Order), no extension, separate building or alteration shall be erected within the site without planning permission having been obtained from the Local Planning Authority.  

**REASON** For the avoidance of doubt as to the scope of this planning permission and to ensure the use is appropriate to the setting of the site which is outside any settlement boundary in accordance with policies S1, S2 and S8 of the Local Plan and the provisions of the National Planning Policy Framework.
- 4 Within three months of the date of this decision 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 within six months of the date of written approval of such details and shall be retained in that manner thereafter.”

**REASON** In the interest of biodiversity in accordance with Policy N2 of the Local Plan and the provisions of the NPPF.

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