

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

DIRECTOR OF STRATEGY AND
RESOURCES
Paul Dodson

07 November 2023

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 15 NOVEMBER 2023 at 7.30 pm**

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

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

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

A copy of the agenda is attached.

Yours faithfully



Director of Strategy and Resources

COMMITTEE MEMBERSHIP:

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





AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 15 NOVEMBER 2023

1. **Chairperson's notices**

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 20 September 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. **23/00145/OUT - Land at Bellsqate, Maldon Road, Latchingdon, CM3 6LF** (Pages 15 - 26)

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

6. **23/00440/OUT - Land north of Willow Grove, Maldon Road, Mundon** (Pages 27 - 44)

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

7. **23/00744/RESM - Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex** (Pages 45 - 56)

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**

Note:

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

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

NOTICES**Recording of Meeting**

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

Fire

In the event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

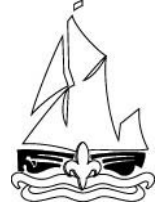
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

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

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

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
20 SEPTEMBER 2023**

PRESENT

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	A S Fluker, L J Haywood, W J Laybourn, M G Neall, R G Pratt, U C G Siddall-Norman and W Stamp, CC

255. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

256. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger and D O Bown.

257. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 26 July 2023 be approved and confirmed.

258. DISCLOSURE OF INTEREST

Councillor V J Bell advised that all Members of the Committee had received advice from the Monitoring Officer regarding Agenda Item 7 - 23/00749/FUL - Paton Place, Nipsells Chase, Mayland.

Councillor A S Fluker declared a pecuniary interest in Agenda Item 6 – 23/00670/FUL - 7 High Street, Burnham-on-Crouch, Essex, CM0 8AG, as he owned a freehold property close to the application site and would leave the Chamber at that item.

259. 22/01176/FUL - CROUCH RIDGE VINEYARD, FAMBRIDGE ROAD, ALTHORNE, CM3 6BZ

Application Number	22/01176/FUL
Location	Crouch Ridge Vineyard, Fambridge Road, Althorne, CM3 6BZ
Proposal	Section 73a application for a barn to be used as a visitors centre, tasting room, café and shop with associated operational development which includes an area of decking, two covered areas, extractor and air conditioning units, a gas tank, container and enlarged car park.
Applicant	Mr and Mrs R Lonergan – Crouch Ridge Estates
Agent	Mr Mark Jackson
Target Decision Date	29 September 2023 (EOT agreed)
Case Officer	Lisa Greenwood
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Member call in by Councillor R G Boyce MBE, based on Policies E4 and E5 of the LDP (2017).

It was noted from the Members' Update that since the agenda had been published further information had been received regarding Noise, consultee responses and parking requirements.

Following the Officers presentation, an Objector, Mr Inkpen, Althorne Parish Council representative, Councillor Burgess and the Applicant Mr Lonergan addressed the Committee.

Councillor V J Bell then moved the Officers' recommendation of refusal as set out in the report and this was duly seconded.

A debate ensued where Members discussed the application specifically, the reasons for refusal, the potential traffic issues on the B1010 and the noise impact on the local amenity.

There being no further debate the Chairperson then moved the earlier proposition of refusal.

In accordance with Procedure Rule No. 13 (3) Councillor U G C Siddall-Norman requested a recorded vote, and this was duly seconded. The voting for refusal of the application was as follows:

For the recommendation:

Councillors, V J Bell, T Fittock, R G Pratt, U G C Siddall-Norman and W Stamp, CC.

Against the recommendation:

Councillors, A S Fluker, L J Haywood, W J Laybourn and M G Neall.

Abstention:

None.

The Chairperson declared that the application was therefore refused.

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

1. The development is for a café/restaurant, which is classed as a 'town centre use' outside of an existing town, village or located employment area, which due

to its operating hours, size and nature of operation is not considered ancillary to the wider vineyard use operating at the site. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is a justifiable and functional need for the activity within this rural location and that that it could not have been reasonably located in existing towns, villages or allocated employment areas. Therefore, the development would be contrary to Policies E2, E4 and E5 of the Maldon District Local Development Plan (2017) and the policies and guidance contained in the National Planning Policy Framework (2021).

2. The application site lies within a rural location. The development, by virtue of its urban nature, the design, visual intrusion into the countryside, and siting and cluttered appearance of the operational development to the western side of the building, namely but not limited to, the store, gas tank and fencing, hardstanding and container, fails to protect and enhance the character and appearance of the rural area. The development would therefore be unacceptable and contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2021).
3. The proposal, by reason of an inadequate level of on-site parking, would be likely to cause additional on-street parking to the detriment of the freeflow of traffic and highway safety and could also further erode the countryside. The proposal is therefore, contrary to policies S1, S8, D1, T1 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2021).

260. 23/00670/FUL - 7 HIGH STREET, BURNHAM-ON-CROUCH, ESSEX, CM0 8AG

Application Number	23/00670/FUL
Location	7 High Street, Burnham-on-Crouch, Essex, CM0 8AG
Proposal	Change of use of ground floor front room from E(a) retail to C3 (residential).
Applicant	Mr and Mrs Paul Lee
Agent	Mr Ray Farrell
Target Decision Date	7 September 2023
Case Officer	Lisa Greenwood
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Councillor D O Bown Policies S1 (Sustainability) and S2 (Design)

Prior to her presentation the Officer made Members aware that there was an error on the front sheet of this application regarding the names of the Applicant and the Agent which would be updated prior to the decision notice being issued

Following the Officer's presentation, at the Chairperson's discretion, the Agent, Mr Lewis addressed the Committee.

Councillor V J Bell then moved the Officers' recommendation of refusal as set out in the report and this was duly seconded.

Councillor Bell reminded Members that it was important to note that the Environmental Agency had objected to this application as a statutory consultee.

A lengthy discussion ensued around the change of use back to residential and possible loss of a retail unit on the high street, the safety aspects due to flooding and how they relate to the Applicants circumstances as disclosed by his Agent and if permission

could be granted temporarily. In response to questions from Members, Officers provided the following answers:

- Officers are sympathetic to the Applicant; however, it would be difficult to impose a condition with a temporary set time frame and it would need to be a finite one.
- Due to the property being in a flood zone and the Applicant finding it difficult to not being able to get up the stairs, if it were to flood this could put the applicant in a very perilous situation.
- Members need to note the importance of the Environmental Agency objection to the application as a statutory consultee.

The Chairperson then moved the earlier proposition of refusal and when put to a vote, this was not agreed. The Chairperson then called for an alternative proposal. Councillor W Stamp then proposed to approve the application contrary to the Officers' recommendation and this was seconded by Councillor W J Laybourne.

Councillor R G Pratt sought clarity as to if the new proposal would be a permanent change to residential and Officers confirmed that this would be the case as it would be difficult to impose a temporary condition.

Officers also reminded Members that by approving this application it also goes against the Neighbourhood plan.

The Chairperson then put the recommendation to approve the application contrary to the Officers' recommendation to the Committee and upon a vote being taken, was agreed.

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

Councillor A S Fluker returned to the Chamber at 20:38.

261. 23/00749/FUL - PATON PLACE, NIPSELLS CHASE, MAYLAND

Application Number	23/00749/FUL
Location	Paton Place, Nipsells Chase, Mayland
Proposal	Amendment of condition 2 of 21/01240/VAR. Alterations to the scale of the dwelling, the fenestration, design and materials
Applicant	Mr and Mrs Kenny Paton
Agent	N/A
Target Decision Date	03.10.2023
Case Officer	Devan Hearnah
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update that since the agenda had been published an amendment to condition 7 was proposed to reflect that the Surface Water Drainage Condition had previously been discharged.

Following the Officers presentation, a representative from Mayland Parish Council, Councillor Down and the Applicant, Mr Paton addressed the Committee.

Councillor V J Bell moved the Officers' recommendation of approval as set out in the report. This was duly seconded.

Following a brief debate around the conditions of the application, the Chairperson moved the earlier proposition of approval and this was agreed by assent.

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: R10 Rev G, 1056/06A, 1056/07A, Arboricultural Method Statement 27 September 2021.
- 2 The bricks to be used in the construction of the dwelling shall be as set out within the application form. The weatherboarding, windows, doors and roof tiles shall consist of the details approved under application 23/05015/DET. The development shall be carried out in accordance with the details as approved.
- 3 The hard and soft landscape works shall be carried out in accordance with the details approved under application 23/05015/DET.

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

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

- 4 The boundary treatments shall be carried out in accordance with the details approved under application 23/05015/DET. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 5 Cycle parking and storage shall be implemented in accordance with the details approved as part of application 23/05015/DET. The approved scheme shall be implemented prior to the occupation of the development and retained in perpetuity.
- 6 Prior to the first occupation of the development hereby approved, two parking spaces measuring 2.9m wide and 5.5m deep shall be provided at the site as well as a suitable 6m turning area. Furthermore, a fast-charging point shall be provided adjacent to at least one parking space. These spaces shall remain available for the parking of cars in perpetuity.
- 7 The development shall be carried out in accordance with the Surface Water Drainage Scheme approved under application 22/05055/DET.
- 8 A foul drainage scheme to serve the development shall be carried out in accordance with the details approved under application 23/05015/DET. The agreed scheme shall be implemented prior to the first occupation of the development.
- 9 The public's rights and ease of passage over public footpath No.17 (Mayland) shall be maintained free and unobstructed at all times
- 10 All loading/unloading/reception and storage of all building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending,

- revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic m in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof of the building hereby permitted without planning permission having been obtained from 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 Extended Phase 1 Ecological Habitat Survey Report (Hone Ecology, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 14 Prior to works above ground 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 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).
- The enhancements contained within the Biodiversity Enhancement Strategy shall be implemented in accordance with details approved under application 23/05015/DET and shall be retained in that manner thereafter.
- 15 All external lighting shall be installed in accordance with the lighting design scheme for biodiversity approved as part of application 23/05015/DET, including the specifications and locations set out in the scheme and shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 16 All tree works, including tree protection shall be carried out in accordance with the Arboricultural Method Statement dated 27 September 2021, including the identified schedule of supervision visits to ensure protection measures are in place and are being maintained and adhered to.

262. 23/00694/ADV - LAND NORTH OF BURNHAM ROAD, BURNHAM-ON-CROUCH

Application Number	23/00694/ADV
Location	Land North West Of 2 Maldon Road – Burnham on Crouch
Proposal	Advertisement consent for the erection of non-Illuminated sales and marketing advertisements comprising 6No. flags on 6m high flagpoles, 2No. entrance signs, 3No. directional signs, 1No. Chelmer show home sign and 1No. show home parking sign.
Applicant	Mr Leigh Mocock – Burnham Waters Limited
Agent	Mr Stewart Rowe – The Planning and Design Bureau Ltd
Target Decision Date	25.09.2023
Case Officer	Hayley Sadler
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In Councillor W Stamp has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment)

Following the Officers presentation, Councillor V J Bell moved the Officers' recommendation of approval as set out in the report and this was duly seconded.

A debate ensued where Members discussed the possible negative effect that the number and height of the flags/flagpoles proposed would have on the countryside amenity. Members were also reminded of the recent overturn at appeal of a decision to refuse a similar application and of the costs incurred by the Council.

There being no further discussion The Chairperson then moved the earlier proposition of approval and upon a vote being taken, this was agreed.

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

- 1 The advertisements permitted by this consent shall not be displayed on the site after the sale of the last property or after expiry of five years from the date of this decision, whichever first occurs.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to:
 - Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),
 - Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or
 - Hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advertisement displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

The Chairperson made Members aware that she had been informed that Fiber Optic broadband was going to be fitted at the Chamber in Burnham-on-Crouch and would hopefully be in place by the next Committee meeting.

There being no other items of business the Chairperson closed the meeting at 9.12 pm.

V J BELL
CHAIRPERSON



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 NOVEMBER 2023**

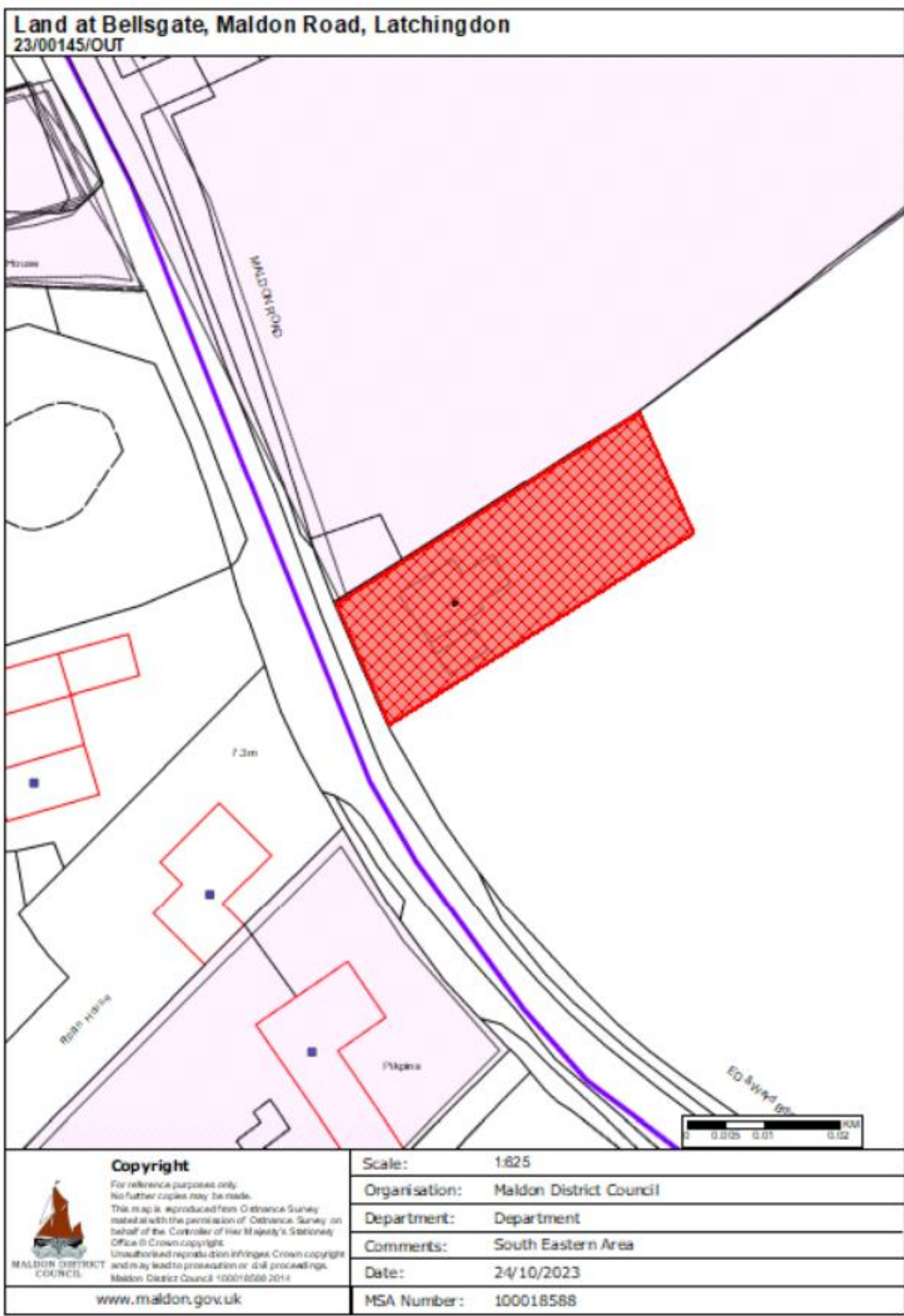
Application Number	23/00145/OUT
Location	Land at Bellsgate, Maldon Road, Latchingdon, CM3 6LF
Proposal	Outline planning permission with all matters reserved for the erection of a detached dwelling
Applicant	Mr Fred Dash
Agent	Mr Paul Harris
Target Decision Date	30.10.2023
Case Officer	Tim Marsh
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Proposal is outside the settlement boundary and recommended for approval

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

- 3.1.1 The application site is the remains of a dwelling and its curtilage and is located on the eastern side of Maldon Road, outside of the settlement boundary of Latchingdon. The area to the north, east and south of the site is characterised by open agricultural fields. The area to the west, across Maldon Road, is characterised by a range of dwelling types and a mix of commercial and industrial sites.

Proposal

- 3.1.2 The application seeks outline planning permission for the erection of a detached dwelling. All matters are reserved.
- 3.1.3 The applicant has identified that this application is to consider the principle of the development only. The considerations of access, scale, appearance, layout and landscaping would form subsequent reserved matters applications. Nevertheless, all material planning considerations are relevant where applicable to this application.
- 3.1.4 An indicative block plan shows the proposed dwelling to be at the same position within the site as the remains of the former dwelling. A Design and Access Statement has been submitted with the application which refers to the use of the land being that which previously had a detached dwelling. The proposal would utilise the existing driveway access from Maldon Road.

3.2 Conclusion

- 3.2.1 Although the site is outside of the defined settlement boundary for Latchingdon and the Council is now able to demonstrate a Five-Year Housing Land Supply (5YHLS), the site is the remains of a dwelling and the recently lapsed, outline planning permission for a dwelling granted under application 19/01214/OUT carry considerable weight in the determination of this application. No material harm has been identified and in the interest of making consistent and therefore reasonable decisions, the proposal is considered to be acceptable, and the application is recommended for conditional approval accordingly.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 2023, including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 119-125 Making effective use of land

- 126-136 Achieving well-designed places
- 104-113 Promoting sustainable transport
- 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
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Vehicle Parking Standards (VPS)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the approved Local Development Plan (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 residential properties but does allow (m) development which complies with other policies of the LDP.

Five Year Housing Land Supply

- 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 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 (MDC) 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 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 The application site lies outside the defined settlement boundary of Latchingdon. However, Policy S1 refers, at 3), to promoting the effective use of land and prioritising development on previously developed land. Policy S8 seeks to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Policy S8 also states that outside the defined settlement boundaries planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a number of criteria. One such criterion, e), is the re-use of a redundant or disused building that would lead to an enhancement to the immediate setting (in accordance with Policies E4 and D3).
- 5.1.7 Policy E4 is concerned with rural employment generation and accordingly is not relevant in this case which is for a dwelling. Policy D3 is concerned with heritage assets which are not affected in this case.
- 5.1.8 Given that the site is outside a settlement boundary and does not meet any criterion for being acceptable with regard to Policy S8, in broad terms the proposal does not accord with the policy. However, the thrust of Policy S8 is to protect the character of the countryside and the impact of the proposal in this case would have a very limited impact to the character of the countryside.
- 5.1.9 Furthermore, the planning history of the site indicates that the principle of a dwelling at the site has been considered acceptable. Outline planning permission, 19/01214/OUT, although now lapsed, was granted in March 2020. This is considered to carry considerable weight in this particular case. However, it is noted that permission included conditions that repeat the requirements for reserved matters or are superfluous to an outline planning permission, such as removal of Permitted Development (PD) which could be imposed at Reserved Matters stage if deemed necessary.
- 5.1.10 The previous application for a dwelling at the site had an officers' recommendation for refusal based on its location outside a defined settlement boundary and consequent adverse impact to the character of the area. A second recommended reason for refusal was the absence of a Recreational disturbance Avoidance Mitigation Strategy (RAMS) Unilateral Undertaking (UU), an absence of a legal agreement to address the Essex Coast RAMS. However, a RAMS UU was

subsequently received and outline planning permission was granted subject to conditions.

5.1.11 It is considered that in the interest of making consistent and therefore reasonable decisions, the principle of development is acceptable in this case.

5.1.12 Although the Council is now able to demonstrate a 5YHLS (see paragraph 5.1.5 above), given the LPA's decision for the proposal previously and in the absence of any material harm being identified (see assessment below), it is considered that there would not be any reason to justify a different conclusion being reached regarding the acceptability of the principle of the development proposed. Furthermore, an ability to demonstrate a 5YHLS is not a cap on any further development rather the proposal accords with the NPPF in ensuring delivery of a sufficient supply of homes.

5.2 Design and Impact on the Character of the Area

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

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

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

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

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- 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 Maldon District Design Guide (MDDG) (2017).

- 5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.6 Whilst the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, the site is some 400m as the crow flies from a central point of the settlement of Latchingdon and furthermore the paragraph advising against isolated homes in the countryside (paragraph 80) provides an exception (at c) whereby the development would re-use redundant or disused buildings and enhance its immediate setting. The site could not be said to be in the open countryside by virtue of the significant degree of development on the opposite side of this part of Maldon Road. There is a marked difference between each side of Maldon Road at this locality. The application site, being on the eastern side of Maldon Road, is surrounded by open land on three sides. However, the site itself appears as a residential plot, albeit one which has been abandoned to date. In terms of the appearance of the proposal, the change would be one of the remains of a dwelling to an inhabited dwelling and as such the impact on the character of the rural land in which the site is set would be limited. The replacement of what appears as the ruins of a burnt-out dwelling with a new dwelling is considered an enhancement to the immediate setting.
- 5.2.7 With regard to the form of the land, the site and the land surrounding it are generally level. The site is not at a particularly prominent position within the landscape being set to the side of a busy road used by fast moving traffic.
- 5.2.8 It is considered that subject to a suitable design being approved at reserved matters stage, the development, would not result in harm to the character and appearance of the existing site and surrounding locality so as to conflict with policies D1 and H4 of the LDP.
- 5.2.9 One of the conditions previously imposed was that the development shall not exceed 7 m in height overall. Another condition was that the eaves shall not exceed 3.5 m in height and any first-floor accommodation shall only be located within the roof. In the interest of consistency, it is considered that such conditions should be applied to the current application.

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 Neighbouring residential properties are set on the far side of Maldon Road. Given this arrangement and the distance from any neighbouring property, it is considered that the dwelling would not represent an unneighbourly form of development and would be in compliance with Policy D1 of the LDP with regard to the residential amenity of occupiers of neighbouring properties.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The adopted VPS sets out that a dwelling with three or more bedrooms should provide space to park three cars.
- 5.4.3 The application does not state how many bedrooms the dwelling will include. However, the maximum level of parking required by the adopted parking standards is a minimum of three parking spaces for a four plus bedroom dwelling, measuring 2.9 m wide and 5.5 m deep. Whilst the plans are indicative, it is considered that three parking spaces of these dimensions could be provided at the site with sufficient space to access and egress the site.
- 5.4.4 There are no alterations proposed to the existing access of the site.
- 5.4.5 The Highways Authority has also been consulted on the application and raised no objections.
- 5.4.6 Therefore, it is considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District VPS.

5.5 Private Amenity Space and Landscaping

- 5.5.1 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 100 sqm private amenity space for dwellings with three or more bedrooms, 50 sqm for smaller dwellings and 25 sqm for flats.
- 5.5.2 The site has an area of some 840 sqm. Given the size of the site and its regular shape it is considered that a design for a dwelling could be easily made as a reserved matter which would provide an adequate private amenity area.

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

- 5.6.1 The Committee report for the previous application, 19/01214/OUT, stated that the proposal had been assessed as a new dwelling and not as a replacement dwelling (paragraph 5.1.9 refers). A RAMS UU was provided prior to outline planning permission for the previous application being granted.
- 5.6.2 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS.
- 5.6.3 The development of a dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed (below) 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 previously listed sites? Yes (Blackwater Estuary Special Protection Area (SPA) and Dengie SPA)

Does the planning application fall within the specified development types? Yes (new dwellings)

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

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

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

Summary of Appropriate Assessment – as a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution or UU to secure payment has been received.

- 5.6.4 Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse impact on the integrity of the European sites from recreational disturbance, when considered in combination with other development. NE does not need to be consulted on this Appropriate Assessment.
- 5.6.5 A flat rate tariff of £156.76 per new dwelling is currently the appropriate fee as the contribution to mitigate the impact of a new residential property with regard to the Coastal RAMS. A completed UU has been completed in relation to this planning application.
- 5.6.6 As a UU has been submitted as part of the application process, accordingly the appropriate mitigation has been secured. The proposal is in accordance with Policies S1, D1, N1 and N2 of the Local Plan and Government advice contained in the NPPF.

6. ANY RELEVANT SITE HISTORY

The relevant site history is set out below:

- **19/01214/OUT.** – Proposed detached dwelling. Approved 02.03.2020

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No response	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection subject to conditions regarding an area for the reception of building materials, no unbound material for first 6m of driveway into site, re-establish visibility splays, cycle parking provision and provision of a Residential Travel Information Pack.	Noted

8 PROPOSED CONDITIONS

- 1 The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout, access and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 2 Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 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.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out in accordance with the following plan and document:
 - 23A 2019 – Location and site plan
 - Design & access statementREASON: To ensure that the development is carried out in accordance with the details as approved.
- 5 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilitiesREASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Local Development Plan.

- 6 No works above ground level shall take place until details of the surface water drainage scheme and foul drainage scheme to serve the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and policy D5 of the Maldon District Local Development Plan.
- 7 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards, in accordance with policy T2 of the approved Maldon District Local Development Plan.
- 8 The development shall not exceed 7 metres in height overall.
REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 9 The eaves shall not exceed 3.5 metres in height and any first-floor accommodation shall only be located within the roof.
REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 10 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy T2.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interest of highway safety.
- 12 Any gate provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy T2.
- 13 The existing visibility splays must be re-established by facing back the existing hedge adjacent to the footway, back to the highway boundary and shall be maintained at all times.
REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2.
- 14 Prior to the occupation of any part of the development hereby permitted details of the number, location and design of bicycle parking facilities/powerd two wheelers shall be submitted to and agreed in writing by the local planning authority. The approved provisions shall be provided in accordance with the

approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy S1, 13) and Policy T1 of the Local Plan.

- 15 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy S1, 13) and Policy T1 of the Local Plan.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 NOVEMBER 2023**

Application Number	23/00440/OUT
Location	Land north of Willow Grove, Maldon Road, Mundon
Proposal	Outline planning application (with all matters of detail reserved for future determination except for means of access) for the erection of up to two dwellings.
Applicant	Mr Bishop
Agent	Mrs Alex Eatough – Plainview Planning Ltd
Target Decision Date	10.07.2023
Case Officer	Lisa Greenwood
Parish	MUNDON
Reason for Referral to the Committee / Council	Member call-in by Councillor A S Fluker, regarding Policies S1, S8 and D1 of the Local Development Plan (LDP).

1. RECOMMENDATION

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

2. SITE MAP

Please see below.

Application reference 23/00440/OUT
Land north of Willow Grove, Maldon Road, Mundon



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 Maldon District Council 100018588 2014*



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Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 27/06/2023

MSA Number: 100018588

3. SUMMARY

3.1 Site Description

- 3.1.1 The application site is located to the north east of Burnham Road, approximately 1.2km to the north west of the settlement of Latchingdon, and approximately 1km to the south west of the settlement of Mundon. The site is rectangular in shape, and the application form submitted to support the proposal confirms that the site measures 0.2 hectares in area. The site comprises of established trees, vegetation and grass land. A large pond is located directly to the south west at 'Willowgrove'. A row of trees are present at the northern and eastern boundary.
- 3.1.2 The site is neighboured to the north and north east by an employment use, 'Desch Plantpak Ltd.' 'Desch Plantpak Ltd' is a production firm that serves the horticultural industry. To the south is 'Willowgrove', a residential development. The site is surrounded on all remaining sides, and beyond the highway, by open countryside. Notwithstanding the commercial site to the north and north east, the character at the site is rural.
- 3.1.3 There is no existing access point to the site. There is also no footway to connect Burnham Road to the settlements of Latchingdon or Mundon. There is also no street lighting at this section of the highway. The speed limit here is the national speed limit of 60 miles per hour (Burnham Road is a single carriageway and there is no street lighting).
- 3.1.4 In planning policy terms, the site is outside a defined Settlement Boundary and is in open countryside.

3.2 The Proposal

- 3.2.1 Outline planning permission (with all matters of detail reserved for future determination except for means of access) is sought for the erection of up to two dwellings.
- 3.2.2 The application form submitted to support the proposal has identified that this application is to consider the principle of development and access only. Appearance, landscaping, layout and scale arrangements are to remain as reserved matters however, plans have been submitted with regard to these matters and comments provided in the body of this report.
- 3.2.3 The site would be accessed via a new access at Burnham Road. The access would be constructed at right angles to the highway boundary. The proposal also proposes a new footway, which would be located outside of the boundary for the application site on highway land. The applicant proposes that a grampian condition is placed on any forthcoming permission requiring the implementation and completion of the footway prior to the first occupation of the dwelling (this would be subject to obtaining consent at the reserved matters stage).
- 3.2.4 Should outline planning permission be forthcoming, the considerations of appearance, landscaping, layout and scale arrangements would form a subsequent reserved matters application(s). Nevertheless, all material planning considerations are relevant where applicable to this application, including the impact on highways, ecology and trees.

3.3 Conclusion

- 3.3.1 The application site is located outside of a defined Settlement Boundary and is in open countryside. Safe access cannot be provided for pedestrians and cyclists to the nearest settlements therefore, occupants of the site would rely heavily on the use of the car. Furthermore, Latchingdon and Mundon are considered to be smaller villages, and future occupants of the site would have to travel to larger settlements / towns to fulfil the requirements of day-to-day living (shopping, education, etc.).
- 3.3.2 The proposal would introduce an incongruous form of development that is out of keeping with, and would cause harm to, the intrinsic character and beauty of the open countryside. The proposal has not considered the context within which the proposal would sit, and the proposal would result in the creation of urban sprawl.
- 3.3.3 Whilst not stated as a reason for refusal, concern is raised with regard to the impact of the adjoining employment site, Desch Plantpak Ltd, on the future occupiers of the site. Mitigation measures would need to be considered at the design stage regarding noise and nuisances, and it may well be that Desch Plantpak Ltd has an 'Agent of Change' defence against any potential future complaints in this regard.
- 3.3.4 Insufficient information has been submitted with regard to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), and the necessary financial contributions have not been secured.
- 3.3.5 For the reasons stated, it is therefore recommended that outline 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 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 homes
- 92-103 Promoting a safe and healthy community
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 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

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

- Policy S1 Sustainable Development
- Policy S2 Strategic Growth
- Policy S8 Settlement Boundaries and the Countryside
- Policy H2 Housing Mix
- Policy H4 Effective Use of Land
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change & Environmental Impact of New Development
- Policy D5 Flood Risk and Coastal Management
- Policy N1 Green Infrastructure Network
- Policy N2 Natural Environment, Geodiversity and Biodiversity
- Policy T1 Sustainable Transport
- Policy T2 Accessibility
- Policy I1 Infrastructure Services
- Policy I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Background to the application

5.1.1 The planning history for the site is a material consideration.

5.1.2 In October 2022, planning permission was refused at the site for the erection of two detached dwellings with integral garages, new access driveway and garden outbuildings (reference 22/00409/FUL). The application was refused for the following six reasons:

- “1. The site is outside of a defined Settlement Boundary and is in open countryside. There is no footpath provided at the front of the site to connect the site to a nearby settlement or bus stop. The adjacent highway is unlit, with a speed limit of 60 miles per hour. The closest settlements are classified as ‘smaller villages’, providing limited services. Future occupants of the site would therefore be heavily reliant on the use of the car, and the proposal therefore does not provide a sustainable form of development. The proposal is therefore contrary to Policies S1, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework (2021).
2. The proposed dwellings, as a result of their design, scale, siting and height, would result in a cramped and contrived, incongruous form of development that would cause significant and undue harm to the intrinsic beauty and

character of the open countryside. The proposal does not consider the context within which it will sit and represents a form of overdevelopment. This is contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework (2021).

3. The proposed development, as a result of the arrangement, height and close proximity of the dwellings to each other, would result in a loss of outlook and overshadowing to the occupiers of 'Plot 2.' Therefore, the proposed development would represent an unneighbourly form of development which would cause material harm to the amenity of the occupiers of this property. Due consideration has also not been given to the impact of the neighbouring commercial unit in terms of noise, odour and lighting, on future occupants. Insufficient information has been submitted in this regard (a full BS4142 noise report is required). The proposal is therefore contrary to Policies D1 and H4 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2021).
4. In the absence of an up-to-date ecological assessment, it is not possible for the Local Planning Authority to undertake a robust assessment with regard to the potential impact caused by the development to the ecology on, and within close proximity to, the site. Further, insufficient information has been provided to demonstrate how the proposal will secure a net gain in biodiversity. The proposal is therefore contrary to Policy S1, S8 and N2 of the Maldon District Local Development Plan (2017) and the guidance within the National Planning Policy Framework (2021) and the National Planning Practice Guidance (first published in 2014, but regularly updated).
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 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 guidance set out in the National Planning Policy Framework (2021).
6. In the absence of an up-to-date Tree Survey and Arboricultural Impact Assessment, it is not possible for the Local Planning Authority to robustly assess the impact the proposed development may have on the existing trees and if any overshadowing may occur to the dwellings proposed. The proposal is therefore contrary to Policies S1, S8 and N1 of the Maldon District Local Development Plan (2017) and the guidance within the National Planning Policy Framework (2021) and the National Planning Practice Guidance (first published in 2014, but regularly updated).

- 5.1.3 The applicant has chosen to appeal the decision of Maldon District Council (MDC), and the appeal is in progress and a decision has not yet been reached (appeal reference APP/X1545/W/23/3319552).

5.2 Principle of Development

- 5.2.1 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 NPPF require that planning decisions are to be made in accordance with the 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).

- 5.2.2 Policy S1 of the LDP states that “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF” and apply a number of key principles in policy and decision making set out in the Policy.
- 5.2.3 Policy S8 of the LDP steers new development towards the existing urban 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 but does allow (m) development which complies with other policies of the LDP.

Five Year Housing Land Supply (5YHLS)

- 5.2.4 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 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, MDC 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.
- 5.2.5 Following a review into the suitability of the 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 LPD), 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.

Accessibility

- 5.2.6 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.”

- 5.2.7 The site is located approximately 1.2km to the north west of the settlement of Latchingdon and approximately 1km to the south west of the settlement of Mundon.

The site is outside of a defined settlement boundary and is in open countryside. The villages of Latchingdon and Mundon are categorised by Policy S8 of the Maldon District LPD (2017) as 'smaller villages.' The post-amble for this Policy defines smaller villages as Defined settlements containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities.

- 5.2.8 This section of Maldon Road has a 60mph speed limit, is unlit, and is not served by a formal footway. Upon visiting the site, the speed of the traffic is apparent. The grass verges described do not provide safe access to the stated bus stop nor the nearby settlements, particularly during the hours of darkness or during times of inclement weather, or for users of wheelchairs, or for adults with young children.
- 5.2.9 Paragraph 79 of the NPPF acknowledges that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities". The application site is disconnected from the nearby settlements and the proposed development would not support the pattern of development set out by the Local Development Framework, nor the vitality of nearby communities.
- 5.2.10 It is acknowledged that 'Desch Plantpak Ltd' is located within close proximity to the site, however, this does not offer future occupants a variety of employment choices across a range of sectors, and does not overcome the highway safety issue, nor the fact that future occupants will have to travel to meet their day-to-day needs.
- 5.2.11 For the reasons stated, the proposal has been found to be contrary to Policies S1, S2, S8, D1, H4, N2, and T2 of the Maldon District LDP and the guidance contained in the NPPF. The principle of development has been found to be unacceptable. For completeness, the merits of the scheme are assessed below.

5.3 Housing Mix

- 5.3.1 The Local Housing Needs Assessment (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 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.
- 5.3.2 The LHNA concludes that the District has a need for smaller dwellings, with the largest requirement for three-bed dwellings; specifically, 25-35% two-bedrooms, 40-50% three-bedrooms, and 15-25% for 4+ bedroom market dwellings.
- 5.3.3 The proposal seeks outline planning permission for the erection of up to 2no. market dwellings. The proposal would not provide for any affordable units. The application form submitted to support the proposal confirms that it is the applicant's intention to seek planning permission at the reserved matters stage for 2no. 3 bedroom dwellings. The proposal would therefore contribute to the District's housing mix, albeit only marginally.

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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Policy D1 of the LDP and The MDDG (2017) are relevant in this respect.

- 5.4.2 The application site lies outside of a defined settlement boundary and is in open countryside. The site comprises of established trees, vegetation and grass land. A pond is directly to south at 'Willowgrove'. A row of trees is present at the north and eastern boundary.
- 5.4.3 To the south east of the site is a residential use, 'Willowgrove'. 'Willowgrove' occupies a large plot and comprises of 1no. detached dwelling, with associated outbuildings. Whilst it is a substantial dwelling, it is partially screened by established trees and vegetation. It is also set well back from the highway and is not a dominant feature within the streetscene.
- 5.4.4 To the north and north east is an employment use; this is visible at Burnham Road, however, the visibility of the employment units are screened by the existing vegetation present at the application site. The employment use ('Desch Plantpak Ltd) wraps itself around the application site, lying adjacent to the north and north eastern boundaries, extending in excess of some 160 metres to the north and north east in depth, and circa 100 metres in width.
- 5.4.5 An objection to the proposed development has been received from both the residential and the employment use.
- 5.4.6 The site is surrounded on all remaining sides by open countryside, and the character at the site is rural, and residential development is sporadic.
- 5.4.7 One of the reasons for the refusal of application reference 22/00409/FUL was owing to design and the impact on the character and appearance of the area. Whilst it is acknowledged that the refused application sought full planning permission for the erection of two dwellings, and the application the subject of this report seeks outline planning permission for up to two dwellings, it is not considered that this has overcome the previous reason for refusal.
- 5.4.8 The site provides a visual break between the residential development at 'Willowgrove' and the employment use, 'Desch Plantpak Ltd.' It does not represent a residential infill site but instead represents a punctuated gap within the open countryside. The established trees and vegetation add to the site's rural character and minimise the potentially harmful impact of the existing adjacent development on the intrinsic character and beauty of the open countryside. Introducing residential development would urbanise the site, creating a form of urban sprawl, and this is wholly out of keeping.
- 5.4.9 The site is also constrained. The pond located to the south, which did form part of the application site for the previously refused scheme, has now been excluded from the site the subject of this report. However, it is still in situ, and narrows the entrance to the site, limiting the design options available. It was previously not considered acceptable to introduce 2no. dwellings at the site, as the design presented was contrived, and the development appeared as cramped, and the site overdeveloped.
- 5.4.10 For the reasons stated, residential development at this location would appear as incongruous and the proposal has not considered the context within which it would sit. The proposal is therefore contrary to Policies S1, D1 and H4 of the LDP (2017),

and the principles of the MDDG (2017) and the policies and guidance within the NPPF. In accordance with Paragraph 134 of the Framework, “development that is not well designed should be refused.”

5.5 Impact on Residential Amenity

- 5.5.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.5.2 The application is outline in nature with all matters relevant to the impact on neighbouring residential amenity such as privacy, daylight and sunlight etc. being reserved for future consideration. A broad assessment has therefore been provided.
- 5.5.3 The revised scheme would result in the development of up to 2no. dwellings at the site. As stated, the site abuts residential development to the south. It was not considered that the previously refused scheme would result in a loss of residential amenity to this neighbour, and an appropriate layout could be achieved.
- 5.5.4 Notwithstanding this, concern was raised with regard to the impact on the residential amenity of future occupants and this constituted one of the reasons for the refusal of the application.
- 5.5.5 The proposal has been reviewed by the Council’s Environmental Health Officer, who advises that a Noise Impact Assessment (Healthy Abode, February 2023) has been submitted to support the proposal. Appropriate sound and insulation windows and mechanical ventilation are recommended, as well as an acoustic barrier to the north and eastern boundary of a minimum of 2 metres in height to achieve guideline values.
- 5.5.6 The adjoining factory operates 24 hours a day and 7 days a week. Attended monitoring was carried out over 3 x one hour periods in a single 24 hours. This is not considered to give a representative view of the extent and frequency of potential noise activities from the site. Disturbance from vehicle movements involved with collections and deliveries has not been explored other than electric forklift trucks, but presumably there will be HGVs (Heavy Goods Vehicles) on site as well as activity associated with the turnover of staff shifts.
- 5.5.7 An objection has also been received from Desch Plantpak Ltd, which states that the site employs over 40 staff who are all local to the site and the process requires machinery to be operated and items moved within the site during all hours of operation. It is of concern to this employer that complaints could be lodged from the future occupiers of the site regarding lighting impacts, noise and nuisance and this could result in the hours of operation being forced to change, which would impact the viability of the business in a negative way.
- 5.5.8 The Environmental Health Officer has stated that the NPPF acknowledges that “the focus should be on what is the appropriate use of land and not on the control of processes or noise emissions”.
- 5.5.9 The Officer warns that should the development proceed, future occupiers may be subject to noise disturbance which is outside of the control of the Environmental Health Service.

- 5.5.10 Following a memo and telephone conversation between the Officer and the Noise Consultant, the Officer has issued revised comments, yet still stresses the concerns for mitigating the impacts of noise. The Officer refers to the 'Agent of Change,' which places the responsibility for mitigating impacts from existing noise and other nuisance generating activities or uses on the proposed new noise sensitive development ensuring that the development is designed to ensure that established and other nuisance-generating uses remain viable and can continue to grow without unreasonable restrictions being placed on them. This is set out at Paragraph 187 of the NPPF (2023).
- 5.5.11 The Officer, therefore, does not object to the proposal at outline stage, however, should outline planning permission be granted, consideration must be given to designing the layout to minimise the risk from other nuisances such as artificial light (from the factory). It is important to note that given the proximity of the factory, any other occupiers of the proposed development may be exposed to noise and other nuisances which would be very difficult to control. It may well be that Desch Plantpak Ltd has an 'Agent of Change' defence against any such complaints. Conditions would have to be carefully considered as to their extent of requirements and reasonableness, before imposition on any forthcoming outline consent, and if found to be reasonable, would be required to be satisfied prior to the commencement of development.

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.
- 5.6.2 As stated, matters of access are considered as part of this application. A footway is also proposed.
- 5.6.3 The proposal has been reviewed by the Highways Authority, who advise that from a highway and transportation perspective, the impact of the proposal is acceptable subject to a condition with regards to the construction of the vehicle access.
- 5.6.4 The applicant has proposed a footway to the north of the site. However, as the proposal has been found to be unacceptable in other regards, the LPA has not entered into discussions with the applicant regarding this matter, and whether or not this could be secured via the imposition of a grampian condition.
- 5.6.5 Matters in relation to layout and the provision of parking would be assessed at the reserved matters stage. The application form submitted to support the proposal has indicated that 3no. bedroom dwellings would be proposed. In accordance with the Council's Vehicle Parking SPD (2018), developments with three bedrooms are required to provide for two parking spaces. Parking bays are required to measure 2.9 metres x 5.5 metres. Parking could potentially be achieved across the frontage. Should outline planning permission be forthcoming, a condition would be required to be imposed on any consent to ensure that a satisfactory parking layout is submitted to and approved in writing by the LPA, and that once approved, the parking area would be implemented and remain in perpetuity.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG (2017) advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms.
- 5.7.2 As stated, the layout for the site is to be provided at the reserved matters stage, however, owing to the site area the proposed development could provide sufficient private amenity space to meet the requirements of the MDDG (2017). Officers would expect any reserved matters application, should the application be approved, to provide garden space following the pattern of gardens adjacent.
- 5.7.3 The matters of landscaping would form a subsequent reserved matters application and are not for assessment at this stage.

5.8 Flood Risk and Drainage

- 5.8.1 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).
- 5.8.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 The site is not located in a critical drainage area.
- 5.8.4 The proposal has been reviewed by the Council's Environmental Health Officer, who has stated that should outline planning permission be forthcoming, conditions are to be imposed with regard to surface water and foul drainage.

5.9 Ecology and Impact on European Designated Sites

- 5.9.1 Paragraph 174 of the NPPF (2023) 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 is supported by a Preliminary Ecological Appraisal (PEA) (T4 Ecology, January 2023), and a Reptile Survey Report (T4 Ecology, May 2023). The details have been reviewed by the Council's Ecological Consultant, who initially raised a holding objection due to insufficient information on European Protected Species (Great Crested Newts (GCN)). Further to this, the applicant has now submitted GCN District Level Licencing Impact Assessment & Conservation Payment Certificate – Enquiry No. DLL-ENQ-ESSX-00121 (Natural England, June 2023). The applicant has also agreed to make a contribution towards habitat delivery and the monitoring of GCN and recommend a copy of the GCN District Level Licence is submitted to the LPA, and this can be included as a condition on any consent. The mitigation measures identified in the Appraisal should also be secured by a condition and implemented in full. The biodiversity enhancements are also supported and should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition on any consent.
- 5.9.5 The Consultant has also advised that the site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.9.6 The development of up to 2no. dwellings falls below the scale at which bespoke advice is given from Natural England (NE). This has been confirmed in comments received by NE. To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? Yes – The proposal is for up to 2no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for up to 2no. dwellings

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

5.9.7 Summary of Appropriate Assessment

- 5.9.7.1 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.

5.9.8 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 (2023-2024 figure) and thus, the developer contribution should be calculated at this figure.

5.9.9 The applicant has not submitted the relevant checking and monitoring fees, nor a correctly completed and signed UU to ensure that this mitigation is secured. Whilst it is acknowledged that the applicant has stated that a UU would follow, this has not been received. As the application is unacceptable in other regards, this information has not been sought.

5.10 Other Matters

Tree Impact

5.10.1 A report has been submitted to support the proposal with regarding the impact on trees (John Cromar's Arboricultural Company Ltd, 2023). This has been reviewed by the Council's Arboricultural Consultant, who advises that overall, there is no arboricultural reason this application cannot progress.

6. **ANY RELEVANT SITE HISTORY**

Reference	Proposal	Status
APP/X1545/W/23/3319552	Erection of two detached dwellings with integral garages, new access driveway and garden outbuildings.	In progress
22/00409/FUL	Erection of two detached dwellings with integral garages, new access driveway and garden outbuildings.	Refused

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mundon Parish Council	Whilst Mundon Parish Council are willing to support this application, there is a preference for one large single dwelling on the land.	Noted.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	The Officer does not object to the proposal at outline stage, however, should outline planning permission be granted, consideration must be given to designing the layout to minimise the risk from other nuisances such as artificial light (from the factory). It is important to note that given the proximity of the factory, any other occupiers of the proposed development may be exposed to noise and other nuisances which would be very difficult to control. It may well be that Desch Plantpak Ltd has an 'Agent of Change' defence against any such complaints. Conditions would therefore be imposed on any forthcoming outline consent and would be required to be satisfied prior to the commencement of development.	Noted, and discussed at Section 5.5 of this report.

7.3 External Consultees

Name of External Consultee	Comment	Officer Response
Highways Authority	No objection, subject to the imposition of a condition on any consent regarding the construction of the access.	Noted, and discussed at Section 5.6 of this report.
Ecological Consultant	No objection, subject to securing a proportionate financial contribution towards Essex Coast RAMS and biodiversity mitigation and enhancement measures.	Noted, and discussed at Section 5.9 of this report.
Arboricultural Consultant	No objection.	Noted, and discussed at Section 5.10 of this report.

7.4 Representations received from Interested Parties

- 7.4.1 **3 no.** letters were received **objecting** the application. The reasons for objections are summarised as set out in the table below:

Objecting Comment	Officer Response
Ecology – No contact has been made with regard to undertaking surveys at the adjoining pond. Impact on habitats and protected & Priority species.	Noted, and discussed at Section 5.9 of this report.
Does not accord with the Development Plan.	Noted, and discussed at Section 5.2 of this report.
Potential negative impact on the adjacent employment use, Desch Plantpak Ltd. Concern regarding noise and nuisance from future occupiers of the site.	Noted, and discussed at Section 5.5 of this report.

- 7.4.2 **6no.** letters were received supporting the application. The reasons for supporting the application are summarised as set out in the table below:

Supporting Comment	Officer Response
Use of site for family housing.	Noted, and discussed at Section 5.3 of this report.
Effective use of land. Site currently a waste ground.	Noted, and discussed at Section 5.2 of this report.
Site is sustainable.	Noted, and discussed at Section 5.2 of this report.
No impact on highway safety.	Noted, and discussed at Section 5.6 of this report.
Would contribute to shortage of homes.	Noted, and discussed at Section 5.1 of this report.
Would contribute to local economy.	Noted, and discussed at Section 5.2 of this report.

8. PROPOSED REASONS FOR REFUSAL

1. The site is outside of a defined Settlement Boundary and is in open countryside. Future occupants of the site would therefore be heavily reliant on the use of the car to gain access to everyday services and facilities, and the proposal therefore does not provide a sustainable form of development. The proposal is therefore contrary to Policies S1, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework (2023).
2. The proposed development has not considered the context within which it would sit and would introduce an incongruous form of development that would be out of keeping with the rural character of the area and would cause harm to the intrinsic character and beauty of the open countryside by the introduction of built form and associated changes such as the provision of a more engineered vehicular access and a footway. This is contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), the

Maldon District Design Guide (2017) and the policies and guidance in the National Planning Policy Framework (2023).

3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan (2017) and the guidance set out in the National Planning Policy Framework (2023).

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
15 NOVEMBER 2023**

Application Number	23/00744/RESM
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Reserved matters application for approval of layout, appearance, landscaping and scale following outline planning permission OUT/MAL/18/01034 (Redevelopment of poultry farm for approximately 5030sqm B1 (b) & (c) commercial floorspace with associated access arrangements
Applicant	Nemesis Corporation LLP
Agent	Mrs Hayley Webb - Smart Planning Ltd
Target Decision Date	22.11.2023 (EoT)
Case Officer	Fiona Bradley
Parish	MUNDON
Reason for Referral to the Committee / Council	Departure from the local plan, Major Application

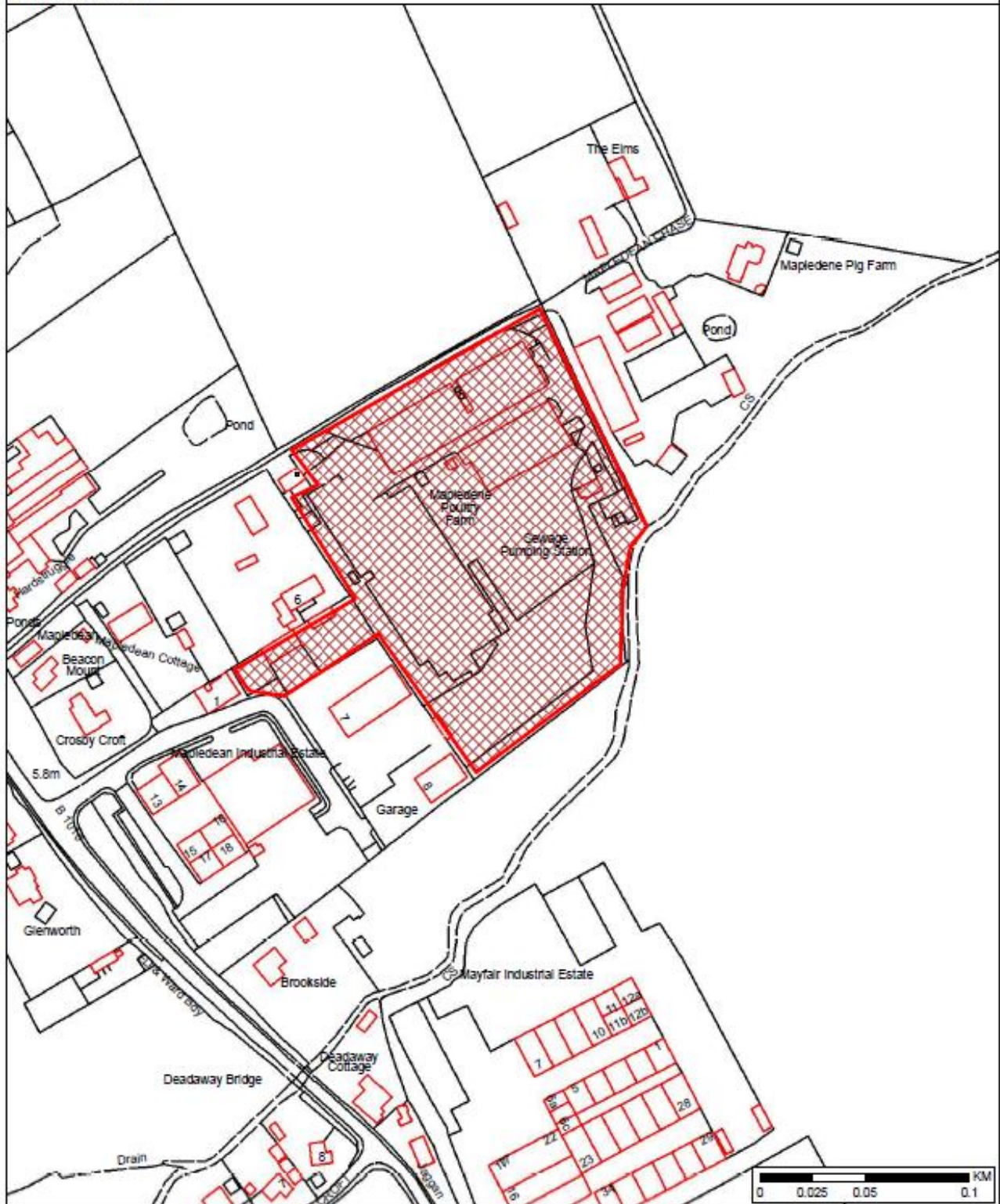
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

Mapledean Poultry Farm 23/00744/RESM



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South Eastern Area
	Date:	27/10/2023
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application site

- 3.1.1 The application site is located to the south of Mapledean Chase, Mundon. Mapledean Chase serves a number of properties including residential dwellings, an open storage use and the Essex pet Crematorium. The site is accessed through the Mapledean Industrial Estate from Maldon Road, which serves commercial units and residential properties. The details of access were agreed under the Outline Planning Permission (OPP). The site is outside of any settlement boundary.
- 3.1.2 The majority of the site, with the exception of the western part of the entrance, is located within flood zones 2 and 3. Flood risk matters were dealt with at the outline stage however details of the surface water drainage scheme are required as a pre-commencement condition.
- 3.1.3 The application site is approximately 2.4 hectares in size and currently comprises four large buildings that were associated with the former poultry farm use. Concrete hardstanding covers a large extent of the site.

Proposal and background information

- 3.1.4 OPP, reference 18/01034/OUT, was granted on 21 October 2020 for the redevelopment of the poultry farm for approximately 5,030sqm B1 (b) & (c) commercial floorspace with associated access arrangements. The applicant included full details of access arrangements in the submission for OPP with the matters of appearance, landscaping, layout and scale reserved.
- 3.1.5 The outline application was originally considered at the South Eastern Area Planning Committee on 11 March 2019 where it was resolved to grant planning permission, contrary to officer recommendation, subject to a Section 106 (S106) legal agreement and with conditions delegated to officers and the Chairperson to agree following the meeting. Due to the complexity of the conditions a report was sent to the following Committee meeting on 8 April 2019 for the conditions to be agreed. The S106, which makes provision for highway improvements and a Travel Plan monitoring fee, was sealed on 30 September 2020 and the decision was subsequently issued.
- 3.1.6 Condition 1 of the OPP requires the details of layout, appearance, landscaping and scale (the reserved matters) to be submitted within three years of the date of the OPP i.e. 20 October 2023. This timeframe has been met. In addition, Conditions 2, 3 and 17 require details of boundary treatments, hard and soft landscaping and car parking respectively to be submitted as part of the reserved matters application.

Layout

- 3.1.7 The permitted access is from Maldon Road and enters the site between existing development at Units 4, 5 and 6 Mapledean Works. Five buildings of varying sizes are proposed on the site and are surrounded by predominately hard landscaping providing parking, access, and manoeuvring space.

Appearance and scale

- 3.1.8 The application proposes a total of five buildings of varying sizes, with a combined footprint of approximately 4,938sqm. The buildings would be dual pitched and would be 6m high to the ridge and 4.5m high to the eaves.

Landscaping

- 3.1.9 Full details of hard and soft landscaping have been submitted in accordance with Condition 3 of the OPP together with a planting specification. Full details of all boundary treatments have been provided in accordance with Condition 2 of the OPP.

Car parking

- 3.1.10 Details of car parking have been provided in accordance with Condition 17 of the OPP. The car parking provision is in accordance with the Council's adopted Vehicle Parking Standards.
- 3.1.11 Other conditions require the submission of details for approval in respect of drainage, contamination, cycle parking and ecology, but which are not required at this reserved matters stage.

3.2 Conclusion

- 3.2.1 Whilst the site is located outside of any settlement boundary the principle of the development, together with access, was established through the OPP when the matter of access was also approved.
- 3.2.2 The layout, appearance, landscaping and scale of the proposals is considered to be acceptable in the context of the existing development on the site, comprising large poultry sheds, and the surrounding development. The development would not result in harm to the character or appearance of the area. Furthermore, due to the siting and design of the proposed buildings, it is considered the proposals would not harm the amenities of neighbouring residential occupants.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- E1 Employment
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- N2 Natural Environment, Geodiversity and Biodiversity

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the acceptability of the proposed details (layout, scale, appearance and landscaping) in terms of the impact the development would have on the character and appearance of the area, any impact on the amenity of neighbouring residents and car parking provision.

5.2 Character and Appearance

- 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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Policies D1 of the Local Development Plan (LDP) and the MDDG (2017) are relevant in this respect.
- 5.2.2 Policy S1 of the LDP refers to the NPPF's presumption in favour of sustainable development and makes specific reference to, among other key principles, the importance of high quality design in all developments.
- 5.2.3 Policy S8 of the LDP states that outside the defined settlement boundaries and other defined areas, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.2.4 The proposed layout follows that indicatively shown at outline stage and includes five buildings in total. It is understood this layout was influenced by existing infrastructure limitations on the site which included two main sewers. The buildings vary in size as follows:
- Unit 1 = 989.52sqm
 - Units 2 – 12 = 1986.58sqm
 - Units 13-14 = 323.76sqm
 - Units 15-18 = 653.2sqm
 - Units 19-24 = 985.48sqm

- 5.2.5 The overall footprint of the buildings is 4,938sqm which is within the floorspace limit of 5,030sqm approved under the OPP and is therefore acceptable.
- 5.2.6 Two buildings of similar length (Unit 1 and Units 15-18) are sited adjacent to the access into the site. Although the buildings are slightly different in length and footprint, they would provide a uniform appearance on entry. The smallest building, Units 13-14, is located to the rear of the site, to the northeast. The building containing Units 19-24 is located adjacent to the southern part of the site. The largest building, Units 2-12, is an 'L-shaped' building located in the northern part of the site.
- 5.2.7 All buildings are of similar appearance comprising a functional design with dual pitch roofs and elevations finished in half brick with metal cladding above. The design of the buildings is similar to that of existing buildings on Mapledean Industrial Estate and the buildings to the east of the site at the Essex Pet Crematorium and Gemini Auto Works site, and would therefore be in keeping with the character and appearance of those buildings.
- 5.2.8 Details or samples of external materials to be used are required to be submitted under Condition 5 of the OPP, accordingly no further conditions are considered necessary with regard to materials.
- 5.2.9 The buildings are all 6m high to the ridge and 4.5m to the eaves. This would result in the buildings being no higher than the existing buildings on the site. They would be lower than many of the buildings on the adjacent industrial estate to the south.
- 5.2.10 In accordance with Condition 3 of the OPP, full details and specifications of hard and soft landscape works have been submitted with this application. The hard landscaping includes a significant amount of tarmac around the buildings for access and parking. Whilst this is not particularly high-quality design, it is in keeping with the adjacent development on the industrial estate, which is characterised by buildings surrounded by hardstanding, and it is similar to the existing development on the site which is also characterised by buildings surrounded by hardstanding.
- 5.2.11 The soft landscaping within the car parking area will assist in minimising the visual impact of the proposed tarmac and comprises a variety of trees with low level planting below. Land adjacent to the vehicular access and path will be laid to grass and a mixed native hedge adjacent to the existing fence is proposed. Eight new trees are proposed along the north western boundary, adjacent to Mapledean Chase, which will assist in softening the impact of the proposed development. Along the southwestern boundary a mix of grass and wildflowers is proposed and the same soft landscaping treatment is also proposed to the east of Units 13-14.
- 5.2.12 Condition 3 of the OPP states that the landscaping must be carried out in accordance with the approved details and sets out the timing for both hard and soft landscaping works. The condition also requires replacement planting within five years from the date of planting for any plant or tree removed, destroyed, seriously damaged or defective. Accordingly, no further conditions are required in respect of landscaping.
- 5.2.13 Condition 2 of the OPP requires details of all boundary treatments to be submitted as part of the reserved matters. The Mapledean Farm Landscape Plan (Revision A) includes details of boundary treatments which comprise a variety of new and existing boundary treatments.
- 5.2.14 The existing 1.8m high security fence adjacent to the site access and along the site's western boundary is to be retained. The existing 1.8m high close boarded fence surrounding the adjacent bungalow in the northwestern corner of the site will also be

retained with a mixed native hedge planted on the application site adjacent to the fence. A new 2m high steel palisade fence coated green is proposed along the southern, northern and part of the eastern boundaries. Adjacent to the new fence on the northern boundary a mixed native hedge is proposed to be planted. An existing post and rail fence enclosing the wetland area is to be retained and repaired where necessary.

- 5.2.15 Security fencing and native hedges are a common feature on the adjacent industrial estate. The means of enclosure are in keeping with those on surrounding sites and are considered to be acceptable. There are a variety of boundary treatments along Mapledean Chase including close boarded fences, hedges and metal cladding. Whilst the security fencing along this part of the site will introduce a new type of boundary treatment in this location, it is considered that together with the mixed native hedge, it would be acceptable.
- 5.2.16 Condition 2 of the OPP states that *“The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter”*. As not all of the boundary treatment proposed includes ‘screening’ as such, it is considered necessary to include a condition requiring that the approved boundary treatments shall be installed prior to first occupation of any building permitted.
- 5.2.17 Overall, the proposed buildings are of a size and design that is appropriate to the site and in keeping with the character and appearance of the surrounding development. The layout of the development is consistent with that on adjacent sites. Similarly, the hard and soft landscaping proposed is appropriate given the proposed use of the site and its context. Given this and taking into account the existing development on the site, it is not considered that the intrinsic character and beauty of the countryside would be adversely impacted upon by the proposals. Therefore, the proposal would not materially harm the character or appearance of the area, in compliance with Policies S1, S8 and D1 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017). The proposed use was considered to be acceptable in the granting of the OPP, subject to conditions requiring details of lighting (Condition 8), construction method statement (Condition 9) and land contamination (Conditions 10) to be submitted to the Local Planning Authority (LPA) for approval either prior to commencement of development or first occupation. Further conditions restrict the operation of machinery and hours of delivery/collections (Condition 14), the use of the premises (Condition 15) and outdoor storage (Condition 16). Together, these conditions seek to minimise or mitigate many of the impacts of the development on neighbouring residential occupiers.
- 5.3.2 What can be considered in this reserved matters application are any impacts on residential amenity resulting from the scale, siting and design of the buildings, particularly in terms of privacy, overlooking and outlook.
- 5.3.3 The nearest dwelling to the site is an existing bungalow adjacent to the northwestern corner of the site. This dwelling is within the applicant's ownership, but is not within the application site, and is separated from the application site by an existing 1.8m high close boarded fence. The nearest proposed building would be approximately

32m from the rear elevation of the dwelling. This distance, together with the design, height and scale of the building would ensure that it would not harm the amenities of the occupiers through overlooking or loss of privacy. The outlook from the dwelling would alter, due to the siting of the building, but the height and the distance from the dwelling would ensure the proposed building would not be overbearing.

- 5.3.4 Other residential properties in the area are not considered to be impacted due to the distance from the site and the scale and design of the development. It is also noted that no objections from adjacent occupiers have been received in response to this application.
- 5.3.5 Based on the above, it is concluded that the development would not harm the amenity of the occupiers of neighbouring residential properties, in compliance with Policy D1 of the LDP.

5.4 Parking Provision

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and to maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted VPS contains the parking standards which are expressed as minimum standards.
- 5.4.3 Condition 17 of the OPP states:

"The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted Vehicle parking standards (2018). Prior to the first use 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."
- 5.4.4 The VPS require a minimum one space per 50sqm of gross floor space proposed. The proposal is for floorspace for Use Classes B1(b) and (c). The gross floorspace proposed is 4,938.54sqm, thus a minimum of 99 car parking spaces are required to meet the VPS. The submitted scheme meets this requirement as it provides 138 parking spaces, 19 disabled spaces and five powered two wheeler spaces.
- 5.4.5 The VPS requires parking bays to be 2.9m wide by 5.5m long. Disabled bays are required to be 3.6m x 6m. The parking spaces proposed meet these requirements.
- 5.4.6 The VPS states that *"Disabled spaces should usually be located as close to the entrance to the destination point as possible and dropped kerbs should be provided to enable easy access from disabled parking bays to / from the footway"*. It then goes on to say that *"In non-residential development, parking should be designed and allocated for disabled users to meet demand and be located no further than 50m from an accessible entrance, (ideally the main entrance), clearly signed and preferably under cover"*.
- 5.4.7 The disabled parking bays are sited across the site and are located to the front of the units, allowing for direct access from the car park and provide easy access to the units.

- 5.4.8 No details have been submitted to show the provision of electric vehicle charging points within the car parking area. In accordance with the VPS, and in order to future proof the development, details of appropriate provision is required to be submitted through a condition attached to the grant of planning permission.
- 5.4.9 The Highways Authority was consulted and acknowledged that the principle, and the impact in highway terms, of the development has already been established. The Highway Authority confirmed that they are satisfied with the details submitted. The development would make adequate provision for off-street car parking to comply with the adopted standards in accordance with Condition 17 of the OPP.
- 5.4.10 The provision of cycle storage is covered by condition 18 of the OPP which states that *"Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times"*. Details of cycle parking have been included in this submission, at the request of the Highways Authority, who have also requested a condition be imposed on this application requiring the cycle parking to be provided as shown and retained. However, cycle parking provision is not a reserved matter for consideration within this application and an application to provide the details will need to be submitted and approved prior to first use of the development. The details submitted have demonstrated that adequate cycle parking can be provided on the site. It is therefore considered a condition as requested by the Highways Authority is not reasonable or necessary.
- 5.4.11 Based on the above, it is considered that the development would be acceptable in relation to parking provision, and therefore in compliance with Policies T2 and D1 of the LDP in this respect.

5.5 Other Material Considerations

Ecology

- 5.5.1 The Council's Ecology Consultant has raised a holding objection due to insufficient ecological information on European Protected Species (Great Crested Newts) and protected species (reptiles and Water Vole). However, these surveys are secured by Condition 21 of the OPP which states that:
- "No development shall commence until species surveys, such as Great Crested Newts, Reptiles, and Water vole, including mitigation and enhancement measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such in perpetuity."*
- 5.5.2 The Ecology Consultant is concerned that without this ecological information, the LPA does not have certainty of the likely impacts to European Protected Species and protected species. Furthermore, any subsequent compensation or mitigation measures, if advised by these surveys, may influence the design and layout of the proposed development.
- 5.5.3 Condition 21 is a pre-commencement condition and does not require the surveys to be submitted with, or discharged prior to the determination of, this reserved matters application. Therefore, it would not be reasonable for the LPA to require these details to be submitted at this time. Should it be the case that any mitigation results in amendments to the design and layout of the proposal, the applicant would need to deal with this through the appropriate procedures in due course.

Drainage and flood risk

5.5.4 With respect to drainage, the Lead Local Flood Authority (LLFA) has raised a holding objection as *“the information provided does not allow us to assess the development”*. Mundon Parish Council also noted that there are concerns regarding flooding in this area and asked that these be given full consideration.

5.5.5 Condition 6 of the OPP states:

“No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development...”

5.5.6 Condition 6 then goes on to set out the detailed requirements of the necessary drainage scheme. The condition is a pre-commencement condition and does not require the detailed scheme to be submitted with, or discharged prior to the determination of, this reserved matters application. Therefore, it would not be reasonable for the LPA to require these details to be submitted at this time.

Summary

5.5.7 In summary, although the concerns of the Ecology Consultant, LLFA and Mundon Parish Council are noted, Officers are satisfied that the relevant conditions in the OPP adequately deal with these matters and it would not be reasonable to require the information requested to be submitted with this reserved matters application.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant site history is set out below:

- **17/01338/OUT** Redevelopment of poultry farm for approximately 5,030m² of B1 commercial floorspace with associated access arrangements. Refused 14/03/2018
- **18/01034/OUTM** Redevelopment of poultry farm for approximately 5030m² B1 (b) & (c) commercial floorspace with associated access arrangement. Approved 20/10/2020

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mundon Parish Council	Whilst the Parish Council is willing to support this application, there are concerns regarding flooding, if these could be given full consideration.	Noted - refer to paragraphs 5.5.4 - 5.5.7 of report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	The Highway Authority is satisfied with the details as submitted subject to conditions.	Noted – refer to section 5.4 of report.
Essex County Council Sustainable Drainage System (SUDS)	Holding objection – the information submitted does not allow us to assess the development.	Noted – refer to paragraphs 5.5.4 - 5.5.7 of report.
Environment Agency	No comments. Should an updated Flood Risk Assessment (FRA) be submitted at any time we would wish to be consulted.	Noted.
Anglian Water	There are no drainage related documents, which means the application falls outside to Anglian Water's jurisdiction for comments.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No comments but look forward to the subsequent discharge of conditions application.	Noted.
Ecology Consultant	Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newts) and protected species (reptiles and Water Vole).	Noted – refer to paragraphs 5.5.1 – 5.5.3 and 5.5.7 of report.
Waste Management	No objections.	

7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

8. **PROPOSED CONDITIONS**

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

- J21.7584 M001 Location Map
- J21.7584 M002 Location Plan
- J21.7584 P202 Rev C Proposed Site Plan
- J21.7584 P203 Proposed Setting Out Plan
- J21.7584 P204 Rev A Proposed Ground Floor Plan – Unit 1
- J21.7584 P206 Proposed Roof Plan – Unit 1
- J21.7584 P207 Proposed Elevations – Unit 1
- J21.7584 P208 Rev A Proposed Ground Floor Plan – Units 2-12
- J21.7584 P209 Proposed Roof Plan – Units 2-12
- J21.7584 P210 Proposed Elevations – Units 2-12
- J21.7584 P211 Rev A Proposed Ground Floor Plan – Units 13-14
- J21.7584 P212 Proposed Roof Plan – Units 13-14
- J21.7584 P213 Proposed Elevations – Units 13-14
- J21.7584 P214 Rev A Proposed Ground Floor Plan – Units 15-18
- J21.7584 P216 Proposed Roof Plan – Units 15-18
- J21.7584 P217 Proposed Elevations – Units 15-18
- J21.7584 P218 Rev A Proposed Ground Floor Plan – Units 19-24
- J21.7584 P219 Proposed Roof Plan – Units 19-24
- J21.7584 P220 Proposed Elevations – Units 19-24
- SP/MAP/01 Rev A Landscape Plan
- Planting Specification

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

- 3 The proposed boundary treatments, as shown on approved drawing SP/MAP/01 Rev A Landscape Plan, shall be installed prior to the first occupation of any building and be retained in perpetuity as such thereafter.
REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 No development above ground level, with the exception of demolition, shall take place until details of a scheme for electric car charging points, in accordance with the adopted Vehicle Parking Standards Supplementary Planning Document (SPD) (2018), shall be submitted to and approved by the Local Planning Authority. The scheme for Electric Vehicle (EV) car charging points shall be implemented in accordance with the approved details prior to the first occupation of any building and shall be retained in perpetuity thereafter.
REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.