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DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson

28 November 2023

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 6 DECEMBER 2023** at **7.30 pm**

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

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A copy of the agenda is attached.

Yours faithfully



Director of Strategy and Resources

COMMITTEE MEMBERSHIP:

CHAIRPERSON	Councillor M F L Durham, CC
VICE-CHAIRPERSON	Councillor M E Thompson
COUNCILLORS	J C Hughes S J N Morgan C P Morley R H Siddall E L Stephens S White L L Wiffen





**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**WEDNESDAY 6 DECEMBER 2023**

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1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 8 November 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. **23/00103/COU - Building at junction of Braxted Park Road with Maldon Road, near Tiptree, CO5 0QA** (Pages 11 - 24)

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

6. **23/00491/FUL - Land adjacent Thornfields, Purleigh Grove, Cold Norton, CM3 6HN** (Pages 25 - 46)

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

7. **Any other items of business that the Chairman of the Committee decides are urgent**

**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5-6.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

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

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

**Fire**

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**Health and Safety**

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**Closed-Circuit Televisions (CCTV)**

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**Lift**

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

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

### **Legislation**

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

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

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

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

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

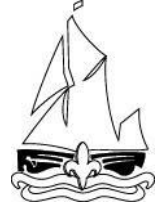
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

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

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

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

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**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
8 NOVEMBER 2023**

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**PRESENT**

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

**297. CHAIRPERSON'S NOTICES**

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

**298. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J C Hughes and L L Wiffen.

**299. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 13 September 2023 be received.

**Minute No. 231 – 23/00123/OUTM - LAND REAR OF 9 CHURCH ROAD, WICKHAM BISHOPS.**

Councillor S J N Morgan proposed an amendment to the fourth paragraph of this Minute, that the seconder to his proposal should be amended to Councillor J C Hughes. This amendment was duly noted.

The Chairperson then moved that the Minutes be confirmed, subject to the above amendments and this was duly agreed.

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 13 September be confirmed.

**300. DISCLOSURE OF INTEREST**

There were none.

**301. 23/00021/FUL - LAND ADJACENT EASTHOLM, LATCHINGDON ROAD, PURLEIGH**

<b>Application Number</b>	<b>23/00021/FUL</b>
<b>Location</b>	Land adjacent Eastholm, Latchingdon Road, Purleigh
<b>Proposal</b>	Erection of 2no. dwellings with associated landscaping and ancillary works.
<b>Applicant</b>	Jacob
<b>Agent</b>	Blaine McMahon – Scene Architects Ltd
<b>Target Decision Date</b>	15/11/2023 (EOT agreed)
<b>Case Officer</b>	Lisa Greenwood
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor S White, reasons stipulated are Policies S1 and D1 of the LDP.

It was noted from the Members' Update that since the agenda had been published a response had been received from the Council's Arboricultural Consultant.

Following the Officer's presentation, the Agent, Mr Blaine addressed the Committee. The Chairperson then opened the floor for debate.

Councillor S White proposed to refuse the application in line with the Officer's recommendation and this was duly seconded.

Following a brief debate around reason for refusal 3, the Chairperson put Councillor White's proposal to refuse the application to the Committee and upon a vote being taken it was agreed.

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

1. The proposed development is located outside of a defined settlement boundary and is in open countryside. The site is not considered to be in an accessible location and does not promote sustainable travel. Furthermore, by virtue of the domestication and urbanisation of the site, and loss of an open and punctuated rural gap, the proposed development is considered to appear as an incongruous form of development that is out of keeping and would erode the intrinsic character and beauty of the open countryside. The principle of development has, therefore, been found to be unacceptable. The proposal is therefore contrary to Policies S1, S2, S8, D1, D2, H4, T1, T2, N1 and N2 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 not respect the established pattern of ribbon development found at this section of Latchingdon Road. With its associated residential curtilage, paraphernalia and domestic characteristics, the development has been found to urbanise the site and would not be in keeping with the character and appearance of the rural area. The development has not taken design cues from the immediate area and would also appear as visually intrusive when viewed at the street scene. The dwellings proposed are excessive in height and the pastiche design lacks a coherent sense of place. The proposal is therefore 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. A window and balcony are proposed along the first floor side elevation fronting the neighbouring dwelling, Eastholm and would provide overlooking into the neighbouring site. This would cause harm to the residential amenity of this neighbour and would be contrary to Policies S1 and D1 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).

**302. 23/00700/FUL - HARMONY KENNELS, BROOK HOUSE, SPAR LANE, PURLEIGH, CHELMSFORD, ESSEX, CM3 6QW**

<b>Application Number</b>	<b>23/00700/FUL</b>
<b>Location</b>	Harmony Kennels, Brook House, Spar Lane, Purleigh, Chelmsford, Essex, CM3 6QW
<b>Proposal</b>	Proposed single storey dwelling, cart lodge and outbuilding incidental to the proposed dwelling replacing existing outbuildings.
<b>Applicant</b>	Mr and Mrs Lawrence & Moore
<b>Agent</b>	Mr Oscar Dickens – Design Designed Ltd
<b>Target Decision Date</b>	16.10.2023
<b>Case Officer</b>	Juliet Kirkaldy
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor S White with regard to Policies S1 and D1.

It was noted from the Members' Update that since the agenda had been published the Applicants had submitted revised elevation plans and a Tree Constraints and Protection Plan in response to the Tree Consultants objection comments.

Following the Officer's presentation, the Chairperson opened the floor and a debate ensued around the impact that the development would have on the country side.

Councillor S White proposed to approve the application contrary to the Officer's recommendation.

Councillor R H Siddall proposed to refuse the application in line with the Officer's recommendation.

There being no further debate the Chairperson then called for a seconder to Councillor White's earlier proposal to approve the application contrary to the Officers recommendation and this was seconded by Councillor S J N Morgan. The Chairperson then put Councillor White's proposal to the Committee and upon a vote being taken it was lost.

The Chairperson then called for a seconder to Councillor Siddall's earlier proposal to refuse the application in line with the Officer's recommendation and this was seconded by Councillor E L Stephens. The Chairperson then put Councillor Siddall's proposal to the Committee and upon a vote being taken it was agreed.

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

- 1 The proposed development, as a result of the design, layout and appearance would result in a prominent form of development that would have an unacceptable effect by way of visual intrusion and an unacceptable encroachment into the rural landscape setting. The proposal would therefore be contrary to the requirements of policies S1, D1 and H4 of the approved Maldon

District Local Development Plan and the core planning principles and guidance as contained within the national planning policy framework.

**303. 22/00324/PROW - LAND AT BROAD STREET GREEN ROAD, LANGFORD ROAD AND MAYPOLE ROAD, GREAT TOTHAM, ESSEX**

<b>Application Number</b>	<b>22/00324/PROW</b>
<b>Location</b>	Land at Broad Street Green Road, Langford Road And Maypole Road, Great Totham, Essex.
<b>Proposal</b>	Permanent diversion of PROW 19 Great Totham and PROW 17 Heybridge.
<b>Applicant</b>	David Moseley - Countryside Properties
<b>Agent</b>	Ian Mitchell - Mayer Brown
<b>Target Decision Date</b>	N/A
<b>Case Officer</b>	Tim Marsh
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers

Following the Officer's presentation, the Chairperson opened the floor for debate.

There was a brief discussion and it was clarified that the Public Right of Way (PROW) would need to be diverted to allow for the completion of the surface water drainage infrastructure for the wider development detailed in the Officers report.

Councillor S J N Morgan proposed that the Diversion Order be approved as set out in the recommendation, which was duly seconded and upon a vote being taken was agreed.

**RESOLVED** that a permanent Diversion Order of the sections notated (A-B, F-G routes to close), (A-C-D-E-B, F-H-G Diverted routes) of Public Footpath 19 Great Totham is **MADE** and, if no relevant objections are received, **CONFIRMED** by Maldon District Council, as 'competent authority' under Section 257 of the Town and Country Planning Act 1990.

There being no other items of business the Chairperson closed the meeting at 8.13 pm.

M F L DURHAM, CC  
CHAIRPERSON



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
6 DECEMBER 2023**

<b>Application Number</b>	<b>23/00103/COU</b>
<b>Location</b>	Building at junction of Braxted Park Road with Maldon Road, near Tiptree, CO5 0QA
<b>Proposal</b>	Application for change of use of existing agricultural barn to farm shop and change of use of existing farm shop to cafe, resurfacing of existing car park commensurate with increased floor space.
<b>Applicant</b>	Mr J. Purdy
<b>Agent</b>	Mrs Alice Quinn of Smart Planning Limited
<b>Target Decision Date</b>	31.03.2023
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>TOLLESHUNT MAJOR</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call in by Councillor J V Keyes with regard to Policies S1, S2, D1, H4, E1 and E2

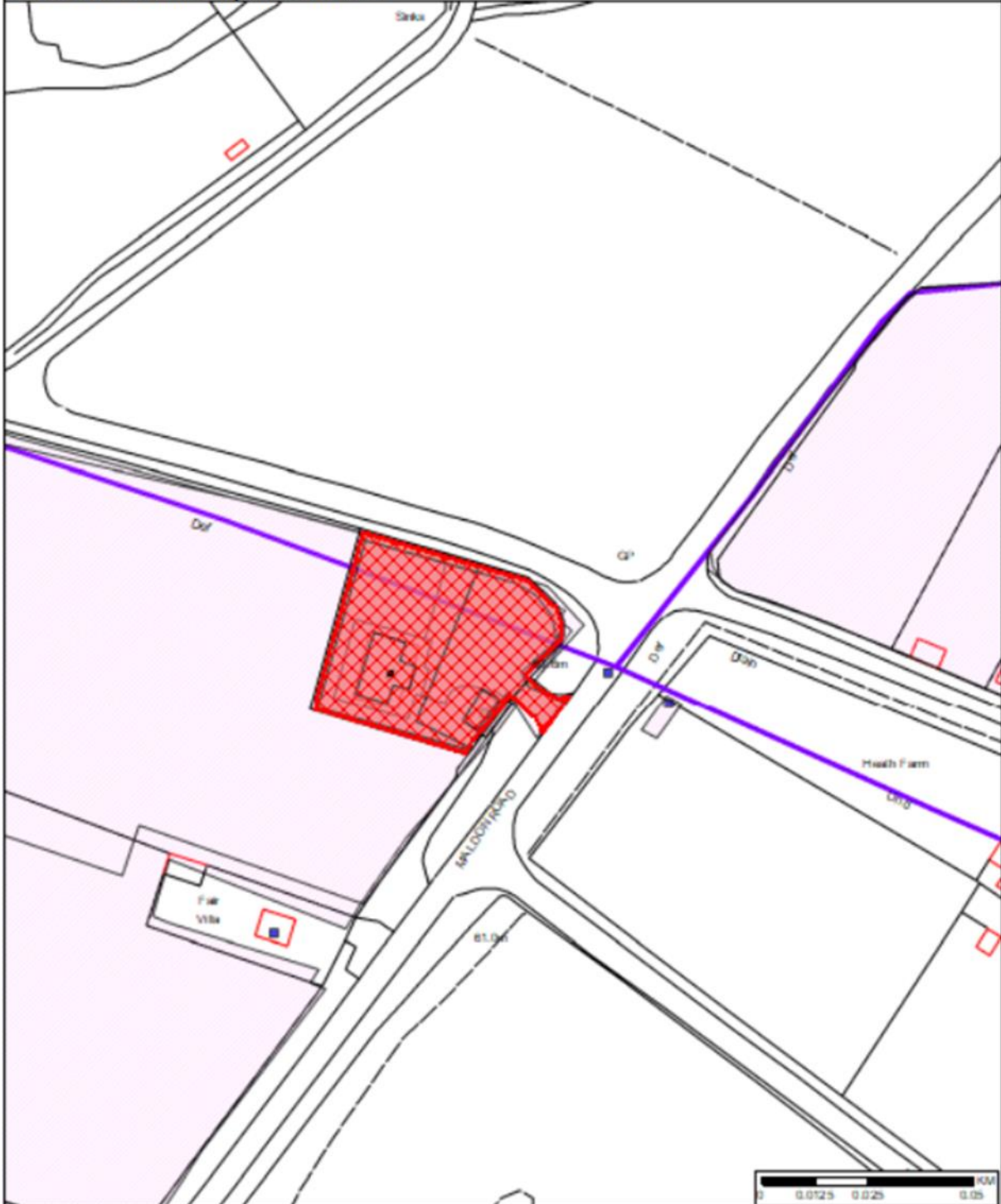
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see below.

**Application reference 23/00103/COU**  
**Great Braxted Farm Shop, Maldon Road**



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

### **3. SUMMARY**

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

##### Site description

- 3.1.1 The site fronts onto Maldon Road, part of the B1022 which is a route between Maldon to the southwest and Colchester to the northeast. The site is located between Great Braxted to the southwest and Tiptree to the northeast.
- 3.1.2 The site is adjacent to the junction of Maldon Road with Braxted Park Road and Grove Farm Road. Braxted Park Road forms the northern boundary of the site with vehicular access to the site on the western side of Maldon Road. The site is approximately 44m wide by 40m deep.
- 3.1.3 The site is known as Great Braxted Farm Shop and includes two existing buildings and a car parking area. The smaller building comprises the farm shop which sells flowers, fruit, vegetables, meat, pies, bread, cakes, fish and other shelled sea food, pickles and jams and other sundries are sold. The farm shop building measures 10.4m long by 9m wide, following the building of an extension which effectively doubled its size, which was granted planning permission in 2020. The larger building, the barn, was constructed over a period of time and completed in 2012. The building is currently vacant.
- 3.1.4 The site is outside any Settlement Boundary. Land to the north, on the far side of Braxted Park Road, is part of the Tiptree Heath Site of Special Scientific Interest.

##### Description of proposal

- 3.1.5 The proposal is for a change of use of a barn to the rear of the site to farm shop, it is proposed that the existing farm shop on the site would move into this building. In addition to the retail floorspace would include toilets and a kitchen area. The proposal also includes the change of use of the existing farm shop building to a café use comprising a dining area, kitchen and accessible toilet.
- 3.1.6 The car parking area would be extended deeper into the site to the side of the barn. This element of the proposal is retrospective as the development has been undertaken. The extended parking area would be block paved, to match the existing parking area. Two EV charging points are shown on the plans. The application states that the number of parking spaces would be increased from 6 spaces to 26 spaces.
- 3.1.7 The café building would have a gross internal floorspace 89 sq m. The retail use of the barn would be on two floors with a gross internal floorspace of 283 sq m.
- 3.1.8 Existing employees consist of 2 full-time and 3 part-time, a total full-time equivalent of 3.2 employees. Proposed employees would consist of 4 full-time and 4 part-time, a total full-time equivalent of 5.6 employees.

#### **3.2 Conclusion**

- 3.2.1 The proposed development includes use of an existing building as a café, which is classed as a town centre use, outside of an existing town, village or located employment area. It has also not been demonstrated that there is a functional need for the use in this rural location, and that it could not have been located in an existing town, village or employment. In addition, the scale and nature of the proposed farm shop is not appropriate in this rural location.

- 3.2.2 The proposal would fail to provide sufficient on-site parking and would therefore likely cause detriment to the free flow of traffic and highways safety.
- 3.2.3 Furthermore, the extent and nature of the car parking surface would create a form development which would be visually unacceptable and materially detrimental to the character of this site which is within a rural setting.
- 3.2.4 It is therefore recommended that planning permission is refused.

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

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 81-82 Building a strong, competitive economy
- 84-85 Supporting a prosperous rural economy
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- E2 Retail Provision
- E3 Community Services and Facilities
- E4 Agricultural and Rural Diversification
- E5 Tourism
- N2 Natural Environment, Geodiversity and Biodiversity
- T2 Accessibility

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

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

#### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through

Government policy at paragraph 47 of the National Planning Policy Framework (NPPF).

- 5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (LDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 The application site is located outside of any defined settlement boundary and is therefore within open countryside. Policy S8 requires the countryside to be *“protected for its landscape, natural resources and ecological value as well as its intrinsic beauty”*. The Policy goes on to state that, *“development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for...b) employment generating proposals (in accordance with Policy E1)...c) Community services and facilities to meet local need (in accordance with E3)... f) rural diversification, recreation and tourism proposals (in accordance with Policies E4 and E5”*.
- 5.1.4 Policy E1, referred to in Policy S8, seeks to encourage employment generating uses which fall under the old uses class of B1, B2 and B8 uses. Whilst the proposed development would provide for approximately 6 full-time and 4 part-time jobs, the uses are not employment generating as such.
- 5.1.5 Policy E2 of the LDP is concerned with retail provision. The policy essentially seeks to direct retail and other town centre uses to existing town centres. Part of the text of the policy states *“Except where already the subject of an extant planning consent for town centre uses of similar scale and function, proposals for town centre uses outside of the Town Centre Areas will be subject to sequential testing in accordance with national policy”*. The principle of retail provision at the site has been established by planning permission 20/00984/FUL, for which the development was described as “Extension to farm shop”. The 2020 planning permission related to land within the front part of the current application site i.e. the existing farm shop not the barn to the rear.
- 5.1.6 The text of Policy E2 continues by referring to applications, including alterations or to vary or remove conditions in respect of the range of goods sold, in out-of-centre locations being required to submit an impact assessment where floorspace thresholds are exceeded. The lower of the two thresholds, 1,000 sq m gross, is relevant for this application. The increase in floorspace in this case would be 283 sq m. Given that a relevant threshold has not been exceeded, this part of the text of Policy E2 is satisfied.
- 5.1.7 Policy E3 seeks to retain and enhance the provision of community services and facilities in the District, particularly where they are essential to the local community. The supporting text to this policy includes local shops to fall within the definition of community services and facilities. The retention and enhancement of the farm shop would be in accordance with this policy.
- 5.1.8 The change of the barn to retail space is considered relevant in the second part of Policy E4 which refers to how the Council will support the change of use of existing rural buildings to other employment generation uses if it can be demonstrated that six criteria are met. These will be addressed in turn below.

- 5.1.9 The first criterion is that there is a justifiable and functional need for the proposal. The application states that the farm shop has gradually developed and expanded since first opening and is now a profitable business operated by the current manager with many years experience in the fruit and vegetable trade and who started trading at the shop in 2020. The manager is keen to expand and develop this sustainable business here in promoting local and fresh produce and additionally provide a local café again serving fresh local produce to customers. Whilst the farm shop is currently a profitable business, the manager wishes to improve on the existing farm shop facilities and run a café from the site which would diversify the current commercial use. Whilst this might be desirable for the manager, it is considered that there is no justifiable and functional need for either the expansion of the farm shop or the proposed café in this countryside location. On this basis the proposal does not meet the first criterion.
- 5.1.10 The second criterion is that the change of use would contribute to the viability of the agricultural business as a whole. The site location plan shows that the site is part of a land holding which includes other land, shown by a blue line, which is in agricultural use. However, it is understood from the Planning Support Statement submitted that the manager of the farm shop is not the applicant, and there is no evidence presented to demonstrate that the farm shop or café would *“contribute to the viability of the agricultural business as a whole”*.
- 5.1.11 To further support this argument, the existing barn is currently vacant. It is noted in the submitted Planning Support Statement at paragraph 4.1 that *“Prior Approval for conversion of the barn to a Flexible Commercial Use was refused on 19 April 2021 (reference 21/00206/COUPA). This was for a purely technical reason related to the degree of agricultural use”*. This is not correct. The Officer’s report states at paragraph 5.2.3 that:
- “Limited supporting information has been provided to demonstrate on the balance of probabilities that the building the subject of this application has been used solely for agricultural purposes. Firstly, whilst the external materials of the building are of a typical agricultural nature, the design of the barn; including the large glazed panels with modest glazed doors to the front and rear are not reflective of an agricultural building. At the time of the Officers site visit the building was being used for miscellaneous storage. However, there was no further evidence on site of the use of the building for agricultural purposes. Furthermore, land associated with the building is considered to be well ‘manicured’ and is separated from open fields by a post and rail fence; clearly denoted from the rest of the land as shown within the blue line boundary”*.
- 5.1.12 The decision notice stated, *“It has not been demonstrated that the subject building has been used solely for an agricultural use as part of an established unit”*. On the most recent visit to the site, Officers can confirm that the building is not in agricultural use.
- 5.1.13 Taking the above into consideration, the proposal does not meet the second criterion.
- 5.1.14 The third criterion is concerned with respecting the building’s historic or architectural significance which is not of relevance in this case
- 5.1.15 The fourth criterion is that the change of use should not negatively impact on wildlife or the natural environment. This is discussed below. The proposal is acceptable on these grounds.

- 5.1.16 The fifth criterion is that no storage of raw materials or finished goods should take place outside the building if it would be detrimental to the visual amenity of the area. The existing farm shop does display goods externally. This could be restricted by way of a condition if considered necessary.
- 5.1.17 The final criterion is that the use of the building should not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages. The farm shop use has existed for some 25 years on the site, albeit that the use began on a less formal basis and at a much smaller scale than is proposed. The expansion of the farm shop and addition of a café are not considered to be of a scale that would prejudice the vitality and viability of existing business in nearby towns and businesses.
- 5.1.18 Overall, the proposal does not accord with Policy E4 as there is no justifiable and functional need for the development and as it does not contribute to the viability of the agricultural business as a whole.
- 5.1.19 Policy E4 of the LDP is relevant as it refers to agricultural and rural diversification, particularly the change of use of existing rural buildings and the development of new buildings or activities associated with agricultural or other land-based rural business. This is supported by paragraph 84 of the NPPF which states that planning decisions should enable “(a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings” and “(c) sustainable rural tourism and leisure developments which respect the character of the countryside” and “(d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings public houses and places of worship”.
- 5.1.20 In regard to Policy E5, in a report to the Council (dated 3 November 2023) concern was raised by Officers regarding the conformity of Policy E5 with the NPPF. The report states, “*The policy is negatively worded, in that the first clause of the policy states there should be an identified need for the provision proposed, yet, the Council has not set out what evidence it would require to demonstrate need and it has no needs assessment of its own*”. Accordingly, Policy E5 is afforded lesser weight.
- 5.1.21 The scale of the development proposed in this countryside location is of concern. The existing farm shop retail floor area is 69.82 sq m in area (excluding storage areas). The proposed farm shop in the barn would provide approximately 202.35 sqm in area (excluding circulation space, kitchen and WC). The retail floor space proposed is almost three times bigger than the current farm shop, plus it has additional amenities including 3 toilets, kitchen and circulation space. In the absence of any justifiable and functional need for the retail use it is not supported in this countryside location.
- 5.1.22 The proposed café use would be provided for in the building currently used by the farm shop. Although, the Planning Support Statement states there will be a “*synergy between the café and farm shop uses as customers may shop and visit and enjoy the cafe within the same trip*” this does not demonstrate a need for the café. Nor does it acknowledge the additional trips generated by the increased size of the retail use. Accordingly, there is no justification or functional need for the cafe within this countryside location.
- 5.1.23 Whilst the proposal would provide approximately 6 full-time and 4 part-time jobs, this is considered to be a limited benefit which does not outweigh the harm caused. The

principle of development, therefore, has been found to be unacceptable due to the scale and nature of uses proposed in this countryside location.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 No additional buildings or extensions are proposed, and the external elevations will remain much the same with black weatherboard finish and clay tile roof.
- 5.2.3 However, the application has a retrospective element regarding extensive block paving which has been laid in the car park. The submitted Proposed Site Plan shows that more than half the area of the site would be taken up by block paving which is out of character within the rural environment. The hard surfacing would be visible from outside the site through the vehicular access. This expanse of block paving is considered unacceptable in visual terms as it does not protect the intrinsic beauty of the countryside. This element of the application is considered unacceptable and contrary to Policies 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).
- 5.3.2 There are no residential dwellings close to the application site, the closest dwelling to the proposed development is Fair Villa nearly 60m to the south.
- 5.3.3 Environmental Health was consulted on the application and did not raise an objection to the proposal. However, a condition was recommended to ensure no external illumination is installed without details first being submitted and approved.
- 5.3.4 The proposal is considered acceptable with regard to residential amenity subject to conditions as suggested by Environmental Health.

## **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 (2017) 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 proposal provides for 26 parking spaces which have already been provided. It is noted the works to resurface the car park and extend it further into the site have already been carried out. Paragraph 4.6.4 of the Vehicle Parking Standards SPD states that for mixed use schemes, it is necessary to calculate the amount of parking required for each element of the scheme. For retail that standard is 1 space per 5 sq m. The retail floorspace proposed is 283 sq m resulting in a parking requirement 14 car parking spaces. The café floorspace proposed is 89 sq m resulting in a parking

requirement of 18 car parking spaces. The proposals would therefore require 32 car parking spaces in total. In this case there is a shortfall of 6 spaces.

- 5.4.3 The proposal provides two disabled parking spaces and two EV charging points are proposed within the car park.
- 5.4.4 The local highway authority has been consulted and have stated the application has been fully considered and a site visit undertaken. They note the proposal would not alter the existing access arrangements to the local highway network and includes an enlarged car park. In summary the impact from the proposal is acceptable and it is not contrary to policies of the Highways Authority's Development management Policies February 2011: DM1 Safety, Efficiency and Capacity; DM2-4 Road Hierarchy; DM8: Parking Standards and DM9: Accessibility.
- 5.4.5 Notwithstanding the Highways Authority's response, the purpose of the Council's Vehicle Parking Standards (at paragraph 4.6.1) is to *"ensure that the operation of the development does not negatively impact on the surrounding road network or result in on-street parking"*. There is no provision for on-street parking in the surrounding area due to the site's countryside location and overspill parking on the verges should be avoided. The shortfall of parking spaces is therefore of concern due to the potential for overspill and indiscriminate off-site parking caused by insufficient on-site parking provision. This may prejudice the safety of users of the highway or the passage of utility and emergency vehicles.
- 5.4.6 No provision is made for cycle parking within the site however there is sufficient space on the site for this to be provided. This could be covered through an appropriately worded condition if the application was considered to be acceptable.
- 5.4.7 The proposal is considered unacceptable with regard to Policy T2 of the LDP 2017.

## **5.5 Biodiversity**

- 5.5.1 Policy N2 states that all development should seek to deliver net biodiversity gain where possible. The policy also states that any development which could have an adverse effect on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.
- 5.5.2 Place Services, Ecology was consulted on the application and a of a holding objection was received due to insufficient ecological information on European Protected Species (bats). A Preliminary Bat Roost Assessment was subsequently submitted, and Ecology was re-consulted. The latest written response from Ecology states that there is no objection subject to securing biodiversity mitigation and enhancement measures through conditions.
- 5.5.3 Subject to a condition to ensure the implementation of a biodiversity enhancement strategy, the proposals are considered acceptable with regard to Policy N2.

## **5.6 Other matters**

- 5.6.1 Environmental Health requested conditions requiring details of surface water drainage to be submitted and for no external illumination to be installed without the agreement of the local planning authority. If the application were to be approved these conditions would be considered necessary to prevent potential water and light pollution.

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

- **05/00655/AGR** – Construction of agricultural barn – Application closed 19.07.2005
- **05/01171/AGR** – Proposed barn – Prior approval required 28.10.2005
- **12/00438/LDE** - Claim for a Certificate of Lawfulness: Completion of a partially constructed agricultural barn – Lawful 27.06.2012
- **12/00845/FUL** - Re-building of farm shop following fire – Approved 15.11.2012
- **20/00984/FUL** - Extension to farm shop – Approved 25.11.2020
- **21/00206/COUPA** – Prior notification for the change of use of an agricultural building to a flexible business use. Refused 19.04.2021
- **21/00793/FUL** - Change of use of existing agricultural barn to retail (use class A1). Resurfacing of existing car park and extension of car park. – Withdrawn 15.09.2021

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Tolleshunt Major Parish Council	The Parish Council objects to this application for the following reasons: The amount of extra traffic that this proposal would undoubtedly generate, with resulting road safety issues. The site lies on the corner of a complex and hazardous 3 way junction (Maldon Road which is very busy main road, and Braxted Park Road which is the main route to the A12) with two further junctions within 100 metres on the other side of the Maldon Road. Access into and out of the site is very close to the main junction and there are already road safety issues here without any extra increase in traffic turning into the proposed cafe. Furthermore there are two bus stops on either side of the road and immediately in front of the site, where the buses have to stop on the road itself. This all results in a very busy and potentially	The points raised are addressed as follows: <ul style="list-style-type: none"><li>• The Highway Authority has raised no objection to the proposed development in terms of highway safety.</li><li>• There is no additional signage proposed with this application.</li><li>• The need for the development is discussed in section 5.1 of this report.</li><li>• The point about previous non-compliance with conditions is noted however the LPA must consider the application before it only.</li></ul>

Name of Parish / Town Council	Comment	Officer Response
	<p>dangerous area for road users.</p> <p>The Council has already raised concerns about the amount of existing signage at the farm shop, which causes further safety issues due to lack of visibility for motorists. This problem will only increase if signage for the cafe is added.</p> <p>There is also concern that the proposal will not comply with Policy E2 of the Maldon District Local Plan which states that “additional retail need should be accommodated in town centres”. Policy E4f also states that “the use of the building would not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.” It should be noted that there is already an established cafe within a mile of the site (Forget Me Not cafe at Tom’s Farm Shop).</p> <p>There are non-compliance issues with some of the conditions of the previously approved application for the farm shop at this site (FUL/MAL/20/00984), including the failure to remove containers within one month of the completion of the approved development (condition 5), and the operating of a cafe bar serving drinks and hot food.</p> <p>The Parish Council asks that the application is refused.</p>	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority	Noted.

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection. Conditions suggested regarding surface water drainage and no external illumination.	Noted.
Ecology	No objection subject to securing biodiversity mitigation and enhancement measures	Noted.

## 7.4 Representations received from Interested Parties

7.4.1 No representations have been received for the application.

## 8. PROPOSED REASONS FOR REFUSAL

1. The development is for a cafe and an enlarged retail use, which are classed as 'town centre uses', outside of an existing town, village or employment area. It has not been demonstrated that there is a justifiable and functional need for the café use or for the increased scale of the retail use in this countryside location, outside of any settlement boundary. The scale and nature of the proposed uses fail to protect and enhance the character of this rural location through this inappropriate development. Therefore, the development would be contrary to Policies S1, S8 and E5 of the approved Maldon District Local Development Plan and the provisions of the NPPF.
2. The proposed development, by reason of its failure to provide adequate on-site car parking provision, would be detrimental to public amenity and the convenience of highway users caused by overspill and indiscriminate parking. Intensification of vehicular activity in the setting due to the site indiscriminate parking and may also prejudice the safety of users of the highway or the passage of utility and emergency vehicles. As such the proposal is contrary to Policy S8, D1 and T2 of the approved Maldon District Local Development Plan, the Vehicle Parking Standards SPD of the local planning authority and the provisions of the NPPF especially at paragraphs 130 a) and 134.
3. The extent of block paving to the parking area would represent an excessive area of hard surfacing to this site which is set in a rural area and which thereby takes its character from its rural setting. The proposed development would fail to contribute to or enhance the local environment and fail to recognise the intrinsic character and beauty of the countryside by the introduction of an excessive extent of hard surfacing in a form which does not respect the character of the setting of the site. As such the

proposal is contrary to Policies S8 and D1 of the approved Maldon District Local Development Plan and the provisions of the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
6 DECEMBER 2023**

<b>Application Number</b>	<b>23/00491/FUL</b>
<b>Location</b>	Land adjacent Thornfields, Purleigh Grove, Cold Norton, CM3 6HN
<b>Proposal</b>	The erection of 2No. 4/5-bedroom detached dwellings, both with carports and private amenity, with the construction of a new access road
<b>Applicant</b>	Mr & Mrs Kirk
<b>Agent</b>	Mr Zak Johnson - Front. Architecture
<b>Target Decision Date</b>	13.07.2023
<b>Case Officer</b>	Tim Marsh
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from Development Plan

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see below.

23/00491/F UL  
N & W Area Committee



 <p><b>Copyright</b> For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized 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:	Thomfield's Purleigh Grove
	Date:	01/11/2023
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

##### Site

- 3.1.1 The application site is located approximately 670 m east of Cold Norton, to the south of Latchingdon Road and is accessed along a 180m long private drive known as Purleigh Grove. It lies outside of any settlement boundary southeast of a dwelling known as Imps Camp and east of Thornfields and comprises a rectangular area of land bounded to the north by a mix of boundary treatments and sporadic hedging with gardens beyond to properties facing Latchingdon Road.

##### Proposal

- 3.1.2 Planning permission is sought for the construction of two new detached dwellings and associated works. The proposals are very similar to the development approved by and with extant planning permission (until November 2025) following an appeal allowed under application 21/00397/FUL (see below). Notable differences between the existing permission and the development now proposed can be summarised as follows:
- The approved dwellings are bungalows and the dwellings now proposed are 1 ½ storeys with bedroom accommodation in the roof space with windows/roof lights to the front of the dwellings.
  - Front porches and rear dormers have been added.
  - The proposed dwelling on plot 2 has been slightly rotated to allow primary views to the rear.
  - Small external staircases and space for storage has been added to the carports in the roof voids and at ground level.
- 3.1.3 The scale and design of the new dwellings are similar to the existing dwelling “Thornfields” and have a barn like appearance, a mix of weatherboard and render elevations with a steep pitched tiled roof. The proposed materials are similar to those for the extant permission and include black cladding, red brickwork, cream render and large glazed elements.
- 3.1.4 Vehicular access would be from Purleigh Grove to the west and between Thornfields and Imps Camp and would lead across the fronts of the dwellings with large partially open sided double car ports (6mx11m) with space for storage at ground level and in the roof voids. The proposed car ports are set either side of a new central hedge and private amenity space to the rear of the dwellings.

#### **3.2 Conclusion**

- 3.2.1 A very similar form of residential development has permission until November 2025 following a recently allowed appeal where the Inspector found the harm caused by that development would be minimal irrespective of the position with housing land supply. Therefore, although located outside of any defined settlement boundary and a Five Year Housing Land Supply (5YHLS) can now be demonstrated the proposal is considered to be acceptable in principle.
- 3.2.2 The site is not prominent in views from the countryside as it is relatively contained and the proposed layout, scale and design of the dwellings is consistent with neighbouring development. Whilst the dwellings now proposed have accommodation

in their roof spaces, and the car ports are larger than those already approved, the proposed development is not significantly larger or taller than the approved scheme and is of a good standard of design consistent with local character.

- 3.2.3 The accessibility of the site to services and facilities was not cited by the Local Planning Authority (LPA) as a reason for refusal of the previous scheme subsequently allowed on appeal. The proposed access is acceptable in highways terms and satisfactory drainage can be secured by condition.
- 3.2.4 Satisfactory levels of privacy for existing and potential future residents would be achieved. There is a continuous footway alongside the road into Cold Norton and there is a small supermarket close to the site, and the previous proposal for which there is an extant permission was found to be acceptable in terms of accessibility. The proposed layout would exceed recommended standards for private amenity space. A Unilateral Undertaking (UU) will ensure that appropriate mitigation for Recreational disturbance Avoidance and Mitigation Strategy (RAMS) is secured. The proposal is recommended for conditional approval accordingly.

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

##### **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
- 60-67 Delivering a sufficient supply of homes
- 104-111 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-134 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
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- N2 Natural Environment, Geodiversity and Biodiversity
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

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

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) (2017)

## **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 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. This includes Policy H4 which contains specific provisions for back land and infill development.

#### Five Year Housing Land Supply

- 5.1.4 As per Paragraph 74 of the NPPF, the Council as the 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 5 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 2021/2022 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 is located outside of any defined settlement boundary. However, planning permission for a similar form of residential development was granted through an appeal allowed on 1 November 2022 under application reference 21/00397/FUL. Although at the time of that decision the Council could not demonstrate a 5YHLS, in allowing the appeal the Inspector considered the proposal

under relevant LDP policies including S1, S8 and H4 and concludes in paragraphs 40 – 43 of his decision (my emphasis) that:

*40. In terms of adverse effects, there would be a low level of visual harm to the character and appearance of the area. This harm is however limited by the minimal role that the appeal site plays in providing a rural setting surrounding development. As a result, there would be a conflict with Framework Paragraph 130 which seeks to ensure that development is sympathetic to local character. However, given the low level of harm which would arise, I afford it only moderate weight.*

*41. There would also be a conflict with the Council's strategy for the location of development. Indeed, the Framework emphasises the role of the plan led system. However, given the absence of harm in relation to access to services and facilities\*, the substantive harm only extends to that which I have already identified in relation to character and appearance\*\*. As such, I also afford this harm moderate weight.*

*42. To weigh against this harm, there would be social and economic benefits associated with the provision of two new dwellings, through the resultant increase in the housing stock. Whilst only two dwellings are proposed, the HLS shortfall increases the weight to be afforded to these benefits and they can be afforded significant weight. Indeed, Framework Paragraph 60 emphasises the importance of boosting housing supply.*

*43. As such, the moderate harm caused by the proposed development would be significantly demonstrably outweighed by the significant benefits, when assessed against the Framework as a whole. Incidentally, even if there had been a marginal improvement in the HLS position since 2021, the harm caused by the development would be so minimal that the social and economic benefits would still outweigh it.*

5.1.7 In light of the above, since the accessibility remains the same and the visual impact of the dwellings now proposed is not significantly different to the approved scheme in relation to which the Inspector found the harm to character and appearance to be minimal, the proposal is considered to be acceptable in principle.

5.1.8 \*The Inspector's assessment of accessibility (see also paragraph below) is as follows:

*12. In summary, there would be a conflict with Local Plan Policies S1, S2, S8, D1 and H4 insofar as they collectively seek to ensure that development is in keeping with local character including countryside character. There would also be a conflict with Local Plan Policy S8, given that the site is outside of any defined settlement boundary and not supported by any particular Local Plan Policies. Albeit it is noted that the Council do not allege any conflict in relation to the accessibility of the site to services and facilities, which is one of the purposes of Policy S8. As such, I have not identified any conflict with Local Plan Policy T2 in this regard.*

5.1.9 \*\*The Inspector's assessment of character and appearance is as follows:

*7. The proposed development includes two relatively large single storey dwellings, which would have a similar appearance, scale and footprint to the existing dwellings accessed via the private drives to the west.*

8. *Visibility from the appeal site towards the countryside (and vice versa) is relatively contained because the surrounding land rises to the south, truncating views of the wider countryside beyond. This diminishes the role of the appeal site in contributing to the rural setting of the surrounding residential development.*

9. *Notwithstanding this, there would clearly be a change in character as a result of the proposed dwellings, detached garages and new driveway. Whilst the layout, scale and general design of the dwellings is relatively consistent with the existing development to the west, there would be some visual harm given that the appeal site extends a fairly long way to the east, behind the linear development which faces towards Latchingdon Road. Nonetheless, this harm would be minimal, given that the layout of surrounding development is not completely uniform and that the site only plays a limited role in providing a rural setting for the surrounding residential development. This harm would be further mitigated by the single storey scale of the development and the relatively traditional and rural design of the proposed dwellings.*

## **5.2 Housing Need and Supply**

- 5.2.1 The proposal seeks to provide two five-bedroom dwellings. The Maldon District Local Housing Needs Assessment (LHNA) (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3no. beds (40-50%), followed by 2no. beds (25-35%). Therefore, as the proposal is for five-bedroom dwelling, the development would not contribute to the Council's most required housing need. Although this disbenefit would be limited given the proposal is for two dwellings, the scale of the housing provision is limited in terms of an assessment for the district as a whole.

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

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

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

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

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

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

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

- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017). At page 7 key design objectives are set out, one of these is character. The text refers to how all design proposals should be informed by, amongst other matters, contextual analysis of the built environment and respond to the scale, height, materials and vernacular styles of construction.

5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy 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 original buildings; and does not involve the loss of any important landscape, heritage features or ecology interests. Policy H4 also contains specific provisions for back land and infill development and states this will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. It also states that back land and infill development will be permitted if all the following criteria are met:

- 1) There is a significant under-use of land and development would make more effective use of it;*
- 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
- 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and*
- 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.*

5.3.6 With regards to these requirements:

- 1) the Inspector for the aforementioned appeal found that the site is not significantly underutilised and, in that respect did not meet this requirement. However given the low level of this harm he afforded it only moderate weight in his decision.
- 2) there would not be any significant adverse impact on the living conditions and amenity of nearby properties
- 3) the land is not of any social economic historical or environmental significance
- 4) the proposal does not involve the loss of any important landscape heritage features or ecological interests

5.3.7 With regards to the other requirements of LDP policies D1 and H4, there are several large dwellings set back from Latchingdon Road, accessed off Purleigh Grove and another private drive known as Burnham Avenue and consequently there is variation in the orientation and layout of surrounding development. The site is not prominent in views from the countryside as it is relatively contained and surrounding land rises to the south.

- 5.3.8 The proposed layout, scale and design of the dwellings is consistent with existing development to the west. Although the site extends into the countryside to the east, behind existing development on Latchingdon Road, its visual impact would be limited since surrounding development is not uniform and, as highlighted by the Inspector in allowing the recent appeal under application reference 21/00397/FUL the site only plays a limited role in providing a rural setting for the surrounding residential development.
- 5.3.9 In paragraph 9 of his decision the Inspector also states that any visual harm would be further mitigated by the single storey scale of the development and the relatively traditional and rural design of the proposed dwellings. Whilst the dwellings now proposed have accommodation in their roof spaces, and the car ports larger the proposed development is not significantly larger or taller than the previous scheme which the Inspector considered to have a similar appearance, scale and footprint to the existing dwellings accessed via the private drives to the west. The addition of the dormers and associated greater articulation in the form of the dwellings is also considered to improve their overall appearance and character.
- 5.3.10 For the above reasons, the proposed development is considered to accord with LDP policy D1 and meet the aims of policy H4.

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

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 Neighbours have raised concerns regarding loss of their views and privacy, however the new dwellings would be over 70m from the dwellings facing Latchingdon Road. These distances are significantly greater than accepted minimums of 20-25m and sufficient to ensure satisfactory levels of privacy for existing and potential future residents.
- 5.4.3 The closest dwelling Thornfields, is approximately 37m away from the proposed new dwelling on plot 1 and not overlooked, although there would be some limited views from this existing dwelling into the garden to plot 1. However, the separation distances and the intervening boundary treatment are sufficient to provide acceptable levels of privacy for future occupiers.
- 5.4.4 The designs for the new dwellings now proposed include accommodation at first floor level and unlike the previously approved bungalows include dormer style windows facing to the North and South. Although this will result in greater potential for overlooking than with the approved dwellings, the aforementioned separation distances are sufficiently large to ensure that acceptable levels of privacy would still be achieved, aided by the relatively strong regarding boundaries to the existing dwellings on Latchingdon road.
- 5.4.5 The proposed new site road that would enter the site between Imps Camp and Thornfields would increase the vehicle and pedestrian activity causing some noise and disturbance to these properties. This is the same arrangement as for the previous application reference 21/00397/FUL allowed on appeal in relation to which the Inspector found acceptable stating in paragraph 17 of his decision that: *“given the small number of vehicular movements likely to occur, I do not consider that there*

*would be any adverse impact on the living conditions of the occupiers of these properties”.*

- 5.4.6 For the above reasons the proposals are therefore considered to be acceptable in terms of privacy, overlooking, outlook, daylight and other impacts and to accord with the relevant provisions of LDP policy D1 subject to the removal of certain permitted development rights as for the previous permission.

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

- 5.5.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 Although the site is situated approximately 750m to the east of Cold Norton which itself has limited facilities, there is a continuous footway alongside the road into the village and there is a Lonsis supermarket on the Latchingdon Road immediately to the North of the site. Also as noted above (paragraph 5.1.8) in allowing the recent appeal on the site above, the Inspector highlighted that the Council did not allege any conflict in relation to the accessibility of the site to services and facilities. The reasons for refusal of that application did not refer to any conflict with LDP policy T2 and it follows that the current proposal is acceptable in terms of accessibility and the requirements of policy T2.
- 5.5.3 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces.
- 5.5.4 The proposals utilise the existing vehicular access on Purleigh Grove through to Langford Road and plenty of off-street parking is included within the site. The Highways Authority were consulted but have not commented on the current application. However, it is appropriate to refer to the Highways Authority's comments on the recent, similar proposal on the site allowed on appeal under application reference 21/00397/FUL that they had no objection to subject to the recommended conditions for cycle parking and a Residential Travel Information Pack.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG (2017) advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats. The proposed layout would provide an area of amenity space for both dwelling significantly exceeding these recommended standards.

## **5.7 Ecology**

- 5.7.1 LDP 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. Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.7.2 Ecological information has been submitted relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. The County Ecologist has confirmed in writing that they have no objection to the proposal subject to a proportionate financial contribution and biodiversity mitigation and enhancement measures that can be secured by conditions. In recommending these conditions the County Ecologist notes that; four ponds are also present within 250m of the site, and that amphibians (including Great Crested Newts) could be present within and around the site; and that bats could be foraging/commuting within and around the site so, if any external lighting is to be proposed, a sensitive lighting scheme should be provided.
- 5.7.3 The application site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast RAMS.
- 5.7.4 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 Zol for the Essex Coast RAMS with respect to the previously listed sites? **Yes** (Blackwater Estuary 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 local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution or UU to secure payment has been received

- 5.7.5 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.
- 5.7.6 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 UU has been completed in relation to this planning application.

- 5.7.7 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 LDP and Government advice contained in the NPPF.

## **5.8 Drainage**

- 5.8.1 Neighbours have raised concerns regarding flooding. However, the site is located in Flood Zone 1 which is an area categorised by the Environment Agency as being at the lowest risk of flooding. Notwithstanding this, in accordance with the Environmental Health Officer's advice, and the Inspector's decision on the previous scheme, conditions are recommended requiring the submission and approval of schemes for on-site surface and foul water drainage.

## **5.9 Trees**

- 5.9.1 The site is bordered by trees particularly on the northern side where there is potential for these to be impacted by the development. The Council's Tree Consultant has confirmed that most of the trees can be retained and protected and that those to be removed are low quality and can be compensated for with new planting. In accordance with their advice a condition is recommended requiring detailed proposals to take into account the tree constraints. A condition is also recommended for details and specifications of hard and soft landscaping.

## **5.10 Infrastructure Capacity**

- 5.10.1 Neighbours have expressed concerns regarding the capacity of local infrastructure. However as only two new dwellings are proposed, the increased pressure on strategic infrastructure including schools, doctors etc would be small and in allowing the recent appeal the Inspector accepted this. In addition, the relevant consultee responses serve to confirm that, subject to the conditions recommended, infrastructure including roads and drainage could meet the demands arising from the new dwellings.

## **6 ANY RELEVANT SITE HISTORY**

- **21/00397/FUL** – Two new detached dwellings and associated works – Allowed on appeal 01.11.2022 APP/X1545/W/21/3282659

## **7 CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Cold Norton Parish Council	<ul style="list-style-type: none"><li>• We recommend refusal of planning permission.</li><li>• 1. Outside the Development Boundary (S8 – Settlement Boundaries &amp; the Countryside)</li><li>• 2. Over development/cramped area/creating a mini estate on both sides of Purleigh</li></ul>	These issues are addressed in the main body of this report

Name of Parish / Town Council	Comment	Officer Response
	<p>Grove. (D1 Design Quality &amp; Built Environment)</p> <ul style="list-style-type: none"> <li>• 3. Ruining the open rural nature (D2 Climate Change &amp; Environmental Impact of New Development) with negative Impact on the mature trees on the site.</li> <li>• 4. There is a question mark over the infrastructure on Purleigh Grove as there were only two properties originally and this has been increased with the development already undertaken from the two original houses Imps Camp and Nathilda. No route to the main sewer so will have to link to other properties or have a tank. We understand that there have been 'water/flood' issues since Thornfields was built impacting on neighbouring properties.</li> <li>• 5. The Agent has stated 0.1 mile from the bus stop and Post Office (there hasn't been a PO in Cold Norton for many years) and close links to Chelmsford with trains into London – there is not a direct bus service to Chelmsford (several changes required) in practice it is in fact very limiting therefore is not adequate to provide a 'home to work' service at the times required for a usual workday. Therefore, elements of this application need to be reviewed in 'real' terms.</li> <li>• 6. There are concerns re traffic/access as with two 4/5 bedroom houses there could be 8 – 10 cars on this site.</li> </ul>	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No comments received but raised no objection to previous application, subject to conditions relating to cycle parking and Residential Travel Information Pack.	Noted
County Ecologist	No objection subject to securing: a) a proportionate financial contribution towards Essex Coast RAMS b) biodiversity mitigation and enhancement measures	UU secured for RMAS mitigation and biodiversity conditions recommended.
Tree Consultant	The site is bordered by trees particularly to the North of the site. The proposed properties are in the centre of the site and therefore there is limited likelihood of direct impacts to the retained trees adjacent. The main access route into site however would be within the Root Protection Areas (RPA) of a number of, what look from a desktop study to be, mature trees of a significant size. It is unclear if category A and B trees will be impacted by the works. Given the likelihood that trees will be significantly impacted by these works it is recommended that an objection is raised on arboricultural grounds. If the application is resubmitted it is recommended that as a minimum an Arboricultural Impact Assessment in line with BS5837 (2012) is submitted as part of the application.	
Archaeology	There is no known archaeology on the site,	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	and the scale of the proposed development is unlikely to significantly impact any unknown archaeology that might be present. No archaeological recommendations will be made with respect to this proposal	
Natural England	It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment. Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority , and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this	UU secured for RMAS mitigation and biodiversity conditions recommended.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance. Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on other statutorily protected sites.	

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	There is already an extant planning permission on this site, with one of three properties already built. Therefore I have no objections to the proposal subject to the subject to conditions relating to construction management plan and surface water and foul drainage.	Noted

### 7.4 Representations received from Interested Parties

- Contrary to policy.
- Destruction of natural habitats, loss of green spaces, and potential harm to wildlife.
- Current road network already congested, and the proposed development would exacerbate the problem.
- Overdevelopment
- Scale and design of do not align with existing character
- Proposed development will overshadow nearby properties, leading to a loss of privacy
- Increased noise pollution
- Proper consultation and engagement with the community have not been undertaken
- The application is outside the defined settlement boundary.
- Local infrastructure, including transportation, sewage systems, and utilities not equipped to handle the increased demand School is oversubscribed and there is no doctors, bus route is not regular.

- Septic tanks will again reduce the amount of ground that surface water can run into causing further flood risk.
- Mains sewerage system already backs up during wet seasons

## **8 PROPOSED CONDITIONS**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 201, 202 P2, 203 Rev2, and 204  
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include details of:
  - A. The parking of vehicles of site operatives and visitors
  - B. Loading and unloading of plant and materials
  - C. Storage of plant and materials used in constructing the development
  - D. The erection and maintenance of security
  - E. Wheel washing facilities
  - F. Measures to control the emission of dust and dirt during construction.REASON: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to comply with Policy D2 of the Maldon District Local Development Plan 2017.
4. No development shall take place until details of the existing and proposed ground levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried-out and retained in accordance with the approved details.  
REASON: In the interest of local amenity and in accordance with Policy D1 of the Maldon District Local Development Plan (2017).
5. No development above ground level shall take place until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
  - Discharge rates/location
  - Storage volumes
  - Treatment requirement
  - Detailed drainage plan
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests shall be carried out upon the subsoil in accordance with DG 365 2016.

REASON: To ensure the effective management of known flood risks on the site and in accordance with the policy D5 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

6. Prior to first occupation of the development a drainage maintenance plan shall be submitted to and agreed in writing, by the local planning authority. The plan shall include details of maintenance arrangements including who is responsible for different elements of the surface water drainage system, the maintenance activities and their frequencies.

REASON: To ensure the effective management of known flood risks on the site and in accordance with the policy D5 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

7. No development above ground level shall take place until details of a foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall thereafter be retained in accordance with the approved details.

REASON: To minimise the risk of pollution in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

8. No development above ground level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i. Proposed finished levels contours
- ii. Hard surfacing materials
- iii. Planting details.

The soft landscape works shall be carried out as approved no later than the first available planting season (October to March inclusive) following the occupation of the development and shall be retained thereafter in accordance with the approved details. If within a period of five years (from the date of the planting) 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 within a period of 21 days and will be retained thereafter.

The hard landscape works shall be carried out as approved and thereafter retained in accordance with the approved details.

REASON: In the interest of local amenity and in accordance with Policy D1 of the Maldon District Local Development Plan (2017).

9. 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 with or without modification) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: To prevent potential harm from over development of the site and in accordance with Policy D1 of the Maldon District Local Development Plan (2017).

10. 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 with or without modification) no further dormer windows or other form of addition or opening shall be constructed in the roof of the dwelling hereby permitted without planning permission having been obtained from the local planning authority.

REASON: To prevent any impression of overlooking to the occupiers of neighbouring dwellings and in accordance with Policy D1 of the Maldon District Local Development Plan (2017).

11. The external surfaces of the development hereby permitted shall be constructed with the materials shown on plans hereby approved and specified in the submitted planning application form.

REASON: In the interest of local amenity and in accordance with Policy D1 of the Maldon District Local Development Plan (2017).

12. No development shall take place including any works of demolition until details of a Construction Environmental Management Plan (CEMP: Biodiversity) have been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including precautionary method statements for Great Crested Newts, reptiles and small mammals.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

13. No development shall take until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

14. No development above ground level shall take until details of a lighting design scheme for biodiversity have been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important

routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

REASON: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policy D2 of the Maldon District Local Development Plan 2014 - 2029.

16. Prior to the occupation of any part of the development hereby permitted details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority. 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.

17. 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.

## **INFORMATIVES**

- In order to satisfy condition 5 (SuDS) the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.
- Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is

designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

- The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site, then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection is possible.
- Where the local planning authority accepts discharge to an adopted sewer network the developer will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- The foul drainage for each dwelling must either be connected to mains drainage or a small sewage treatment plant of adequate capacity for the dwelling. Any small sewage treatment plant installed must discharge treated effluent in a manner which complies with the "General Binding Rules" at the time of installation.
- The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

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