

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

DIRECTOR OF STRATEGY AND
RESOURCES
Paul Dodson

03 September 2024

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 11 SEPTEMBER 2024** at **7.30 pm**

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

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

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

A copy of the agenda is attached.

Yours faithfully

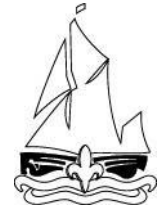


Director of Strategy and Resources

COMMITTEE MEMBERSHIP:

CHAIRPERSON	Councillor M E Thompson
VICE-CHAIRPERSON	Councillor M F L Durham, CC
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 11 SEPTEMBER 2024

1. **Chairperson'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 14 August 2024 (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. **23/00977/OUT Land adjacent The Owls, Woodham Road, Stow Maries** (Pages 11 - 34)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)*.

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

Note:

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

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

NOTICES

Recording of Meeting

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

Fire

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

Health and Safety

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

Closed-Circuit Televisions (CCTV)

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

Lift

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

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

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

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

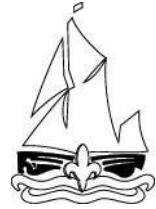
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

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

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

This page is intentionally left blank



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
14 AUGUST 2024**

PRESENT

Chairperson	Councillor M E Thompson
Vice-Chairperson	Councillor M F L Durham, CC
Councillors	J C Hughes, C P Morley and L L Wiffen

254. CHAIRPERSON'S NOTICES

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

255. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S J N Morgan, R H Siddall, E L Stephens and S White.

256. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 17 July 2024 be approved and confirmed.

257. DISCLOSURE OF INTEREST

Councillor M F L Durham declared a pecuniary interest in agenda item 5. 24/00360/VAR - Warren Pit, Herbage Park Road, Woodham Walter, Essex, CM9 6RJ, due to him acting as the agent for the applicant. Councillor Durham confirmed that he would speak as the agent and then leave the Chamber.

258. 24/00360/VAR - WARREN PIT, HERBAGE PARK ROAD, WOODHAM WALTER, ESSEX, CM9 6RJ

Application Number	24/00360/VAR
Location	Warren Pit, Herbage Park Road, Woodham Walter, Essex, CM9 6RJ
Proposal	Variation of condition 6 on approved application 16/01373/FUL (28 new holiday lodges with associated infrastructure and access). Variation seeks to alter Condition 6 to allow the siting of a single storage shed for each lodge.
Applicant	The Warren Golf & Country Club Ltd.
Agent	Frederick Lewis Limited

Target Decision Date	19.08.24
Case Officer	Lisa Page
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Member call in – Councillor S J N Morgan regarding policies S1, S2, S3, E43 and H4

Following the Officer's presentation, the Agent, Mr Durham, a Supporter, Mr Edwards, and Woodham Walter Parish Council representative, Councillor Rushton, addressed the Committee.

At this point of the meeting and in accordance with his earlier declaration Councillor Durham left the Chamber and did not return.

Councillor J C Hughes proposed to approve the application in accordance with the Officer's recommendation, which was duly seconded.

Officers clarified that the application was for 28 lodges not 48 as cited by the Officer in her presentation and confirmed that there was a licence issued at the site for the use, however, this wouldn't take precedent over the planning condition.

There being no further discussion the Chairperson put the proposal of Councillor Hughes to the Committee and upon a vote being taken, this was agreed.

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

1. The development hereby permitted shall be carried out in accordance with the approved plan: - WLPGS033 REV 3 (16/01373).
2. No holiday lodges shall be used as a person's sole or main place of residence and shall be used for holiday purposes only.
3. With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents, garden paraphernalia, or similar items shall be erected or placed on the site without the prior approval in writing of the local planning authority with the exception of a single storage shed no greater than 2.5m x 4metres and no greater than 4metres from each lodge.
4. The holiday lodges shall not be used for human habitation between 15 January and 28 January (inclusive).
5. The owners / operators of the site shall maintain an up-to-date register of the names of all owners / occupiers of individual holiday accommodation units on the site, dates of arrival and departure from the site, and their main home addresses. The register shall be made available at all reasonable times for inspection and copying by the Local Planning Authority for record keeping purposes.
6. Notwithstanding the provisions of the Caravan Sites and Control of Development Act 1960, the location and siting of any holiday lodge shall only be in accordance with the approved layout plan. No new or replacement holiday lodge, chalet, mobile home or similar shall be placed upon the site other than of a design and form first agreed in writing by the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected at the site without the prior grant of planning permission by the local planning authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no hardstanding, access road or similar hard surface shall

be laid at the site without the prior approval in writing by the Local Planning Authority.

There being no other items of business the Chairperson closed the meeting at 7.47 pm.

M E THOMPSON
CHAIRPERSON

This page is intentionally left blank



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
11 SEPTEMBER 2024**

Application Number	23/00977/OUT
Location	Land adjacent The Owls, Woodham Road, Stow Maries
Proposal	Outline planning application with all matters reserved apart from access for the erection of two residential dwellings.
Applicant	Mr and Mrs Willmott
Agent	Mr Andrew Loader – Rachel Furze Design Ltd
Target Decision Date	13 September 2024
Case Officer	Juliet Kirkaldy
Parish	STOW MARIES
Reason for Referral to the Committee / Council	Member Call In Councillor S J N Morgan – Policies S1, S7 and H7 This application is different to previous refused application 22/01184/OUT. Members should have an opportunity to compare and contrast the two applications to assess whether the latest application has overcome the objections to the first one.

1. RECOMMENDATION

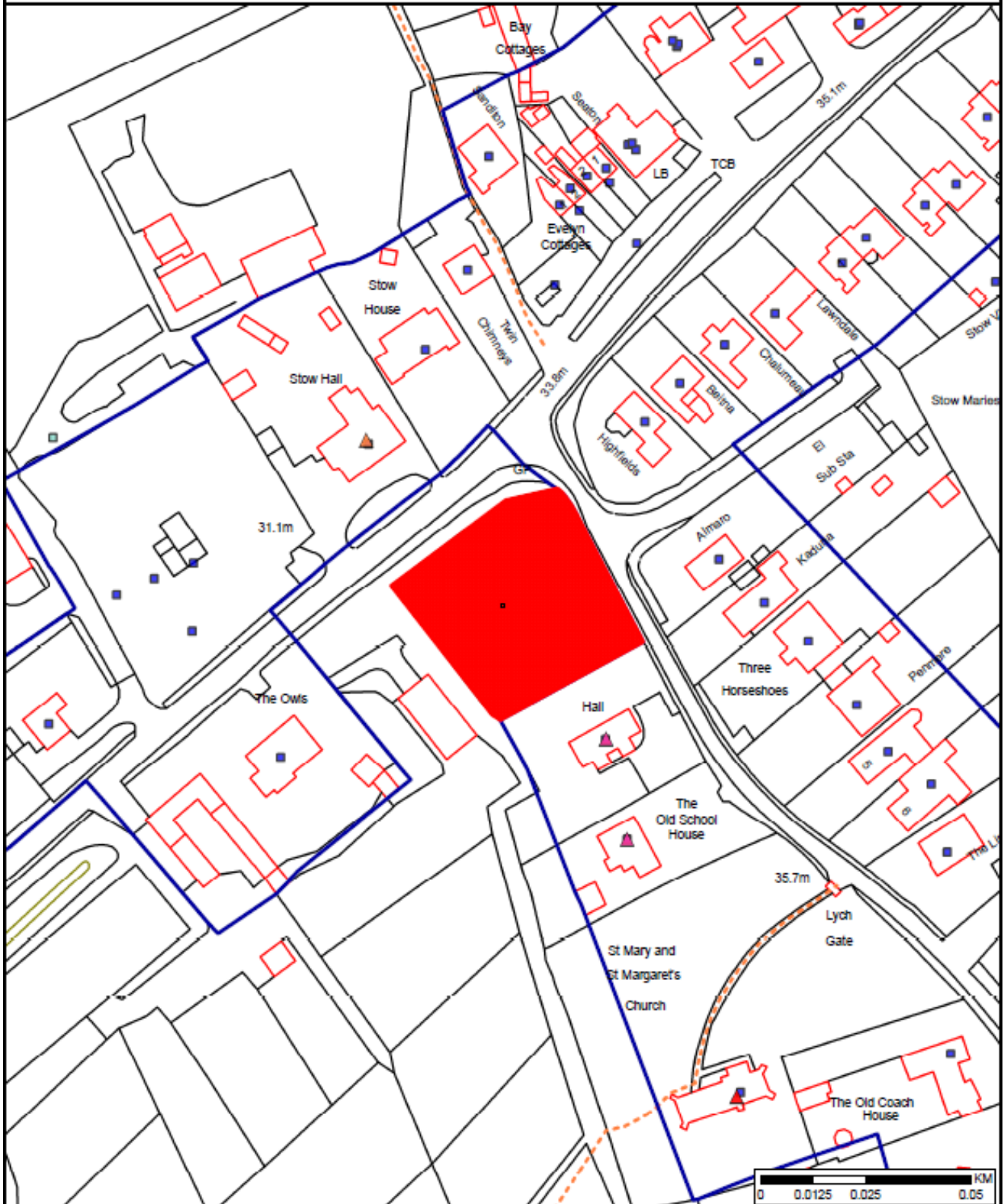
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

Land Adjacent The Owls - Woodham Road - Stow Maries

23/00977OUT



Copyright

For reference purposes only.
No further copies may be made.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	North West Area Committee
Date:	21/08/2024
MSA Number:	100018588

3. SUMMARY

3.1 Site Description

- 3.1.1 The application site is situated outside of, but adjacent to the defined settlement boundary. It is situated on a corner plot to the south of Woodham Road and to the west of Church Lane. To the north west of the site, on the opposite side of Woodham Road is a grade II listed building and to the south east of the site is Smythe Hall, which is locally listed and a non-designated heritage asset.
- 3.1.2 The site extends to 0.19ha and is currently used as a grass paddock associated with 'Owls' a 1.5 storey residential dwelling on Woodham Road to the south of the site. The surrounding area is predominately residential with single storey dwellings immediately opposite to the site on Church Lane and two storey dwellings opposite to the site on Woodham Road. The site is bounded by an ancient hedgerow, as protected by Hedgerow Retention Notice HRN/MAL/01/00939.
- 3.1.3 The site is situated within Flood Zone 1 (Low Risk of Flooding) and has no specific designation on the proposals map of the approved Local Development Plan (LDP).

3.2 Proposal

- 3.2.1 Outline planning permission with all matters reserved apart from access is sought for the erection of two dwellings.
- 3.2.2 The indicative Block Plan proposes two detached 'L' shaped dwellings arranged around a central courtyard with a single access proposed to be gained from Church Lane.
- 3.2.3 Applications for outline planning permission seek to establish whether the scale and nature of the proposed development would be acceptable to the local planning authority before a fully detailed proposal is put forward.
- 3.2.4 The application is supported by the following documents:
- Location Plan
 - Outline Resubmission Statement
 - Design and Access Statement
 - Transport Assessment
 - Access Appraisal Drawing
 - Indicative Perspective
 - Existing Block Plan
 - Preliminary Ecological Appraisal
 - Flood Risk Assessment
 - Heritage Statement
- 3.2.5 Planning permission (22/01184/OUT) has recently been refused (decision issued 27 July 2023) on the site for '*outline planning permission with all matters reserved apart from access for the erection of 3 dwellings*'.
- 3.2.6 The application (22/01184/OUT) was refused for the following reasons:
1. *The site is outside of the defined settlement boundary and is located where occupiers of the proposed dwelling would be reliant on the use of private*

vehicles to gain access to everyday services and facilities. The development would therefore be unsustainable and is contrary to Policies S1, S8, and T2 of the Maldon District Local Development Plan (2017) and paragraphs 7, 8, 104, 105 and 110 of the National Planning Policy Framework (2021).

2. *The proposed development would consolidate built form along Woodham Road eroding the open spacious character which contributes to the street scene altering the existing rural character of the site. The proposal would result in material harm to the character and appearance of the site and surrounding area. The development is therefore contrary to Policies S8, and D1 of the Maldon District Local Development Plan (2017) and paragraph 130 of the National Planning Policy Framework (2021).*
3. *The creation of an access within the location proposed when provided with the necessary visibility splays would lead to an unacceptable loss of hedgerow which is a strong landscape feature, and which is protected by a Hedgerow Retention Notice. The development is therefore contrary to Policies S8 and D1 of the Maldon District Local Development Plan (2017).*

3.2.7 Following the refusal, a further application was submitted (reference 23/00817/OUT) for 'outline planning application with all matters reserved apart from access for the erection of 3 no. dwellings'. The Council invoked section 70B of the Town and Country Planning Act 1990 (as amended) and declined to determine the application stating in the report that, 'The applicant has submitted a second application during the timeframe in which the previous application could be appealed, and it is considered that the amendments made under the second application do not materially change the scheme that was refused, so in essence, the scheme presented is the same as the previously refused scheme'.

3.2.8 A further application was submitted (current application pending consideration) and a decline to determine decision was issued with the Officer report stating, 'The applicant has submitted a third application during the timeframe in which the previous first application could be appealed, and it is considered that the amendments made under the third application do not materially change the scheme that was refused, so in essence, the scheme presented is the same as the previously refused scheme'. However, this decision was subject to judicial review and was subsequently quashed by the High Court in March 2024. The Council is therefore proceeding with determination of the application accordingly.

3.2.9 The statement submitted within the current application states, 'as part of this resubmission, the applicant is proposing an additional 135 metres / 443ft long stretch of native hedging along the southern boundary of their land ownership'. This is illustrated on drawing (reference 2201-P20-02). Officers note that the proposed '135 metres of native hedging' is situated outside of the red line plan.

3.2.10 The statement further states in paragraph 6.2, 'The scheme has been reduced in scale from 3no. dwellings to 2no. dwellings. These are both proposed as 3 bedroom dwellings having regard to the Councils LHNA which has the biggest requirement for 3 bed dwellings (40-50%).' The description of the proposal is for 'outline planning application with all matters reserved apart from access for the erection of two residential dwellings'. The housing mix is therefore only indicative at this stage.

3.3 Planning History

3.3.1 Planning permission has previously been refused on the site for the 'erection of two detached single storey dwellings and associated garaging' (reference 01/00071/OUT).

3.3.2 The reasons for refusal stated the following:

1. *The proposed development would be located in part of the Maldon Districts rural area without justification. The application site is also located in part of the District Coastal Protection Belt and Woodham Scarp/Upper Crouch Estuary Special Landscape Area which imposes a further level of restraint on new development. The dwelling proposed would, therefore, be contrary to Structure Plan Policies, S10, NR18, NR12 (Woodham Scarp/Upper Crouch Estuary) NR18 and Local Plan Policies, M/GEN1, M/NE/10, M/NE/12, M/NE/13 (Woodham Scarp/Upper Crouch Estuary)*
2. *The dwellings due to their location would be detrimental to the character and appearance of the rural area within which the site is located and represent an undesirable consolidation of the existing ribbon development in the vicinity of the application site contrary to Structure Plan Policies S10, NR18, NR12 (Woodham Scarp/Upper Crouch Estuary).*
3. *The proposal, if permitted, would be a precedent for further development of a similar nature elsewhere in the locality, contrary to the local planning authority's policy for this area.*

3.3.3 The application was subsequently appealed (APP/X1525/A/01/1063209) and dismissed by the Planning Inspector.

3.3.4 Planning permission has also previously been refused for a proposed access off Church Lane (04/00530/FUL). The reason for refusal stated the following:

1. *The Council considers that the creation of an access within the location proposed when provided with the necessary visibility splays would lead to an unacceptable loss of hedgerow which is protected by a Hedgerow Retention Notice.*

3.3.5 The application was subsequently appealed (APP/X1545/A/04/1164434) and dismissed by the Planning Inspector.

3.3.6 These above appeals are a material consideration in assessing the current application.

3.4 Conclusion

3.4.1 The site is situated outside of the defined settlement boundary and therefore is in principle contrary to policies that seek to direct new residential development to established settlements. Prospective occupants of the site would be strongly reliant on the private vehicle to access services and facilities increasing carbon emissions given the limited bus service through the village. The proposal would have limited economic and social benefits given the scale of the development proposed. The necessary financial contribution towards the Essex Coast Recreational Disturbance and Avoidance and Mitigation Strategy (RAMS) has not been secured. As a result, the development would have an adverse impact on European designated nature conservation sites. The proposal would also result in the loss of ancient hedgerow (protected by a Hedgerow Notice) along Church Lane to facilitate the vehicular access and required visibility splays, this would result in detrimental harm to the character and appearance of the area. The indicative block plan submitted suggests that the development would have a poor relationship with the street scene given its positioning of dwellings backing onto Woodham Road and Church Lane. The layout would be constrained by the single vehicular access proposed. Furthermore, the proposal would consolidate built form along Woodham Road eroding the open spacious character which currently contributes to the street scene.

3.4.2 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 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 11-14 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications.
- 55-58 Planning conditions and obligations
- 82-84 Rural housing
- 108-111 Promoting sustainable transport.
- 123-127 Making effective use of land.
- 128-130 Achieving appropriate densities.
- 131-141 Achieving well designed and beautiful places.
- 157-175 Meeting the challenge of climate change, flooding and coastal Change.
- 180-194 Conserving the natural environment.
- 195-214 Conserving and enhancing the historic environment.

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide

- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that ‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’ and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 ‘Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations’.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 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 dwellings but does allow (m) development which complies with other policies of the LDP.

Five-Year Housing Land Supply

- 5.1.5 As per Paragraph 75 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council 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.
- 5.1.6 On 28 May 2024, the Council confirmed, through approval of its officers report and supporting evidence, that it can demonstrate a supply of specific, deliverable sites sufficient to provide for 6.3 years’ worth of housing against the Councils identified housing requirements. The published figure for the year 2023 / 24 was 6.35. However, it should be noted that this is not a ceiling to development as the Council is required to approve housing development in a sustainable manner, having regard to the government’s drive to meet housing demand, where any identified harm caused by a development is outweighed by the benefits of the scheme and any other material considerations. In addition, maintaining a balance of delivery of housing on

the ground, and approval of new permissions, is necessary for the Local Planning Authority to demonstrate that it is being consistent with national policy.

Housing Provision and Mix

- 5.1.7 The NPPF is clear that housing should be provided to meet an identified need.
- 5.1.8 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.1.9 The LHNA is wholly compliant with the latest NPPF (2023) and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.1.10 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one bedrooms, 25-35% two bedrooms, 40-50% three bedrooms and 15-25% for 4+ bedroom market dwellings.
- 5.1.11 The indicative plans suggest that the proposal would provide two dwellings (3 bedroom). Although this would support the need for three-bedroom dwellings in the District however, this contribution would be very limited given the scale of the proposal.

Sustainable Development

- 5.1.12 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimension

- 5.1.13 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.
- 5.1.14 The application site is located in Stow Maries. This is identified as a 'smaller village' in the settlement hierarchy of the approved LDP. Paragraph 2.102 of the adopted LDP refers to 'smaller villages' and states these are, '*defined settlements containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities*'.
- 5.1.15 There are limited facilities available in Stow Maries. There is an unlit pavement to Cold Norton (approximately 30 minute walk according to Google maps) however, this is also identified as a 'smaller village' with few services and facilities (village shop, public house). Therefore, future occupants of the site would inevitably be reliant on the private vehicle to access services and facilities to meet day to day needs in the

towns of Maldon (approximately 6 miles) and South Woodham Ferrers (approximately 2.4 miles). This would increase carbon emissions with associated vehicle movements.

- 5.1.16 The submitted Transport Assessment (prepared by SLR dated Nov 2022) refers to bus accessibility and states, *'the nearest bus stops to the application site are located approximately 125 metres to the east on The Street at the garage. The Garage opp.stop (westbound) provides a bus shelter with passenger seating, a bus flag and timetable information whilst the Garage o/s stop (eastbound) East provides a bus flag'*.
- 5.1.17 Table 4.1 of the Transport Assessment refers to the local bus services. The 100 (Fords of Althorne), 593 (Stephensons), FC01 (Fords of Althorne) operate 1 bus a day. This is a limited bus service which would restrict opportunities to use public transport to meet the day to day needs of the future occupiers of the proposed dwellings.
- 5.1.18 Whilst existing residents in this part of the district may rely on the private car, this would not be justification for allowing additional dwellings in an essentially unsustainable location.
- 5.1.19 In considering the refused planning application at the site (01/00071/OUT) the Planning Inspector referred in the appeal decision (APP/X1525/A/01/1063209) to the sustainability of the site and stated, *'I consider it likely that the occupants would rely on the private car for access to employment, shops, schools, medical services and other facilities. Notwithstanding the small scale of development, I consider it contrary to the aim of criterion 2 of Policy CS4, and Policy H2 of the RSP to encourage accessibility by sustainable means of transport. It would also be contrary to an objective of national policy, as identified most recently in PPG: 13 Transport, to reduce the need to travel especially by car'*.
- 5.1.20 Therefore, future occupants of the proposed development would have limited sustainable travel choices to access services and facilities with an infrequent bus service. Prospective occupiers would inevitably be reliant on the private vehicle increasing carbon emissions in conflict with the NPPF and T1 and T2 of the approved LDP.

Social Dimension

- 5.1.21 The development would contribute towards the supply of housing within the District. This matter weighs in favour of the proposal but is limited as only two additional dwellings are proposed.
- 5.1.22 As discussed above, the proposed two (three-bedroom) dwellings would contribute positively to the identified housing need and be responsive to local circumstances, which weighs in favour of the proposal. However, the social benefits of the residential development proposed would not be significant as only two dwellings are proposed.
- 5.1.23 It is considered that the proposal would have a limited positive impact in regarding to housing supply.

Economic Dimension

- 5.1.24 The development would make a positive contribution to the local economy through the construction of the two dwellings and additional custom for existing businesses, however, as only two dwellings are proposed, this contribution would be limited.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be 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 enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.4 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5 The application is in outline form with only the matter of access for consideration. Layout, scale, landscaping and appearance have been reserved for future consideration and therefore, if the application is approved, these matters would form part of a reserved matters application.
- 5.2.6 The application site is currently a grass paddock associated with 'Owls' a 1.5 storey residential dwelling adjoining the site to the south on Woodham Road.
- 5.2.7 The indicative Block Plan proposes 2 detached 'L' shaped dwellings.
- 5.2.8 The site is enclosed by a post and rail fence and is bounded by an ancient hedgerow, as protected by Hedgerow Retention Notice HRN/MAL/01/00939.
- 5.2.9 The hedgerow along the boundary of Plot 2 with Church Lane is proposed to partially be retained however, on the junction with Church Lane and Woodham Road it is proposed to be removed to facilitate visibility splays for the proposed access. The indicative layout plan proposes the planting of a new hedge boundary which would create a wide grass verge between the site (Plot 1) and Church Lane / Woodham Road. An indicative perspective has been provided illustrating a potential view along Church Lane towards Woodham Road and Stow Hall and the proposed open frontage (drawing 2201-P-90-01 Rev C).

- 5.2.10 The Planning Inspector who considered the appeal (APP/X1545/A/04/11644434) for the refused application (04/00530/FUL) for a vehicular access along Church Lane referred to the ancient hedgerow and stated that, *'it is sufficiently dense to be regarded as a strong landscape feature which contributes to the street scene and rural feel of the village. The proposal would harm the appearance of the area and historic importance of the hedgerow'*. The proposed vehicular access for the current application is situated approximately 30 metres north of that considered in the previously refused application (04/00530/FUL). Therefore, similar conclusions can be drawn regarding the contribution it makes to the street scene and that it is a 'strong landscape feature'. The proposed removal of the hedgerow to facilitate a vehicular access and visibility splays would harm the appearance of the area and historic importance of the hedgerow.
- 5.2.11 Stow Maries is characterised predominately by dwellings fronting onto Woodham Road and Church Lane in a linear arrangement, reflecting its organic growth. The submitted proposal for a 'courtyard' form of development would detract from the prevailing character evident. The submitted statement refers to the development of 4 dwellings opposite the site, situated along a private road off Church Lane and states in paragraph 4.19 *'These dwellings all have their rear elevations and gardens facing The St, with access gained from behind off Church lane. Exactly the situation described by the Officer in the extract above and noted as not relating well to its context'*. Officers note that although these dwellings do not front onto Woodham Road and Church Lane, they do reflect the linear form of development evident in the village of Stow Maries and have a frontage onto the private road.
- 5.2.12 No indicative elevations have been provided therefore Officers are unable to comment on the proposed external appearance of the dwellings and if they are compatible with the street scene. However, this would be a matter for a reserved matters application if the application were to be approved. There is concern that the indicative block plan illustrates that the dwellings proposed for Plot 1 and Plot 2 would appear to back onto Woodham Road and Church Lane creating a poor relationship with the street scene. Therefore, there is concern that the proposed development would not relate well to its context.
- 5.2.13 The submitted statement states, *'The suggested mix of single and 1.5 storey building heights reflects the variety of surrounding development and its scale.'* It refers to the proposed materials stating, *'high quality materials such as red brick tile and slate would pick up on the surrounding properties'*. The materials proposed would be compatible with the character and appearance of the surrounding area.
- 5.2.14 The Landscape Character Assessment identifies the site as being situated on the border of the 'Fambridge Drained Estuarine Marsh' and 'East Hanningfield Wooded Farmland Plateau' character areas. Both character areas are identified as having an 'overall high sensitivity to change'. A key characteristic of the 'East Hanningfield Wooded Farmland Plateau' includes, *'pockets of pasture and pony paddocks'* with a visual characteristic of, *'open and framed views to wooded horizon, both within the character area and adjacent landscape character area'*.
- 5.2.15 Although the indicative layout plan proposes that the dwellings would be positioned set back from the boundaries of the site particularly Church Lane and Woodham Road, the development would be visible along The Street. Currently, the undeveloped site and its visual association with the wider rural landscape contributes to the overall character and street scene. There are views of the site particularly when travelling in a southerly direction along Woodham Road and glimpses beyond of the wider open countryside. The proposed development would erode this open spacious characteristic, resulting in sporadic development, sprawling beyond the

defined development boundary into the countryside. Furthermore, the site currently provides separation from the built form to the east of Church Lane and the 'The Owls' to the west. The submitted proposal would consolidate the built form along this part of Woodham Road.

- 5.2.16 It is noted that the previous appeal (APP/X1545/A/01/1063209) on the application site (following refusal of 01/00071/OUT) was considered over 20 years ago, however, Officers consider that the Planning Inspector's conclusions regarding the characteristics of the site and surrounding area are still of relevance in assessing this current application.
- 5.2.17 The Planning Inspector stated, *"the village of Stow Maries is situated on a ridge of land about the River Crouch, with fine views over the river and farmland to the south, east and west. The main part of the settlement has developed in a linear fashion along the main route through the village, formed by Woodham Road and The Street and along the minor road, Church Lane. Further to the south west, additional houses and a public house stretch in ribbon form along both sides of Woodham Road"*.
- 5.2.18 The Planning Inspector further stated, *"in my opinion, the undeveloped nature of the appeal site enables the countryside to penetrate into the heart of the village and the hedgerows form a strong landscape feature. The appeal site is a substantial area of land and I consider that the open land behind landscaped boundaries makes a valuable contribution to the form and rural feel of the village. Consequently, the proposed residential development would bring a fundamental and harmful change, despite the low profile of the buildings. Furthermore, there would be a significant loss of the hedgerow on the Church Lane boundary in order to create the access with adequate visibility."*
- 5.2.19 The Planning Inspector further acknowledged the wider contribution the site makes in terms of a visual gap stating, *"In views of the village from the public footpath to the south west, the appeal site is seen within the context of the surrounding built development and landscape. I consider it forms an important visual gap between The Owls and Stowe Hall, with the land rising towards the church, the focal point. The belt of planting between the development along Church Lane and the adjoining grazing land forms a strong landscape feature. The proposal would detract from the open pattern of development on this side of Stow Maries."* The Planning Inspector concluded that the proposal would, *"cause significant harm to the character and appearance of Stow Maries and the surrounding rural area"*.
- 5.2.20 In summary, although the scheme is outline, there is concern that the proposed layout constrained by the single access proposed, would detract from the prevailing linear character of development evident in Stow Maries. The proposal would result in the loss of ancient hedgerow to facilitate the visibility splays which would cause demonstrable harm to the character and appearance of the area given it is a 'strong landscape feature'. The indicative block plan suggests that the development would have a poor relationship with the street scene given its positioning of dwellings backing onto Woodham Road and Church Lane. Furthermore, the proposal would consolidate built form along Woodham Road eroding the open spacious character which contributes to the street scene. The proposal would result in material harm to the character and appearance of the site and surrounding area.
- 5.2.21 It is considered that the proposal would conflict with the NPPF and Policies S1, S8, D1 and Policy H4 of the approved LDP.

Archaeology and Setting of Heritage Assets

- 5.2.22 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Policy D3 of the LDP seeks to ensure that development proposals affecting a heritage asset and / or its setting will be required to preserve, enhance its special character, appearance, setting including its streetscape and landscape value and be supported by a Heritage Statement.
- 5.2.23 Policy D3 also states where development may affect archaeology or standing archaeology an assessment from an appropriate specialist source should be carried out. The assessment should be carried out at an early stage of the planning process to identify likely impact on known or potential heritage assets and assess their significance.
- 5.2.24 There is a Grade II listed building (Stow Hall) opposite the site on Woodham Road. To the southeast of the site is Smythe Hall which is a locally listed building and is regarded as a non-designated heritage asset for the purposes of paragraph 203 of the NPPF.
- 5.2.25 The Specialist – Heritage and Conservation has been consulted and commented that, *‘The application site has no known historic functional relationship with Stow Hall. There are views of Stow Hall from and across the application site. In recent years, the hedges around the application site have been allowed to become quite dense. The vegetation has interrupted the views of Stow Hall from the south to a varying extent throughout the year. There are still filtered views in the Winter months but when I visited the site earlier this week the hedges surrounding the site interrupt / obscure many of the views of the listed house from the south. In consideration of the above, the contribution of the application site to the significance of Stow Hall is modest. The site’s value is limited to the way in which its undeveloped nature permits some longer views of the listed building from the south, and to the extent that it helps maintain part of the listed building’s rural village setting’.*
- 5.2.26 The Specialist – Heritage and Conservation refers to the relationship of the site with Smythe Hall and states, *‘the site makes a modest contribution to the building’s significance as part of its rural village setting’.*
- 5.2.27 In summary the Specialist - Heritage and Conservation has raised no objection to the proposal stating, *‘the outline proposal should result in no harm to the significance of the nearby heritage assets. If outline permission is granted, the layout, scale, materials and detailing of the proposed houses and their associated surface and boundary treatments would need to be carefully assessed at reserved matters stage to ensure that these aspects of development were sympathetic’.*
- 5.2.28 The Archaeology Officer has been consulted and stated that, *‘The site is located between Stow Maries Church which is Grade II* listed and 14th century in date and Stow Hall which is an early 17th century timber framed house. Stow Maries is mentioned in the Domesday Book as Fenne and is first recorded as Stowe in 1222. The proposed development is therefore located in the heart of the historic settlement of Stow Maries’.* The Archaeology Officer has commented that prior to commencement a programme of archaeological investigation should be undertaken, to be secured by condition.
- 5.2.29 The proposal accords with the NPPF and Policy D3 of the approved 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 Maldon District Design Guide (2017).
- 5.3.2 Objection representations have been received from neighbouring properties.
- 5.3.3 The application site is outline in nature, with matters relevant to the impact of the development on the neighbouring residential occupiers, such as scale, appearance and layout being reserved for future consideration. Although it should be noted that if this application were approved there would be little scope for significant amendments to the layout of the site given the single access point proposed which would constrain the layout of the proposed development.
- 5.3.4 The nearest neighbouring dwelling 'The Owls' is situated approximately 30 metres adjacent to the south of the site. On the indicative layout there is a similar distance of separation (30 metres) with Plot 1 and 7 Woodham Road which is situated opposite to the site, separated by Woodham Road and Plot 2 and 3 Church Lane. Given the distance of separation proposed it is not considered that the proposal would give arise to a detrimental impact on neighbouring amenity.
- 5.3.5 The Environmental Health Officer has been consulted and raised no objection in terms of impact on neighbouring amenity subject to conditions relating to submission of a construction management plan.
- 5.3.6 The proposal as far as can be determined at this stage would not conflict with Policies D1 and D2 of the approved LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The NPPF states in paragraph 111 that, '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety*'.

Parking Provision

- 5.4.3 The submitted Planning Statement refers to a proposal for two 3 bedroom dwellings and states that, '*parking for dwellings would be provided within the site in accordance with the relevant standards*'.
- 5.4.4 Vehicle parking provision would be considered in detail by way of reserved matters application if permission were to be granted.
- 5.4.5 The indicative Block Plan does not indicate the proposed parking spaces and therefore Officers are unable to assess if the size of the spaces would accord with standards. However, there appears to be sufficient space within the indicative layout

to provide sufficient car parking spaces to accord with the standards. Therefore, there is no objection in relation to car parking provision.

Access

- 5.4.6 The application proposes a new single access (5.5 metres wide) off Church Lane (eastern boundary of the site). An Access Appraisal drawing (reference 010) has been submitted as supporting documentation.
- 5.4.7 The Highway Authority has been consulted and raised no objection to the proposal subject to conditions relating to submission of a Construction Management Plan, visibility splays, construction of access at right angles, provision of a connecting footway, gates set back 6 metres from highway, provision of cycle parking and travel information packs.
- 5.4.8 The submitted Transport Assessment states that, '*each dwelling within the development will be provided with 1 external fast charging point to meet standards*'.
- 5.4.9 Subject to compliance with the above conditions, the proposed development would accord with NPPF and policies D1 and T2 of the LDP in terms of highway safety and accessibility.

5.5 Private Amenity Space, Landscaping and Trees

- 5.5.1 Policy D1 of the 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 advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings (one / two beds) and 25m² for flats.
- 5.5.2 Policy S1 of the LDP states that decision making should conserve and enhance the natural environment. Policy D1 of the LDP advises that all development must respect and enhance the character and local context and make a positive contribution in terms of landscape, setting, townscape setting and skylines and in terms of the natural environment.
- 5.5.3 The NPPF states in paragraph 136, '*Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible.*'
- 5.5.4 The provision of private amenity space would be considered in detail by way of a reserved matters application if planning permission were to be granted. Based on the indicative layout submitted, the proposed amenity space for each dwelling would be in excess of 100sqm and therefore accords with the above standard as detailed in the adopted MDDG.
- 5.5.5 Landscaping would also be considered at a reserved matters stage, and it would be expected that a condition relating to a full landscaping scheme would be imposed if permission were to be granted.
- 5.5.6 An Arboricultural Impact Assessment (prepared by Southern Ecological Solutions dated 6 November 2023) has been submitted as supporting documentation with the application. The submitted report states, '*The proposed layout will require the removal of 3 individual trees, and 3 dead trees that need to be removed for health and safety. The proposed layout will require the part removal of 2 hedges, a section of H1 and H7 will need to be removed to facilitate the visibility splay at the request of*

the Council's highways department, and a section of H1 which is a low quality hedge and mostly made up of trees T4, T5 and T6, will require removal to facilitate the installation of the entrance. No Root Protection Areas (RPAs) of any retained trees will be incurred into by the design layout. Provided precautions to protect the identified trees are specified and implemented through the measures included in this report; the development proposal will have minimal impact on the retained trees or their wider contribution to amenity and character'. Officers note that the report makes no specific reference to the hedgerow notice.

- 5.5.7 The Council's Arboricultural Consultant has been consulted and commented that, *'new hedges are to be planted as mitigation for these losses. Sufficient details have been provided to indicate that the proposed works can be implemented without impacting the retained trees on site. As some details of the design are still to be finalised a detailed Arboricultural Method Statement and Tree protection plan will be required. Details of the hedge planting will be required to ensure the new hedges are suitable for the site and sufficient maintenance has been provided to allow the trees the best chance of surviving establishment'.*
- 5.5.8 Notwithstanding the comments from the Arboricultural Consultant, Officers remain concerned regarding the extent of hedgerow to be removed (in excess of 20 metres) to facilitate the access and visibility splays and the impact on the character and appearance of the area (as discussed above in section 5.2). As previously defined by a Planning Inspector, it is a 'strong landscape feature' in the area. Although it is noted that additional hedgerow planting (135 metres) is proposed as mitigation for this loss, this is proposed outside of the redline plan and over 130 metres from the application site. No legal agreement has been submitted with the application to secure this mitigation. Furthermore, the mitigation planting would not overcome concerns regarding impact of the removal of hedgerow on the character and appearance of the area.
- 5.5.9 The proposal accords with the adopted MDDG and Policy D1 of the approved LDP.

5.6 Flood Risk and Drainage

- 5.6.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the LDP requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.6.2 A Flood Risk Assessment (prepared by Evans November 2022) has been submitted as supporting documentation.
- 5.6.3 The site is located entirely within Flood Zone 1 and presents a low risk of flooding, there is also a very low to low risk of surface water flood risk across the site.
- 5.6.4 The site is not located in a critical drainage area.
- 5.6.5 The Environmental Health Officer has been consulted and raised no objection subject to conditions relating to surface water drainage, contamination and foul drainage.
- 5.6.6 The proposal accords with policy D5 and S1 of the LDP and the NPPF.

5.7 Natural Environment and Biodiversity

- 5.7.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity*'.
- 5.7.2 Policy S1 of the LDP includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.3 Policy N1 of the LDP 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 of the LDP 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.

Ecology

- 5.7.4 A Preliminary Ecological Appraisal (prepared by T4 Ecology, October 2022) has been submitted as supporting documentation. This has been reviewed by the Ecology Officer who has stated, '*we are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and priority species and habitats and with appropriate mitigation measures secured, the development can be made acceptable*'.
- 5.7.5 The Councils Ecology Officer has highlighted that the Preliminary Ecology Appraisal (prepared by T4 Ecology, October 2022) is technically out of date to support the application, in line with CIEEM Guidance as the initial site visit was undertaken over 20 months ago. However, they have commented that, '*on review of the location it is considered highly unlikely that mobile species may have colonised the site. In addition, the habitat does not appear to have changed from aerial imagery (Google Earth)*'.
- 5.7.6 The Ecology Officer has commented that the mitigation measures identified in the Ecological Appraisal should be secured by a condition and implemented in full to enhance the protected and priority species particularly nesting birds, brown hare and hedgehog.
- 5.7.7 The Ecology Officer has also commented that biodiversity enhancement measures (bat boxes, bird boxes, invertebrate boxes and new tree and hedgerow planting) should be outlined within a Biodiversity Enhancement Strategy which should be secured by a condition.
- 5.7.8 The submitted Ecological Appraisal states that it is likely bats could be foraging/commuting within and around the site. The Ecology Officer has commented that if external lighting is proposed, it is advised a sensitive lighting scheme is implemented to minimise impacts.
- 5.7.9 Subject to imposing of abovementioned conditions the proposal accords with Policy N2 of the approved LDP and the NPPF.

Impact on Designated Sites

5.7.10 The site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The LPA must therefore undertake an HRA and secure a proportionate financial contribution towards the Essex Coast RAMS.

5.7.11 The development will result in the net gain of 2 no. dwellings at the site. This falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and strategy advice, an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

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

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

Does the planning application fall within the following development types? Yes, the development is for 2no. dwellings, and therefore the net increase of dwellings at the site is 2no. dwellings.

Test 2 – The integrity test

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

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

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

5.7.13 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £163.86 (2023-2024 figure) and thus, the developer contribution should be calculated at this figure.

5.7.14 The applicant has failed to submit a signed S106 or Unilateral Undertaking and so the necessary mitigation has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites and the proposal is unacceptable in this regard.

5.8 Planning Balance

5.8.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies. The LPA must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purposes of the planning system, as a material consideration.

- 5.8.2 The key priority within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.8.3 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm identified (if any) arising from the proposed development.
- 5.8.4 With regard to the three tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for the local trade from the development, and the additional units may support local businesses in the vicinity. In terms of the construction of the development there is no guarantee that this would be undertaken by local businesses or use locally sourced materials. Therefore, the economic benefits would be limited given the scale of the development.
- 5.8.5 In social terms, although the Council can now demonstrate that it has a 5-year housing land supply, this can only be maintained by approval of new permissions on suitable sites. Although, the proposal would provide 2 dwellings given the scale of the development the social benefits would be limited.
- 5.8.6 In environmental terms, the site is not located within a sustainable location. The bus service is limited and there would inevitably be a reliance on the private vehicle to access services and facilities in nearby towns and larger villages. This weighs against the proposal in terms of the planning balance. Furthermore, the necessary financial contribution towards Essex Coast RAMS has not been secured. As a result, the development would have an adverse impact on European designated nature conservation sites. The proposal would also result in the loss of ancient hedgerow to facilitate the vehicular access and visibility splays, this would result in harm to the character and appearance of the area. The proposed development would also result in further development in the countryside, therefore having an adverse impact on the environmental objective of sustainable development.
- 5.8.7 In the balancing exercise, it is considered that the harms of the proposal outweigh the benefits and as such the development is unsustainable. The benefits of the development cannot outweigh the conflict with policies S1,S2,S8,D1,D2,H4,N1,N2, T1 and T2 of the LDP.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
92/00630/OUTO	Two detached bungalows	Refused
93/00180/OUTO	Two semi detached bungalows	Refused
01/00071/OUT	Proposed erection of two detached single storey dwellings and associated garaging	Appeal dismissed
04/00530/FUL	New access to land off Church Lane	Appeal dismissed
22/00233/PIP	Land adjacent The Owls Woodham Road	Refused
22/01184/OUT	3 proposed residential	Refused

Application Number	Description	Decision
	dwelling	
23/00817/OUT	Outline planning application with all matters reserved apart from access for the erection of 3 no. dwellings.	Decline to determine.
23/00977/OUT	Outline planning application with all matters reserved apart from access for the erection of 2 no. residential dwellings.	Decline to determine. Decision quashed. Pending consideration

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Stow Maries Parish Council	<p>We recommend the refusal of planning permission.</p> <p>The site is outside of settlement boundary.</p> <p>Access would be very dangerous due to hazardous road junction. Lack of pedestrian accessibility.</p> <p>The site is in a row of significant architectural and historic interest and value. We feel the proposed development would be to the detriment of the area and Policy D3.</p> <p>Loss of ancient hedgerow would fundamentally alter the rural appearance of the site and village. The proposal to replant hedgerow elsewhere is not suitable compensation for loss of ancient and irreplaceable hedgerow.</p>	Noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways	No objection subject to conditions relating to submission of a Construction Management Plan, visibility splays, construction of vehicular access at right angles to the highway, no unbound material, gates to be set back a minimum of 6 metres from edge of carriageway, provision of cycle parking and travel information pack.	Noted and discussed at Paragraph 5.5 of this report.
Archaeology Officer	No objection subject to conditions relating to archaeological assessment and fieldwork programme.	Noted and discussed at Paragraph 5.2 of this report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Specialist – Conservation and Heritage	No objection.	Noted and discussed at Paragraph 5.2 of this report.
Specialist - Ecology	No objection subject to conditions securing a proportionate financial contribution towards Essex Coast RAMs and biodiversity mitigation and enhancement measures.	Noted and discussed at Paragraph 5.7 of this report.
Specialist – Arboricultural	No objection subject to conditions securing submission of an Arboricultural Method Statement and Tree Protection Plan. Landscaping Condition.	Noted and discussed at Paragraph 5.5 of this report.
Environmental Health Officer	No objection subject to conditions relating to submission of a construction management plan, contamination, surface water, foul drainage.	Noted and discussed at Paragraph 5.3 of this report.

7.4 Representations received from Interested Parties (summarised)

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

Objection Comment	Officer Response
Concern regarding inaccuracies in the Transport Statement.	Noted.
The only bus timetable available is for school children. This is not a public service bus timetable.	Noted and discussed at Paragraph 5.4 of the report.
Current infrastructure for electricity is at capacity.	Noted.
The Design and Access Statement submitted refers to 3 dwellings on site.	Noted.
Nearly 50% of ancient hedgerow would be removed creating a vast change in appearance.	Noted and discussed at Paragraph 5.2 of the report.
Concern regarding access and congestion.	Noted and discussed at Paragraph 5.4 of the report.
Concern regarding inadequate parking provision.	Noted and discussed at Paragraph 5.4
Negatively impact on privacy as creation of visibility splays would result in a wide open view giving impression that Church Lane is a larger lane than it is.	Noted and discussed at Paragraph 5.2

8. PROPOSED REASONS FOR REFUSAL

- 1 The site is located outside of a defined settlement boundary and is in open countryside, where policy constraints apply. Future occupants of the site would be heavily reliant on the use of the car to gain access to everyday services and facilities and employment opportunities and as such the proposal does not provide a sustainable form of development. The proposal does not accord with the Councils spatial strategy contrary to Policies S1, S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017) and guidance set out in the National Planning Policy Framework.
- 2 The proposed development would consolidate built form along Woodham Road eroding the open spacious character which contributes to the street scene altering the existing rural character of the site. The proposal would result in material harm to the character and appearance of the site and surrounding area. The development is therefore contrary to Policies S8, and D1 of the Maldon District Local Development Plan (2017) and guidance set out in the National Planning Policy Framework.
- 3 The creation of a vehicular access in the location proposed when provided with the necessary visibility splays would lead to an unacceptable loss of hedgerow which is a strong landscape feature, and which is protected by a Hedgerow Retention Notice. The development is therefore contrary to Policies S8 and D1 of the Maldon District Local Development Plan (2017) and guidance set out in the National Planning Policy Framework.

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

This page is intentionally left blank