

04 August 2026



Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



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

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 12 AUGUST 2026 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

Chief Executive

COMMITTEE MEMBERSHIP:

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



AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 12 AUGUST 2026

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 8)

To confirm the Minutes of the meeting of the Committee held on 15 July 2026 (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. **25/00972/FUL Agricultural Building at Oak Nursery, Hackmans Lane, Purleigh**
(Pages 9 - 28)

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

6. **25/00997/FUL Land adj to Oak Corner Cottage, Southend Road, Woodham**
Mortimer CM9 6TG (Pages 29 - 42)

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

7. **26/00314/FUL 69 East Street, Tollesbury** (Pages 43 - 56)

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

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

Note:

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

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

NOTICES**Recording of Meeting**

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

Fire

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

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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.

DISTRICT AND AREA PLANNING COMMITTEE 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 Development Plans and Other Material Considerations:

Statutory Development Plans

- [Maldon District Local Development Plan 2014-2029](#) - approved by the Secretary of State 21 July 2017
- [Burnham-On-Crouch Neighbourhood Development Plan](#) (Made 7 Sept 2017)
- [Wickham Bishops Neighbourhood Development Plan](#) (Made 30 June 2021)
- [Langford and Ulting Neighbourhood Development Plan](#) (Made 31 March 2022)
- [Great Totham Neighbourhood Development Plan](#) and [Village Design Statement](#) (Made 6 July 2022)
- [Mayland Neighbourhood Plan](#) (Made 25 September 2025)
- [Essex and Southend on Sea Waste Local Plan](#) 2017
- [Essex Minerals Local Plan](#) 2014

Other Material Considerations

Legislation

- [The Town and Country Planning \(Use Classes\) Order 1987](#) (as amended)
- [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](#)
- [Human Rights Act 1998](#)
- [The Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [The Planning Act 2008](#)
- [Marine and Coastal Access Act 2009](#)
- [Equality Act 2010](#)
- [The Community Infrastructure Levy Regulations 2010](#) (as amended)
- [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)
- [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](#)
- [The Town and Country Planning \(General Permitted Development\) Order 2015](#) (as amended)

- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [Housing and Planning Act 2016](#)
- [The Self-build and Custom Housebuilding Regulations 2016](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)
- [Neighbourhood Planning Act 2017](#)
- [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)
- [The Conservation of Habitats and Species Regulations 2017](#)
- [Environment Act 2021](#)
- [Levelling Up and Regeneration Act 2023](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](#)
- [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)

National Planning Policy

- [National Planning Policy Framework \(NPPF\)](#)
- [Planning Policy for Travellers Sites 2024](#)
- Written Ministerial Statements – as / if referred to in the report
- Government Circulars – as / if referred to in the report

Guidance, Supplementary Planning Documents (SPD) and Design Statements

National-scale

- [National Planning Practice Guidance](#)

Sub-Regional / Essex-scale

- [Essex and South Suffolk Shoreline Management Plan \(SMP\)](#) - October 2010
- [South East Inshore Marine Plan](#) - June 2021
- [The Essex Design Guide](#)

District-scale

- [North Heybridge Garden Suburb Strategic Masterplan Framework – 2014](#)
- [Maldon District Design Guide SPD 2018](#)
- [Maldon and Heybridge Central Area Masterplan SPD – 2017](#)
- [South Maldon Garden Suburb Strategic Masterplan Framework SPD – 2018](#)
- [Maldon District Vehicle Parking Standards SPD – 2018](#)
- [Maldon District Renewable and Low Carbon Technologies SPD – 2018](#)
- [Maldon District Specialist Needs Housing SPD – 2018](#)
- [Maldon District Affordable Housing and Viability SPD – 2018- amended 2019](#)
- [Maldon District Green Infrastructure Strategy SPD - 2019](#)
- [Essex Coast Recreational Disturbance Avoidance Mitigation Strategy \(RAMS\) SPD - 2020](#)
- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five Year Housing Land Annual Supply Statement – May 2024](#)

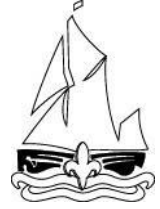
Local-scale

- [Heybridge Basin Village Design Statement – 2007](#)
- [Althorne Village Design Statement - 2015](#)
- [Woodham Walter Village Design Statement – 2017](#)

Maldon District Local Development Plan Review Evidence Base

- Various Conservation Area Appraisals
- [Maldon District Viability Study 2020](#)
- [Maldon District Economic Study 2020](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
 - [Assessment of Selected Sites](#)
 - [Maldon District Local Wildlife Sites Register 2022](#)
 - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
 - [Appendix G](#)
 - [Appendix H](#)
 - [Appendix I](#)
 - [Appendix J](#)

All Background Papers are available for electronic inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during [opening hours](#).



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
15 JULY 2026**

PRESENT

Councillors	J C Hughes, C P Morley, E L Stephens and M E Thompson
Officers (Maldon District Council)	Mr Jaggard, Director of Place, Planning and Growth Ms Beighton, Development Management Team Leader Mr Ball, Principal Planning Officer

1. APPOINTMENT OF CHAIRPERSON

In the absence of both the Chairperson and Vice-Chairperson it was

RESOLVED that Councillor M E Thompson be appointed Chairperson for the meeting.

IN THE CHAIR : COUNCILLOR M E THOMPSON

2. CHAIRPERSON'S NOTICES

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

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M F L Durham, S J N Morgan, R H Siddall, S White and L L Wiffen.

4. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 17 June 2026 be approved and confirmed.

5. DISCLOSURE OF INTEREST

There were none.

6. **25/00389/OUT - LAND REAR OF 53 AND 55, BROAD STREET GREEN ROAD, GREAT TOTHAM, ESSEX**

Application Number	25/00389/OUT
Location	Land Rear Of 53 And 55, Broad Street Green Road, Great Totham, Essex
Proposal	Outline planning permission for 7no. detached dwellings with details of associated vehicular access, layout, appearance and scale included, with the matter of landscaping reserved.
Applicant	Mr Colin Sandy - Smallfields Estates Limited
Agent	Mr Harrison / Sam Eales / Barden - Your Plans UK
Target Decision Date	17/07/2026 (Extension of Time)
Case Officer	Gareth Ball
Parish	Great Totham
Reason for Referral to the Committee / Council	• Departure – Site outside of the settlement boundary.

The Officers referred to an update distributed to Members earlier in the day that highlighted a change in their recommendation, namely to defer this application to a later Committee date due to discrepancies between the site description and the application form as submitted. In addition, there were issues with the red outline of the site on the location plan that could lead to procedure issues and affect the soundness of any decision made by the Committee.

The Chairperson then proposed the Officers recommendation to defer be agreed. This was duly seconded and, upon a vote being taken the proposal was carried.

RESOLVED that this application be **DEFFERED** to a later Committee date.

There being no other items of business the Chairperson closed the meeting at 7.34 pm.

M E THOMPSON
CHAIRPERSON



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
12 AUGUST 2026**

Application Number	25/00972/FUL
Location	Agricultural Building at Oak Nursery, Hackmans Lane, Purleigh
Proposal	Demolition of existing glasshouses and erection of new dwelling and associated parking area
Applicant	Mr Paul Coveley
Agent	Miss Madison Harding - Acorus Rural Property Services
Target Decision Date	19.08.2026
Case Officer	Charlie Mumford
Parish	Purleigh
Reason for Referral to the Committee / Council	Departure from the Local Plan

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Oak Nursery is a horticultural site operating since 1993 for the growing of bedding plants, perennials and baskets for sale to garden centres. The site is located on the southeastern side of Hackmans Lane, located approximately 450 metres south of the settlement boundary of Cock Clarks. It is within the countryside amongst a collection of farming plots and is not within a conservation area. The area is rural farmland with mostly agricultural buildings and a few sporadic residential units.
- 3.1.2 The site forms part of a wider site, which comprises of a number of barns, greenhouses and two dwellings. Access to the outbuilding in question, is via an existing gated access from Hackmans Lane. To the northeast of the application site, Prior Approval was granted for a dwellinghouse in 2016 (COUPA/MAL/16/00080) and another was granted via appeal to the southwest of the site (21/00712/COUPA). Furthermore, Prior Approval was granted for one of the glasshouses due for demolition, to be turned into a residential building under 25/00486/PACUAR and stands as a fallback position.
- 3.1.3 Planning permission is sought for the demolition of existing glasshouses within the red line boundary and the construction of a detached, single storey dwelling with associated parking. The proposed new dwelling would be a two-bedroom dwelling and would be market housing.
- 3.1.4 The proposed dwelling would have a depth of 19.98 metres and a width of 6.9 metres. The ridge height would be 4.07 metres and would be 2.4 metres to the eaves. Although a very similar scheme to the approved 25/00486/PACAUR, the new dwelling would be slightly wider and taller but would be significantly smaller in terms of depth, than the approved 25/00486/PACAUR. Its design would be similar to the existing glasshouses and would provide for an open plan kitchen / living space, a bathroom, ensuite, utility room and two bedrooms. There would also be a glazed porch at one end. Materials for its construction would be a standing seam aluminium roof, vertical European Larch timber cladding and rendered plinth and aluminium windows and doors. The entrance area/porch would be aluminium faring with glazing.
- 3.1.5 The proposed outside area and associated parking would be mainly located to the southwest of the development with a small area of curtilage around the dwelling and to the northeast. The parking would accommodate two cars plus turning space.
- 3.1.6 The site would share an access that is established and already serves the other two residential buildings and the rest of the site.

3.2 Conclusion

- 3.2.1 Having taken all material planning consideration into account, it is considered that the proposed detached single-storey, two-bedroom dwelling with associated parking, by reason of its location, design, size and materials would not harm the appearance or character of the locality and due to its relationship with the adjoining properties, would not result in any undue harm by way of overlooking or loss of amenity. In addition, the proposed development does not detrimentally impact on the provision of car parking provision, there are no concerns with regards to ecology or Biodiversity Net Gain and there are no concerns with regards to impact on trees nor highway impacts. It is therefore considered that the proposed development is in accordance with the relevant policies contained within the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations
- 124-128 Making effective use of land
- 131-141 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
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD
- Planning Practice Guidance (PPG)
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy SPD (adopted August 2020)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its approved LDP unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).
- 5.1.2 Policies S1 and S8 of the LDP seek to direct new residential developments within established settlements and preserve the appearance and character of the countryside. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted,

on balance with other material considerations, where the intrinsic character of the countryside is not adversely impacted upon.

Five-Year Housing Land Supply (5YHLS)

- 5.1.3 On 12 December 2024 the Government published an amended version of the National Planning Policy Framework (NPPF). Paragraph 231 of that framework covers any transition arrangements for the new version and states:

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

- 5.1.4 Paragraph 78 of the Framework states that, *“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land;”*.

- 5.1.5 Footnote 39 of Paragraph 78 states; *“Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance”*.

- 5.1.6 Maldon District Council had prepared and published a Five-Year Housing Land Availability Report on 28 May 2024 which set out the District had a 6.35 year supply of housing. The amended version of the NPPF makes it clear that the changes within it took effect on 12 December 2024 with no transitional period. This means that the Council must have regard to its content from that date alongside the revised National Standard Method for calculating the district’s Housing Target set out in National Planning Policy Guidance. This alters the yearly housing target for the district from 276 to 569 homes per year. The Council must also put a 5% buffer to the 5YHLS. The overall effect of these changes means that the five-year supply for Maldon District now stands at 3.97 years as of 6 July 2026 following an appeal decision.

- 5.1.7 This means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance' is engaged which states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

- 5.1.8 Footnote 8 states that *“This includes, for applications involving the provision of housing, situations where: the Local Planning Authority cannot demonstrate a five-*

year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.

- 5.1.9 In summary, if the Development plan is more than five years old, and the Council cannot demonstrate a 5YHLS, the balance tilts more in favour of approving development which is sustainable, makes efficient use of land, provides affordable housing and/or is well designed. However, planning policies in the local plan should not be treated as out of date just because they pre-date the new NPPF – such policies should be considered in light of their consistency with the revised Framework.

Locational Sustainability

- 5.1.10 The proposed single dwelling is to be sited outside of the settlement boundary of Cock Clarks, approximately 450 metres south of the settlement. The Maldon District Rural Facilities Survey and Settlement Pattern (2023) considers Cock Clarks a Hamlet, with a public house in its centre and being located 15 minutes from a train station. Although these details were established in 2023, they are still current for services within the settlement and provide minimal employment opportunities alongside some independent businesses operating within the Hamlet. There is also a reliance on private transport as there does not appear to be a bus service that passes through the settlement with the nearest bus stop 1.5 miles away, however the road links are suitable in that they allow cars access both ways and are maintained.
- 5.1.11 The application site being some distance from the settlement, equally does not have footpaths but has suitable road links as discussed above, particularly to Cold Norton (2.5 miles away approximately), which according to the Maldon District Rural Facilities Survey and Settlement Pattern (2023) is considered a medium village with a great number of acceptable local facilities and transport links.
- 5.1.12 Despite the concerns above, given the existing residential units on the site and the history of the site, whereby the officer report for application 21/00712/COUPA (allowed at appeal) did not find the siting or location to be an issue, the recently approved Prior Approval granting the conversion of a glasshouse into a residential dwelling as a fallback position, plus the location being moderately close to Cold Norton (a more sustainable settlement) it is officers opinion that on balance, the site would be considered a broadly sustainable location, in the context of its countryside setting.

Sustainable Development

- 5.1.13 Given that the Council can no longer demonstrate a 5YHLS, the tilted balance (para. 5.1.5 above) is engaged. The implication is that the plan is therefore not delivering to its housing targets and in this respect, the most important policy for delivering housing is not in conformity with the NPPF nor, taken as a whole, consistent with the national thrust of delivering housing. Notwithstanding this, 11d states that permission should be granted unless (paragraph ii) *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

- 5.1.14 Where the tilted balance is engaged, it is necessary to assess whether the proposed development is 'sustainable development' as defined in the Framework. 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 Framework. These are the economic, social and environmental roles. A detailed assessment of the scheme against the three roles is set out within section 5.9.

Housing Mix

- 5.1.15 The proposal would provide one new two-bedroom dwelling. Policy H2 (Housing Mix) requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The pre-amble to policy H2 identifies that there is a good existing supply of larger (3+ bedroom) dwellings with a need for a higher proportion of smaller units (one- or two-bedroom) in the District. The more up to date housing mix requirement is set out in the Maldon District Local Housing Needs Assessment (LHNA), published in September 2025. This, like the pre-amble to policy H2, identifies the need for one-, two- and 3-bedroom units. In more detail, the need is for two- and three-bedroom market units. Therefore this would be in keeping with the LHNA and should be afforded considerable weight in the planning balance.

Conclusion

- 5.1.16 On balance, given the above with consideration to the tilted balance, the principle for this development (new dwelling in a rural location) would be considered acceptable.

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 as is the effective use of land and its importance is reflected in the NPPF, policy D1 and H4 of the approved LDP and the Maldon District Design Guide (2017).
- 5.2.3 The proposed, detached, single storey, two-bedroom dwelling would be in keeping with the overall character of the wider site and the rural area around the site. It would be reminiscent of the glasshouses to be demolished and would not look out of place when arriving on the site. Its size and massing would also reflect that of the existing buildings on the site and given the arrangement of the site, would not be visible from the highway. The other residential dwellings on site have been converted from existing buildings at the nursery and this would be in a similar vein and would therefore be acceptable within its setting.
- 5.2.4 On the basis of the above, the development, by reasons of its scale, design, position and appearance, would not result in demonstrable harm to the character and appearance of the existing site and the locality. The proposal accords with policies D1 and H4 of the LDP and the Maldon District Design Guide SPD.

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. Policy H4 points out that a poorly designed scheme can have a significantly detrimental impact to the original character and the street scene in terms of extensions and alterations within the street scene and seeks schemes to complement and even enhance an existing property and its surrounding, including in that, the property's neighbours. This is supported by section C17 of the Maldon District Design Guide (2017).
- 5.3.2 The application site is bordered by Oakside to the northeast, Fern Cottage to the southwest and The Willows to the northwest. The highway lies further to the northeast.
- 5.3.3 The new dwelling would be sited directly to the centre of the site. Oakside is the closest neighbour in terms of proximity within the wider site. In terms of proximity, there is an approximate distance of 13.5 metres between the proposed dwelling and Oakside. Therefore, there would be extremely limited impact in terms of overbearing or overshadowing. Furthermore, the positioning of the dwelling, forward of Oakside would also serve to mitigate impact on neighbouring amenity. Given the property is single storey there is also limited impact to Oakside in terms of overlooking or loss of privacy and again, due to the positioning of the proposed dwelling forward of Oakside, the windows on the northeastern elevation would not look into Oakside.
- 5.3.4 With regards to The Willows, which lies opposite the proposal, this is screened by substantial vegetation and is no longer part of the wider Oak Nursery site. There is also approximately 10 metres distance between the proposal and The Willows; this in conjunction with the single-storey design of the proposal would ensure limited to no impact to the neighbouring amenity of The Willows.
- 5.3.5 Fern Cottage lies within the wider site of Oak Nursery and would be approximately 6.5 metres from the curtilage and boundary of the proposed new dwelling. Although there would be no impact in terms of overbearing or overshadowing to Fern Cottage, given the distance between the dwellings, there would potentially be limited impact in terms of overlooking or loss of privacy to both Fern Cottage and the proposed dwelling as no boundary treatments have been considered nor proposed. Therefore, in order to protect the neighbouring amenity of Fern Cottage, despite it being within the ownership of Oak Nursery, officers would condition appropriate boundary treatments. Therefore, despite the limited harm, mitigation could be appropriated and therefore, a refusal would not be warranted.
- 5.3.6 No objections have been received concerning the proposed development in regard to residential amenity impact.
- 5.3.7 In consideration of the above, it is considered that the development would not represent an unneighbourly form of development or give arise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the 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.

Access

- 5.4.2 The application proposes no new accesses and would utilise the existing main access onto Hackmans Lane, shared with the wider nursery site. Therefore there are no concerns in regard to access.

Highway Safety

- 5.4.3 Whilst the site is located in a rural setting, given the proposal is for a two-bedroom dwelling for residential purposes and there are already dwellinghouses in existence on the site, there would not be a significant increase in vehicular movements to and from the site, nor would it result in a material change in the character of the traffic in the vicinity of the site. Furthermore, the local highway authority (Essex County Council (ECC) Highways) has raised no objections to the proposal.

Parking

- 5.4.4 The submitted plans include the provision for two car parking spaces with turning space within the proposed curtilage of the dwelling. The local highway authority has requested cycle parking to be included as a condition of the application but makes no comment on the car parking. Therefore, parking provision is in accordance with the standards set out in the Vehicle Parking Standards SPD for a two-bedroom dwelling subject to cycle parking as above.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon District Design Guide SPD advises a suitable garden size for each type of dwelling, namely 100sqm of private amenity space for houses with three or more bedrooms.
- 5.5.2 The submitted plans show an area to the side of the dwelling of approximately 134sqm and space to the rear measuring 256sqm. The plans do not define any hard or soft landscaping for these areas, nor do they specifically delineate private amenity space. However, this can be secured by appropriately worded conditions to be discharged following commencement of the construction. Furthermore, there is an abundance of open green space in the locale with two PRoW (Public Rights of Way) (Purleigh 7 to the north and Purleigh 8 to the south) that provide access to the surrounding countryside.
- 5.5.3 Therefore, given the space included within the curtilage of the proposed new dwelling, subject to conditions around landscaping and boundary treatments, the proposal is in compliance with Policy D1 of the LDP.

5.6 Impact on Ecology, Trees and Biodiversity

Ecology

- 5.6.1 Following consultation with Place Services Ecology, the Ecology Officer holds no objection to the proposal, subject to conditions. Assessment of the submitted '*Preliminary Ecological Appraisal, Bat Roost Assessment and BNG Feasibility v1*' states that the Preliminary Ecological Assessment (PEA) recorded no ecological

constraints on the site, however Place Services Ecology have noted records of terrestrial mammals such as Hedgehogs within 2 kilometres of the site and therefore recommend informatives around best practice measures to enhance and protect the environment for these mammals. Furthermore, they note that the vegetative border between the site and Fern Cottage provides suitable habitat for foraging and commuting bats and suggests any external lighting to follow Guidance Note 8 Bats and Artificial Lighting (The Institute of Lighting Professionals, 2023) and to be secured by condition.

Trees

- 5.6.2 In the initial stages of the application, Place Services Arboricultural objected to the proposal due to the lack of arboricultural information and trees being within 15 metres of the proposed development. Following comments provided by the applicant stated that there are no trees within the red line boundary, confirmed by the officer during a site visit. Therefore, the tree consultant is satisfied in lifting the holding objection and supports the proposal subject to conditions around an Arboricultural Impact Assessment, Tree Protection Plan and Method Statement.

Biodiversity Net Gain

- 5.6.3 The proposed new dwelling is not subject to the requirements of Biodiversity Net Gain as the area in which the dwelling is proposed is existing hardstanding and no existing habitats would be affected by the development's construction.

5.7 European Designated Sites

- 5.7.1 The application site falls within the 'Zone of Influence (Zoi)' for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal designated sites, through increased recreational pressures.
- 5.7.2 Following the previous application (25/00486/PACUAR) whereby Prior Approval was required and granted, a RAMS fee was paid on the site and a Habitat Regulations Assessment (HRA) carried out and the necessary mitigation secured. Therefore, this is not required in full again. However, should approval of the application be forthcoming, the difference shall be paid by the applicant to account for the change in RAMS fees since last year, when paid previously.

5.8 Other matters

Business Needs

- 5.8.1 The applicant has written to the Council on 26 March 2026 to confirm that the business at Oak Nursery, specifically plant growing to which the glasshouses relate, is winding down with less plants grown each year. The letter states that the demolition of the glasshouses would not affect the business as it stands and the Design and Access Statement also mentions that the glasshouses are unused. Following a site visit, officers can corroborate that a number of glasshouses were empty. Although this has no direct bearing on the suitability of the site for a change of use to residential purposes, it does support that the current use is not an effective use of land as per paragraphs 124 to 130 of the NPPF, whereby national policy states that decisions should:

‘...(d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...’ – NPPF paragraph 125.

5.9 Planning Balance and Sustainability

5.9.1 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 relevant parts of LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the Local Planning Authority must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purpose of the planning system, as a material consideration.

5.9.2 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. In judging whether a residential scheme should be granted planning permission, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.

Economic Considerations

Job Creation

5.9.3 The proposed development may contribute to the provision of some employment in the local area through the construction process – however there is no indication that any measures would be put in place to ensure that the works are carried out by local businesses or jobs offered to local residents. Given the limited scale of the proposal for one dwelling, it is considered that the benefits of the scheme in relation to job creation should be afforded **limited weight**.

Support for Local Shops and Services

5.9.4 As noted in section 5.1, the number of day-to-day services available within the immediate area are limited due to the rural location of the site. However, the site lies between two settlements, one of which has shops and local services (Cold Norton) that would benefit from trade/revenue of the occupiers if approved. Furthermore, the change of use from agricultural building to class C3 dwellinghouse, whereby the business is facing a significant downturn as discussed in section 5.8, would support the landowner and services provided by them on the agricultural site, in the long term. Therefore, officers are of the opinion that this should be afforded **modest weight**.

Social Considerations

Housing Delivery

5.9.5 Whilst as noted the Council’s Housing Land Supply has been significantly reduced following the changes made to the NPPF in December 2024, the development proposed would result in the provision of only one dwelling. It is considered that the benefits in relation to housing delivery in this instance, should be afforded **limited weight**.

Affordable Housing

- 5.9.6 The scheme proposed consists of market housing only and therefore **no weight** is afforded in respect of affordable housing.

Housing Mix

- 5.9.7 The proposed scheme provides one two-bedroom dwelling. The Council's LHNA has identified a need for smaller dwellings, however the proposal is only for one dwelling so this would make a small contribution. On balance however, this would be afforded **moderate weight** given the needs identified.

Highways

- 5.9.8 Following consultation with Essex Highways, officers are satisfied that the addition of a further dwelling to the site and the use of the existing access would not result in a detrimental impact on highway safety. The provision of a suitable access at the site would **neither weigh in favour nor against** the development in the planning balance as suitable access is a basic requirement.

Environmental Considerations

Visual Impact

- 5.9.9 As noted in section 5.2, the development, by reasons of its scale, design, position and appearance, would not result in demonstrable harm to the character and appearance of the existing site and the locality. This is therefore afforded **moderate weight**.

Biodiversity and Impact on Designated Sites

- 5.9.10 The application site would be exempt from BNG obligations as the development would utilise existing footprints of developed land, RAMS has been secured in a previous application save for the small difference due to the increase in RAMs fees in the last year, and there are no concerns from an ecological perspective as the development would not impact and would retain the existing habitats on the site. Therefore, this is afforded **moderate weight**.

Low Carbon / Renewable Energy

- 5.9.11 The application proposals provide no indication that the scheme would employ specific low carbon building methods or renewable energy sources and as such, **no weight** is afforded in this respect.

Locational Accessibility

- 5.9.12 As explained at section 5.1, due to the rural nature of the site within the countryside, in terms of services and public transport close by, it is considered that the future occupiers of the development, would be heavily reliant on the use of private motor vehicles and as such, the proposal would fail to accord with policy S1, S8 and T2 of the LDP. However, given the fallback position of the Prior Approval 25/00486/PACUAR granted recently, this would provide further weight for approval despite the reliance on cars. Furthermore, the roads in this area are well maintained and well connected. Therefore, given the context and the above points, this is afforded **moderate weight**.

Summary

- 5.9.13 In economic terms, whilst there may be some limited support for local trade from the development, the additional unit may support local businesses within the wider area, as discussed and would not impact the existing business at Oak Nursery, given the downturn in business for independent plant growers. Therefore, any economic benefits would therefore be considered modestly in favour of the development.
- 5.9.14 In social terms the proposal would provide one additional housing unit with two bedrooms, which are in need of in the district as per the LHNA and therefore it is afforded limited to moderate weight in favour of the development.
- 5.9.15 In environmental terms, there would be no harm through the impact on biodiversity and designated nature sites as the RAMS contribution has been accounted for and the proposal has been identified by the Council's Ecologists as having no harm to local habitats, with local bat habitats and commuting routes being unchanged. Furthermore, the development would be in keeping with the character and appearance of the rural area and despite the reliance on car travel due to the siting, there is a fallback position as discussed in the body of the report. Therefore the proposal overall would have moderate weighting afforded in favour of the dwelling.

6. ANY RELEVANT SITE HISTORY

Application Reference	Description	Decision
01/00044/FUL	Proposed detached dwelling and garage.	Approved subject to S106
01/00339/FUL	Proposed Two poly tunnels.	Approved
01/00338/FUL	Proposed detached glass house.	Approved
00/00336/OUT	Proposed detached dwelling with garage	Approved
10/00285/FUL	Proposed glass greenhouse	Approved
10/00286/FUL	Proposed potting shed	Approved
14/01067/COUPA	Prior notification of a proposed change of use from an agricultural barn to dwellinghouse (Use Class C3)	Refused Prior Approval
15/00375/COUPA	Prior notification of a proposed change of use from an agricultural barn to dwellinghouse (Use Class C3), and for associated operational development.	Refused Prior Approval
16/00080/COUPA	Notification for prior approval for a proposed change of use of a potting shed to a dwellinghouse (Class C3) and for associated operational development	Prior Approval Granted
15/00676/COUPA	Prior approval of proposed change of use of a potting shed to a three bedroom dwelling.	Refused Prior Approval
18/00398/COUPA	Prior approval of proposed change of use of agricultural building to a dwellinghouse (Class C3)	Prior Approval Required and Refused
19/00476/COUPA	Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development.	Prior Approval Required and Refused

Application Reference	Description	Decision
21/00712/COUPA	Application for prior approval for the conversion of an agricultural building to a dwelling.	Prior Approval Required and Refused – Allowed On Appeal
25/00486/PACUAR	Prior Approval application for change of use from Agricultural to Dwelling house	Prior Approval Required and Granted

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Support - believes that the proposed development is sustainable, complies with planning legislation and does not conflict with policies contained within the Local Development Plan and guidance contained within the National Planning Policy Framework.	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Ecology Consultant	No objection subject to conditions around lighting and informatives of best practice regarding terrestrial mammals.	Noted
Essex Highways	No objection subject to conditions around cycle parking to be provided.	Noted
Arboricultural Consultant	No objections subject to AIA condition.	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	No objections subject to conditions.	Noted

7.4 Site Notice / Advertisement

Notice Type	Posted Date	Expiry Date for Comments	Location
Site Notice	18.02.2026	11.03.2026	Adjacent the application site and highway of Hackmans Lane.
Newspaper	19.02.2026	12.03.2026	N/A

Notice Type	Posted Date	Expiry Date for Comments	Location
Advertisement			

7.5 Representations received from Interested Parties (*summarised*)

7.5.1 **NO** letters were received **objecting** to the application.

7.5.2 **NO** letters were received **in support** of the application.

7.5.3 **NO** letters were received **commenting** on the application.

8. PROPOSED CONDITIONS

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans as stated on the Decision Notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/ plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.
4. Prior to any works above ground level, full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 - 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local

Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

Hard Landscape works:

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings

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

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies contained within the Local Development Plan.

- 5 Prior to any works above ground level, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers should be submitted to and approved in writing by the Local Planning Authority. The boundary treatments as approved shall be retained and maintained as such thereafter.

REASON: In order to safeguard the amenities of neighbouring occupiers and occupiers of the dwelling in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.

- 6 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policies contained within the Local Development Plan.

- 7 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal, Bat Roost Assessment and BNG Feasibility v1 (Acorus, January 2026) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

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 (as amended).

- 8 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal, Bat Roost Assessment and BNG Feasibility v1 (Acorus, January 2026), shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

- 9 Prior to occupation, a “lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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 (as amended).

- 10 Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 , Policy D1 of the approved LDP and the Council's adopted parking standards.
- 11 Prior to commencement of works, a Phase 1 Desk Study and Preliminary Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority, with further investigation and remediation where required.
REASON: To ensure the site is suitable for residential use and to protect human health and the environment, in accordance with Maldon Local Development Plan policies relating to environmental protection and pollution control -including Policies D1 and D2 of the LDP.
- 12 Should contamination be encountered during works, development shall cease and a remediation scheme be agreed before recommencement.
REASON: To safeguard future occupiers and the environment from unforeseen contamination risks, consistent with Policy D2 of Development of the Local Development Plan.
- 13 Prior to demolition of the glasshouses identified for demolition, an asbestos survey shall be undertaken and any asbestos-containing materials safely removed in accordance with legislation.
REASON: To protect public health and environmental safety in line with Policy D2 -Environmental Impact of Development of the Local Development Plan.
- 14 No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:
- The provision of parking for operatives and contractors;
 - The storage of plant and materials used in constructing the development;
 - Wheel washing and underbody washing facilities;
 - Measures to control the emission of dust, dirt and mud during construction;
 - A scheme to control noise and vibration during the construction phase, including details of any piling operations;
 - Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

REASON: To minimise construction-phase impacts on neighbouring amenity and local air quality, consistent with Policies D1 and D2 of the Local Development Plan.

- 15 Works limited to 08:00-18:00 Mon-Fri; 08:00-13:00 Sat; no Sundays/Bank Holidays.
REASON: To protect residential amenity in accordance with Policy D1 of the Local Development Plan.
- 16 No development works above ground level shall occur until details of the foul water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To ensure that the foul water drainage scheme to serve the development is appropriate in accordance with Policy D2 of the Maldon District Approved Local Development Plan.
- 17 No works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100-year events plus 45% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1-year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)
- Where the Local Planning Authority accepts discharge to an adopted sewer network the Applicant will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
REASON: To ensure that the surface water drainage scheme to serve the development is appropriate in accordance with Policy D2 of the Maldon District Approved Local Development Plan July 2017 as well as guidance contained within the National Planning Policy Framework.
- 18 Notwithstanding the provisions of Schedule 2, Part 1 Classes A and E of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
REASON: In order to safeguard the level of private amenity afforded within the application site, in accordance with Policy D1 of the Local Development Plan.

INFORMATIVES

1. To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
 - b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
 - c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
 - d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.
2. There shall be no discharge of surface water from the development onto the Highway.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
12 AUGUST 2026**

Application Number	25/00997/FUL
Location	Land adj to Oak Corner Cottage, Southend Road, Woodham Mortimer CM9 6TG
Proposal	Erection of a new self-build dwelling and associated works
Applicant	Mr J Turner
Agent	Mr Stuart Miles – Vision Planning
Target Decision Date	14.08.2026 (EoT – committee determination required)
Case Officer	Jonathan Ashworth
Parish	Woodham Mortimer
Reason for Referral to the Committee / Council	Call-in request from Councillor M F L Durham

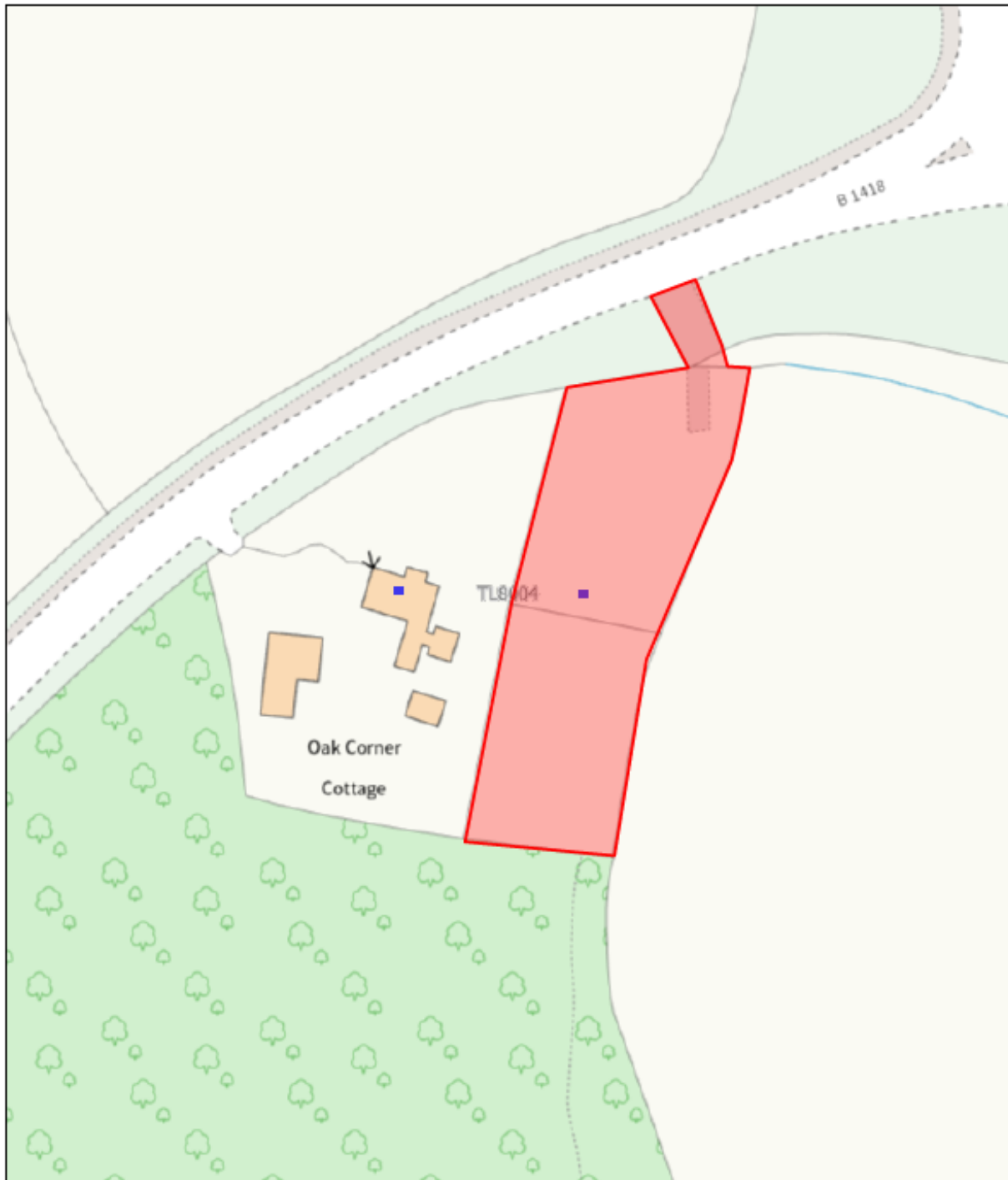
1. RECOMMENDATION

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

2. SITE MAP

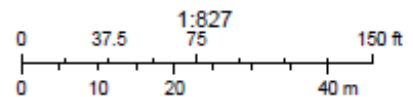
Please see below.

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- GMS BLPV Points
- Parish Polygon
- Ward Polygon
- OS Grid Tiles 1km



Idox | These datasets have been made freely available by Deira and its agencies for your use. You can either download them as digital GIS data onto your desktop, or you can access them as... | Uniform

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located outside of any settlement boundaries and so occupies an open countryside location and lies to the west of the settlement of Woodham Mortimer. It forms part of an extensive garden area to the east of Oak Corner Cottage, which is a residential property. To the north is Southend Road and the site is bound on remaining sides by open fields. Moderate landscaping can be found along the boundary with the road and the site is visible from this public viewpoint. An existing vehicular access serves the site.
- 3.1.2 The adjacent property Oak Corner Cottage is a Grade II listed building though there are no other historic assets in the vicinity. The site is located within flood zone 1, as defined by the Environment Agency, as so is at a low risk of flooding.

The Proposal

- 3.1.3 The application seeks full planning permission for the erection of a detached two-bedroom bungalow with associated amenity space and parking provision.

Conclusion

- 3.1.4 The application site is located outside of a defined settlement boundary and is within the countryside, and as such the proposed development would constitute a departure from the local plan. However, in the absence of a five year housing land supply, the “titled balance” as set out in paragraph 11d of the National Planning Policy Framework (NPPF) applies unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”*.
- 3.1.5 As detailed within the report, it is considered that the site lies in a sustainable location, benefiting from close proximity to a well-serviced bus route. It is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, flood risk. It is considered that there would be no harm to ecology and biodiversity, subject to confirmation from the relevant Officers.
- 3.1.6 However, it is considered that the proposed dwelling would fail to preserve or enhance the setting of an adjacent listed building and so is recommended for refusal.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development

- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, coastal change
- 180-194 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- 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)
- Maldon District Design Guide
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy
- Vehicle Parking Standards Supplementary Planning Document (SPD)

4.4 Legislation

- 4.4.1 S16 of Planning (Listed Buildings and Conservation Areas) Act 1990 – special regard to the desirability of preserving the listed building and any features of special architectural or historic interest it possesses

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 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the Local Development Plan

(LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

- 5.1.2 Policy S1 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, Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 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 (5YHLS)

- 5.1.5 As per Paragraph 78 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 Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March.
- 5.1.6 Currently the Council cannot demonstrate five-years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council’s current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF’s tilted balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,*

when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

Sustainable Development

- 5.1.9 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. 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

- 5.1.10 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. 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.
- 5.1.11 When considering locational sustainability, consideration must be given to a number of parameters – including (but not limited to) the distance to the nearest settlement; proximity to local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.12 In this case, the application site is located in a somewhat isolated location in relation to the settlement of Woodham Mortimer, as it lies approximately 400m from the main body of the settlement. Woodham Mortimer is identified as a ‘Smaller Village’ within the settlement hierarchy as defined by policy S8.
- 5.1.13 However, the site is located within walking distance (approximately 210m) of a bus stop which is well served by regular services running between Maldon and Chelmsford and the wider area. A designated footpath allows access to the bus stop and is well lit by street lighting. Services in the immediate vicinity include a garden centre, café/bakery and a car wash and garage.
- 5.1.14 It is therefore considered on balance that the site lies in a sustainable location for the purposes of assessment under paragraph 11d of the NPPF.

Social Dimension

- 5.1.15 The development would make a limited contribution towards the supply of housing within the district as only a single dwelling is proposed.

Economic Dimension

- 5.1.16 The development would make a limited contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

Summary of Principle of Development

- 5.1.17 Although the location of the development outside of any settlement boundary would be contrary to Policy S8, it is considered that future occupiers would have reasonable access to day-to-day services and facilities, including public transport, and would not result in undue reliance on private cars for long distance journeys. For this reason, it is considered that the site constitutes a sustainable location and therefore the principle of development is considered acceptable subject to compliance with all other policies contained within the LDP.

5.2 Housing Provision and Mix

- 5.2.1 The NPPF requires LPAs to establish their minimum local housing need through a local housing need assessment, using the standard method set out in national planning practice guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.
- 5.2.2 The recently published Local Housing Needs Assessment (October 2025) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District. The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for two and three bed dwellings; specifically, 10% one bedrooms, 35% two bedrooms, 35% three bedrooms and 20% for 4+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 ha) the LHNA guidance will be used to influence a mix of unit sizes but notes that the delivery of a precise mix on such schemes is not always achievable – due to the often constrained nature of small site development.
- 5.2.5 The proposal would provide for an additional two-bedroom dwelling. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of this size identified within the LHNA), given that the net increase in housing is a single dwelling, this factor is considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme.

5.3 Impact upon Historic Assets

- 5.3.1 Policy D1 states that all development must 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; and the historic environment particularly in terms of designated and non-designated heritage assets. Policy D3 states that development that affects a heritage asset, whether designated or non-designated, and/or its setting will be required to preserve or enhance its special character, appearance, setting – including its streetscape and landscape value – and any features and fabric of architectural or historic interest.

- 5.3.2 The site is located adjacent to Oak Corner Cottage which is a Grade II listed building. Oak Corner Cottage was designated a grade II listed building in 1985. It is a 1½ storey brick cottage with clay plain-tiled roofs. Its main front range has brick walls and rendered gables. It dates mainly from the 18th-century, but incorporates part of an earlier, 17th-century, timber frame. The earliest part of the house is to the west which, in the 18th-century, represented a two-up two-down cottage with chimneys on its gable ends and a 'cat-slide' lean-to to the rear. The front, side and rear elevations of this part of the house are faced with 18th-century red brickwork laid in a Flemish bond with burnt headers.
- 5.3.3 Internally, the wall between the rear lean-to and the front rooms is timber-framed and contains evidence that the building was single-storey in height in the 17th-century before being raised to its present height in the 18th-century. The eastern bay of the house was rebuilt early in the 20th-century, using brown bricks laid in a Flemish bond, replacing a timber-framed range which is depicted in early-20th-century sketches.
- 5.3.4 By the time of the 1895 OS (Ordnance Survey) map, the building had been divided into two cottages. The applicant's Heritage Statement notes that late-19th and early-20th century census returns record that the building was occupied at various times by labourers employed in agriculture, brickmaking and smithing. At some point after WWII (World War II) the building reverted to a single dwelling. Over the past 30 years the house has been subject to various alterations and extensions, all executed with consent in a manner sympathetic to the historic character of the building.
- 5.3.5 The significance of Oak Corner Cottage lies mainly in its architectural and historic interest as an attractive example of a historic vernacular labourer's cottage. Aspects of its architectural interest include the quality of its construction and locally sourced materials, the legibility of its historic form and layout, and its picturesque character. It has historic interest for the insight it provides into the living conditions of rural labourers, some of whom are identified in the applicant's Heritage Statement.
- 5.3.6 The NPPF Glossary defines setting as *'the surroundings in which a heritage asset is experienced'* and notes that *'elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'*. Among the elements of Oak Corner Cottage's setting which contribute positively to its significance are its spacious and attractively landscaped grounds, including the application site. The house is set back from Southend Road by about 30 metres, divorcing it from the busy road and allowing the cottage to nestle into its well-vegetated plot. Along the north and south boundaries, the property is bordered by a combination of trees, hedges and post-and-rail fences, while to the south is a small block of woodland, all features appropriate and complementary to the setting of a picturesque rural cottage.
- 5.3.7 There is a boundary between the cottage and the application site, albeit one that is relatively insubstantial, comprising a low hedge and a Beech tree. The immediate setting of the cottage is its garden, including the application site, while outside the site there are significant views of the principal elevation from Southend Road. Longer views across the fields exist from Burnham Road and, to a lesser extent, from parts of Marlpits Road, feature the clay-tiled roofs of the cottage and in particular its eastern gable amidst the foliage on and around the site. Apart from a modern detached garage and garden room to the rear, the listed cottage stands alone, the only house on the south side of this part of Southend Road.
- 5.3.8 This separateness from other houses contributes positively to the building's significance as a standalone rural cottage. The modern garage and garden room are sympathetic in design, subordinate in scale and position, and make a neutral

contribution to the asset's setting. Features of the listed building's wider setting which detract from the ability to enjoy its significance include nearby telegraph poles, the busyness of Southend Road, and the relatively close proximity of a roundabout and associated road signage, although the latter is to some degree screened from the house by intervening vegetation.

- 5.3.9 The proposed house would be positioned further away from the listed building, to the north of the site, closer to Southend Road. While the proposed house would still be seen alongside the cottage in the long views from the southeast, and indeed in views from Southend Road, it would not obscure views of the listed cottage.
- 5.3.10 The proposed house would be of an unconventional design, comprising three small pitched-roofed blocks resembling converted outbuildings connected by a central flat-roofed link structure. The walls would be clad in vertical timber cladding while the roofs would be covered with clay plain tiles. The proposal would cause some harm to the listed building's significance, by eroding the spaciousness of its setting, because it would present a less imposing mass of built form. Its presence in the street scene would be softened by the established planting which is quite dense along this part of the north boundary and which the applicants state will be retained.
- 5.3.11 To use the terminology of the NPPF and Policy D3 of the Maldon LDP, I advise that this proposal would cause 'less than substantial harm' to the significance of the grade II listed Oak Tree Cottage due to the erosion of the listed building's spacious setting. The degree of harm would be low. In accordance with paragraph 215 of the NPPF, such harm must be weighed against the public benefits of the proposal. Paragraph 212 of the NPPF requires that 'great weight' be given to the asset's conservation, while paragraph 213 states that any harm should require clear and convincing justification.
- 5.3.12 Whilst it is considered that the dwelling would make a modest contribution to the housing supply within the district, where a five-year supply cannot be demonstrated, this contribution would be very limited and it is not considered that it would outweigh the harm that would be caused to the setting of the adjacent listed building.
- 5.3.13 In this regard, the proposal would conflict with policy D3, chapter 16 of the NPPF or with the duty set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it would fail to preserve or enhance the setting of the listed building.

5.4 Impact upon the Character and Appearance of the Area

- 5.4.1 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.4.2 Aside from the impact upon the setting of the listed building as discussed above, the impact upon a dwelling in this particular location would need to be given due consideration. Whilst the site lies outside of any defined settlement boundary, it is considered that the introduction of a dwelling would appear out of character in this specific location, given it would be adjacent to an existing property. As a bungalow, it

would be relatively low key, and the existing landscaping would soften its impact upon the wider countryside. The use of appropriate materials could be secured by an appropriately worded condition were permission to be forthcoming. However, the introduction of built form in this currently open setting would cause harm to the landscape setting.

- 5.4.3 Accompanying the application is an Arboricultural Impact Assessment that assesses the impact that the development will have upon existing landscape features. The assessment concludes that there will be no requirement to remove any trees and protection measures can be incorporated into the construction phase in order to ensure that no disturbance is caused. The report has been professionally produced and subject to no objection from the Arboricultural Officer, there would be no adverse impact upon existing landscape features.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, amongst other criteria, 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 There is an existing vehicular access from Southend Road into the site and there is adequate turning space to allow vehicles to enter and leave the site in a forward gear. The Parish Council has raised concerns that the proposal would increase traffic flows along this part of Southend Road, which would be detrimental to highway safety. However, there is no objection from the Highway Authority in this regard.
- 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. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure.
- 5.5.4 The proposal seeks the provision of a two-bedroom property and in accordance with the Maldon Vehicle Parking Standards, this would require one parking space to be provided and this can be achieved.
- 5.5.5 LDP policies D1 and T2 also seek to secure cycle storage facilities appropriate to the level of development proposed in line with the Maldon Vehicle Parking Standards SPD. Appropriate facilities could be secured by an appropriately worded condition to ensure that the proposal provides sustainable methods of transport, were permission forthcoming.

5.6 Standard of Accommodation and Residential Amenity

- 5.6.1 Policy D1 seeks to ensure that acceptable levels of residential amenity is achieved with the provision of sufficient and usable private space as well as protecting the

amenity of the surrounding area taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This would be a consistent approach with paragraph 135 of the NPPF which states that a high standard of amenity should be achieved for existing and future users. The Technical Housing Standards – Nationally Described Space Standard sets out the required Gross Internal Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.

- 5.6.2 The application seeks provision of a two-bedroom/four person property with the accommodation spread over a single floor, and the necessary GIA will be achieved.
- 5.6.3 In addition, policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon District Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 50m² of private amenity space for dwellings with one- to two-bedrooms.
- 5.6.4 The garden proposed in this case would far exceed this requirement and as such the scheme is considered to be acceptable in terms of amenity space provision.
- 5.6.5 There is adequate separation distance between the proposed dwelling and Oak Corner Cottage to ensure that there is no adverse impact in terms of overlooking/loss of privacy and no undue dominance or overshadowing of the properties. Consequently, an acceptable level of residential amenity will be achieved for future occupants of the property as well as their neighbours.

5.7 Flood Risk

- 5.7.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.7.2 The site is located within flood zone 1, as defined by the Environment Agency, and so is at a low risk of flooding. The proposed development would increase the footprint of the buildings and therefore the amount of impermeable area across the site. It is considered that sustainable methods of drainage can be incorporated into the construction of the dwelling to ensure that the risk of flooding is not increased in and around the site.
- 5.7.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has raised no objection to the scheme subject to planning conditions requiring surface water and foul water drainage details to be provided prior to works above slab level, together with a number of informatives relating to waste collection, contamination, and construction.

5.8 Ecology

- 5.8.1 Policy S1 states that new development conserve and enhance the natural environment by providing protection and increasing local biodiversity and geodiversity. Policy D1 requires all development to respect the natural environment particularly in relation to designated and non-designated sites of designated and non-

designated sites of biodiversity/geodiversity value. Policy N2 takes a similar approach stating that all development should seek to deliver net biodiversity and geodiversity gains where possible.

- 5.8.2 Accompanying the application is a Preliminary Ecological Appraisal which assesses the ecological features, likely impacts along with any suggested mitigation/enhancement measures. The Ecology Officer is yet to assess these documents and subject to no objection being received, the application demonstrates that the development can proceed without harming ecological interests.
- 5.8.3 The site falls within the 'Zone of Influence (Zol)' for one or more of the European sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The LPA should prepare a HRA (Habitat Regulation Assessment) to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.
- 5.8.4 A development proposing an additional one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and strategy advice, an Essex Coast RAMS HRA record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

HRA Stage 1: Screening Assessment

Test 1 – the significance test

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

Does the planning application fall within the following development types? Yes, the development is for an additional 1 no. dwelling (i.e. net increase of dwellings at the site is 1 no. 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.

- 5.8.5 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. NE does not need to re-consult on this Appropriate Assessment.
- 5.8.6 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 £175.55 and thus, the developer contribution should be calculated at this figure. The applicant has made this contribution so there is no objection from an ecological perspective, subject to the Ecology Officer's response.

6. ANY RELEVANT SITE HISTORY

6.1 The planning history relevant to this application is:

- 21/00486/FUL – New build, 2 bedroom single storey dwelling – withdrawn July 2021
- 20/01106/FUL – Erection of 2-bed dwelling – withdrawn December 2020

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Parish/ Town Council (summarised)

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer with Hazeleigh Parish Council	Recommend refusal on grounds of unsustainable location, impact upon listed building, increased traffic movements.	Refer to relevant sections of report.

7.2 Statutory Consultees and Other Organisations (summarised)

Statutory Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions	Noted
Ecology Officer	Comments awaited	Refer to paragraphs 5.9.1 to 5.9.2
Arboricultural Officer	Comments awaited	Refer to paragraph 5.4.4
Highway Authority	No objection subject to conditions	Refer to paragraphs 5.5.1 to 5.5.3

7.3 Internal Consultees (summarised)

Internal Consultee	Comment	Officer Response
Conservation Officer	Objection	Refer to paragraphs 5.3.1 to 5.3.13

7.4 Site Notice / Advertisement

7.4.1 The application was advertised by way of a site notice posted on the 11 February 2026 with comments to be received by 4 March 2026.

7.4.2 Notice was also given by way of newspaper advertisement posted on 5 February 2026 with an expiration date of 26 February 2026 for comments to be received.

7.5 Representations received from Interested Parties (summarised):

7.5.1 Three third party comments have been received in relation to the proposals and in support of the application.

7.5.2 No planning reasons were cited in support of the application.

8. REASON FOR REFUSAL

- 1 The proposed dwelling, by reason of its close proximity to Oak Corner Cottage, a Grade II listed building, would fail to preserve or enhance the setting of this property by eroding the spacious setting which defines the character of the property, causing harm to its setting and significance. The benefits of the development would not outweigh the harm caused and so the proposal would be contrary to policies D1 and D3 of the Maldon LDP.

APPLICATION PLANS AND DOCUMENTS

- PL-01 Location Plan
- PL-02 Block Plan
- PL-03 Proposed Plans
- PL-04 Materials Sheet
- PL-05 CGI Views
- PL-06 North and East Elevations
- PL-07 South and West Elevations
- PL-08 Streetscene
- Planning Statement
- Arboricultural Impact Assessment
- Tree Survey Appendix
- Preliminary Ecological Appraisal



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
12 AUGUST 2026**

Application Number	26/00314/FUL
Location	69 East Street, Tollesbury
Proposal	Prior approval for change of use from Commercial, Business and Service (Use Class E) to single four bed house (use class C3).
Applicant	Coates
Agent	Studio EK Architects -EK Architects
Target Decision Date	13 August 2026
Case Officer	Elizabeth Beighton
Parish	Tollesbury
Reason for Referral to the Committee / Council	Director of Place, Planning and Growth Call In

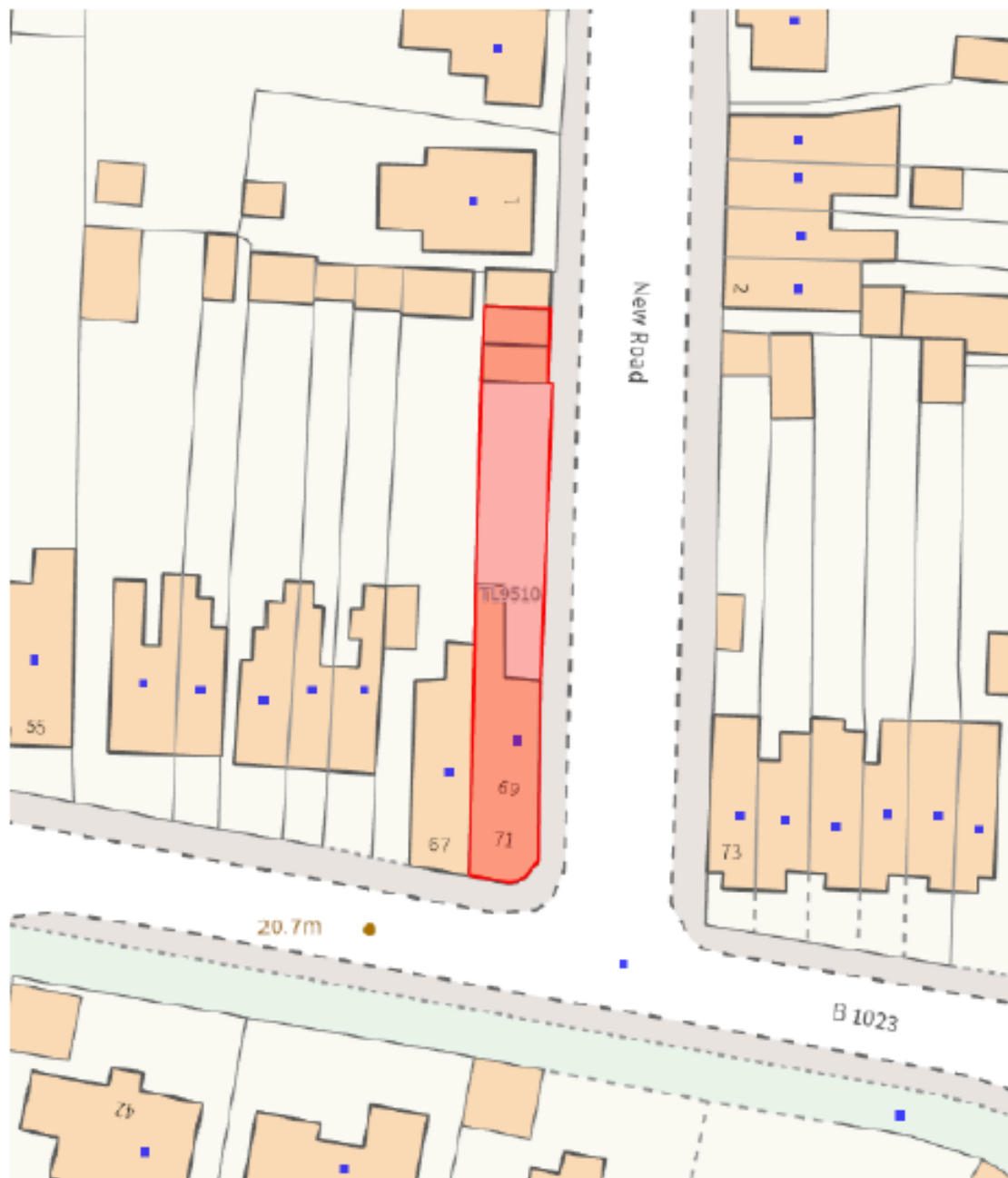
1. RECOMMENDATION

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

2. SITE MAP

Please see below.

26/00314/FUL – 69 East Street – Tollesbury – CM9 8QE



3. SUMMARY

3.1 Site Description

- 3.1.1 The application site comprises a semi-detached property at the junction of East Road and New Road. The property was formally an office and is currently vacant. The site is in a predominantly residential area.
- 3.1.2 The property benefits from a large rear garden and two garages, which access onto New Road.
- 3.1.3 The site is not located within any area of special designation, either landscape, ecology or heritage and is not within a Conservation Area.
- 3.1.4 No changes to the external appearance of the property are proposed.

3.2 The Proposal

- 3.2.1 The application site comprises an existing semi-detached building currently in office use, which was formerly a residential dwelling (Class C3) and sits at the junction of New Road and East Street (B1023). The property does not benefit from any on plot parking, but there are no parking restrictions in either New Road or East Street.
- 3.2.2 The building's existing use is an office, it has been vacant for some time, and it is understood that the building was built as a residential dwelling.
- 3.2.3 The site is located within the settlement of Tollesbury and is characterised by:
 - Predominantly residential dwellings
 - Properties of similar domestic scale and appearance
- 3.2.4 This application seeks full planning permission for the change of use from a single dwellinghouse (Class C3) to a children's care home (Class C2). It would facilitate the provision of residential accommodation for three children aged between 7 and 17 in a family-style setting.
- 3.2.5 The intention is to establish a high-quality children's residential home providing care and support for young people with Emotional and Behavioural Difficulties (EBD) and other complex needs. The applicant advises that they are committed to delivering safe, nurturing, and structured environments for children and young people who require specialist residential care. The model focuses on therapeutic support, stability, and positive outcomes, helping young people develop essential life skills and emotional resilience.
- 3.2.6 The applicant has confirmed that care would be given by a team operating on a rotating shift pattern, including the Registered Manager, with a maximum of four members of staff.
- 3.2.7 The applicant already operates a two-bedroom children's home in close proximity in Tollesbury, which has been inspected by Ofsted and was rated "Good" in all areas. No complaints have been recorded with the Council's Environmental Health Team with regards to any statutory noise nuisance.
- 3.2.8 It will also support operational efficiency, staff collaboration, and continuity of care, ensuring consistency in service delivery across both homes. Furthermore, the applicant is committed to working closely with Essex County Council (ECC), who

have expressed interest in the applicant's services should the home be established within Essex. The Applicant believe this partnership will strengthen local placement options, reduce the need for out-of-area placements, and contribute positively to the local authority's sufficiency strategy.

3.2.9 No external alterations are proposed to the property.

3.2.10 The building currently has five offices, an office/reception and kitchen across two floors and is currently vacant. The proposed plans show a living room, dining room and kitchen at ground floor level with four bedrooms at first floor level.

3.3 Conclusion

3.3.1 The proposal seeks permission for the change of use from a single dwellinghouse (Use Class C3) to a children's care home (Use Class C2). It is considered acceptable in terms of character and appearance, residential amenity and parking/highways considerations. It complies with the relevant policies within the Local Plan and supplementary documents and is accordingly recommended for approval, subject to the imposition of appropriate conditions.

3.3.2 The application has been referred to the North Western Area Planning Committee by the Director of Place, Planning and Growth due to the significant public interest. A large number of the objections received do not raise material planning considerations. The proposal would meet a need for specialist accommodation for which there is a critical national need for children's residential care. No changes are proposed to the exterior

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-14 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations
- 85-87 Building a strong, competitive economy
- 96-102 Promoting healthy and safe communities
- 109-114 Promoting sustainable transport
- 124-130 Making effective use of land
- 131-141 Achieving well-designed places

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- H2 Housing mix
- H3 Accommodation for 'Specialist' Needs

- T1 Sustainable Transport

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy SPD (adopted August 2020)
- Mayland Neighbourhood Development Plan

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 The main issues associated with the proposed development are as follows:
- the principle of the development;
 - the impact on the character and appearance of the area;
 - the impact on the amenity of the occupiers of neighbouring residential properties; and
 - loss of employment.
- 5.1.4 Although of a different Use Class to a C3 dwelling house, the proposed children's home would still provide a residential function, albeit the children would likely be unrelated and receive care/support from adults who are not their parents. As the proposed change of use would see one form of housing substituted for another (remaining under Use Class C), it is thus considered consistent with policy. Reversion back to a family home in the future should circumstances change is not precluded and would not appear unduly onerous.
- 5.1.5 The NPPF requires local planning authorities to take account of wider social objectives, including the provision of facilities that meet community needs. Paragraphs relating to sustainable communities and social infrastructure emphasise that planning decisions should support strong, healthy, and inclusive communities. In this regard, children's care homes are considered essential infrastructure for safeguarding and supporting vulnerable young people, providing a stable, supportive environment that meets their needs and enables them to achieve their potential.
- 5.1.6 In summary, while the loss of a family dwellinghouse is unfortunate, the proposal delivers a facility that addresses a critical national need for children's residential care - a material consideration of significant weight under the NPPF. This wider social

benefit may, in certain circumstances, justify a departure from strict adherence to local housing retention policies, provided that appropriate mitigation measures are secured.

- 5.1.7 To mitigate the long-term impact of losing a family-sized dwellinghouse, it is recommended that a condition be imposed requiring the property to revert back to Class C3 residential use once the Class C2 care home use ceases. This approach ensures that the property can return to its original purpose, safeguarding housing stock and aligning with policy H2 of the Local Plan.
- 5.1.8 Overall, there is no in principle objection to the proposed change of use, which accords with policy, subject to detailed assessment of other planning policies and considerations.

5.2 Character and Appearance

- 5.2.1 Policy D1 of the Local Plan requires a high standard of urban and architectural design for all development and must meet the criteria set out within the policy. This requires development to demonstrate design rationale; provide local distinctiveness; respond to scale, height, massing and architectural details; provide legibility; provide a logical and legible layout, form inclusive development; provide flexibility and create a safe and secure environment.
- 5.2.2 Concerns have been raised by residents that the proposed C2 use would be uncharacteristic of the surrounding area. Although of a different Use Class to a C3 dwelling house, the proposed children's home would still provide a residential purpose, albeit the children would likely be unrelated and receive care/support from adults who are not their parents.
- 5.2.3 While the C2 accommodation would be operated differently to that of a normal family dwelling, the information provided indicates that the use would not be so significantly different from the existing use to have a material detrimental effect on the character of the area. Journeys undertaken for educational, healthcare and other purposes, are unlikely to be significantly more than those undertaken by a family and are not considered to be of an intensity to comprise a material change in the character of the site or area.
- 5.2.4 With no external alterations proposed, the property would also not be readily distinguishable as a children's home within the street scene.
- 5.2.5 There are no proposed external alterations to the property. As such, the proposed change of use would not give rise to additional impact in terms of loss of light or overlooking to immediately adjoining properties.

5.3 Impact on Residential Amenity

- 5.3.1 The application, however, has led to objections from residents with concerns relating to the potential for anti-social behaviour. The issue has been raised due to the proposed housing of vulnerable children who may suffer from behavioural difficulties that are related to deprivation or adverse childhood experiences.
- 5.3.2 While all issues raised are noted within the determination of a planning application, there can only be great weight attached to those 'material considerations' that relate to town planning matters. The strength of feeling from the residents in respect of this proposal is fully understood however, issues such as perceived behavioural matters, vulnerable tenants, anti-social behaviour, substance abuse or several similar uses

within the area are not recognised as material considerations in planning law. These are controlled by other bodies, such as Ofsted, the Police and other bodies of Maldon District Council. Furthermore, crime and disorder are not an inevitable consequence of a children's care home, but rather a question of individual behaviour and appropriate management.

5.3.3 Although beyond the scope of this application for planning permission and covered by separate legislation requirements, the home would be monitored through Ofsted and Essex County Council regulations. The applicant would be required to follow specific guidance and legislation to ensure the day to day running of the home and legislative requirements are fulfilled - this includes all areas of health and safety for the individuals, staff and environment both internally and externally. This would be demonstrated through rigorous and on-going risk assessment, monitoring, regular audit and local delegation procedures overseen by the organisations monitoring tools. These processes would also allow any potential threats or risks to the home or wider environment to be captured at an early stage, enabling appropriate mitigation measures to be implemented.

5.3.4 The application is seeking to change the existing use from C3 (Dwellinghouse) to C2 (Children's Care Home. Use class C3(b) is defined within Class C3. "Dwellinghouses" in the Schedule to the Town and Country Planning (Use Classes) Order 1987. Classes C3(a) and (b) are set out as follows:

"Use as a dwellinghouse (whether or not as a sole or main residence) –

(a) by a single person or by people living together as a family, or

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents) ..."

5.3.5 A children's care home, therefore, could fall within the existing Use Class C3(b) (Dwellinghouses) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. The definition within Class 3(b) does not refer to 'personal care' and parents provide care for their own children as a household, this is the same function as a shift care worker. Depending on occupancy and level of care staff employed, an application for the change of use from C3 dwellinghouse to C2 Children's Care Home could be considered permitted development.

5.3.6 Permitted development however, under Use Class 3(b) provision has given rise to debate in case law, particularly where carers do not permanently live at the premises but operate on a shift basis. The consensus is that constantly changing supervising adults cannot be considered part of a household. For a household to be created there would need to be at least one permanent adult living on the premises with the children. Whilst care homes in general are of a similar function to a dwelling house, the additional activity of shift changing and cars may also provide a material change of use.

5.3.7 In the case between North Devon District Council v The First Secretary of State (2004), it was held that where the carers did not live permanently within the premises, the occupants would not be living together as a single household and consequently would not fall within Class C3. The main issue, however, was whether the lack of any carers 'living' within the property materially changed the character of the property as a dwellinghouse. It was the Inspector's opinion that it did not. Although when carers visiting the site would increase activity, this would not disturb residents or affect the character of the area. Additionally, although residents were fearful about the children committing anti-social acts or increasing crime levels, the Inspector decided that it was not inherent in the character of a children's care home

that the proposed use of the property would have an adverse impact upon the local community and welfare services. Consequently, this was not a factor which would materially alter its basic character as a dwellinghouse. The children would be supervised and must obey a set of written rules but in his view, it was not uncommon for a family to have its own set of unwritten rules.

- 5.3.8 In summary, there is debate within different examples of case law on whether small scale children care homes should be considered as a C2 or C3 Use Class, however, there is a consistent judgement, including a decision from the Secretary of State, that care homes for a small number of children would not have a material change to the character and function of a dwellinghouse.
- 5.3.9 Based on identified case law, there should not be significant weight afforded to the fear and perception of anti-social behaviour, without any evidence. The scheme would provide supervised valuable living accommodation for a vulnerable needs group that require support and have the right to live in safe conditions to improve their welfare and future upbringing.
- 5.3.10 This application has been considered in consultation with Maldon District Council's Environmental Health team, who raise no objections to the proposed change of use. Should the application be approved, it is therefore recommended that conditions be attached requiring the applicant to submit a scheme to ensure that the internal noise levels would meet the guideline values' specified within BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' are adhered to, in addition to a Noise Management Plan (NMP) prior to its first use.
- 5.3.11 Furthermore, staff would be assigned regular hours and shifts patterns, helping to regularise comings and goings to the site. In the interests of further maintaining the amenities of neighbouring properties, it is also recommended that a condition be placed on any grant of consent to restrict the number and ages of children who reside at the property.
- 5.3.12 Reference is drawn to an as decision in Harlow where the Inspector dealt with this issue by stating:

Appeal decision 6008476 – 241 Fold Croft Harlow

The proposal represents a loss of a normal family dwelling house, but would deliver a facility that responds to a critical national need for children's residential care. The comings and goings to and from this Home would generally be similar to that of the other houses in the road. In addition, it is likely that the children in care would be visited by their parents and other friends and relatives. I would not expect this to be much different to the number of visits to the other houses in the area. The proposed use should not materially result in a change in the character of the site or the area.

The interested persons who have commented on the proposal are concerned about perceived behavioural matters, vulnerable tenants, antisocial behaviour, substance abuse, etc. These behaviours can occur in any residential neighbourhood, and should be controlled in this case by bodies such as Ofsted, the police and other bodies of Harlow Council. They do not inevitably follow from the presence of a children's care home, and are a matter of individual behaviour and appropriate management. These concerns do not amount to a reason for refusing planning permission, and should not stand in the way of the grant of planning permission.

- 5.3.13 Although this site is within a different local authority, the issues at hand are similar in terms of the concerns on the amenity of existing residents. Therefore the issues can be considered as transferable.

5.4 Highways Considerations

5.4.1 The property currently benefits from a garage within the rear garden of the property. Significant concern has been raised by local residents about the increase in vehicular activity. There are no parking restrictions in place and the previous use as an office would likely have generated more vehicular activity than the proposed use. Similarly, as an existing office use it is likely that residents and visitors would likely generate more activity. There is currently no parking available, as is the case for the existing use and other residential properties and therefore the impact is negligible.

5.4.2 No objection is raised on highway grounds.

5.5 Private Amenity Space and Landscaping

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon District Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

5.5.2 The property has a garden of sufficient size to meet the functional requirements of the proposed end users.

5.6 Planning balance

5.6.1 Whilst the application has generated significant local concern, the needs of the proposed use represent a strong material planning consideration. It is considered that the proposed use is acceptable in terms of amenity, character and highways especially when the fall-back position can be explored which could have a greater impact. The benefits of the scheme outweigh the harm.

6. ANY RELEVANT SITE HISTORY FOR THE WHOLE SITE

- **26/00315/PACUCD** - Prior approval for change of use from Commercial, Business and Service (Use Class E) to single four bed house (use class C3).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Object • What are the ages of the children the home will provide for? – • What does “secure” accommodation mean? – Does the building meet the required standards,	These issues are covered in the officer assessment

Name of Parish / Town Council	Comment	Officer Response
	and is the location suitable? – If multiple members of staff are required, is the current accommodation sufficient to accommodate both staff members and children?	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection – subject to recommended conditions and informatives.	Noted
Public Right of Way Officer	No objection – subject to recommended informatives.	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection – subject to recommended conditions	Noted

7.4 Site Notice / Advertisement

7.4.1 The application was advertised by way of a site notice posted on 15 May 2026.

7.5 Representations received from Interested Parties (*summarised*)

7.5.1 92 letters of objection have been received raising the following matters:

Objector Comment	Officer Comment
Lack of youth facilities to support young people and the children will become isolated	The location is considered to be sustainable and will meet the needs of any residents.
Limited transport to and from the village to surrounding areas	The property is in a sustainable location
Will alter the character of East Street that is not appropriate for the location.	No external changes are proposed and therefore there will be no change to the character and appearance.
Developers maximising profit over the needs of the village	This is not a material planning consideration.
No need for such a facility in Tollesbury	This is not a material planning consideration

Objector Comment	Officer Comment
The garden is not secure	This is not relevant to the consideration of the application and permitted development rights exist should the operator wish to create a boundary
Building suffers from subsidence which could put residents at risk and damage to the roof	This is not a planning consideration
Loss of wildlife corridors	The proposal does not impact on any wildlife corridor
No details from the Quality Care Commission as to whether the existing care home in close proximity is compliant with the need to support young people with emotional and behavioural difficulties and other complex needs.	The application does not require such details.
Plans do not show presence of air source heat pump, solar panels, battery storage or emergency exits.	The application is for a change of use. It is likely that if the applicant wants to include such it is likely to be permitted development
Existing fencing is not in accordance with policy and the side entrance gate requires significant repair	The fence is existing and therefore outside the scope of this application,
No crime impact statement	This is not a validation requirement and there is nothing to suggest future residents would increase crime levels.
The village already experiences insufficient water pressure	The proposal is a change of use and does not create a new dwelling. The impact on water pressure will be no different that its previous use as either an office or dwelling.
Lack of rental properties for families – loss of family home when there is a housing shortage	The application has to be determined on its own merits, and alternative uses cannot be considered
Existing facility close by has caused significant disruption to adjacent neighbours due to shift changes, noise from within the property and anti-social behaviour.	These issues would be covered by separate legislation either through statutory noise nuisance or police
Building is on a busy road and could pose a hazard to the children	This would be an internal management issue
No parking associated with the property. Insufficient parking which will exacerbate existing problems particularly at staff shift changes	The property has a garage but there are no parking restrictions in the vicinity
No disability access to the property	This is not a requirement and seeks the change of use only
Impact on semi-detached adjacent dwelling and potential of altercations and anti-social behaviour and impact on their quality of life. The residents, especially the children, should be safeguarded and not cause distress.	A management plan is proposed by condition and all-day care will be provided. If a statutory noise issue occurs that would be controlled by other legislation.
If there is a need should be in a purpose-built care home or within a larger urban area where there are more facilities.	The nature of the care facility and location is considered to be suitable.
Preference would be for such facilities to be within detached buildings	There is nothing to say that a semi-detached property is not suitable.

Objector Comment	Officer Comment
Significant financial burden on the local authority to transport the children	This is not a material planning consideration
Being a rural location likely to have longer wait times and difficulties for children accessing professionals	This is not a material planning consideration
Rural location will make it difficult to recruit staff	This is not a material planning consideration
Increase in traffic from developments in the local area	The application would generate low levels of vehicular activity and with no parking restrictions locally the highway network would be able to absorb any additional traffic.
Proposal provides no assessment of safeguarding for school children	This is not a requirement of this application
A four bedroom HMO (House in Multiple Occupation) constitutes significant intensification to a single family use	The proposal is not for an HMO but a care facility
Increased use associated with an HMO in such proximity to a school raises concerns regarding refuse storage and pest control.	The proposal is not for an HMO but a care facility
Applicant has not demonstrated that the proposal represents a suitable, sustainable or appropriate use of the site. Concern over the availability and response times of emergency vehicles	It is the role of the local planning authority to assess the acceptability of the proposal.
Application does not indicate the age ranges of the three children	It is not necessary to require the ages of children
Plans do not show an emergency access, emergency lighting system or automatic fire suppression system.	The application is not required to provide these details. There may be other requirements they need to satisfy but these fall outside of the scope of the planning system.
EV (Electric Vehicle) charging should be contained within a legal agreement	There is no EV requirement
No details on net zero climate environment or dispersal of surface water	The application is for a change of use and therefore these details are o
Insufficient operational information to assess the impacts	The level of information is sufficient to gauge the impact.
Significant number of visits will have an impact on highway safety	See report
Application is retrospective as a dividing wall has been constructed to separate garden from hardcore and first floor additional windows	A wall can be constructed in the rear garden up to two meters in height without the need for planning permission
No document makes reference to asbestos roof on the garages	Not within the scope of the application
No reference made to SANG (Suitable Alternative Natural Greenspace)	This is not relevant as the proposal is a minor application
No contributions towards the following: - Automatic fire suppression system - Emergency lighting system - RAMS (Recreational disturbance Avoidance and Mitigation Strategy)	The application is a 'minor' application and as such would not trigger the need for contributions

Objector Comment	Officer Comment
• Library services • Travel packs • Health care/ambulance • Dropped kerb crossings • Education requirements and transport • LEAP (Locally Equipped Area for Play) • Restricting asbestos • Secure boundary perimeter	
If hardcore is to be used for off-street parking, parking will not be in accordance with highway regulations	The application is for change of use. If they occupiers wish to use hardcore this would not require permission.
Doorsteps are not the same height	The application is for a change of use
Lack of rental properties – house would be ideal close to services	The application has to be determined on its own merits and alternative uses cannot be considered
Plans do not include mention of requirements that all corridors are free from obstructive hazards and should be included in a legal agreement	This would not be enforceable and therefore a condition to this effect would not meet the legal tests for imposing conditions

8. **PROPOSED CONDITIONS**

CONDITIONS:

- 1 The change of use hereby permitted shall begin before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The use of the premises as a children's home (Class C2) hereby permitted shall cease when the property is no longer required for that purpose, and the property shall revert to its previous use as a single-family dwellinghouse (Class C3) within three months of cessation of the care home use.
REASON: To safeguard local housing stock to meet identified local housing needs, in accordance with policy H2 of the Maldon District Local Plan.
- 3 The children's home hereby permitted shall be occupied by no more than three children at any one time.
REASON: To ensure the occupation of the children's home is in accordance with the details as assessed by the Local Planning Authority and in the interests of the amenity of neighbouring properties and the wider locality.
- 4 Prior to its first use as a children's care home, a scheme to ensure that the internal noise levels would meet the guideline values' specified within BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' shall be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of protecting neighbouring amenity
- 5 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

REASON: For the avoidance of doubt as to what has been approved and in the interests of proper planning.