



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
CENTRAL AREA PLANNING COMMITTEE
26 JUNE 2019

Application Number	PIP/MAL/19/00540
Location	Knowles Farm Wycke Hill Maldon Essex CM9 6SH
Proposal	Permission in principle application for redevelopment of existing two storey house extending to approximately 520sqm on a site of 0.2ha. Replace with multiple two storey housing units.
Applicant	Sunbury Homes (Holdings) Limited
Agent	Mr Ian Jeffrey - Sunbury Homes
Target Decision Date	18.06.2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Not Delegated to Officers Member Call-in – Councillor Stilts – as Maldon Town Council have recommended refusal

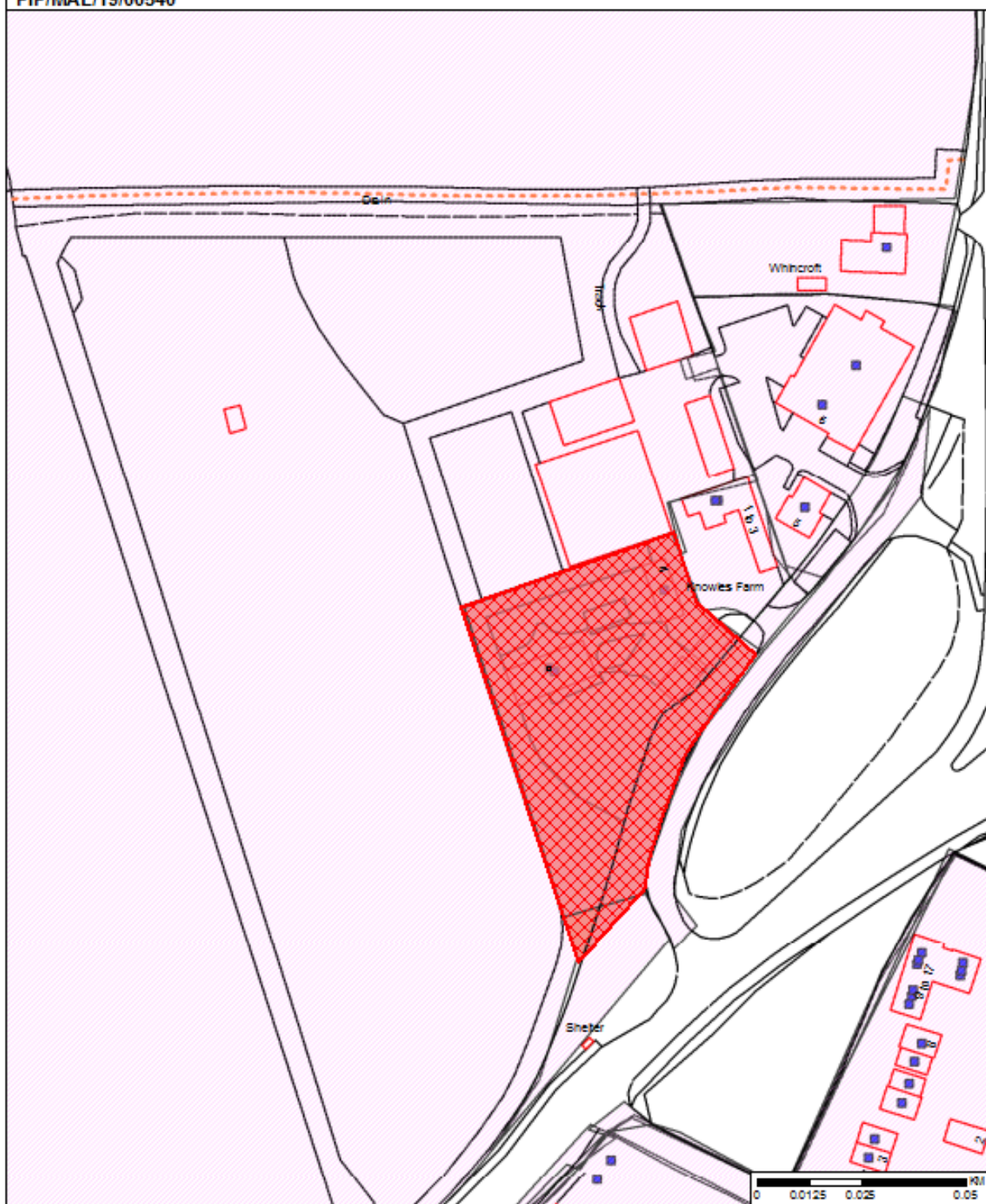
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Knowles Farm, Wycke Hill, Maldon
PIP/MAL/19/00540



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 10/0018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	07/06/2019
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site forms part of the wider area identified as Strategic Site S2(b) Wycke Hill North in the Maldon District Approved Local Development Plan (LDP) allocated for 320 dwellings. Most of the application site is in residential use but part of the site (northern corner) falls within a site (0.5ha) allocated for Class B1 and B2 employment uses, reference E1(q) Wycke Hill North. This allocated site includes the adjacent existing, Class B1, employment uses at Knowles Farm and the units beyond approved under planning application reference FUL/MAL/15/00498 for *‘Proposed development of an Industrial Unit for Block A for Use Class B1(c) and an Office unit for Block B for Use Class B1(a) including access, parking and landscape’*.
- 3.1.2 The application site includes a narrow strip of land along its northern boundary which is part of a site which is the subject of outline application reference OUT/MAL/15/1327 for *‘C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to 2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access.’* The land the subject of this planning permission is also within Strategic Allocation Site S2 (b). Planning permission has not been granted but the Council has resolved to grant planning permission subject to a Section 106 Agreement first being completed.
- 3.1.3 Site S2(b) is within the South Maldon Garden Suburb along with Site S2(a) (1000 new homes and employment land and local centre) and Site S2(c) (108 new homes). The South Maldon Garden Suburb has been comprehensively master planned in accordance with the adopted Local Development Plan Policies including S2, S3, S4, H1 and E1 with necessary infrastructure. The South Maldon Garden Suburb Strategic Masterplan Framework SPD is adopted by Council. The Strategic Design Codes for the South Maldon Garden Suburb were endorsed by the Council March 2016. As part of the South Maldon Garden Suburb masterplan, the existing residential use within the site was envisaged to remain as a single, residential dwelling.
- 3.1.4 The existing access route into the application site is from the A414 and also connects to Wycke Hill via a Public Right of Way (PRoW). There is existing vegetation, including hedgerows, within and adjoining the site but such is mainly located along or close to the boundaries of the site.
- 3.1.5 The current application seeks ‘permission in principle’ for the re-development of the site with ‘multiple two storey housing units’. Most of the application site (stated as being 0.2ha) currently accommodates a single two storey house (extending to approximately 520sqm.), including its residential curtilage and outbuildings. Reference is made to one of the outbuildings (a triple garage) having a flat over. Permission is sought for a net minimum of 8 and a maximum of 9 units with the existing access being used for all forms of transport.
- 3.1.6 The permission in principle consent route was introduced by the Government in 2017 and is an alternative way of obtaining planning permission for housing-led

development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed. Granting of technical details consent has the effect of granting planning permission for the development.

- 3.1.7 The applicant may apply for permission in principle on part of a larger site where the proposal is not major development, or another form of exempt development as set out under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (habitats development, householder development or Schedule 1 development – none of which apply in this case). A decision on whether to grant permission in principle to a site following a valid application must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. Applications for technical details consent must be determined within the duration of the permission granted, which is expected to normally be three years.
- 3.1.8 Within a permission in principle, local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (i.e. the number of new dwellings proposed minus the number of existing dwellings on the site) which are, in principle, permitted.
- 3.1.9 It is not possible for conditions to be attached to a grant of permission in principle. However, local planning authorities can inform applicants about what they expect to see at the technical details consent stage. Planning obligations cannot be secured at the permission in principle stage, but local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.

3.2 Conclusion

- 3.2.1 The application is for residential development, but the application site includes land allocated for employment purposes. Therefore, the proposal would have a detrimental impact on the local economy, contrary to Policy E1 of the Maldon District Approved Local Development Plan.
- 3.2.2 The application is for up to a maximum of 10 dwellings which would be ‘major development’ but the ‘permission in principle’ process cannot be used for ‘major development’ as set out in Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).
- 3.2.3 It is considered that the minimum and maximum net number of dwellings the site could accommodate satisfactorily would be 0 to 6, to ensure that the development can be designed using ‘garden suburb principles’ taking into account the character and

appearance of the area, landscaping and the quality of life for the occupiers of the proposed dwellings. It is considered that mitigation with respect to nature conservation impacts would not be necessary in this case.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 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
- 59-79 Delivering a sufficient supply of homes
- 91- 101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S2 – Strategic Growth
- Policy S3 – Place Shaping
- Policy S4 – Maldon and Heybridge Strategic Growth
- Policy S8 - Settlement Boundaries and the Countryside
- Policy E1 - Employment
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy H4 – Effective Use of Land
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 - Accessibility
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)

- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide
- South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SPD) (March 2018)
- South Maldon Suburb Strategic Design Code (March 2016)

5. MAIN CONSIDERATIONS

5.1 The only issue which requires consideration as part of the determination of this application are the principle of development which includes the impact the development would have on nature conservation.

5.2 Principle of Development

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk areas, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.2 Part of the application site lies within an allocated employment site - E1(q) Wycke Hill North (0.5ha) - for B1 and B2 uses. Policy E1 states that *'employment generating developments and investment in the District to support the long term growth vision outlined in the Economic Prosperity Strategy (EPS)'* are encouraged. Policy E1 'Existing Employment Use' states employment sites: *'will be reserved for employment development. Planning applications for development will only be permitted for employment purposes if they accord with the use class specified.'*

5.2.3 It is considered that the proposed development would have a detrimental impact on the local economy as a result of the loss of allocated employment land to residential uses. The proposal would, therefore, be contrary to Policy E1 of the Maldon District Approved Local Development Plan and the NPPF, and the application is recommended for refusal on this basis.

5.2.4 In terms of the number of dwellings proposed, with reference to the densities envisaged for the Garden Suburbs, for a site with an area of 0.2ha, a medium density of development (30-35dph) would equate to the site accommodating a total of between 6 and 7 dwellings (i.e. a net of 5 to 6 dwellings in this case). Even a high-density development (35-40dph) would only equate to a total of between 7 and 8 dwellings (i.e. a net of 6 to 7 dwellings in this case).

5.2.5 It is considered important to ensure that the development can be designed using 'garden suburb principles' with sufficient space for landscape buffers between the site and the A414 and along the boundary with the neighbouring employment uses in the interests of the quality of life for the occupiers of the proposed dwellings. With this in

mind, it is not considered that a development of adequate quality in terms of design and layout could be provided with the net of 8 or 9 dwellings proposed.

- 5.2.6 Furthermore, as the Council is currently able to demonstrate a 5 year deliverable supply of housing land, the 320 dwellings which have been allocated as part of Strategic Allocation Site S2 (b) have been met through outline planning application reference OUT/MAL/15/01327 and as the existing residential use within the site was envisaged to remain as a single, residential dwelling as part of the South Maldon Garden Suburb masterplan.
- 5.2.7 Therefore, if this application were to be approved, it would be recommended that a site of this size and in this location could accommodate a net of a minimum of 0 to a maximum of 6 dwellings. It is recommended that the application is refused on the basis that the number of dwellings proposed could not be designed using ‘garden suburb principles’ taking into account the character and appearance of the area, landscaping and the quality of life for the occupiers of the proposed dwellings.
- 5.2.8 The application is for up to a maximum of 10 dwellings which would be ‘major development’ but the ‘permission in principle’ process cannot be used for ‘major development’ as set out in Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended). It is recommended that the application is refused for this reason.

5.3 Nature Conservation

- 5.3.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.
- 5.3.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.3.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.3.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.3.5 In terms of off-site impacts, Natural England have advised that this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant

effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.3.6 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.3.7 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.3.8 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.3.9 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £122.30 per dwelling.
- 5.3.10 To accord with Natural England’s requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

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

Does the planning application fall within the specified development types? Yes

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

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

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

Summary of Appropriate Assessment - as a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England's interim advice is guidance only, it is not considered that mitigation, in the form of a financial contribution, is necessary, in this case.

- 5.3.11 Based on the above, it is considered that the development proposed would not cause harm to nature conservation.

5.4 Other Matters

- 5.4.1 Notwithstanding the objections referred to above, it is considered that, subject to satisfactory details being submitted at the Technical approval stage, including the number of bedrooms each dwelling would accommodate:
- the development, as a result of its nature and scale, could be designed so as not to have an adverse impact on future on adjoining land. There are no existing, neighbouring residents.
 - the Highways Officer has yet to comment on the proposal, but it is anticipated that the development, as a result of its nature and scale, could be designed so as not to cause harm to highway safety and to be provided with an appropriate means of access, sufficient off-street parking, cycle parking etc.
 - a net of a maximum of 6 dwellings could be designed to provide an adequate quality of life for the occupiers of the new dwellings.
 - issues relating to drainage could be addressed at the Technical Details Consent stage.
 - If the development would accommodate more than 1,000sq.m. of floorspace, affordable housing could be required through a planning obligation at the Technical details consent stage.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/05/00687** – Demolition of existing barn and outbuildings and erection of new building for class B1 commercial office – Approved 07.09.2005
- **OUT/MAL/15/1327** - C3 residential development (up to 320 new homes) of mixed form, size and tenure, small scale B1 employment development (up to

2,000sqm), C2 / D1 community uses, a new relief road to the north of A414, strategic landscaping, pedestrian and cycle linkages, estate roads, open space, drainage and sewerage (including SUDS) and other associated development. - All matters reserved except for access – Undetermined

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal as the number of housing units proposed exceeds the number of new housing units allocated for the District in the Maldon District Approved Local Development Plan	Noted – there is already a resolution to grant planning permission for up to 320 residential units within Strategic Site S2(b) but this is not a ceiling to development.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Officer	No response	
Natural England	No response	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Local Plan	No objection provided development tempered with the design principles for the South Maldon Garden Suburb adjacent the site in terms of the ‘garden suburb principles’ set out in the Masterplan SPD; and compatibility with the designated employment land (B1 and B2) use in terms of residential amenity and a decent landscaped buffer to mitigate noise and a	Noted – refer to Sections 5.2 and 5.4 of report

Name of Internal Consultee	Comment	Officer Response
	<p>degree of landscaped separation between the two land uses. A landscaped buffer between employment and residential land uses at the location of the application site is clear within the Masterplan SPD and the Strategic Design Codes. The MDDG recommends a site analysis, appraisal of the site's features and reference to relevant policy documents (Masterplan and Design Codes) to inform a design approach on the site.</p> <p>Affordable housing would need to be provided if the development exceeded 1,000 square meters.</p>	
Environmental Health	<p>Has reservations about the intensification of residential development on this site due to the noise impact on the proposed residential dwellings, associated amenity space and the scope within the site to appropriately reduce the noise impact from both traffic noise and that from nearby commercial units. Should Permission in Principle be granted the applicant would need to submit an acoustic assessment and details of foul and surface water drainage.</p>	<p>Noted – the assessment in section 5.2 of the report includes consideration of the quality of life for the occupiers of the site. Concerns regarding the existing commercial uses within the vicinity of the site are noted but these units are limited to Class B1 uses (i.e. uses which can be carried out in any residential area without detriment to the amenity of that area). If 'permission in principle' were to be granted, the applicant could be informed that an acoustic assessment and drainage details would be expected at the technical details consent stage.</p>
Tree Consultant	No response	

7.4 **Representations received from Interested Parties**

- 7.4.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Do not consider approval can be given without first establishing the traffic implications and the carrying out of any necessary corrective measures	Noted - these would be matters addressed at the Technical details consent stage.
Agree with Urban Design Officer's request for affordable housing	Noted - if the development would accommodate more than 1,000sq.m. of floorspace, affordable housing could be required through a planning obligation at the Technical details consent stage.
Not clear if Conservation Officer has been asked to confirm there are no relevant historical aspects that would be lost by the proposed demolition	The Conservation Officer has not been consulted but the application site is not within a Conservation Area and there are no listed buildings within the site.

8. **REASONS FOR REFUSAL**

1. The proposed development would have a detrimental impact on the local economy as a result of the loss of allocated employment land to residential uses. The proposal would, therefore, be contrary to Policy E1 of the Maldon District Approved Local Development Plan and the NPPF.
2. A development of adequate quality in terms of design and layout, i.e. using 'garden suburb principles' with sufficient space for landscape buffers between the site and the A414 and along the boundary with the neighbouring employment uses, could not be provided with the number of dwellings proposed. The proposed development is, therefore, contrary to Policies S1, S3, S4, D1, D2 and H4 of the Maldon District Approved Local Development Plan, and the NPPF.
3. The application is for up to a maximum of 10 dwellings which would be 'major development' but the 'permission in principle' process cannot be used for 'major development' as set out in Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).