



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
30 NOVEMBER 2022**

Application Number	22/00831/OUT
Location	Hawkins Farm Hackmans Lane Cock Clarks Essex CM3 6RE
Proposal	Outline planning application with all matters reserved for the demolition of existing dwelling and the construction of 2no. dwelling houses.
Applicant	Ms Tracy Garner
Agent	Mr Glynn Williams - Glynn Williams Architects Limited
Target Decision Date	16.11.2022
Case Officer	Hannah Dungate
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call-in by Councillor Miss S White citing Policy D1

1. RECOMMENDATION

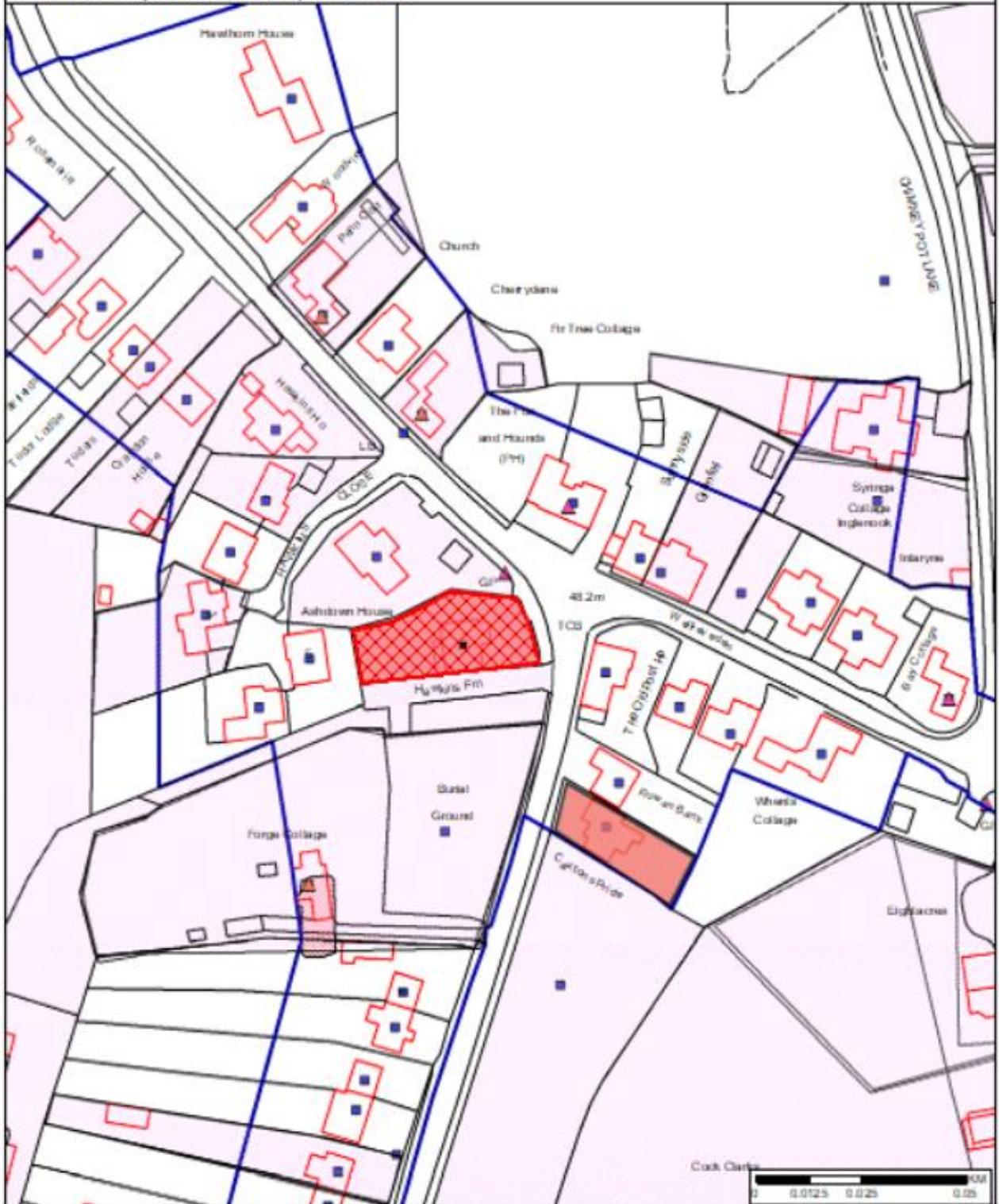
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

22/00831/OUT

Hawkins Farm, Hackmans Lane, Cock Clarks



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Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	02/11/2022
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Hackmans Lane, within the defined settlement boundary of Cock Clarks. The application site is located on a prominent corner location on a main thoroughfare leading through Cock Clarks. The site is bound by dense vegetation and mature trees. There is an existing bungalow located at the site and there is a mixture of residential properties located along Hackmans Lane, as well as Hawkins Close, including detached and semi-detached two storey dwellings. Dwellings largely front Hackmans Lane, with the exception of Hawkins Close which is a small cul-de-sac located west of the site.
- 3.1.2 Outline planning permission with all matters reserved is sought for the residential development of the site for two dwellings. The existing bungalow at the site would be demolished to facilitate the proposed development.
- 3.1.3 The outline application procedure allows for applicants to identify specific matters for consideration which includes the principle of development, layout, access, scale, appearance and landscaping. The applicant has identified that this application is to consider the principle of the development only.
- 3.1.4 The considerations of layout, access, scale, appearance and landscaping would form a subsequent reserved matter application, should outline permission be granted for the proposal. Nevertheless, all material planning considerations are relevant where applicable to this application including impact on ecology, highways and trees.

3.2 Conclusion

- 3.2.1 The proposed development would be remote and disconnected from local services and facilities by reason of its location and would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership for the future occupiers of the site. It would also result in a cramped and contrived form of development which would not reflect the spacious pattern of development within the area and would result in undue harm to the residential amenity of the future occupiers by reason of direct overlooking from No. 5 Hawkins Close. The proposal would lead to the intensification of the access along Hackmans Lane which would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety and insufficient information has been submitted to demonstrate that there would not be a significantly harmful impact on these trees and the visual amenity of the locality. The proposal would therefore be contrary to Policies S1, S2, S8, D1, D2, H4 and T2 of the Maldon Local Development Plan and is recommended for refusal.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework (NPPF) 2021, including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations

- 78-80 Rural Housing
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan (LDP) 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 and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of the Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the National Planning Policy Framework.
- 5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS).
- 5.1.3 Where a Local Planning Authority is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the National Planning Policy Framework which states:

“For decision taking this means:

“(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 clear reason for refusing the development proposed; or*
- “(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.*”

Footnote 7 - 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 73).

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the Local Planning Authority in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).
- 5.1.5 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. However, where the development plan is ‘absent, silent or relevant policies are out of date’, planning permission should be granted ‘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; or that specific policies in this Framework indicate development should be restricted’.
- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The Local Development Plan (LDP) through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. 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. However, because the Council cannot demonstrate an up to date five-year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the Local Planning Authority are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 Paragraph 78 of the NPPF states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will

support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

- 5.1.9 Although the application site is located within the defined settlement boundary of Cock Clarks, this is designated within the Maldon LDP as a small village, “*containing few or no services and facilities, with limited or no access to public transport, and very limited or no employment opportunities*”. Within the Council’s Rural Facilities Survey and Settlement Pattern 2022, Cock Clarks has also scored the lowest within the settlement hierarchy in terms of its population, number of services, facilities and connectivity and has been classed as a ‘Hamlet’. There is a public house located within the village, as well as a small employment site located at Birchwood Farm to the west of the village, just outside of the settlement boundary. However, there is no local shop, or any other services or facilities located within the village that might serve the day to day needs of the residents. There are also no bus services that run through the village, with the closest bus stop being located over 1 mile away from the application site and outside of the hamlet. The hamlet therefore has very poor sustainability credentials from an accessibility perspective.
- 5.1.10 Although there is already a dwelling located at the site, the proposal would include the net increase of one additional dwelling in this location. Having considered the location of the site, its distance from services and facilities, it is likely that the future occupiers of the proposed dwelling on this site would be heavily reliant on trips by private car for most of their day to day needs and the proposal would not therefore accord with the development plan.
- 5.1.11 As such, having regard to the Council not being in a position to demonstrate a 5YHLS, the ‘tilted balance’ is engaged in respect of the assessment of this application as set out at paragraphs 5.1.3 - 5.1.5 above.
- 5.1.12 Other considerations for the proposal are discussed below, including the impact on the character of the area and residential amenity and the provision of parking and private amenity space at the site.

5.2 Housing Mix

- 5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council’s current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The Maldon District Local Housing Needs Assessment (2021) (HNA) is an assessment of the housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The HNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing

need in the District and demographic implications of this, the 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 housing.

- 5.2.4 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3-bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds. Although the proposed development is outline in nature, the application form submitted with the application has identified that the number of bedrooms per dwelling would be three and four. It is stated that the existing dwelling has three bedrooms. The proposal would therefore seek to replace the existing dwelling with a three-bedroom property, as well as provide an additional four-bedroom dwelling at the site. One additional dwelling at the site would not therefore be policy compliant and would fail to meet the Council's identified need for smaller dwellings, which would weigh negatively against the scheme.

5.3 Design and Impact on the Character of the Area

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

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

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

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

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

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

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).

- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances,

the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.3.6 The application site is a medium-size plot, comprising a single dwelling. Immediately north and south of the application site are also two individual dwellings sat within relatively large plots. Although there is a cul-de-sac located west of the site, these dwellings are also served by relatively large gardens. The remaining development within the street scene is predominantly semi-detached properties served by large linear gardens. It can therefore be said that the predominant character of the area is properties sat within, and served by, relatively spacious plots.
- 5.3.7 Upon submission of the application, an indicative layout drawing was submitted with the application showing that the application site would be dissected into two and two properties would be sited within the centre of these plots. Although this drawing has now been superseded by a proposed block plan which does not include an indicative layout of the proposed development, the original drawing is considered to be relevant to the proposal as it provides an idea of the scale and layout of the development proposed. The indicative layout on this plan shows that the properties would appear cramped within the site and would not be served by spacious gardens. This would be contrary to the prevailing character of the area and would have a harmful impact on the existing character of the site and surrounding area.
- 5.3.8 Notwithstanding the drawings submitted, it is considered that the development of this site for two dwellinghouses would not relate to the spatial pattern of development within the surrounding area, which are properties served by large gardens. The provision of one additional dwelling at the site would give the appearance of cramped development which has been squeezed into the site in a cramped and contrived layout. Even if adequate private amenity space and parking could be provided within the site to meet the recommended standards, it is not considered that an appropriate layout could be achieved that would reflect the spacious pattern of development within the area.
- 5.3.9 Although the application site currently benefits from dense vegetation and mature trees along the boundary of the application site, to the north and east, which contributes significantly to the verdant character of the area, and could potentially screen the development from public vantage points, the Council's Tree Consultant has advised that insufficient information has been submitted to assess the impact of the proposal on the trees or provide any solutions for tree protection for working around them. From assessing the indicative layout submitted, and potential impact on the trees as a result of this, it is considered that there would likely be pressure to remove the trees prior to construction.
- 5.3.10 It is therefore considered to be likely that significant trees would need to be removed to implement the proposal, which would have a detrimental impact on wider public amenity. No such information has been submitted to advise otherwise and as such the provision of two houses at this site is not therefore considered to be acceptable in this instance.
- 5.3.11 For the reasons listed above it is considered that the proposal would result in material harm to the character and appearance of the site and the surrounding area and would therefore be contrary to Policies D1 and H4 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.4.2 The application site comprises a detached residential bungalow and is bound by housing to the north, west and south west of the site. To the south of the site is also a burial ground.
- 5.4.3 The dwelling to the north of the site is known as Ashdown. It has a diagonal orientation to the application site and is located approximately 6m away from the shared boundary with the application site. Although the proposal would include the addition of one net dwelling at the site, it is considered that an appropriate design and layout of the proposed dwellings could be devised so that the proposed development would not result in overshadowing or direct overlooking to this neighbour. However, further consideration would be given to this at reserved matters stage, if outline planning permission were to be granted for the proposed development.
- 5.4.4 The dwelling to the west of the site, No. 5 Hawkins Close, is a two-storey detached property. The rear elevation of No. 5 directly faces the application site and has a back to boundary distance of 6.8m which currently results in direct overlooking from No. 5 Hawkins Close into the amenity space of the existing property at the application site. This is not considered to be an appropriate and neighbourly separation distance under current design standards to protect and enhance existing and proposed residential amenity. Although this poor neighbourly relationship already exists, any new proposal must be assessed under current Local Plan policies and design standards.
- 5.4.5 It is a general assumption that the area of amenity space located immediately to the rear of a dwellinghouse, a patio for example, is more widely used by the occupiers of a dwellinghouse than the bottom of the garden. Although the area of amenity space at the existing property is located over 20m away from the rear of No. 5, the bottom of the garden is located under 10m away from No 5. The introduction of a new property at the site would mean that the area of amenity space closest to the rear of the new property would be much closer in distance to No. 5 than the current arrangement. The amenity space located in close proximity to No. 5 would be more likely to be used on an intensified basis due to its siting immediately to the rear of the new dwellinghouse and therefore any direct overlooking to this area would result in significant loss of privacy to the future occupiers to an intensified degree. As such, it is considered the amenity of any new development at this site, given the likely constraints to a configuration of the site to provide two dwellings of 3 and 4 bedrooms, is likely to be negatively compromised, to the detriment of any future occupiers.
- 5.4.6 Details relating to design, layout and appearance are matters reserved for future consideration, however, on the basis of the information available it is not considered that any future layout or design could satisfactorily overcome the concerns raised above. As such, the proposed development is not considered to be acceptable, contrary to Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The development would be accessed from an existing access along Hackmans Lane, which is an adopted road. Although the access is existing, the proposed development would result in the intensification of this access, by the net increase of one dwelling at the site. The Highways Authority have been consulted and advised that the proposal would lead to the intensification of use of the existing vehicular access, "*where the required vehicular visibility splays of 2.4 metres by 43 metres in both directions to the nearside carriageway edge cannot be achieved*". The lack of suitable visibility from the proposed access for both emerging and approaching vehicles would therefore result in an unacceptable degree of hazard to all road users to the detriment of general highway safety, contrary to Policies T1 and T2 of the LDP.
- 5.5.3 In accordance with the Maldon District Vehicle Parking Standards, two off-street parking spaces are required to be provided for a three bedroom dwelling and three off-street parking spaces are required for four bedroom dwellings. Although an indicative plan showing the layout of the proposed parking spaces has not been submitted, it is considered that an appropriate layout could be agreed for these spaces to be provided at the site as part of any future reserved matters application. However, it is considered that the provision of an additional three parking spaces at the site as a result of a new four bedroom dwelling at the site, would contribute to the cramped nature of the development, which would have an urbanising impact on the setting of the site to the detriment of the character of the area, as described above.
- 5.5.4 Cycle parking spaces should be provided in order for the development to accord with the requirements of the Maldon District Vehicle Parking Standards. Although no details have been submitted in that respect, it is considered reasonable for these details to be dealt with by condition and as part of a future reserved matters application.

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

- 5.6.1 Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity'.
- 5.6.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.6.3 Policy N2 of the LDP states that 'All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance'.

- 5.6.4 The Council's Ecological Advisor has been consulted on the application and has advised that insufficient ecological information has been submitted relating to the likely impact of the development on protected species and identification of proportionate mitigation.
- 5.6.5 Although a Biodiversity Checklist and Bat Evidence letter have been submitted with the application, the Council's Ecological Advisor has found a number of deficiencies with the information provided. The Ecology Specialist has also advised that the site is located within 150m of a pond that could be suitable for protected species, such as bats and Great Crested Newts (GCN). It is considered reasonable that a Preliminary Ecological Appraisal (PEA) should be submitted to provide adequate assessment of the proposal to inform the need for further surveys, if necessary, as well as mitigation and compensation for the impacts identified. This has not been submitted, and therefore, insufficient information has been provided with the application to properly assess the ecological impact of the proposed development, which would be contrary to Policies S1 and N2 of the LDP.
- 5.6.6 In terms of offsite impacts, the application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.6.7 The development would provide the net increase of one additional dwelling at the site which falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? Yes – The proposed development would provide the net increase of one additional dwelling at the site.

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

- 5.6.8 As a competent authority, the Local Planning Authority concludes that the project will, without mitigation, 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 Natural England's advice, it is considered that mitigation, in the form of a financial contribution of £137.71 per dwelling is necessary. A signed Unilateral Undertaking has not been submitted as

part of the application process and therefore the appropriate mitigation has not been secured, contrary to Policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

5.7 Planning Balance and Sustainability

- 5.7.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.7.2 Notwithstanding the considerations as contained in that paragraph, there may be times where there are site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries could no longer be refused on those grounds alone.
- 5.7.3 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.7.4 With regard to the three tests of sustainability, in economic terms, there would be little support for local trade as the proposal only relates to the construction of two dwellings. Whilst the occupiers of the proposed dwellings would bring some economic benefits to the village, which may provide some support to existing services, it is considered that the benefits would be minor given the negligible number of dwellings proposed as well as the lack of services within Cock Clarks. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.7.5 In relation to environmental sustainability, as stated within preceding sections of this report, the site is not considered to be within a sustainable location, which would weigh negatively against the scheme. It is also considered to have a harmful impact on the character and appearance of the area due to the cramped nature of the development and potential loss of trees at the site which would have a significant impact on the visual amenity of the area to the detriment of the locality. A Unilateral Undertaking has also not been received in relation to Essex RAMS and as such the appropriate financial contribution has not been secured to mitigate against the likely harm that would be caused in terms of increased recreational disturbance.
- 5.7.6 In social terms, development should assist in supporting a strong, vibrant and healthy community. Whilst the proposed dwellings would be located within the defined settlement boundary of Cock Clarks, the site is not considered to be close to any means of public transport such that any future occupiers of the site would be heavily reliant on the use of private vehicles to access everyday facilities. Although there is a limited number of dwellings proposed which would provide minor social benefits, the development would have a harmful impact on the amenity of future occupiers due to direct overlooking from neighbouring residences.
- 5.7.7 Taking into account the above assessment, the proposal is not considered to be sustainable development in the tilted balance.

6. ANY RELEVANT SITE HISTORY

6.1 No relevant site history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	<ol style="list-style-type: none">1. Access to, and egress from the site is on a blind bend and therefore represents a danger to highway safety via increased traffic movements at a highly dangerous location, contrary to policies T1 and T2 of the Local Development Plan.2. The proposed development, given its size, scale and proximity, will result in a form of development which is at odds with the existing development at the site, nearby properties and the surrounding area. Consequently, the proposal is considered to be an overdevelopment of the site and will be contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	<p>From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:</p> <ol style="list-style-type: none">1. The proposal would lead to the intensification of use of the existing vehicular access, where the required vehicular visibility splays of 2.4 metres by 43 metres in both directions to the nearside	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>carriageway edge cannot be achieved. The lack of suitable visibility from the proposed access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.</p>	
Place Services – Ecology	<p>Holding objection due to insufficient ecological information on designated sites (Crouch and Roach Estuaries Ramsar and Special Protection Area (SPA), and Blackwater Estuary Ramsar and SPA), European Protected Species (GCN and bats), protected and Priority species and habitats.</p>	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection subject to conditions relating to foul and surface water drainage and construction management.</p>	Noted
Tree Consultant	<p>The tree report only identifies the tree constraints, it does not assess the impact of the proposal on the trees or provide any solutions for tree protection for working around them. It recommends that further reports are required to provide this information.</p> <p>From assessing the proposed layout and potential impact on the trees it would mean that there would likely be pressure to remove the trees prior to construction or if allowed to be built.</p> <p>There is currently insufficient information to fully assess show the proposal could impact on the trees and what protection measures will be required to work around any tree</p>	Noted

Name of Internal Consultee	Comment	Officer Response
	<p>constraints. It is likely that significant trees will need to be removed to implement this proposal, which could then have a detrimental impact on wider public amenity.</p> <p>Recommend refusal on this basis and place a Tree Preservation Order (TPO) on the better-quality trees to prevent removal to facilitate a development layout.</p>	

7.4 Representations received from Interested Parties

7.4.1 One representation has been received objecting to this application.

Objecting Comment	Officer Response
<p>Small site for two houses and would result in loss of light to rear of No. 5 Hawkins Close as well as overlooking into garden with no privacy.</p>	<p>Noted.</p>

8. REASONS FOR REFUSAL

- 1 The proposed development would be remote and disconnected from local services and facilities by reason of its location and would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D1, H4 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2021).
- 2 The proposed development would result in a cramped and contrived form of development which would not reflect the spacious pattern of development within the area which would have a harmful impact on the visual amenity to the detriment of the character of the site and surrounding area, contrary to Policies D1 and H4 of the Maldon District Local Development Plan (2017) and the guidance contained within the National Planning Policy Framework (2021).
- 3 The proposed development would result in undue harm to the residential amenity of the future occupiers by reason of direct overlooking from No. 5 Hawkins Close resulting in a loss of privacy to the detriment of the living environment of the future occupiers. The proposal would therefore be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework (2021).

- 4 The proposal would lead to the intensification of the access along Hackmans Lane. The lack of suitable visibility from the access for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety. The development would therefore be unacceptable and contrary to the National Planning Policy Framework, policies S1, T1 and T2 of the Maldon District Local Development Plan (2017).
- 5 Insufficient information has been provided to fully assess the impact on the trees which are located along the north and east boundaries of the site. It is therefore considered that it has not been demonstrated that there would not be a significantly harmful impact on these trees and the visual amenity of the locality. The proposal is therefore contrary to policies D1 and N2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 6 The applicant has failed to supply adequate ecological information which would allow for a full assessment of the impact of the proposed development on European Protected Species (Great Crested Newts and Bats). In the absence of any sufficient ecological information, the proposal is considered to conflict with the Policy N2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework./
- 7 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, I1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.