



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
11 JANUARY 2023**

Application Number	22/00931/FUL
Location	9 Cherry Blossom Lane Cold Norton Essex CM3 6JQ
Proposal	Construction of detached three bedroom bungalow with associated vehicular access, hardstanding and landscaping.
Applicant	Mr Penny - Penny Homes Ltd
Agent	Andrew Pipe - Andrew Pipe Associates
Target Decision Date	11.01.2023 (EOT requested until 18.01.2023)
Case Officer	Lisa Greenwood
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan Member Call-in by Councillor S White citing Policy D1

1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), to secure a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy and subject to the conditions as detailed in Section 8.

2. SITE MAP

Please see below.

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located on the eastern side of Cherry Blossom Lane, just outside of the defined settlement boundary of Cold Norton which runs along the southern edge of the site. The application site is currently grassland bounded by fencing along the western and northern boundaries, and hedgerows to the east. Cherry Blossom Lane largely comprises two storey dwellings of pitched roof designs. However, immediately adjacent to the south of the site is No. 7 Cherry Blossom Lane which is a detached bungalow with a pitched roof design. To the north of the site is the garden of a dwelling known as Poplars, which is sited further away to the north. To the east of the site is a large plot associated with a large dwelling known as Crown Lodge. To the west, opposite the site is the Cold Norton Village Hall. As Cherry Blossom Lane extends into the countryside, outside of the defined settlement boundary, the residential character becomes less dense and more spacious in nature, reflecting the semi-rural character of this area.

Description of proposal

- 3.1.2 Planning permission is sought to construct a detached bungalow with associated off-street parking and amenity space. The dwelling would be located along the northern edge of the site and would have a hipped roof design. It would have a similar orientation to the bungalow south of the site. The proposed bungalow would measure 17.6m in depth, 8.8m in width, and 5.1m in ridge height. There would also be a smaller hipped roof projection to the south of the bungalow comprising the porch.
- 3.1.3 During the life of the application, amended plans have been received to amend the roof design of the bungalow so that it would be fully hipped at both ends as opposed to hipped at the front with a gable end at the rear.
- 3.1.4 The bungalow would comprise living/dining area, kitchen, bathroom three bedrooms and one en-suite.

Background of the application

- 3.1.5 The application follows a previous application for a similar proposal that was approved in 2017 (Reference 17/00988/FUL). This application followed a previous application (Reference 13/01172/OUT) which was allowed on appeal (Appeal Reference APP/X1545/A/14/2219763). As part of this appeal decision, the Inspector concluded that the site is in a sustainable location, there would be no significant harm to the character and appearance of the countryside and the site would therefore be in a suitable location for housing.
- 3.1.6 The current application seeks to amend the design of the bungalow previously approved under the terms of 17/00988/FUL, as it would be larger in size and would have a hipped roof design. The layout of the proposed development would be similar to what has already been approved. It must be noted that the previous application was approved over 3 years ago, and as the development has not been commenced, the permission has expired and a new permission is required. The application is for committee consideration as the proposal is for a new dwelling outside of the defined settlement, which is a departure from the local plan.

3.2 Conclusion

3.2.1 The proposed development is located outside the settlement boundary for Cold Norton and thus, is in principle contrary to policies that seek to direct new residential development to established settlements. However, the development abuts the settlement boundary and was assessed against all the dimensions of sustainability and it is considered that, when also taking into account the planning history of the site, the proposal constitutes sustainable development. Based on the Inspector's findings previously, the development would infill a parcel of unused land which limitedly contributes to the countryside. Therefore, it is considered that the principle of a residential dwelling in this location is acceptable and the proposal would not result in detrimental harm to the character of the area. The development would be, on balance, acceptable in terms of design and impact on the area. No objection is raised to the impact on the residential amenity of the neighbours and the future occupiers. The proposal is not considered to result in a detrimental impact on the highway network and safety. Furthermore, a financial contribution has been requested in relation to Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and upon receipt the impact of the development on designated sites can be mitigated. The proposal is therefore in accordance with the policies set out within the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

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 SP (MDG) (2017)D
- Maldon District Vehicle Parking Standards SPD

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.
- 5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan(MDLDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 The proposal site is located just outside of the defined settlement boundary of Cold Norton. The proposal is, therefore, contrary to the objectives of Policy S8 of the LDP.
- 5.1.4 In terms of the sustainability of the proposed development, it is noted that an important element when considering the appropriateness of a residential development is the ability of the future occupiers to access the essential services and facilities through sustainable modes of transport.
- 5.1.5 Although the village of Cold Norton is designated as one of the small villages, it has a number of services and facilities to provide the daily requirements of the future residents, including a primary school, public house and convenience stores. There are also frequent bus services to Chelmsford, Maldon, Southminster and other villages within the District. Although the property is located outside of the defined settlement boundary it is considered that due to its close proximity, the future occupiers of the proposed dwelling would not be reliant on private vehicles to meet regular day to day needs.
- 5.1.6 Policy S8 of the LDP supports sustainable development within the settlement boundaries with exceptions outside of the development boundaries being subject to identified criteria and the protection of the intrinsic character of the countryside. The Council currently cannot demonstrate a five-year supply of deliverable housing sites and as such policies for managing the location of housing development carry lesser weight in favour of paragraph 11 (d) of the NPPF.
- 5.1.7 In 2014, the Inspector, in considering an appeal against the Council's refusal of 13.01172/OUT noted that "*the site would be a suitable location for housing development, and it would represent sustainable development within paragraph 7 of the Framework for which there is a presumption in favour.*" Although some time has passed since this decision, there has been a subsequently approved application for a detached bungalow at the site in 2017. Although the planning permission from 2017 has now expired, given this context and the Inspector's previous findings, to which significant weight is given, it is considered that the site would be suitable for housing in this instance.
- 5.1.8 The planning history at the site is a material consideration in addition to the above It is noted the Planning Inspector, in allowing the appeal in 2014, took into consideration the fact that the Council had no 5 year housing supply, housing policies

for restraint were out of date, the NPPF (2012) in terms of sustainable development was invoked, and noted also that there was agreement that the site is in a sustainable location. Taking this into account, the more recent decision in 2017, and also for the need for consistency within the decision-making process, it is considered that the principle of residential development in this location has been accepted by the Council. 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 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) (LHNA) 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 LHNA 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. The proposed dwelling would have three bedrooms and would therefore be policy compliant and would meet the Council's identified need for smaller dwellings, albeit limitedly, which would weigh in favour of 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 MDDG (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 located at the end of an existing residential street which is fronted by bungalows and two storey detached dwellings of predominantly pitched roof design. Although the proposed development would be located on a parcel of land beyond the defined settlement boundary, it is noted that a previous application approved a single storey detached bungalow at the site in a similar location to the current proposal (Reference 17/00988/FUL). Prior to this, an Inspector found that the site would be suitable for development as the area of land did not represent a *“sensitive countryside location”* as it *“makes very little contribution to the visual appearance of the locality”* and *“The open countryside is not immediately apparent from the appeal site”*.
- 5.3.7 Although the current application differs slightly to the previous scheme, in that the proposed bungalow would have a hipped roof design, and would be slightly larger in depth and width, it is considered that overall, it would have a similar appearance within the street scene as the previously approved dwelling. As such, it is considered that, on balance, the revised design of the bungalow would not be so harmful to the street scene to warrant refusal of the application. No changes have been made to the layout of the proposed bungalow, parking or amenity space within the site.
- 5.3.8 Given this site context, it is not considered reasonable to recommend refusal of the application on design grounds and it is considered that the development, on balance, would be acceptable in terms of its design and impact on the wider character of the area.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 A minimum of 21 metres separation distance would be maintained between the proposed dwelling and the south and east boundaries of the application site. This is considered to be a reasonable separation distance to prevent from overshadowing, overlooking and creating an undue sense of enclosure from the proposed dwelling.
- 5.4.3 Whilst the distance maintained to the northern boundary would be around 1.5m, the site abuts the south garden of the property to the north named Poplars. The dwelling sits an additional 30 metres away from the shared boundary and thus, there would be no adverse impact caused to the residential amenity of the neighbours to the north.
- 5.4.4 The proposed development, by reason of its location and relationship with the neighbouring dwellings, would not have a greater impact on the amenity of any other nearby neighbours and it not considered that it would result in unacceptable levels of noise and disturbance from the additional activity caused by the additional dwelling on the road. The impact of the development on the residential amenity is therefore considered acceptable, in accordance with the stipulations of 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 Cherry Blossom Lane, an unadopted road. Although the site has an existing access and gate, the plans submitted show that the development would involve the formation of a new access centred to the front boundary of the site. The access appears to be wide enough to allow an access which would not result in the obstruction of the shared road.
- 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. The proposal would provide ample space to be used for off-street parking. Two off-street parking spaces have been shown in the plans submitted, in accordance with the above requirements.
- 5.5.4 Two 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.

5.6 Ecology (including the impact of development within the Zone of Influence (Zoi) for the Essex Coast 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 which 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 application concerns the construction of 1no. dwelling within an open meadow. Therefore, to identify whether any protected species would be present and affected by the proposal it is expected that an Ecological Survey undertaken by a suitably qualified ecologist using standard methodologies should be submitted with the application.
- 5.6.5 The proposal has been reviewed by the Council's Ecological Consultant, who initially raised a holding objection, owing to insufficient information. The applicant has now submitted a Preliminary Ecological Appraisal (PEA) by ACJ Ecology, November 2022, which has identified enhancements to the site. The Council's Ecological Advisor is satisfied that there is sufficient ecological information available for the determination of the application, and should planning permission be forthcoming, recommends the imposition of planning conditions to ensure compliance with the PEA and the installation of sensitive lighting.
- 5.6.6 The Consultant also notes that the site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Local Planning Authority (LPA) must therefore establish if the proposal falls within the scope of the RAMS as "relevant development". The LPA should prepare a Habitat Regulation Assessment (HRA) assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at designated sites.
- 5.6.7 The development of 1no. dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice a 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 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 (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for one dwelling

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 LPA 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 NE's advice, it is considered that mitigation, in the form of a financial contribution of £137.31 per dwelling is necessary. During the application process, the Council has requested a signed Unilateral Understanding (UU) and subject to the receipt of this, the appropriate mitigation would be secured, in compliance with policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.
- 5.6.9 Subject to appropriate conditions it is therefore considered that appropriate mitigation measures have been put in place to mitigate the likely harm the proposal would cause. The proposal is therefore considered to comply with Policy N2.

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 3 tests of sustainability, in economic terms, there would only be a single dwelling provided, however, given the Housing Land Supply shortfall, the weight afforded to this benefit increases its weight as a material consideration, although limited in terms of support for local trade and businesses. Whilst the occupiers of the proposed dwelling would bring some economic benefits to the village, which may provide some support to existing services, it is considered that the benefits would be limited given the proposal is for a single dwelling. 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 considered to be within a relatively sustainable location, which would weigh in favour of the scheme in relation to environmental sustainability. In light of the Council's housing supply position, it is considered that the proposal would not be considered harmful to warrant refusal of the scheme.
- 5.7.6 In social terms, development should assist in supporting a strong, vibrant and healthy community. Whilst the proposed dwellings would be located outside of the defined settlement boundary the site is considered to be relatively close to public transport such that any future occupiers of the site would not be heavily reliant on the use of private vehicles to access everyday facilities. Although there is a single dwelling

proposed which would provide minor social benefits, the site would be sufficient in size to meet the recommended amenity space standards which would benefit the future occupiers, and weighs in favour of the scheme.

5.7.7 Taking into account the above assessment, the proposal would be considered to be sustainable development in the tilted balance.

6. ANY RELEVANT SITE HISTORY

- **13/01172/OUT** – Single storey bungalow and garage. Appeal Allowed 06.03.2014 (Reference APP/X1545/A/14/2219763).
- **17/00988/FUL** – Construction of a detached 3 bedroom bungalow with associated vehicular access, hardstanding and landscaping. Approved 31.10.2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	<p>Whilst it must be pointed out that this site is outside the development boundary, the Parish Council has no objections to this one bungalow subject to conditions being imposed on the developer in respect of the road surface of Cherry Blossom Lane.</p> <p>This is the third application for this plot of land for a 3 bedroom bungalow: the first back in 2014 was refused by MDC, but allowed on appeal by The Planning Inspectorate, but the bungalow was not built. Then in 2017 an application was put in again for a 3 bedroom bungalow – this was granted permission by MDC, presumably because of the previous appeal decision, but again the bungalow was not built.</p> <p>Interestingly this application has been submitted, just as the Parish Council has taken out a £100,000 Public Works Loan and started works to improve the surface of Cherry Blossom Lane – which will obviously make the proposed new bungalow a more</p>	<p>Noted. The comments relating to the unadopted road would be a private matter between the applicant and the owner of the land and is not a material planning consideration for this application. Furthermore, should any future applications be submitted these will be considered on their own merits as to their acceptability or otherwise and cannot be considered under this application. Taking forward any such consideration would be ultra vires, could not be defended on an appeal and could lead to costs against the Council.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>saleable property at an increased premium.</p> <p>The condition the Parish Council wants to be applied, should MDC grant planning permission, is that the Parish Council is indemnified against any damage at all to the new surface of the road during the construction of the proposed property, which will by necessity mean that there will be increased, heavy traffic to the construction site.</p> <p>As well as an indemnity clause re any damage, the Parish Council believes it should be duly compensated financially with a share of the improved market value via an imposed condition, as it believes that's it's recent heavy investment in upgrading Cherry Blossom Lane to a proper tarmac road, has precipitated the Developer's application. To enforce this as a planning obligation can a Unilateral Undertaking, Section 106 Agreement or a Community Infrastructure Levy as appropriate be applied.</p> <p>Also, whilst this application is for one bungalow, the site is sizeable and the Parish Council is concerned that there will be a further application/or applications for additional bungalows or that a revised application for this modest bungalow will be submitted for an increased number of perhaps two storey larger properties as was the case recently in Purleigh Grove, Cold Norton – where the number of properties on the original application grew in number and the properties proposed grew in stature.</p>	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways (ECC)	<p>The proposed bungalow will be accessed via a private road and there are no proposed alterations to the existing access arrangements to the local highway network.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.</p>	Noted
Place Services – Ecology	Holding objection due to insufficient ecological information on designated sites (Crouch and Roach Estuaries Ramsar and SPA), European Protected Species & Habitats.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface and foul water drainage and informatives relating to refuse and recycling, contamination and construction.	Noted
Tree Consultant	<p>No objection to this proposal. The scheme will present a good opportunity to have new landscape installed to benefit amenity and ecological net gain.</p> <p>Recommend condition for a soft landscape scheme to be provided to provide suitable tree and shrub planting with suitable plants, quantities, sizes and planting specification to ensure establishment.</p>	Noted

7.4 Representations received from Interested Parties

7.4.1 No representations have been received for this application.

8. PROPOSED 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) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 22.663 01; 22.663 02 Rev A; 22.663 03 Rev B; 22.663 04 Rev B
REASON In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON In the interest of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
4. No development above slab level shall take place until details of all hard and soft landscape works and means of protecting the existing hedges at the site that are to be retained during the course of development have been submitted to and approved in writing by the local planning authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved 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.

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 In the interests of the character and appearance of the rural area and highway safety, in accordance with Policies T2, D1, E1 and S8 of the Maldon District Local Development Plan and the NPPF.

5. No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
REASON In the interest of local amenity and residential amenity in accordance with Policy D1 of the approved Maldon District Local Development Plan.
6. The existing hedgerows and trees along the northern and eastern boundaries of the application site shall be protected during the construction of the development.
REASON To protect the character of the area and the natural environment in accordance with the National Planning Policy Framework and Policy D1 and N2 of the approved Maldon District Local Development Plan.
7. No development 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 40% 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).

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and Policy D5 of the approved Maldon District Local Development Plan.

8. No works above ground level shall take place until details of the foul drainage scheme to serve the development has been 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 the adequate provision of drainage to mitigate against pollution in accordance with the National Planning Policy Framework, and policy D2 of the Maldon District Local Development Plan.

9. No works above ground level shall take place until details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority and shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.

REASON In order to encourage the use of non-motorised means of transport, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

10. Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown on drawing no. 22.663 02 Rev A, including a minimum of two off-street parking space for the dwelling hereby approved. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking areas shall be retained in the agreed form at all times.

REASON To ensure that on-street parking is provided as approved in accordance with policies D1 and T2 of the approved Local Development Plan.

11. All mitigation and enhancement measures and / or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology, November 2022), 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 and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation and Habitats and Species

Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

12. Prior to any works above slab level: biodiversity enhancement strategy

A Biodiversity Enhancement Strategy for protected and Priority species 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 information descriptions to achieve stated objectives;
- c) Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

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

REASON To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the National Planning Policy Framework (2021) and Section 40 of the Natural Environment & Rural Communities Act 2006 (Priority habitats & species).

13. Prior to occupation: Wildlife sensitive lighting design scheme

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and Section 40 of the Natural Environment & Rural Communities Act 2006 (Priority habitats & species).