



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
26 JULY 2023**

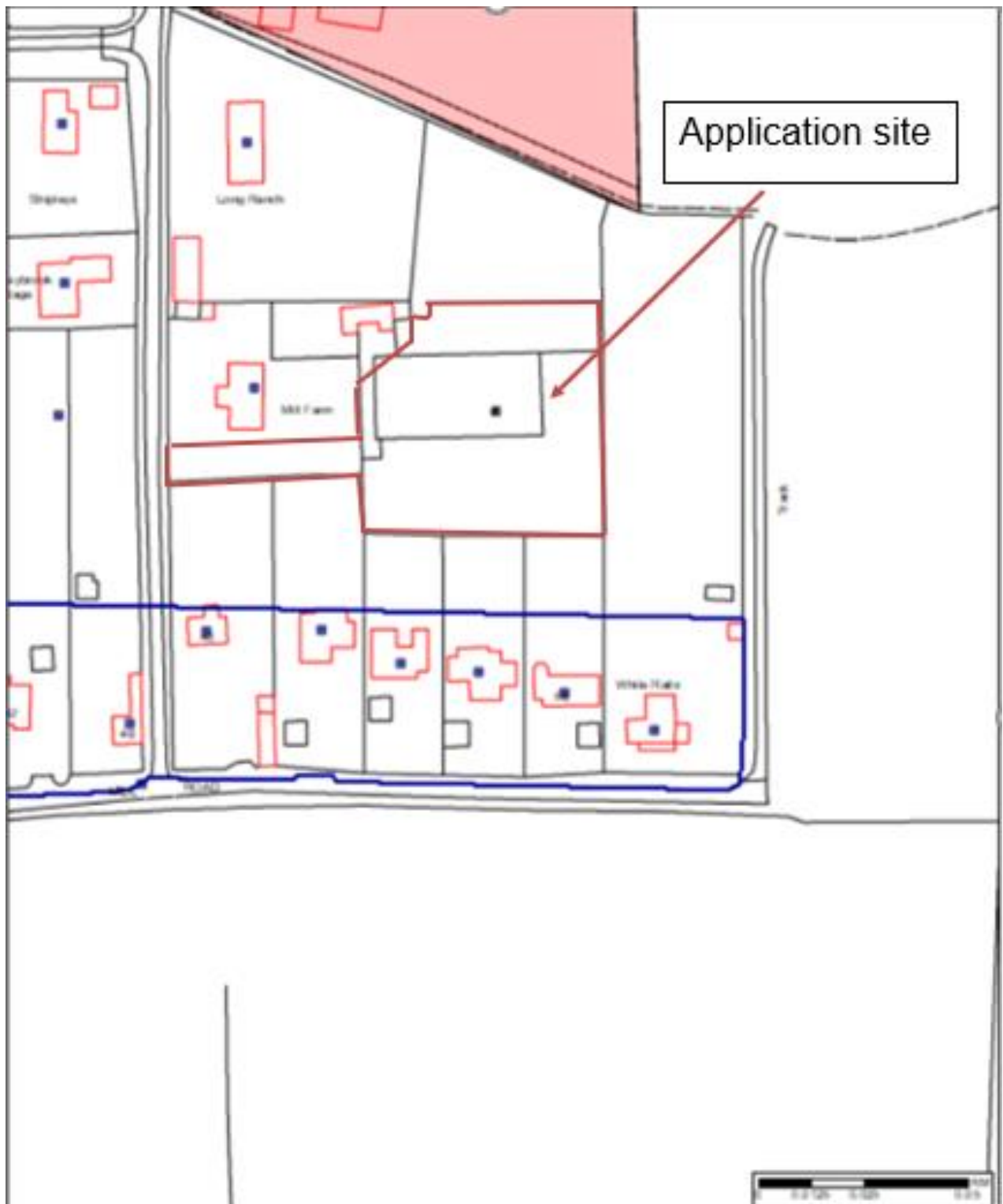
Application Number	23/00574/FUL
Location	Land Rear Of Mill Farm, Stoney Hills, Burnham-On-Crouch, Essex
Proposal	Construction of 4 chalet-style bungalows
Applicant	Mrs P Green
Agent	Mr O Dickens – Design Designed Ltd
Target Decision Date	02.08.2023
Case Officer	Kathryn Mathews
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the local plan


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 the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South Eastern Area
	Date:	16/03/2022
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is within Stoney Hills which is an area located outside the settlement boundary of Burnham-on-Crouch, but which has been the subject of a number of redevelopment proposals over recent years which have changed the area's character from a predominantly rural environment to a more suburban setting, including a number of developments to the north of the subject site where properties are accessed by cul-de-sacs. The properties within the wider area are mainly individual detached chalet style dwellings and bungalows along with some two storey dwellings all of which vary in terms of style, scale and form. The changed character of the area has been recognised by Planning Inspectors when determining recent planning appeals for additional residential development in the area.
- 3.1.2 The application site is 0.34 hectares (ha) in area and consists of a roughly square shaped piece of land to the rear of Mill Farm linked to Stoney Hills road, which is located to the west, by an existing accessway which also forms part of the site. As part of the application, it is stated that the existing use of the site is residential and equestrian. The site accommodates a manege surrounded by mown grass. There are no trees or hedges within the application site but there is existing vegetation along parts of the site's boundaries, particularly to the east and south.
- 3.1.3 There are residential properties immediately to the south and west of the main part of the application site. Those to the south front Mill Road and those to the west (Mill Farm), along with an existing stable block, are indicated as being within the ownership of the applicant. To the north and east of the site is more open land although it is understood that the land to the east is associated with an existing residential property. The subject site, along with adjoining land, used to be associated with 50 Mill Road to the south.
- 3.1.4 Planning permission is sought for 4 new dwellings, described as chalet-style bungalows, which would consist of 2no. two-bedroom dwellings and 2no. three-bedroom properties. The submission of the current application follows the dismissal of an appeal for the same development (reference 22/00571/FUL) but which was only dismissed due to the Inspector not being satisfied that adequate mitigation in relation to Recreational disturbance Avoidance and Mitigation Strategy (RAMS) had been secured and the effect of the proposed development on the living conditions of future occupiers, with particular reference to outlook .
- 3.1.5 The two-bedroom dwellings (Plots 1 and 2) would measure 11.3m in depth, 12m in width and 7.1m in height with the first-floor accommodation mainly within the roof space of the dwellings but also within a two-storey gabled projection to the front and rear elevations along with a dormer window to the front elevation. The roof of the main part of the dwelling would be half hipped with velux roof lights within the front and rear roof slopes. There would be a porch to the front elevation and an external chimney stack. There would be two bedrooms at first floor level and a study at ground floor level.
- 3.1.6 The three-bedroom dwellings (Plots 3 and 4) would measure 13m in width, 11.5m in depth and 7.7m in height with the first-floor accommodation being mainly within the roof space of the dwellings, but also within the two two-storey front projections. The main roof of the dwelling would be half-hipped with velux roof lights to the front and rear roof slopes. There would be a porch to the front elevation and an external chimney stack. There would be two bedrooms at first floor level and a study / 3rd bedroom at ground floor level.

- 3.1.7 The external materials proposed would consist of face brickwork with render above and clay tiles for the roofs. The two storey gabled projections would be finished with cedar cladding (anthracite) at first floor level.
- 3.1.8 Vehicular access to the site would utilise the existing access to Mill Farm from Stoney Hills which is around 45m in length and at least 6m in width. The four detached dwellings proposed would be arranged around an extension to this accessway. A turning head would be provided at the eastern boundary of the site. It is noted that on the Landscape Plan 000_SL/03 submitted reference is made to a proposed vehicle verge passing point with culvert adjacent to site entrance on Stoney Hills but this is outside the application site boundary.
- 3.1.9 The amenity areas for the dwellings would all exceed 100sq.m. Each of the dwellings would be provided with two parking spaces.
- 3.1.10 1.8m high close boarded fencing is proposed along the northern and western boundaries (including the boundary with the existing dwelling at Mill Farm), along the northern margin of the existing driveway and as a means of separating the gardens between the plots. Pedestrian gates would be included to provide access. It is proposed to plant a hornbeam hedge along the existing and proposed 1.8m high fencing which would enclose the accessway. 1.2m high timber post and rail fencing is proposed to the boundaries of the dwellings with the driveway and to the eastern boundary, along with planting. The existing screen panelled fencing along the southern boundary is to remain. Each house would have a rear patio which would be paved, and the driveways finished in gravel.
- 3.1.11 The application is accompanied by the following supporting documents: Preliminary Ecological Appraisal (January 2022), Construction Method Statement (April 2022 referring to application 22/00222/FUL), Geo-Environmental Data-Search Summary (January 2022), Renewable Energy Statement (it is proposed to install an air source heat pump to each of the dwellings proposed) and Sewage & Surface Water Management Strategy.

3.2 Conclusion

- 3.2.1 Whilst the site is located outside the settlement boundary of Burnham-on-Crouch, no objection is raised to the principle of the proposal as the development would be comparable to residential schemes granted planning permission within the Stoney Hills area.
- 3.2.2 It is concluded that the development would provide an adequate quality of life for the occupiers of the proposed dwellings, would not have an adverse impact on the amenity of the occupiers of any neighbouring residential property and would be acceptable in terms of highways safety / access / parking and drainage.
- 3.2.3 Whilst the previous appeal (mentioned above at paragraph 3.1.4) relating to the same development was dismissed (reference 22/00571/FUL), the Inspector did not raise concerns regarding the layout or design of the development and considered that the development would not cause harm to the character or appearance of the area.
- 3.2.4 Whilst the Council is now able to demonstrate a five year supply of deliverable housing land (Five Year Housing Land Supply (5YHLS)) (which was not the case at the time the previous appeal was dismissed), given the Inspector's assessment of the proposal, it is not considered that there would be any reason to justify different conclusions now being reached. It is Officers' view that the current proposal

overcomes the concerns of the previous scheme which were supported by the Inspector on appeal. Therefore, provided that the necessary financial contribution towards RAMS is secured or made, it is considered that the proposal would be sustainable development of a form supported by local and national policies for new housing.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Burnham-on-Crouch Neighbourhood Development Plan

- Policy HO.1 – New Residential Development
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.8 – Housing Design Principles

- Policy EN.3 - Enhancement of the Natural Environment
- Policy EN.7 - Waste Bins Storage
- Policy HC.2 - New Development Features

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of development, the impact on the character and appearance of the area, any impact on the amenity of existing residents, the quality of life for the occupiers of the proposed dwellings, highway safety / access / parking, nature conservation and drainage.

5.2 Principle of Development

5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).

5.2.2 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 area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.3 Policy S8 of the LDP does not allow for the construction of new dwellings outside the development boundaries even if the intrinsic character and beauty of the countryside is not adversely impacted upon (discussed below). However, whilst the proposal is contrary to this Policy, no objection was raised to the principle of the development by the Inspector who determined the previous appeal for the same development. It is noted that the Council is now able to demonstrate a 5YHLS (of 6.35 years) (which was not the case at the time the previous appeal was dismissed) but, given the Inspector's assessment of the proposal and in the absence of any material harm being identified (see assessment below), it is not considered that there would be any reason to justify a different conclusion being reached regarding the acceptability of the principle of the development proposed. Furthermore, it is noted that, due to the conflict with the Habitat Regulations (see below), even though the Council was unable to demonstrate a deliverable 5YHLS at the time of the previous appeal, the 'tilted balance' was not engaged in any event.

5.2.4 Whilst the Council is now able to demonstrate a 5YHLS, it is still 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.

5.2.5 Sustainable Development

5.2.5.1 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental parts. The LDP through Policy S1 reiterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. These three dimensions are assessed below.

5.2.6 Environmental Dimension

5.2.6.1 Accessibility is a key component of the environmental dimension of sustainable development.

5.2.6.2 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment.

5.2.6.3 The application site is located outside of the defined settlement boundary of Burnham-on-Crouch, a town that is classified as one of the 'main settlements' within the District, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside is assessed below as well as whether the development constitutes sustainable development.

5.2.6.4 Burnham-on-Crouch is a main settlement which contains a range of services and opportunities for employment, retail and education and serves a wide catchment area, with good public transport links. The Stoney Hills area lies to the north of the main Burnham-on-Crouch settlement. The nearest bus stops lie along Southminster Road, approximately 15 minutes' walk away. These bus stops provide services to Maldon and into Chelmsford, where there is a wide range of facilities and trains to London. Burnham-on-Crouch train station is located a half an hour walk away, which provides services into Chelmsford and London. It is noted that the road leading to Stoney Hills is an unmade, unlit track. However, a number of new dwellings have been approved in the area in recent years, some at appeal (see below), as part of the assessment of which it was accepted that, whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is in an accessible location and therefore supports the direction of the NPPF which aims to focus growth within sustainable locations offering a choice of transport modes (walking and cycling routes) to public transport facilities. It has also been acknowledged that the character of the area has evolved over time, so it is no longer an area of loose knit, scattered residential development but more akin to a suburban residential area. The recent appeal decisions relating to the development of the site for the same description of development currently proposed supports this view.

5.2.6.5 Based on this assessment, the location of the site would not fail to discourage the use of private cars. Paragraph 105 of the NPPF states that "*The planning system should actively manage patterns of growth in support of these objectives [sustainable transport]. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*". As highlighted above, occupiers of the site would have opportunities for utilising sustainable transport. The proposal is considered to accord with Policy T2 of the LDP where it seeks '*to provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate*'. The proposal, therefore, is considered to be sustainable development in relation to its accessibility to sustainable means of transport.

5.2.6.6 Two relevant appeal decisions are 15/00445/OUT - APP/X1545/W/16/3147227 and 15/01082/OUT - APP/X1545/W/16/3147572 which relate to residential development at Grove Farm. Within the appeal decisions relating to these, the Inspector states:

'Although the appeal sites are outside the development boundary of Burnham-on-Crouch I consider them to be within a residential area. Based on the evidence before me and my observations during my visit to the area I also agree with previous Inspectors that Stoney Hills is a sustainable location for development. Moreover, I have not identified any harm in respect of character and appearance arising from the proposed developments...I conclude that the location of the proposed developments would be suitable and sustainable, and no harm has been identified in terms of character or appearance. Further, although providing only a small number of dwellings, the proposals would make a contribution to the supply of housing to which I attach significant weight. They would also provide small scale units which is also policy compliant in terms of mix. They would therefore conform with paragraph 54 of the Framework which requires local planning authorities to respond to local circumstances and for housing to reflect local needs. As such I consider the proposals would meet the three dimensions.'

5.2.6.7 It is noted that a similar stance has been taken within the following appeal decisions in the area of Stoney Hills: 15/00108/FUL (APP/X1545/W/15/3134072), 15/00402/FUL (APP/X1545/W/15/3134076) and 15/00420/FUL (APP/X1545/W/15/3134078) (land opposite Monksfield), 15/00978/OUT - APP/X1545/W/16/3146160 (land rear of Charwood), 16/00196/OUT - APP/X1545/W/16/3157183 (Land at Hillcrest), 16/00408/FUL - APP/X1545/W/16/3161178 and 16/00849/OUT (rear of The Hollies), 17/00752/OUT - APP/X1545/W/17/3187513 and 17/01107/OUT - APP/X1545/W/17/3192426 (South of Charwood) and 18/00895/FUL - APP/X1545/W/18/3211805 (Land at Hillcrest). Furthermore, it is noted that costs were awarded against the Council for appeals APP/X1545/W/18/3211805, dated 2nd May 2019 - 18/00895/FUL (Land North of Hillcrest) and APP/X1545/W/17/3187513, dated 28 September 2018 - 17/00752/OUT (Land South of Charwood), as it was considered that the refusal of planning permission was unreasonable behaviour in these cases.

5.2.7 Having regard to the planning history of the Stoney Hills area, some of which is referred to above, it is considered that the acceptability of the principle of similar additional residential accommodation in the area of Stoney Hills has been established. The application site is clearly contained within a residential enclave and would not represent sprawl into the open countryside. For these reasons, it is considered the introduction of additional dwellings in this location is acceptable.

5.2.8 The other aspects of the environmental dimension of sustainable development (including the impact of the development on the character and appearance of the area, nature conservation and residential amenity) are discussed in the relevant sections below.

5.2.9 Housing Provision and Mix

5.2.9.1 The development would provide four dwellings (50% two-bedroom units and 50% two / three-bedroom units). The Council currently encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. However, the most up-to-date Local Housing Needs Assessment (May 2021) (LHNA) identifies that the greatest need is for two and three-bedroom dwellings. As a result, the development would contribute positively to the identified housing need and be responsive to local circumstances, which weighs in favour of the proposal. However,

the social benefits of the residential development proposed would not be significant as only four dwellings are proposed.

5.2.9.2 Based on the above, it is considered that the proposal would have a limited positive impact in regard to the housing mix being proposed.

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 any local design standards or 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:

- Architectural style, use of materials, detailed design features and construction methods;
- Innovative design and construction solutions will be considered where appropriate; Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

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. It is considered that the proposal could be described as ‘infill’ as the site is partly residential curtilage, is contained within a residential enclave and would not represent sprawl into the open countryside. It is considered that the proposal complies with the criteria set out in policy H4 relating to infill development (see below) which are as follows:

- 1) there is a significant under-use of land and development would make more effective use of it;
- 2) there would be no unacceptable material impact upon the living conditions and amenity of nearby properties [see below];
- 3) there will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and
- 4) the proposal will not involve the loss of any important landscape, heritage features or ecology interests.

- 5.3.6 Appendix 2 in conjunction with policy HO.8 of the Burnham-on-Crouch Neighbourhood Plan highlights housing design principles. In particular, principle NHD.9 states that “*The design of new homes in the area should reflect the materials, forms and scale of traditional local buildings. Sensitive modern interpretations of the local vernacular are encouraged, and the town centre conservation area provides many high quality examples of local forms*”.
- 5.3.7 The site is located outside the defined settlement boundaries of the District, but the site is more visually and physically associated with the neighbouring properties than the open countryside beyond and, therefore, the development would not represent sprawl into the open countryside and would not result in demonstrable harm to the intrinsic character or beauty of the countryside.
- 5.3.8 The development proposes the extension of the existing accessway off Stoney Hills to provide access to the dwellings proposed. Whilst there are no similar examples adjacent to the site, suburban-type developments consisting of small cul-de-sacs are now characteristic of the Stoney Hills area with the nearest examples around 140m to the north of the site. Therefore, the proposal is consistent with the pattern and density of development in the area and would not be out of keeping with its mixed character.
- 5.3.9 With reference to Policy H4, whilst it is not considered the site is currently significantly underused, it is recognised that the construction of additional dwellings within this large infill plot would represent a more effective use of the land and be compatible with the established pattern of development in the area. The proposal would not result in the loss of land which is of local, social, economic, historic or environmental significance and the site does not host any important landscape, heritage features or ecological interests. The site is located within the developed area of Stoney Hills and the density of the development, whilst low, would not be out-of-keeping with the existing development within the vicinity of the site.
- 5.3.10 In a recent appeal decision in Stoney Hills, concerning the demolition of an existing dwelling and the erection of three dwellings (Stapleton, Stoney Hills, Burnham-On-Crouch CM0 8QA – 18/00544/OUT - Appeal Ref: APP/X1545/W/18/3207171, dated 8th May 2019) the Inspector in relation to the character of the area stated “*in recent years a number of planning permissions have been approved for new housing development within these large plots, built around shared access driveways. Examples of these include new housing developments at: Mirfield (Council Reference:14/00224/OUT, allowed on appeal); the Hollies (Council References: 16/00408/FUL and 16/00849/OUT); Hilcrest (Council Reference: 16/00196/OUT); and Sunnyside (Council Reference:17/00735/OUT). A number of these new developments have been carried out and I observed during my site visit that the character of the area has changed from a rural one to more suburban residential character. I also observed that house sizes, design and styles vary considerably within the area.*”

- 5.3.11 A similar approach was taken by another Inspector assessing a proposal for the erection of two dwellings at Hedge End (Appeal Ref: APP/X1545/W/18/3198533, 18/00005/OUT - dated 28 September 2018) where it was stated that *“The area’s character appears to have changed gradually from a more rural and scattered environment as a result of development of single dwellings or groups of dwellings. The existing pattern of development across Stoney Hills includes detached bungalows and two-storey houses, some of which are sited in larger plots and others are located in cul de sacs off the main road through the area. The design, size and appearance of houses and bungalows throughout Stoney Hills varies considerably”*.
- 5.3.12 In terms of layout, the proposed development consists of four dwellings spread-out within the site with space for intervening landscaping and so the dwellings would not appear cramped within their setting. However, the development, whilst set back from Stoney Hills, would be visible from Stoney Hills and would consist of four substantial dwellings with a mixture of front-facing properties as well as a dwelling at a partial angle to both Stoney Hills and the east-west alignment of the proposed accessway.
- 5.3.13 With respect to the design of the dwellings themselves, the external materials proposed are not considered to be inappropriate and would not be out-of-keeping given the variety of building materials within the local area.
- 5.3.14 Whilst the previous appeal for the same development was dismissed, the Inspector did not consider that the proposal would have harmed the character or appearance of the area. There have been no amendments to the proposal as part of the current application which would justify a different conclusion being reached. The Inspector noted that the site is heavily screened from public vantage points by existing dwellings, trees, hedgerows and other vegetation. The Inspector did not raise any concerns regarding the design of the dwellings proposed taking into account the varied mix of property designs and heights in the surrounding area and considered that the proposed layout was acceptable given the distance of the dwellings from surrounding roads and given their siting behind existing dwellings. The Inspector also considered that planting a hornbeam hedge along both sides of the proposed accessway to the development from Stoney Hills would adequately soften the appearance of the existing / proposed 1.8m high close boarded fence along both sides of this accessway.
- 5.3.15 Based on the above assessment and taking into account the planning history and now-established pattern of development of the Stoney Hills area, it is concluded that the development proposed would not cause harm to the character or appearance of the area, in accordance with Policies S8, 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 MDDG (2017).
- 5.4.2 The dwellings proposed would be set off the boundaries of the site by at least 3.3m and the dwellings would be limited in height at a maximum of 7.7m. As a result, it is considered that the development would not cause harm to the amenity of the occupiers of any neighbouring property by reason of dominance, loss of light or loss of outlook. The dwelling on Plot 2 would be around 2m from the western boundary of the site with Mill Farm at its closest point but would be adjacent to a stable block and not the proposed residential curtilage of this dwelling.

- 5.4.3 The dwellings would also be positioned and have been designed in such a way that the development would not result in a material loss of privacy for the occupiers of neighbouring residential properties. Specifically, the only first floor window proposed would be bedroom windows in the gabled ends of the two storey front projections and front-facing dormer windows, and the velux roof lights would be positioned above eye-level.
- 5.4.4 The increased use of the access road adjacent to Mill Farm which would be generated as a result of the development proposed would cause disturbance to the occupiers of Mill Farm. However, a screen fence is proposed between the accessway and Mill Farm. It is considered that this, along with the limited number and size of dwellings proposed, would not cause harm to the amenity of this neighbouring property.
- 5.4.5 In response to a previous application for the same development, the Specialist – Environmental Health commented that air source heat pumps can be a source of noise nuisance but did not object to their use or make any recommendations in relation to their installation. However, no details of the exact position of the air source heat pumps have been submitted as part of the application and given this potential noise disturbance, it is considered necessary to impose a condition requiring details to be approved, if planning permission were to be granted.
- 5.4.6 It is noted that a Construction Method Statement has been submitted as part of the current application. The Specialist – Environmental Health’s comments on this Statement had not been received at the time of writing this report.
- 5.4.7 Based on the above, it is concluded that the development would not cause harm to the amenity of the occupiers of neighbouring residential properties, in compliance with 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 include 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 to 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 Council’s adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 The development would make adequate provision for off-street parking to comply with the adopted standards in the form of two parking spaces per dwelling. The provision of cycle storage could be required by condition if planning permission were to be granted. A condition could also be imposed to ensure that each dwelling was provided with at least one electric vehicle charging point.
- 5.5.4 In terms of the vehicular access, the site is accessed off Stoney Hills and would utilise an existing accessway which would be extended in an easterly direction to accommodate the development proposed. The proposed block plan suggests that it is the applicant’s intention for the accessway to be able to accommodate a waste collection truck with a turning facility. This has not been demonstrated but, if the accessway were not to be adequate for waste collection trucks and planning

permission were to be granted, a condition requiring details of a suitable waste collection point could be imposed.

- 5.5.5 Essex County Council (ECC) Highways has not commented on the current application. However, they raised no concerns with regard to highway issues previously in response to the same but previously refused scheme (reference 22/00571/FUL), and the Inspector similarly raised no further issues when determining the subsequent appeal. Therefore, whilst it is acknowledged that Stoney Hills is a relatively narrow, private and unlit road, due to the limited number of dwellings proposed, it is not considered that the development would result in material harm to highway safety.
- 5.5.6 Based on the above, it is considered that the development would be acceptable in relation to highway safety, access and parking provision, and therefore in compliance with Policies T2 and D1 of the LDP in this respect.

5.6 Quality of Life for the Occupiers of the Proposed Dwellings

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The proposed dwellings would each be provided with in excess of 100sq.m. private amenity space which would comply with the MDDG (2017). Intervisibility between the plots would be limited and there would be a sufficient distance between the rear of the dwellings proposed for Plots 3 and 4 to the boundaries of Plots 1 and 2 (around 8m and 10m, respectively) to ensure that harm was not caused through overdominance or loss of light. A condition could be imposed if planning permission were to be granted prohibiting the addition of windows on the rear elevations of Plots 3 and 4 in order to prevent overlooking of Plots 1 and 2. Furthermore, all of the bedrooms proposed would be provided with an adequate outlook. As a result, it is considered that the development would provide an adequate quality of life for the occupiers of the dwellings.
- 5.6.3 It is noted that an appeal (reference 22/00222/FUL) relating to a different proposal was dismissed partly due to concerns regarding the quality of life of the occupiers of the dwellings proposed. The Inspector agreed with the Council that the bedroom which was annotated as 'Bed 2' on plots 1 and 2 and the bedroom which was annotated as 'Bed 3' on plots 3 and 4, as they would each have only been served by two above eye level rooflights, would have resulted in the outlook of future occupiers of these bedrooms being severely limited. This concern does not apply to the current application which relates to a revised scheme where all of the bedrooms proposed would be provided with an adequate outlook.

5.7 Nature Conservation

- 5.7.1 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.
- 5.7.2 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).

- 5.7.3 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.
- 5.7.4 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.
- 5.7.5 The Preliminary Ecological Assessment (PEA) (January 2022) submitted concludes that the proposal would not adversely affect any protected species habitats and recommends enhancement measures are implemented. The mitigation measures recommended are vegetative management, protection measures for trees and hedgerows during site works and best practice guidelines for breeding birds and development. The ecological enhancements recommended are wildlife friendly planting, bats and lighting, bird nest boxes and hedgehog doorways in fence panels.
- 5.7.6 The development has the potential to have an impact on nature conservation interests both within the site and off-site.
- 5.7.7 In relation to on-site impacts, ECC Ecology has advised that, having reviewed the PEA, the mitigation measures identified should be secured by a condition of any consent and implemented in full to conserve and enhance protected and Priority species particularly reptiles, nesting birds, and Hedgehogs. They also support the proposed reasonable biodiversity enhancements which have been recommended to secure net gains for biodiversity and recommend that the reasonable biodiversity enhancement measures are outlined within a Biodiversity Enhancement Strategy secured by a condition of any consent. They also note that the PEA recommends that, if any external lighting is to be proposed, a sensitive lighting scheme is developed to minimise any impacts.
- 5.7.8 In terms of off-site impacts, Natural England (NE) has advised that this development falls within the 'Zone of Influence' (Zol) 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 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. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.9 NE 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 Special Protection Area (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.

- 5.7.10 NE anticipates that, in the context of the Local Planning Authority's (LPA) duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitutes 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 Multiple 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.
- 5.7.11 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.12 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a 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 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 £156.76 per dwelling.
- 5.7.13 To accord with NE's requirements, 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, as follows:

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

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 provided that mitigation, in the form of a financial contribution, is secured.

- 5.7.14 Even though the necessary payment had been made, the previous appeal for the same development as currently proposed was dismissed as, in the absence of a copy of the receipt for the payment and a completed Unilateral Undertaking to secure the necessary financial contribution as required by the Council's RAMS SPD, the Inspector was not satisfied that the payment had been properly secured and was, therefore, unable to give it any weight.

5.7.15 The applicant did make the relevant financial contribution towards RAMS as part of the previous planning application for the same development of four dwellings (reference 23/00571/FUL). However, the financial contribution required has since increased by £19.05 per dwelling. Therefore, a further financial contribution of £76.20 would need to be secured as part of the current application to ensure that the harm to off-site nature conservation interests had been adequately mitigated. Therefore, as this additional contribution had not been received at the time of writing this report, it is recommended below that planning permission is granted for the development proposed but subject to a Section 106 Agreement being completed to secure the necessary financial contribution.

5.8 Other Material Considerations

5.8.1 With respect to drainage (Policies D2 and D5), details of foul and surface water schemes for the development have been submitted as part of the application. For foul drainage, it is proposed to connect to the Anglian Water manhole on the applicant's adjoining land i.e. to the public sewer. Surface water would be attenuated through on-site storm crates to mimic greenfield run-off rates. The Specialist - Environmental Health has advised that the details submitted are satisfactory.

5.8.2 With respect to contaminated land (Policy D2), the Geo-Environmental Data Search submitted concludes that the data does not identify any significant potential sources of contamination and the site lies outside the area where there is an increased risk of potentially contaminative infill being present. The Specialist – Environmental Health has not raised any concerns regarding the proposal in relation to contaminated land.

5.9 Planning Balance and Sustainability

5.9.1 With regard to the three tests of sustainability, it is reasonable to assume that there may be some support for local trade from the development, and the occupiers of the additional units may support local businesses. This would however be limited given the scale of the proposal in the context of the District as a whole. There is also no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. These economic benefits would therefore be considered to be very limited.

5.9.2 In social terms, the proposal would have some benefits but, again, these would be limited given the number of residential units proposed.

5.9.3 It is also considered that the development would not cause material harm to the character or appearance of the area and would provide an adequate quality of life for the occupiers of the dwellings.

5.9.4 No objections are raised in relation to highway safety/access/parking or drainage. The potential harm to off-site nature conservation interests could be adequately addressed through a Section 106 Agreement, as explained above.

5.9.5 Therefore, overall, the development is considered to be sustainable which weighs in favour of planning permission being granted and results in the development being acceptable.

6. ANY RELEVANT SITE HISTORY

- **90/00300/FUL** - Erection of two dwellings and improvements to southern section of Stoney Hills roadway. Refused 24.05.1990.

- **91/00385/FUL** - Erection of two detached dwellings and improvements to southern section of Stoney Hills. Refused 19.06.1991.
- **92/00027/FUL** Erection of brick built front wall. Approved 10.03.1992.
- **93/00644/FUL** – Erection of stables Approved 24.08.1994.
- **98/00494/FUL** Proposed demolition of existing buildings surrender of all subsisting commercial uses and replacement with a single detached barn style residential dwelling. Refused 09.09.1998.
- **01/00341/FUL** Proposed single storey building to accommodate three stables and two tack rooms, to rear of 50 Mill Road. Approved 23.05.2001.
- **01/00764/LDE** Use of land as a building contractors yard and premises. Refused 15.10.2001.
- **02/00413/LDE** Use of the site as a building contractors yard and premises. Appeal dismissed 03.04.2003.
- **02/00607/FUL** Formation of menage to front of stable. Approved 12.08.2002.
- **02/01232/FUL** Proposed erection of stables and change of use of land for keeping of horses. Refused 05.02.2003.
- **03/00878/FUL** – Erection of stables and change of use of land for the keeping of horses Appeal allowed 15.03.2004 [to the north of application site].
- **04/00336/OUT** – Outline application for one dwelling and garage in lieu of existing yard and buildings used for storage of building material. Appeal dismissed 21.02.2005.
- **08/01109/FUL** Rear conservatory. Approved 13.11.2008.
- **13/01048/OUT** Outline planning permission for one detached dwelling Refused 08.01.2014.
- **14/00212/OUT** Outline planning application for one detached dwelling (resubmission). Approved 12/06/2014.
- **14/01232/RES** Reserved matters application for the approval of appearance and landscaping for one detached dwelling, approved under outline permission OUT/MAL/14/00212. Approved 15.04.2015.
- **15/00586/RES** Reserved matters application for the approval of appearance and landscaping following outline approval OUT/MAL/14/00212 Approved 24.09.2015.
- **22/00222/FUL** - proposed 4 new chalet styled bungalows – appeal dismissed 31.05.2023.
- **22/00571/FUL** – proposed 4 chalet styled bungalows – appeal dismissed 31.05.2023.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No response.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No response.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objections – the application is not materially different from two previously submitted applications (22/00571/FUL & 22/00222/FUL) and no further comments. Noise from the air source heat pumps has been considered and found to be acceptable as are the ground condition report and drainage strategies. Recommends a condition requiring a construction environmental management plan, if approved.	Noted – comments on the Construction Management Plan submitted have been sought.
ECC Ecology	No objection subject to securing: a proportionate financial contribution towards Essex Coast RAMS and biodiversity mitigation and enhancement measures	Noted – refer to section 5.7 of report.
ECC Tree Consultant	No response.	

7.4 Representations received from Interested Parties

7.4.1 17 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concerned regarding future retention and maintenance of proposed hedging leading to narrowing of the road	This could be the subject of a condition if planning permission were to be granted.
Dwellings ill-proportioned and too large for the plot of land. Would have adverse effect on living conditions of occupiers.	Noted – refer to sections 5.3 and 5.6 of report.
Highway safety and access issues associated with Stoney Hills area.	Noted – refer to section 5.5 of report. Damage to Stoney Hills, being a private

Objection Comment	Officer Response
Further damage to road surface.	road, would be a civil matter to be resolved privately.
Concerns regarding drainage and potential flooding	Noted – refer to section 5.8 of report.
Area suffers from variable water pressure already	This is not a material planning consideration.
Insufficient garden and parking for three bedroom dwellings	Refer to section 5.6 of report.
Loss of privacy and noise to Mill Road houses from patio areas and one of the dwellings only 3.3m from the boundary fence	Refer to section 5.4 of report.
Potential for further development on retained land	Noted.
Adverse impact on wildlife	Refer to section 5.7 of report.
Increased pressure on existing services and infrastructure	Noted.
Too many units and too dense. Not in keeping with surrounding plots – small gardens and limited parking	Noted
Inadequate drainage	Refer to section 5.8 of report
Housing not needed as Council has a five-year supply of housing	Noted.

7.4.2 **One** letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
There is potential to increase the width of the vehicle passing point proposed and installation of mirrors at junctions of Stoney Hills and Mill Lane and the bend in Mill Lane before the junction with Romans Farm Chase.	Noted but these measures could not be reasonably required as they would be off-site.

7.4.3 **Two** letters were received **supporting** the application and summarised as set out in the table below:

Comment	Officer Response
The passing point proposed is a positive benefit to all residents a	Noted

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Financial contribution towards RAMS

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 the approved drawings and documents as follows:
 - 000_S2/06 Site Location Plan
 - 000_SL/01 Site Block Plan
 - 00_SL-03 Landscape Plan
 - 000_H1/04 Design Notes – House 1
 - 000_H2/04 Design Notes – House 2
 - 000_H3/04 Design Notes - House 3
 - 000_H4/04 Design Notes - House 4
 - 000_H1/01 Proposed Plans Ground and First – House 1
 - 000_H2/01 Proposed Plans Ground and First – House 2
 - 000_H3/01 Proposed Plans Ground and First – House 3
 - 000_H4/01 Proposed Plans Ground and First – House 4
 - 000-H1/02 Proposed Plans Roof – House 1
 - 000_H2/02 Proposed Plans Roof – House 2
 - 000_H3/02 Proposed Plans Roof – House 3
 - 000_H4/02 Proposed Plans Roof – House 4
 - 000_H1/03 Proposed elevations – House 1
 - 000_H2/03 Proposed elevations- House 2
 - 000_H3/03 Proposed elevations – House 3
 - 000_H4/03 Proposed elevations – House 4
 - Renewable Energy Statement
 - Sewage & Surface Water Management Strategy
 - Preliminary Ecological Assessment (January 2022)REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The boundary treatments shall be constructed as approved prior to the first occupation of the development and be retained as such thereafter.
REASON To ensure appropriate boundary treatment for the site in the interest of the character and appearance of the area, which is rural area, and in the interests of highway safety, in accordance with Policies D1, H4 and T2 of the approved Maldon District Local Development Plan and the NPPF.
- 4 The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed 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 commencement of the development, unless otherwise first 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.

REASON In order to ensure an appropriate landscaping scheme for this site and to protect the character and appearance of the area, which is rural area, in accordance with Policies D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.

5 The parking spaces and means of access proposed shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme along with the provision of an electric vehicle charging point for each dwelling prior to the occupation of the dwellings and shall be retained as such thereafter.

REASON To ensure appropriate parking and means of access is provided in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan.

6 The dwellings shall not be occupied until each dwelling has been provided with cycle storage in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The approved storage shall be retained as approved thereafter.

REASON To encourage the use of non-motorised forms of transport, in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan and the NPPF.

7 The development shall be carried out in accordance with the Construction Method Statement hereby approved throughout the construction period.

REASON In the interests of the amenity of local residents and highway safety, in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

8 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ASW Ecology Ltd, January 2022).

REASON To conserve and enhance protected and Priority species, 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 s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

9 No development above slab level shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Preliminary Ecological Assessment (ASW Ecology Ltd, January 2022). The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations 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.

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

REASON To enhance Protected and Priority Species/habitats, allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

10 The dwellings hereby permitted shall not be occupied until a lighting design scheme for biodiversity has been 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 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 approved scheme and maintained thereafter in accordance with the scheme. No other external lighting shall 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 s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 12 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window(s) or other form of addition or opening shall be constructed in the roofs or gable walls of the buildings hereby permitted without planning permission having been obtained from the Local Planning Authority.

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide SPD and the NPPF.

- 13 No dwelling shall be occupied until the foul and surface water drainage schemes for the site have been completed in accordance with the submitted details. The drainage schemes shall be managed and maintained as approved, thereafter.

REASON To ensure the satisfactory surface water and foul drainage from the site, in accordance with policies D2 and D5 of the approved Maldon District Development Local Plan.

- 14 No air source heat pump shall be installed unless and until details of its location have been submitted to and approved in writing by the Local Planning Authority. The air source heat pump(s) shall be retained as approved, thereafter.

REASON In the interests of the amenity of local residents, in accordance with Policies D1 and D2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 15 No dwelling shall be occupied unless and until details of the means of collection of refuse from the site has been submitted to and approved in writing by the Local Planning Authority. Refuse collection shall be carried-out in accordance with the approved details, thereafter.

REASON As the proposed means of refuse collection is unclear, in the interests of the amenity of local residents and the character and appearance of the area, in accordance with Policies D1, H4 and T2 of the approved

Maldon District Local Development Plan and the National Planning Policy Framework.

16 No windows or other fenestration shall be added to the rear elevations of dwellings hereby approved for Plots 3 or 4.

REASON In order to prevent overlooking of Plots 1 and 2, in the interests of the quality of life of the occupiers of these Plots, in accordance with Policy D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.