



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
19 JUNE 2024**

Application Number	23/01242/FUL
Location	Land adjacent Eagle Lodge, Plains Road, Little Totham, Essex
Proposal	Construction of a single dwelling alongside associated development including detached cartlodge.
Applicant	C/O agent
Agent	Mr Lewis Halliday
Target Decision Date	05.04.2024
Case Officer	Juliet Kirkcaldy
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor R H Siddall, citing Policies D1 & S8

1. RECOMMENDATION


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

2. SITE MAP

Please see below.

Land Adjacent Eagle Lodge - Plains Road - Little Totham
24/01242/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Area Committee
	Date:	31/05/2024
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Site Description

- 3.1.1 The application site is located on the northern side of Plains Road outside of the development boundary for Little Totham. The site measures 0.11 hectares and was formerly part of the side garden for Eagle Lodge.
- 3.1.2 Residential development along Plains Road is sporadic and of an eclectic mix of property types, sizes, ages and designs. To the south of the site, on the opposite side of the road is open countryside and to the north is countryside.
- 3.1.3 The site is situated within Flood Zone 1 (Low Risk of Flooding), however, the site boundary is Flood Zone 3a (High Risk of Flooding).

3.2 Proposal

- 3.2.1 Planning permission is sought for the erection of a detached single storey dwelling with a detached cartlodge associated car parking and access.
- 3.2.3 The proposed dwelling would be a 'H' shape form set back from the highway by approximately 12 metres. It would be set back from the building line of 'Eagle Lodge' to the west and forwards of the building line of 'Pengarth' to the east. It is proposed to remove the existing greenhouses on the site.
- 3.2.4 A new vehicular access is proposed from Plains Road which would require removal of part of the existing hedgerow.
- 3.2.5 The proposed dwelling would be single storey and would provide for kitchen/diner, study, entrance hall, lounge, two bedrooms, and ensuite bathrooms. It would measure approximately 14 metres in width and between 4.5 and 11.9 metres in depth. The overall height to the ridge would be 4.8 metres, 2.4 metres to the eaves.
- 3.2.6 On the centre of the front elevation (southern) a pitched roof porch is proposed with an overall height to the ridge of 3.6 metres. There are two single windows proposed either side of the porch. There are also two 4 pane windows proposed on each of the protruding front gables providing light and ventilation to the study and bedroom. Solar panels are proposed in the southern roof slope above the porch.
- 3.2.7 On the western side elevation there are two single windows providing light and ventilation for the study and kitchen/diner and an external door from the kitchen/diner. There are 2 roof lights above the kitchen/diner. On the eastern side elevation there are two single windows proposed providing light and ventilation for the bathroom and ensuite and a single roof light above the bedroom with solar panels on the roof slope.
- 3.2.8 On the rear northern elevation 2 roof lights are proposed in the roof slope above the lounge. There are two 4 pane windows proposed on each of the protruding front gables providing light and ventilation for kitchen/diner and bedroom with glazing proposed above the window on the rear eastern gable. There are also double patio doors proposed with window lights either side providing access from the kitchen/diner and lounge.
- 3.2.9 A detached two bay cart lodge is proposed to the front of the dwelling on the eastern boundary of the site. It would measure 5.8 metres in depth and 6 metres in width. It

would have an overall height of 4.8 metres to the ridge and 2.3 metres to the eaves. The bay on the east would be enclosed with painted timber 'barn' doors.

3.2.10 The materials proposed for the dwelling are soft red face brickwork on the protruding gables and black weatherboarding. The roof is proposed to be cladded in plain tiles and the windows are white casement. The cart lodge is proposed to be finished in black weatherboarding and clay plain tiles.

3.2.11 Planning permission has previously been refused on the site for '*construction of a 2 storey dwelling*' (ref. 17/00102/FUL). The application was refused for the following reasons:

1. *The site lies within an area where rural planning policies of restraint apply, as set out in policy S2 of the Maldon District Replacement Local Plan. The erection of a dwelling remote from community services and essential support facilities and inaccessible by a range of transport, would represent an unsustainable form of development and would therefore be contrary to policies S2, CC6, CC7, H1, T1 and T2 of the adopted Maldon District Replacement Local Plan and Government Guidance as contained in the National Planning Policy Framework.*
2. *The provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality, contrary to policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.'*

3.2.12 The application was subsequently dismissed on appeal by the Planning Inspectorate (APP/X1545/W/17/3179881). This is a material consideration in the assessment of the current application.

3.3 Conclusion

3.3.1 The site is situated outside of the defined settlement boundary and therefore is in principle wholly contrary to policies that seek to direct new residential development to established settlements. Prospective occupants of the site would be strongly reliant on the private vehicle to access services and facilities increasing carbon emissions. A previous appeal on the site (APP/X1545/W/17/3179881) for a residential dwelling was dismissed in 2017. As concluded by the Planning Inspector, the development of the site with associated domestic activity and paraphernalia would result in an urbanising form of development that would adversely affect the rural character and appearance of the area. It has also not been demonstrated that the development will be safe for its lifetime and is appropriately flood resistant/ resilient and that safe access and egress can be achieved in the event of a flood. A flood evacuation plan has not been provided.

3.3.2 It is therefore recommended that planning permission is refused.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 11-14 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications.
- 55-58 Planning conditions and obligations
- 82-84 Rural housing
- 108-111 Promoting sustainable transport.
- 123-127 Making effective use of land.
- 128-130 Achieving appropriate densities.
- 131-141 Achieving well designed and beautiful places.
- 157-175 Meeting the challenge of climate change, flooding and coastal change.
- 180-194 Conserving the natural environment.

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and

Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

- 5.1.2 Policy S1 of the LDP states that *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF'* and apply a number of key principles in policy and decision making set out in the Policy.
- 5.1.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties but does allow (m) development which complies with other policies of the LDP.

Five Year Housing Land Supply

- 5.1.4 As per Paragraph 75 of the National Planning Policy Framework, the Council as the Local Planning Authority (LPA) for the Maldon District should "monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies". As the LDP is more than five years old, paragraph 77 requires LPAs to "identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of hours years' worth of housing if the provisions in paragraph 226 apply". To this end, Maldon District Council prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March.
- 5.1.5 On the 28 May 2024, the Council confirmed, through approval of its officer's report and supporting evidence, that it can demonstrate a supply of specific, deliverable sites sufficient to provide for 6.3 years' worth of housing against the Council's identified housing requirements. The published figure for the year 23/24 was 6.35. However, it should be noted that this is not a ceiling to development as the Council is required to approve housing development in a sustainable manner, having regard to the government's drive to meet housing demand, where any identified harm caused by a development is outweighed by the benefits of the scheme and any other material considerations. In addition, maintaining a balance of delivery of housing on the ground, and approval of new permissions, is necessary for the LPA to demonstrate that it is being consistent with national policy.

Housing Provision and Mix

- 5.1.6 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District. The LHNA is wholly compliant with the latest NPPF (2023) and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.1.7 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one bedrooms, 25-35% two bedrooms, 40-50% three bedrooms and 15-25% for 4+ bedroom market dwellings.

- 5.1.8 The proposal for a two bedroom dwelling would support the need for two bedroom dwellings in the District, however, this is a nominal contribution and would not contribute towards the Districts biggest requirement for three bedroom dwellings. The housing mix proposed therefore, does not weigh in favour of the application.

Sustainable Development

- 5.1.9 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimension

- 5.1.10 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.
- 5.1.11 The site is situated outside of the defined settlement boundary for 'Little Totham'. Little Totham is identified as a 'smaller village' within the District as detailed within policy S8 of the LDP. These 'smaller villages' contain few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities'. There is lack of a pavement and bus stops within the vicinity of the site. Therefore, prospective occupants would be generally reliant on the private vehicle to access services and facilities. The use of the car would also have consequent impacts on the environment in terms of pollution and increased carbon emissions.
- 5.1.12 The other elements of the environmental dimension of sustainable development (which would include the impact on the character and appearance of the area, nature conservation, flood risk, residential amenity and the quality of life for the occupiers of the proposed dwelling) are discussed below.

Social Dimension

- 5.1.13 The development would contribute towards the supply of housing within the District. This matter weighs in favour of the proposal but is limited as only one additional dwelling is proposed.
- 5.1.14 As discussed above, the proposed two bedroom unit 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 one dwelling is proposed.
- 5.1.15 It is considered that the proposal would have a limited positive impact in regarding to housing supply.

Economic Dimension

- 5.1.16 The development would make a positive contribution to the local economy through the construction of the dwelling and additional custom for existing businesses, however, as only one dwelling is proposed, this contribution would be limited.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, 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. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be 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 enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.4 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. Policies S1 and S8 of the LDP, clearly state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5 As concluded by the Planning Inspector in the appeal decision (APP/X1545/W/17/317981) for a previous refused application for a dwelling at the site in 2017,

'The site forms a significant sized gap within the end of a loose group of dwellings fronting onto Plains Road. The plot is surrounded by countryside to the front and rear and is located at the end of a scattered row of dwellings, with just one dwelling located to the west. In the vicinity of the appeal site, the dwellings vary in their positions on generally extensive sized and differently shaped plots. Further to the east, there is another distinct gap within the frontage containing an access leading to some rural buildings behind. Together with trees and vegetation, the pattern of development does not indicate a defined settlement and gives rise to distinctly rural character and appearance'.

Although the application is in outline form, a dwelling would result in a loss of an existing gap within the frontage which contributes to the character and appearance of

the area. Together with domestic activity and paraphernalia (such as garages, sheds, etc), the development would result in an urbanising form of development. The existing site has mature frontage hedgerow and trees, and elsewhere on the site which shields it from view. However, it is inevitable some vegetation would be lost in order to ensure an adequate useable plot for any new occupiers. Furthermore, there is no guarantee that vegetation would be retained. There can be any number of reasons, such as disease or accidental damage, for vegetation to die back or become removed, and inevitably, replacement vegetation takes time to establish. Consequently, the proposal would adversely affect the rural character and appearance of the area.'

- 5.2.6 Currently, the undeveloped site and its visual association with the wider rural landscape contributes to the overall character and street scene. The proposal would result in the loss of an existing gap along the street scene, between 'Eagle Lodge' and 'Pengarth'. As concluded by the Planning Inspector in the above dismissed appeal, the development of the site with associated domestic activity and paraphernalia would result in an urbanising form of development that would adversely affect the rural character and appearance of the area. It would also lead to consolidation of linear development along Plains Road.
- 5.2.7 The site is situated within the Tolleshunt Coastal Farmland area as identified in the Landscape Character Assessment. Visual characteristics of this area include, '*Open landscape of flat to slightly undulating arable fields*'. The Landscape Character Assessment concludes that this area, '*has moderate to high sensitivity to change*'. This area has a '*strong sense of place and strong sense of tranquillity*'. These characteristics are evident within the site. Suggested landscape planning guidelines include, '*ensuring development should be well integrated into the surrounding landscape, conserve the mostly rural character of the area*'. There is concern that the proposal would not integrate into the surrounding landscape and conserve the rural character.
- 5.2.8 Part of the hedgerow situated along Plains Road would be required to be removed to facilitate the access and achieve visibility splays into the site. This removal of hedgerow would further alter the character and appearance of the street scene and would contribute towards the erosion of the rural character.
- 5.2.9 Although the application is for a single storey dwelling and therefore the visual impact is reduced to an extent it would nevertheless introduce built form and associated domestic paraphernalia within this distinct gap along the road frontage of Plains Road. The proposed design and appearance of the dwelling is modest and unassuming. Officers note that the neighbouring properties either side of the application site 'Eagle Lodge' and 'Pengarth' are two storey dwellings. Therefore, the proposal for a single storey dwelling would appear incongruous within this immediate prevailing character, although it is noted that there are single storey dwellings further along Plains Road.
- 5.2.10 The materials proposed would be a mixture of timber weatherboarding and brick. Given, the sporadic eclectic mix of property types along Plains Road, the proposal for weatherboarding and brick material is not considered to be harmful to the character and appearance of the area.
- 5.2.11 Overall, the proposed development and its associated residential curtilage, paraphernalia and domestic characteristics would urbanise the site and is not in keeping with the character and appearance of the rural area. The proposal has therefore been found contrary to Policies S1, S8, D1 and H4 of the Maldon District LDP (2017), the MDDG (2017), and the policies and guidance in the NPPF (2021).

5.3 Impact on Residential Amenity

- 5.3.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The site is bordered by two neighbouring dwellings. 'Eagle Lodge' to the west and 'Pengarth' to the east. The proposed dwelling would be situated 7.9 metres from the boundary with 'Pengarth' and approximately 13 metres from the dwelling itself. There is an established conifer on the eastern boundary of the site which provides screening to an extent. The proposed dwelling would be situated 8.2 metres from the boundary with 'Eagle Lodge' and approximately 19 metres from the dwelling itself.
- 5.3.3 Two small windows are proposed on the side eastern elevation of the proposed dwelling to serve the ensuite and bathroom. A condition could be imposed requiring these to be obscured glazed in the interest of neighbouring amenity. Two windows and an external door are proposed on the side western elevation to provide light and ventilation for the study and kitchen/diner. However, given the distance of separation, proposed boundary treatment and that the proposed development is of a single storey it is not considered that the proposal would give rise to a detrimental impact on neighbouring amenity in terms of loss of privacy, overlooking, loss of light, overshadowing. The proposal is therefore in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposal would provide for a 2no. bedroom dwelling. In accordance with the Council's Parking Standards, 2 car parking spaces would be required. The submitted plans propose a double bay cart lodge (6 x 6 metres). There is also sufficient space for 2 vehicles to the frontage of the proposed dwelling. The proposal would provide adequate parking to accord with the standards.
- 5.4.3 A new vehicular access is proposed from Plains Road to the southern boundary of the site. The proposal has been reviewed by the Highways Authority and they have raised no objection subject to conditions relating to visibility splays, construction of access at right angles to highway boundary, proposed gates being set back 6 metres from the back edge of highway, provision of cycle parking, travel information pack and storage of building materials.
- 5.4.4 Subject to compliance with the above conditions, the proposed development would accord with NPPF and policies D1 and T2 of the LDP in terms of highway safety and accessibility.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 50m² of private amenity space for dwellings with 2no. bedrooms. The proposal accords with this requirement.
- 5.5.2 Policy S1 of the LDP states that decision making should conserve and enhance the natural environment. Policy D1 of the LDP advises that all development must respect and enhance the character and local context and make a positive contribution in terms of landscape, setting, townscape setting and skylines and in terms of the natural environment.
- 5.5.3 The NPPF states in paragraph 136, *'Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible.'*
- 5.5.4 A Landscaping Plan has not been submitted for consideration however, the proposed Block Plan indicates that landscaping is proposed with *'removal and additional trees planted and illustrative potential for increase in soft landscaping including trees and hedgerow along all common boundaries'*.
- 5.5.5 The Arboricultural Consultant has been consulted on the application and initially raised an objection stating, *'Satellite imagery shows multiple trees on site, which are likely to either need to be removed or pruned in order to accommodate this development. There will also be retained trees on site that will require protection during the development. Without arboricultural documents, the impact to the trees on site is unknown'*.
- 5.5.6 Subsequently, during the course of the application the applicants submitted an Arboricultural Impact Assessment (prepared by Sharon Hosegood Associates March 2024). The AIA concludes that, *'the scheme results in the removal of the low quality shrubs, conifers and 3 applies in the centre of the plot. All other trees and hedges will be retained and protected during construction. New trees will be planted by the client who will care for them in perpetuity as the occupier'*.
- 5.5.7 The Arboricultural Consultant was reconsulted on the submitted AIA and raised no objection commenting that, *'Category B trees are a material consideration in the planning process and so should be incorporated into any design. This development has shown these to all be retained as part of this application and this is welcomed. To facilitate the construction there is the requirement for the removal of 7 category C trees/groups and hedges, which there is no objection towards as category C trees are not a material consideration in the planning process. The category U tree will require removal irrespective of the outcome of this application and so is approved. The AMS and TPP have shown the retained trees to be suitably protected throughout the duration of the construction with no entry into any retained trees root protection areas (RPA's). As well as fencing around all retained trees throughout.'*
- 5.5.8 Subject to imposing of a landscaping condition, the proposal complies with the NPPF and Policy S1 and D1 of the LDP.

5.6 Flood Risk and Drainage

- 5.6.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such

areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).

- 5.6.2 During the course of the application a Flood Risk Assessment (FRA) and SuDs report (prepared by SuDS Designs) has been submitted as supporting documentation. The report states in paragraph 3.06 *'The Environment Agency (EA) website confirms the site location to be within Flood Zone 1. The site is adjacent to flood zone 2 and 3'*.
- 5.6.3 The Environment Agency have been consulted and stated that, *'the applicant has sequentially sited all proposed development within Flood Zone 1. Our maps show the site boundary lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding.'*
- 5.6.4 The proposal for construction of a dwellinghouse and associated cart lodge would be classified as a 'more vulnerable' development as defined in Annex 3: Flood Vulnerability classification of the Planning Practice Guidance. As the site is located in Flood Zone 1 (low probability of flooding) the sequential and exception tests will not need to be undertaken as part of the planning application.
- 5.6.5 The EA have further commented that, *'we are satisfied that the Flood Risk Assessment provides you with the information necessary to make an informed decision. In particular:*
- *Drawing 25-98-02 shows all proposed development lies within Flood Zone 1*
 - *Access and egress route travels through Flood Zones 3 and therefore does not have a safe route of access.*
 - *Flood depths on the site and within the building remain unknown because the Flood Zones are derived from JFLOW modelling.*
 - *Flood Storage Compensation is not required.*
 - *A Flood Evacuation Plan has not yet been proposed.*
- 5.6.6 As stated in the Government Guidance 'Flood Risk and Coastal Change Planning and Flood Risk', when determining whether a proposed development will be safe for its lifetime, *'the safety of people within a building if it floods and also the safety of people around a building and in adjacent areas, including people who are less mobile or who have a physical impairment. This includes the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood (0.1% annual probability of flooding with allowance for climate change)'. Furthermore, paragraph 173 (e) of the NPPF states, 'when determining any planning applications, development should only be allowed in areas at risk of flooding where, it can be demonstrated e) safe access and escape routes are included where appropriate as part of an agreed emergency plan'.*
- 5.6.7 There is concern that the proposed access/egress routes are through Flood Zone 3 (high risk of flooding) and therefore fail to establish a route of safe access for prospective occupants. A Flood Evacuation Plan has also not been submitted for consideration as part of the application.
- 5.6.8 Paragraph 173 (b) of the NPPF states, *'when determining any planning applications, development should only be allowed in areas at risk of flooding where, it can be demonstrated b) the development is appropriately flood resistant and resilient such that in the event of a flood it can be brought back into use without significant refurbishment.'* The EA have commented that, *'it is important that the building is*

structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water, as per the requirements of paragraph 005 of the PPG. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures’. Insufficient information has been provided to demonstrate that the proposed dwelling is structurally resilient.

- 5.6.9 In summary, it has not been demonstrated that the development will be safe for its lifetime and is appropriately flood resistant and resilient. Furthermore, it has not been demonstrated that safe access and egress can be achieved in the event of a flood and a flood evacuation plan has not been provided. The proposal therefore wholly fails to accord with Policy S1 and D5 of the LDP and paragraph 173 of the NPPF and the Planning Practice Guidance.

5.7 Natural Environment and Biodiversity

- 5.7.1 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’.*
- 5.7.2 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.
- 5.7.3 Policy N1 of the LDP 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. Policy N2 of the LDP 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.
- 5.7.4 The site falls within the ‘Zone of Influence’ (Zol) for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The LPA must therefore undertake an HRA and secure a proportionate financial contribution towards the Essex Coast RAMS.

The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE’s requirements and strategy advice, an Essex Coast RAMS Habitat Regulation Assessment (HRA) record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

HRA Stage 1: Screening Assessment

Test 1 – the significance test

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

Does the planning application fall within the following development types? Yes, the development is for 1 no. dwelling, and therefore the net increase of dwellings at the site is 1 no. dwelling.

Test 2 – The integrity test

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

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

- 5.7.5 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.7.6 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £156.76 (2023-2024 figure) and thus, the developer contribution should be calculated at this figure. A unilateral undertaking has been drafted confirming the contribution, monitoring and checking fee for the proposal to accord with the Essex Coast RAMS. The proposal would therefore adequately mitigate the potential likely significant effects from recreational pressure on nearby European sites.

5.8 Planning Balance

- 5.8.1 The main benefits of the proposal are considered to be the social benefits associated with the contribution the development would make to the Councils housing land supply. There would also be economic benefits. However, these benefits are extremely limited (as only one dwelling is proposed) and would not outweigh the harm the development would cause. The harms identified in the above report relate to the impact of the development on the character and appearance of the area, the reliance on the private vehicle to access services and facilities and that it has not been demonstrated that the proposal would be appropriately flood resistant and resilient and that safe access and egress can be achieved in the event of a flood.

6. ANY RELEVANT SITE HISTORY

- **17/00102/OUT.** – Proposed construction of 2 storey dwelling. Refused and dismissed on appeal.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Totham Parish Council	We recommend the granting of planning permission.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions relating to visibility splays, construction of vehicular access, unbound material, boundary planting, vehicular gates set back 6 metres from edge of carriageway, cycle parking, reception and storage of building materials.	Noted and discussed at Paragraph 5.5 of this report.
Environment Agency	No objection.	Noted and discussed at Paragraph 5.6 of this report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Arboricultural Consultant	Objection. Insufficient information provided. The applicants subsequently submitted an Arboricultural Impact Assessment (AIA). The Arboricultural Consultant was reconsulted and raised no objection.	Noted and discussed at Paragraph 5.6 of this report.
Environmental Health	According to the flood map the site is situated within flood zone 3, which has high probability of flooding from rivers. A Flood Risk Assessment should have been provided with the application.	Noted and discussed at Paragraph 5.7 of this report.

7.4 Representations received from Interested Parties

- 7.4.1 3 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
Flooding. Concern that discharge into existing ditch/brook would only exacerbate the flooding issue.	Noted and discussed at Paragraph 5.7 of the report.

Objection Comment	Officer Response
The site is situated within flood zone 3 not 1.	Noted and discussed at Paragraph 5.7 of the report.
Concern regarding proximity of development to our boundary. Less than 1 metre. Noise and disruption from construction will be significant.	Noted and discussed at Paragraph 5.2 of the report.
Large trees will have to be removed for the proposed development.	Noted and discussed at Paragraph 5.6 of the report.
The proposal allows little space for landscaping and over development of the site. Development would result in loss of important visual gap.	Noted and discussed at Paragraph 5.6 of the report.
The site is outside of the defined development boundary. Remote from services and facilities. Inaccessible by transport modes other than a private car. Unsustainable development.	Noted and discussed at Paragraph 5.1 of the report.

7.4.2 **17** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Proposal is for an attractive single storey dwelling built in local style and would be a positive addition to the road.	Noted, and discussed at Paragraph 5.2 of this report.
The village needs more small and affordable dwellings so younger generations can afford to stay and care for elderly relatives.	Noted, and discussed at Paragraph 5.2 of this report.
Proposal is for a traditional style dwelling with traditional materials.	Noted, and discussed at Paragraph 5.2 of this report.
Proposal includes careful landscaping and additional trees to avoid harm to appearance of the area.	Noted, and discussed at Paragraph 5.2 of this report.
The site is an infill plot. It is part of a garden not open field.	Noted, and discussed at Paragraph 5.2 of this report.
The proposal is for a local family to enable intergenerational living.	Noted, and discussed at Paragraph 5.2 of this report.
Would not cause harm to area as its single storey.	Noted, and discussed at Paragraph 5.2 of this report.
Reasonable distance from local facilities.	Noted, and discussed at Paragraph 5.1 of this report.
Hedges and trees at frontage would screen it from view.	Noted, and discussed at Paragraph 5.2 of this report.

8. PROPOSED REASONS FOR REFUSAL

- 1 The site is located outside of a defined settlement boundary and is in open countryside, where policy constraints apply. Future occupants of the site would be heavily reliant on the use of the car to gain access to everyday services and facilities and employment opportunities and as such the proposal does not provide a sustainable form of development. The proposal does not accord with the Councils spatial strategy contrary to Policies S1, S8, D1, H4, T1 and T2 of the Maldon District

Local Development Plan (2017), and the policies and guidance in the National Planning Policy Framework.

- 2 The site is considered to make a positive contribution to the rural character and appearance of the area. The proposal would introduce built form with associated domestic paraphernalia, that would urbanise the site, eroding, and materially altering, its rural character, causing harm to the intrinsic character and beauty of the open countryside. The proposal has been found to be contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017), and the policies and guidance in the National Planning Policy Framework.
- 3 It has not been demonstrated that the development will be safe for its lifetime and is appropriately flood resistant and resilient and that safe access and egress can be achieved in the event of a flood. Furthermore, a flood evacuation plan has not been submitted. The proposal does not accord with Policy S1 and D5 of the Maldon District Local Development Plan (2017) and the policies and guidance in the National Planning Policy Framework.

Application Plans/Documents

Multi Plans – 2598-SS1A – Existing and Proposed Street Scene
Location/Site Plan – 2598-02G – Proposed New Dwelling
Location/Site Plan – Existing Block Plan
Location/Site Plan – 2598-01B – Location Plan
2598 – 10 Proposed Cartlodge – Floor Plan
2598 – 03 Proposed New Dwelling – Ground Floor Plan
2581 – 04 Proposed New Dwelling – Elevations
2598 – 11 Proposed Cartlodge – Elevations
Planning Statement