



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

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

Application Number	24/00099/FUL
Location	Great Canney Court, Hackmans Lane, Cold Norton, Essex
Proposal	Addition of new building containing four affordable flats to existing building containing flats and associated works.
Applicant	Mr Mike Otter – GPO Designs Ltd
Agent	N/A
Target Decision Date	21.05.2024
Case Officer	Juliet Kirkcaldy
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In – Councillor S White regarding Policies S1 & D1.

1. RECOMMENDATION

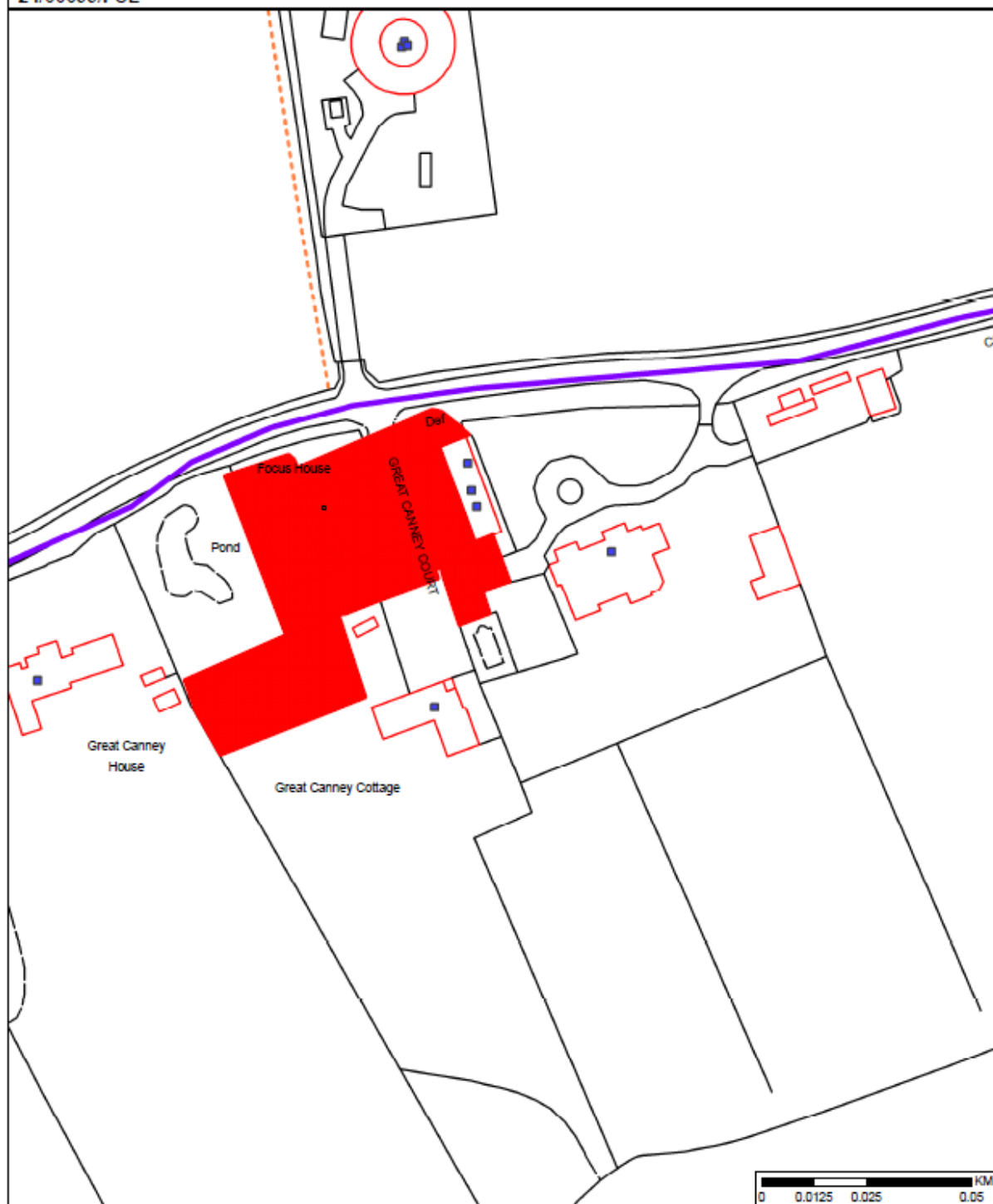
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

Great Canney Court - Hackmans Lane - Cold Norton

24/00099/FUL



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Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: North West Area Committee

Date: 31/05/2024

MSA Number: 100018588

3. SUMMARY

3.1 Site Description

- 3.1.1 The application site is located on the southern side of Hackmans Lane, approximately 0.7 miles to the west of Cold Norton village. It is situated outside of a defined settlement boundary.
- 3.1.2 The site comprises of an existing 'L' shaped building clad in black timber weatherboarding. The building has been converted from offices into six residential flats (recently completed and currently unoccupied). The building is set back from the road frontage.
- 3.1.3 The site is part of a complex of agricultural style buildings and dwellings. Great Canney House is situated to the west, the Great Canney Farm to the east, Great Canney Cottage to the south and Nash House which is used for commercial purposes to the northeast. To the west of the site is a pond and to the south beyond Great Canney Cottage is open countryside.
- 3.1.4 Hackmans Lane is a road with rural character, with hedges on either side and open fields beyond. To the north of the site, on the opposite side of the road is a water tower.
- 3.1.5 The proposed site of the building, subject to this current application, is currently vacant hardstanding previously identified as 'communal amenity space' on approved plans (ref.19/00048/FUL) for the existing flats.

3.2 Proposal

- 3.2.1 Planning permission is sought for the erection of a building containing four affordable flats attached to the existing building that comprises of six flats. There are four 1 x bedroom flats proposed, 2 on the ground floor and 2 on the first floor.
- 3.2.2 The submitted Planning Statement states, '*Within the determination of an earlier application for this site (reference 23/00988/FUL) Cold Norton Parish Council commented that low cost, smaller, and more affordable homes are needed to meet the needs of first time buyers within the Parish. This application addresses the Parish Council's comment by now proposing affordable housing for first time buyers rather than the market price housing previously proposed.*'
- 3.2.3 The proposed building would be attached to the southern side elevation of the existing building and would be orientated perpendicular to it.
- 3.2.4 It would have an overall width of 24.3 metres, protruding 7 metres beyond the eastern side elevation and 9 metres beyond the western side elevation of the existing building. It would have a depth of 6.5 metres and an overall height of 6.9 metres to the ridge and 4.3 metres to the eaves.
- 3.2.5 The proposed shared entrance/lobby for flat 14 and 15 would be situated within a gable that protrudes 1.1 metres from a midpoint of the southern elevation. The protruding gable would have a width of 4.7 metres and an overall height of 6.9 metres to the ridge.
- 3.2.6 On the rear northern elevation of the proposed building there are two obscured glazed windows, serving an ensuite and kitchen proposed on the ground floor for flat 12. This is mirrored for flat 11 (ground floor), although flat 11 also benefits from an

additional unobscured window on the rear northern elevation which serves the kitchen. There are no windows proposed on the first floor of the rear northern elevation or front southern elevation. There are 6 rooflights proposed for the kitchen/lounge of flat 14 and 5 rooflights proposed for the kitchen and lounge of flat 15.

- 3.2.7 On the front southern elevation there are three windows proposed for ground floor flat 11 these will serve the lounge and bedroom. This is mirrored for flat 12 (ground floor). Flats 11 and 12 on the ground floor have an external front door proposed either side of the protruding gable.
- 3.2.8 On the western side elevation, a single window is proposed at ground floor and first floor level providing additional light and ventilation for the bedroom accommodation. On the eastern side elevation there are two windows proposed at ground floor providing light and ventilation for the bedroom and lounge and a single window at first floor level providing light and ventilation for the bedroom.
- 3.2.9 The existing communal garden for the flats would be enclosed by the proposed positioning of the building on the southern boundary of the existing amenity space and by existing 1.8-metre-high timber fencing on the eastern boundary and box hedge planting. An additional area of communal garden is proposed to the southwest of the site measuring approximately 880 sqm.
- 3.2.10 The proposed car parking would be situated to the east of the proposed building, to the south of Nash House (commercial premises) with a single visitor space located to the northeast of the proposed building adjacent to the amenity space. A refuse store is also proposed to the east of the proposed building.
- 3.2.11 The materials proposed for the building would match that of the existing building with a black timber weatherboard, brick plinth on the exterior, slate roof tiles, and grey painted timber windows.

3.3 Background for the application

- 3.3.1 Planning permission has previously been refused on the site for 'Addition of new building containing four flats to existing building containing flats and associated works' (ref. 24/00099/FUL). The application was refused for the following reasons:

1. The site is situated outside of the defined development boundary and is in open countryside. Future occupants of the site would therefore be heavily reliant on the use of the car to gain access to everyday services and facilities, and the proposal therefore does not provide a sustainable form of development. The proposal is therefore contrary to policies S1, S8, D1, G4, T1 and T2 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 (2023).

2. The design and layout of the proposal would create poor amenity and outlook for prospective occupiers and would be dominant and overbearing to neighbouring flats. This would be contrary to policy D1 of the Maldon District Local Development Plan and the Maldon District Design Guide SPD and the guidance set out in the National Planning Policy Framework.

3. Inadequate facilities have been provided for the collection of waste as the proposed waste store would be situated an unreasonable distance for prospective occupiers to walk with their rubbish and inconvenient. This would be contrary to policy D2 of the

4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the guidance set out in the National Planning Policy Framework.

3.3.5 A statement has been submitted with the current application detailing the amendments proposed from that of the previously refused scheme (23/00988):

- *The four proposed dwellings are now proposed to be affordable housing rather than market priced dwellings;*
- *Length and height of the proposed extension has been reduced;*
- *The proposed parking arrangements have been repositioned within the site;*
- *The proposed cycle parking storage area has been repositioned within the site;*
- *Refuse storage area has been proposed;*
- *Additional landscaping details have been provided;*
- *To reduce light spillage the glazing proposed on the southern elevation has been reduced;*
- *Layout of flats 12 and 15 have been revised to improve the outlook.*

3.4 Conclusion

3.4.1 The site is situated outside of the defined settlement boundary and therefore is in principle contrary to policies that seek to direct new residential development to established settlements.

3.4.2 Although there are some social and economic benefits of the proposal in terms of contribution towards housing mix and associated economic activity of prospective occupiers, this is likely to be limited given the scale of the development. In terms of the planning balance, the benefits of the proposal are outweighed by the harm. Prospective occupants of the development would be reliant heavily on the private vehicle to access services and facilities for day-to-day needs given the location of the site and poor public transport connections. Insufficient ecology information has been submitted to provide certainty of the likely impacts to protected species, nor any mitigation to avoid impacts. The design and layout of the proposal would result in harm to the amenity and outlook for prospective occupiers and it would have an overbearing impact on the existing flats. Insufficient detail has been provided to demonstrate the need for affordable housing.

3.4.3 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
- S7 Prosperous Rural Communities
- 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
- H5 Rural Exception Schemes
- 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
- Maldon District Council Affordable Housing and Viability Supplementary Planning Document (SPD)

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 (h) rural exception sites for affordable housing and (m) development which complies with other policies of the LDP.

Five Year Housing Land Supply

- 5.1.4 On the 28 May 2024, the Council confirmed, through approval of its officers' 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 Local Planning Authority (LPA) to demonstrate that it is being consistent with national policy.

Affordable Housing

- 5.1.5 The NPPF states in paragraph 82 that, *'in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.'*
- 5.1.6 Policy H5 of the LDP states that, *'outside of the defined settlement boundaries, land which may not otherwise be appropriate for residential development maybe released for Rural Exception Scheme for affordable housing development'*. It further details the process for a Rural Exception Scheme which includes, engagement with local community; undertaking of a needs assessment; selection and appointment of suitable provider of affordable housing; agreement with Council on the quantum and composition of development most suitable to the locality, based on identified need; identification of potential sites.
- 5.1.7 The application proposes an 'affordable housing scheme'. The supporting statement states that, *'the scheme is put forward as a Rural Exception scheme for affordable housing with the housing to be offered as either Starter Homes or Discounted Market Sales Housing'*. It further states, *'In accordance with the definitions of both of these types of affordable housing the flats are proposed to be offered for sale at a discount of 20% below the local market value, with a price cap of £250,000 (for the first sale), with provisions to be put in place to ensure that lower income buyers with connections to the local area are given priority (for at least the first three months of marketing of the property) and to ensure that the property remains at a discounted for future eligible households. The affordable housing provisions are to be agreed and enforced through the use of a suitable section 106 agreement (the contents of which*

is to be agreed between the landowner and Maldon District Council). The use of such an agreement will avoid the need to appoint a registered provider for affordable housing for the site (it is anticipated that registered providers will not be interested in such a small scale site)'.

- 5.1.8 The Strategic Housing Services Officer has been consulted on the application and commented that, *'no details with regards to need for the Affordable Housing proposed has been submitted in the application. The Officer from the Rural Community Council of Essex (generally involved with regards to Rural Exception Schemes) has confirmed that there has been no contact/communication between the Officer. The process detailed in Policy H5 of the LDP does not appear to have been followed therefore the Strategic Housing Services does not support this application'.*
- 5.1.9 Therefore, Officers are not satisfied that the proposal accords with Policy H5 of the LDP.

Housing Provision and Mix

- 5.1.10 The Local Housing Needs Assessment (LHNA) (2021) 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.
- 5.1.11 The LHNA concludes that the District has a need for affordable smaller dwellings, with the biggest requirement for two bed dwellings; specifically, 15-25% (affordable ownership) and 30-40% (affordable rented) for 1 bedroom, 35-45% (affordable ownership) and 30-40% (affordable rented) for 2 bedrooms, and 25-35% (affordable ownership) and 20-30% (affordable rented) for 3 bedrooms.
- 5.1.12 The proposal for four one bedroom dwellings would support the need for one bedroom affordable dwellings in the District however, this is a nominal contribution and would not contribute towards the Districts biggest requirement for two bedroom dwellings. The housing mix proposed therefore, does not weigh in favour of the application.

Sustainable Development

- 5.1.13 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. As stated, the LDP through Policy S1 re-iterates the requirements of the NPPF Policy S1 allows for new development within the defined development boundaries. Paragraph 79 of the NPPF states that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

Environmental Dimension

- 5.1.14 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. Policy T2 aims to create and maintain an accessible environment. Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that *“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.”* This is supported by the update of the Government’s Policy Paper, ‘Strategic Road network and the delivery of sustainable development’ (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that *“new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable.”*

5.1.16 Cold Norton is situated approximately 0.7 miles to the east of the site. It is classified as a “smaller village” in the LDP (2017). Smaller villages are *“defined settlements containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities.”*

5.1.17 There is no direct and safe pedestrian route into Cold Norton or any other nearby village as Hackmans Lane does not benefit from a footpath and there are no Public Rights of Way to connect the site with the villages. The proposal therefore conflicts with Policy T2 of the LDP which requires development to provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate.

5.1.18 In considering previous appeals on the site (APP/X1545/X/19/3235329, APP/X1545/W/19/3230174, APP/X1545/W/19/3235330) a Planning Inspector concluded on the accessibility of the site stating,

LDP Policy S1 expects new development to minimise need to travel and prioritise sustainable modes of transport. LDP Policy T2 requires development to provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate.

I would interpret the word ‘appropriate’ in the context of LDP Policy T2 in accordance with the Framework. It expects that appropriate opportunities to promote sustainable transport modes can be or are taken up given the type of development and its location. It also advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

The site is some 500m west of Cold Norton, which is designated as a ‘small village’ in LDP Policy S8. Hackman’s Lane is a reasonably direct route from the site to the settlement, where there are non-residential uses including a village hall, public house and, to the east, a convenience store.

I agree with the Council that, since there is no pavement or street lighting in the vicinity of the site, Hackman’s Lane could not be described as a safe route for pedestrians. Occupiers of the flats would be highly unlikely to walk to and from the village hall, pub or shop. However, it is proposed to provide secure bicycle stands on the site and I consider that at least some occupiers would cycle to local facilities. The development would offer a limited but still genuine choice of transport modes and has taken up an appropriate opportunity to promote sustainable transport as the Framework expects.

That said, Cold Norton does not provide all the shops, services and facilities that future occupiers of the flats would need. The nearest towns with a range of services and amenities are South Woodham Ferrers and Maldon, which are some 2.7 and 5

miles from the site respectively. Cold Norton is on a bus route to Maldon, but it is not clear whether the service runs with any frequency, and there is no bus stop in any event on Hackman's Lane. I agree with the Council that occupiers of the flats would mostly rely on private motor vehicles to access employment, shops, schools and health and other services.

However, if the proposed flats were developed within Cold Norton, as the Council would prefer, their occupiers would scarcely be less reliant on the car on practice. The village is not much closer to Maldon and is further from South Woodham Ferrers than the site. Just as the flats would not be 'isolated' new homes, they would in my view be located to minimise the number and length of car journeys in the context of this rural area.

I also find that the building would be likely to generate vehicular traffic if it was in any other use. At the time of the 2004 permission, the Highways Authority estimated that the office would generate some 32 trips per working day based on the employment of 15 commuters and visits from delivery drivers. It may not be possible to reinstate the office use without a fresh grant of planning permission, but there is no evidence that the building could be put to any other use that would not generate some level of traffic.

I estimate that the appeal flats would each need to generate around five trips per day for weekly traffic from the site to exceed that capable of resulting from the past permitted office use. Actual traffic levels from the flats would probably be lower, given that the dwellings would be too small for families with children. The studio flat at least could have just one designated car parking space and bicycle stand and still meet the needs of its occupier(s).

I conclude that, subject to the provision of bicycle storage facilities, the site is a suitable location for use as six flats in terms of access to public transport, services and other facilities. The development does not thereby conflict with LDP Policies S1, S8 or T2 with the Framework.

- 5.1.19 The above appeals considered by the Planning Inspector related to a 'change of use' of an existing building into residential development (as discussed in Planning History section above – paragraph 3.3).
- 5.1.20 In this current case, the application is for the erection of a *new* residential building providing 4 flats outside of a defined development boundary. Therefore, it differs from the previous appeal cases in that it does not relate to the reuse of a redundant or disused building. It is not considered that the proposal satisfies any of the criteria listed at Policy S8. The site has not been identified for development in an adopted neighbourhood plan. The development would not generate employment proposals, nor would it provide community services and facilities to meet a local need, or agriculture and forestry and related development. The development would not re-use a redundant or disused building (as was the case in the appeals considered by the Planning Inspector), nor involve rural diversification, recreation and tourism. The development would not provide agricultural and essential workers' accommodation, nor does it constitute a rural exception site for affordable housing (as discussed in section 5.1.4 to 5.1.7 above), or travellers and travelling show people accommodation. The proposal does not provide green infrastructure, open space, or sports facilities. It does not provide utility and highway infrastructure, nor will it facilitate the delivery of a new community hospital or healthcare facility.
- 5.1.21 As concluded by the Planning Inspector and Officers in previous applications for the site, prospective occupiers would be reliant on the private vehicle to access

employment, shops, schools, health and other services. The Planning Inspector referred to the provision of cycle parking storage and commented that *'at least some occupiers would cycle to local facilities. The development would offer a limited but still genuine choice of transport modes and has taken up an appropriate opportunity to promote sustainable transport'*. The submitted proposed block plan refers to existing secure cycle parking for bicycles (to the north) of the proposed site. A further area of secure cycle parking is proposed to the northeast of the site immediately adjacent to Nash House.

5.1.22 The application site is disconnected from the nearby settlements, outside of the defined development boundary and the proposal would not support the pattern of development set out by the Local Development Framework, nor the vitality of nearby communities.

5.1.23 Insufficient ecological information has been provided to provide certainty of the likely impacts to protected species nor any mitigation to avoid impacts.

Social Dimension

5.1.24 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 four additional dwellings are proposed. Furthermore, insufficient information has been provided to demonstrate the need for affordable housing at the site to accord with criteria H5 of the LDP.

5.1.25 As discussed above, the proposed four one-bedroom units 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.

5.1.26 It is considered that the proposal would have a limited positive impact in regarding to housing supply.

Economic Dimension

5.1.27 The development would make a positive contribution to the local economy through the construction of the dwellings and additional custom for existing businesses, however, as only four dwellings are proposed, this contribution would be limited.

Intrinsic Character and Beauty of the Countryside

5.1.28 Policy S8 of the LDP states that planning permission for development outside of the development boundary will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for specific purpose, stated in a closed list of criteria (as assessed above in paragraph 5.1.3 and 5.1.5). As discussed in paragraph 5.2 of this report, the proposal is considered to result in harm to the character and appearance of the rural area. Furthermore, the proposal does not satisfy any of the criteria listed.

Summary of Principle of Development

5.1.29 The proposal has been found to be contrary to Policies S1, S2, S8, D1, D2, H4, H5, N1, N2, T1 and T2 of the Maldon District LDP (2017), and the policies and guidance in the NPPF (2021). The principle of development at the site is therefore considered to be unacceptable. For completeness, the merits of the scheme are discussed below.

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 application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, 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 The application site is set back from the road frontage, and it would be attached to the southern elevation of the existing building which is currently a blank flank wall with faux blocked up windows (2 on ground floor and 2 on first floor).
- 5.2.6 The proposal would introduce further built form onto the site in the countryside. Although, the impact of the proposed building when viewed from the street scene and entrance would be mostly obscured by the existing building there would be glimpses from Hackmans Lane through existing hedgerow particularly in the winter months. The site is also situated in an elevated position on a ridge, as discussed in more detail below.
- 5.2.7 The proposed amenity space to the southwest of the building would have a disconnected relationship with the proposed building itself. It would result in the intrusion of development into the countryside beyond the existing defined built form with associated domestic paraphernalia such as 'timber benches and timber picnic style tables' as referred to on the proposed block plan.
- 5.2.8 It is noted that this area of proposed amenity space is situated outside of the red line plan for the previous application for the existing building allowed on appeal 19/00258/FUL. From reviewing the planning history, this area was previously included in the red line plan for Great Canny Farm Cottage to the south (ref. 17/01317/FUL 'Demolition of existing dwelling and erection of replacement dwelling').

- 5.2.9 This area of land where the building is proposed to be sited has previously been used for storage of materials, it is currently vacant land. On the Block Plan of the allowed appeal on the site (19/00258/FUL for *'Section 73A application for the change of use from office use to residential use containing one (1) x two-bedroom and five (5) x one-bedroom residential units and the provision of associated parking and amenity space.'*) this area is identified as communal garden for the existing flats with the proposed car parking extending along the western boundary.
- 5.2.10 There is an existing 1.8-metre-high timber fence along the eastern boundary of the communal garden area screening the space from Nash House (commercial/office building). Given the siting and orientation of the proposed building an enclosed courtyard/ area of amenity space would be created between the south of the existing building and to the north of the proposed building. It is noted that there are external doors from existing flats 5,6,7 and 8 into this existing communal area of amenity space. There is concern that the communal amenity space/courtyard created would have limited light. Private amenity courtyards tend to be more typical in high density situations, where space is limited. They invariably result in the loss of sunlight by virtue of their design.
- 5.2.11 The proposed car parking does not appear to be integrated well into the development and appears to be quite dominate within the scheme without soft landscaping and tree planting to soften the impact and appearance, particularly given the countryside setting.
- 5.2.12 The proposed cycle store would be situated to the northeast immediately adjacent to Nash House. There is an existing cycle store to the north of the existing building. The position of the cycle parking does not appear to be easily accessible (near to the entrance) to encourage the usage. Elevation details of the cycle store have been provided (BDS Cycle Shelter) and although it is a covered structure it does not provide secure cycle storage for the prospective occupants.
- 5.2.13 In terms of design and appearance, the proposed building would mimic the character and appearance of the existing building utilising matching materials with a black timber weatherboard, brick plinth, roof finished with grey slate and fenestration to match the existing dwelling. The ridge and eaves height would also match that of the existing building. These matching features seek to integrate the proposal with the existing building.
- 5.2.14 The proposed gabled entrance on the southern elevation provides articulation into the building and clearly defines an entrance although this would not be visible from within the street scene. Although the fenestration pattern proposed is balanced and compatible with the existing building, there is concern regarding the extent of the 8 roof lights on the southern roof slope, facing outwards to the perimeter of the site. This could have an impact on light spillage into the rural countryside and given that the proposed building is positioned on a ridge, any light spillage would be visible. The submitted amendment statement provided by the applicant states that, *'it is proposed to use glass with a lower light transmittance (VLT <0.75) and to fit the roof windows with black out blinds with automatic dusk to dawn timers. The electrical lighting within the entrance stairwell is to be provided with an occupancy sensor which reduces the illumination level by 75% when the area is not occupied.'*
- 5.2.15 The site is situated within the 'East Hanningfield Wooded Farmland' area as identified in the Landscape Character Assessment. Visual characteristics of this area include, *'open and framed views to wooded horizons, both within the character area and also within adjacent Landscape Character Area. Panoramic views across*

drained estuarine marsh to the south, along the Crouch River channel'. The Landscape Character Assessment concludes that this area, 'has high sensitivity to change'. It details key planning and land management issues including, 'potential visually intrusive development of new farm buildings. These characteristics are evident within the site with panoramic views of the estuary from the proposed amenity space. Given the elevated position of the site on a ridge, there are glimpses of the built form along Hackmans Lane from Stow Road to the south of the site. There is concern that the proposal would introduce further built form along this conspicuous ridge line in a location that has high sensitivity to change.

- 5.2.16 Overall, it is considered that the proposed development would have a detrimental impact on the character and appearance of the countryside setting. The design and layout would create poor amenity space for the prospective occupiers of the development. The proposed car parking layout appears overly dominate in a countryside setting without landscaping to soften the impact and appearance. The proposed cycle parking store would be in a not easily accessible location near to the entrance.
- 5.2.17 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 nearest residential development would be the flats attached to the north of the site. The proposed building would be attached to flat 8 (ground floor) and flat 10 (first floor). There are obscured windows proposed on the rear northern elevation of the proposed building and therefore the proposal would not result in overlooking or loss of privacy for the existing flats or prospective occupiers of the proposed flats.
- 5.3.3 There is concern that given the proposed positioning and orientation of the building, the proposal would reduce light and appear overbearing for the existing flats at no 8 and 10.
- 5.3.4 The other nearest neighbouring residential dwellings are Great Canney Cottage which is situated approximately 30 metres to the south of the site and Great Canney House which is situated approximately 40 metres to the west of the site. It is considered that the separation distance is sufficient to prevent overlooking, overshadowing or any overbearing impacts from the proposed development.
- 5.3.5 Nash House (offices/commercial use) is situated approximately 17.6 metres to the east of the site. There are three single windows (serving bedrooms) proposed on the eastern side elevation of the building facing towards Nash House. Given that these are single windows and the distance of separation it is not considered that the proposal would give arise to overlooking, overshadowing or any overbearing impacts from the proposed development.
- 5.3.6 Having regard to the above, there is concern that the proposed building given its orientation would reduce light and appear overbearing for the existing flats at no 8 and 10. The proposal therefore does not accord with the stipulations of 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 NPPF states in paragraph 111 that, '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.*'
- 5.4.3 The proposed development would provide 4 x 1-bedroom flats. Therefore, a minimum of 4 parking spaces would be required to comply with the Maldon District Vehicle Parking Standards. In addition to this, 1 additional visitor space and 1 disabled space is required.
- 5.4.4 The proposed block plan refers to the car parking for the whole site including the existing flat block (6 flats) and Nash House. It proposes 8 car parking spaces for Nash House stating that, '*there are no changes to the building or no. of parking spaces.*' It proposes 11 car parking spaces for the flats, 5 visitor spaces, 3 of which are 'accessible' spaces.
- 5.4.5 The proposed additional car parking spaces accord with the minimum dimensions as specified in the adopted parking standards (2.9 metres x 5.5 metres). There is a cycle parking area proposed to the northeast of the site and to the north of the site there is an existing cycle store parking area that provides for a minimum of 12 cycles. This provision would exceed the Maldon District Vehicle Parking Standards which refers to a minimum of one cycle space per one bedroom dwelling.
- 5.4.6 Therefore, the proposed car parking provision would accord with the adopted parking standards Policy D1 and T2 of the LDP.
- 5.4.7 There are no alterations proposed to the existing access arrangements from Hackmans Lane.
- 5.4.8 The Highways Authority have been consulted and raised no objection subject to conditions relating to the provision of cycle parking and a travel information pack prior to occupation.
- 5.4.9 Subject to compliance with the above conditions, the proposed development would accord with the NPPF and policies D1 and T2 of the LDP in terms of highway safety and accessibility.

5.5 Private Amenity Space, Living Conditions 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 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 With regards to amenity space provision concerns have been raised above in paragraph 5.2.10 regarding the proposed courtyard. A communal garden is also proposed to the southwest of the building measuring approximately 700 sqm. This would accord with the MDDG SPD standards which refers to 25 sqm of amenity space for a flat. However, concerns have been raised regarding the disconnected relationship of the proposed amenity space with the building above in paragraph 5.2.7.
- 5.5.3 The proposed residential units for flats 11 and 12 (ground floor) would be served by windows which would provide adequate light and ventilation to all habitable rooms. However, the proposed residential units for flats 14 and 15 (first floor) would only be served by roof lights in the lounge and kitchen with a single window for the bedrooms. Whilst the rooflights would provide light and ventilation there is concern regarding the restricted outlook it would create for these habitable rooms and the resultant unacceptable impact it would have on the living conditions of prospective occupiers.
- 5.5.4 There is further concern regarding the poor outlook from the southern elevation of the ground floor flat for no. 12, as it would have an outlook onto an existing 1.8 metre and 1.2 metre high timber fence and hedge situated 4 metres to the southern boundary and the bin store to the east. This would be the only outlook for flat 12 as the windows on the northern elevation are obscured glazed. This would create poor amenity for prospective occupiers of flats and would result in an unacceptable enclosing effect on the living conditions of prospective occupiers.
- 5.5.5 The proposal would accord with the National Described Spaces Standards for a 1 bedroom 2 person flat.
- 5.5.6 The design and layout of the proposal would create poorly integrated amenity space and would give arise to a poor outlook for prospective occupiers of flats 12, 14 and 15. This would be contrary to policy D1 of the LDP and the MDDG SPD.

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 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.6.3 In terms of drainage the proposal has been reviewed by the Councils Environmental Health Officer, who raises no objection but would recommend conditions are imposed on any consent regarding details of sewage treatment plant, submission of construction management plan and details of a surface water drainage scheme.
- 5.6.4 The proposal accords with NPPF and Policy D5 and S1 of the LDP.

5.7 Waste Collection and Storage

- 5.7.1 The preamble for Policy D2 of the LDP states that, 'new development should seek to minimise the amount of waste produced and to ensure that it is treated and disposed

of in an environmentally acceptable way. New developments should provide adequate facilities for storage, recycling and collection of waste during occupation’.

- 5.7.2 Section C09 of the MDDG (2017) states that, ‘the management of waste needs to be considered early on in the design to avoid inconvenient waste storage for residents, ineffective waste collections of waste produced or unsightly bin storage areas.
- 5.7.3 There is a refuse store proposed approximately 4 metres to the northeast of the proposed building. This would be in addition to an existing bin storage to the north. Details of the proposed refuse store have been provided. Although, this would be a convenient location for prospective occupants there is concern regarding the proximity to bedroom and lounge window for flat 12 and associated poor amenity due to odours.
- 5.7.4 The proposal accords with C09 of the MDDG (2017) and Policy D2 of the LDP.

5.8 Ecology and Impact on European Designated Sites

- 5.8.1 Paragraph 174 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’.
- 5.8.2 Policy S1 of the LDP includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the Districts green infrastructure network.
- 5.8.3 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.
- 5.8.4 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.
- 5.8.5 The Ecology Consultant raised an objection due to insufficient ecology information relating to European Protected Species (Great Crested Newt and bats). The applicants subsequently submitted a Preliminary Ecological Assessment (PEA) (ACJ ecology dated December 2023). The technical summary of the report concludes that, *‘breeding birds, reptiles and great crested newts require further consideration.’* The Ecology Officer has been reconsulted on the submitted PEA, although at time of drafting report no response had been received. However, given the summary of the PEA that further consideration is required, and this additional information has not been provided, it is likely that the holding objection will be maintained by the Ecology Consultant.
- 5.8.6 The site falls within the ‘Zone of Influence’ (Zol) for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites through increased recreational pressure etc.

5.8.7 The proposed development for 4no. flats falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast 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.

5.8.8 The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the ZOI for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for up to 4 no. dwellings.

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for up to 4 no. dwellings.

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

Summary of Appropriate Assessment

5.8.9 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 the 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.

5.8.10 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 £163.86 (2024-2025 figure) and thus, the developer contribution should be calculated at this figure.

5.8.11 The applicant has provided the relevant checking and monitoring fees, and a completed and signed unilateral undertaking to ensure that mitigation is secured.

5.9 Planning Balance

5.9.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF. Some contributions have been identified in relation to the social and economic objectives of sustainable development given that four – one bed units will be provided towards the housing mix of the district with the associated economic activity of future occupiers. However, occupants of the development would be reliant heavily on the private vehicle to access services and facilities for day-to-day needs given the location of the site and poor public transport connections. The proposed development would result in further development in the countryside, hence there is an adverse impact by the development on the environmental objective of sustainable development. Insufficient ecology information has been submitted to provide certainty of the likely impacts to

protected species, nor any mitigation to avoid impacts. Insufficient information has been provided to demonstrate the need for affordable housing at the site. The design and layout of the proposal would result in harm to the amenity and outlook for prospective occupiers and it would have an overbearing impact on the existing flats.

- 5.9.2 In a balancing exercise, it is considered that the harms of the proposal outweigh the benefits and as such the development is unsustainable. The benefits of the development cannot outweigh the conflict with policies S1, S2, S8, D1, D2, H4, H5, N1, N2, T1 and T2 of the LDP.

6. **ANY RELEVANT SITE HISTORY**

- **23/00988/FUL** – Addition of new building containing 4 flats to existing building containing flats and associated works. Refused.
- **23/05119/DET** – Compliance with conditions notification. Approved.
- **19/00258/FUL** - Section 73A application for the change of use from office use to residential use containing one (1) x two-bedroom and five (5) x one-bedroom residential units and the provision of associated parking and amenity space. Refused.
- **19/00048/FUL** - Section 73A application for the change of use from office use to residential use containing one (1) x two-bedroom and five (5) x one-bedroom residential units and the provision of associated parking and amenity space. Refused. Allowed on appeal.
- **19/00057/LDE** - Claim for lawful development certificate for the change of use from offices (Use Class B1) to 6No. residential units (Use Class C3). Refused. Dismissed on appeal.
- **16/00395/COUPA** - Prior approval for a proposed change of use of a building from office use (Class B1(a)) to a dwellinghouse (Class C3). Prior approval granted.
- **17/05104/DET** - Compliance of conditions notification of approved application COUPA/MAL/16/00395 (Prior Approval for a proposed change of use of a building from office use (Class B1(a)) to a dwellinghouse (Class C3)). Condition 3 - Foul drainage scheme. Granted.
- **18/00790/LDE** - Claim for lawful development certificate for the change of use from offices (Use Class B1) to 6No. residential units (Use Class C3). Refused.
- **18/01232/COUPA** - Notification for prior approval for a proposed change of use from offices Class B1 to 6No. apartments Class C3. Refused.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	The proposed development will provide additional low cost smaller homes in the village. More affordable homes are needed to meet the needs of first time buyers (HI	Noted.

Name of Parish / Town Council	Comment	Officer Response
	Affordable Housing).	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection subject to conditions relating to provision of cycle parking, provision, implementation and distribution of a residential travel information pack.	Noted and discussed at Paragraph 5.4 of this report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Ecology	<p>Holding objection. Insufficient ecological information provided for determination of this application.</p> <p>The applicants subsequent submitted an Ecology report. The Ecology Consultant has been reconsulted, however, at time of drafting the report no response had been received. An update will be provided at the meeting.</p>	Noted and discussed at Paragraph 5.6 of this report.
Environmental Health	No objection subject to conditions relating to details for foul treatment and package treatment plant, construction management plan and SUDs scheme	Noted and discussed at Paragraph 5.6 of this report.
Strategic Housing Officer	Objection.	Noted and discussed at Paragraph 5.1.4 to 5.1.7 of this report.

7.4 Representations received from Interested Parties

- 7.4.1 1 letter has been received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Services are overloaded including	Noted.

Objection Comment	Officer Response
existing pipework.	
Concern regarding use of sewage treatment plants.	Noted.
No bus service to the site.	Noted.
Concern regarding further car parking near the pond and impact on species that inhabit the area.	Noted.

8. **REASONS FOR REFUSAL**

1. The site is situated outside of the defined development boundary and is in open countryside. Future occupants of the site would therefore be heavily reliant on the use of the car to gain access to everyday services and facilities, and the proposal therefore does not provide a sustainable form of development. The proposal is therefore contrary to policies S1, S8, D1, H4, T1 and T2 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 (2023).
2. The design and layout of the proposal would create poor amenity and outlook for prospective occupiers and would be overbearing to neighbouring flats. This would be contrary to policy D1 of the Maldon District Local Development Plan and the Maldon District Design Guide SPD and the guidance set out in the National Planning Policy Framework.
3. Insufficient information has been provided to demonstrate the need for affordable housing at the site and accordance with criteria of Policy H5 of the LDP. The proposed development would therefore be contrary to Policies S1, S8 and H5 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework.
4. Insufficient ecological information has been submitted to assess the impact of the proposed development on protected and Priority species, specifically Great Crested Newts, breeding birds and reptiles. The proposed development would therefore be contrary to Policies S1, D1, and N2 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework and Circular 06/2005.

Application Plans/Documents

GCCM36RP-VS1 1B Illustrative Visualisations of Existing
 GCCM36RP-VS1 1A Illustrative Visualisations of Existing
 GCCM36RP-VS1 1D Illustrative Visualisations of Proposed
 GCCM36RP-VS1 1C Illustrative Visualisations of Proposed
 GCCM36RP-DR1 1H Proposed West and East Facing Side Elevation
 GCCM36RP-DR1 1G Existing West and East Facing Side Elevation
 GCCM36RP-DR1 1F Proposed North Facing Front Elevation and South Facing Rear Elevation
 GCCM36RP-DR1 1E Existing North Facing Front and South Facing Rear Elevation
 GCCM36RP-DR1 1D Proposed First Floor Plan
 GCCM36RP-DR1 1C Existing First Floor Plan
 GCCM36RP-DR1 1B Proposed Ground Floor Plan
 GCCM36RP-DR1 1A Existing Ground Floor Plan
 GCCM36RP-DR1 1K Proposed Roof Plan
 GCCM36RP-BP3.2 - Block Plan

SP1.1 - Site Location Plan
Proposed Bird Box
Proposed Bat Box
BDS Cycle Shelter
Photos
Flood Map
Planning Statement for Affordable Housing