



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
14 AUGUST 2024**

<b>Application Number</b>	<b>24/00360/VAR</b>
<b>Location</b>	Warren Pit, Herbage Park Road, Woodham Walter, Essex, CM9 6RJ
<b>Proposal</b>	Variation of condition 6 on approved application 16/01373/FUL (28 new holiday lodges with associated infrastructure and access). Variation seeks to alter Condition 6 to allow the siting of a single storage shed for each lodge.
<b>Applicant</b>	The Warren Golf & Country Club Ltd.
<b>Agent</b>	Frederick Lewis Limited
<b>Target Decision Date</b>	19.08.24
<b>Case Officer</b>	Lisa Page
<b>Parish</b>	<b>WOODHAM MORTIMER</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in – Councillor S J N Morgan regarding policies S1, S2, S3, E43 and H4

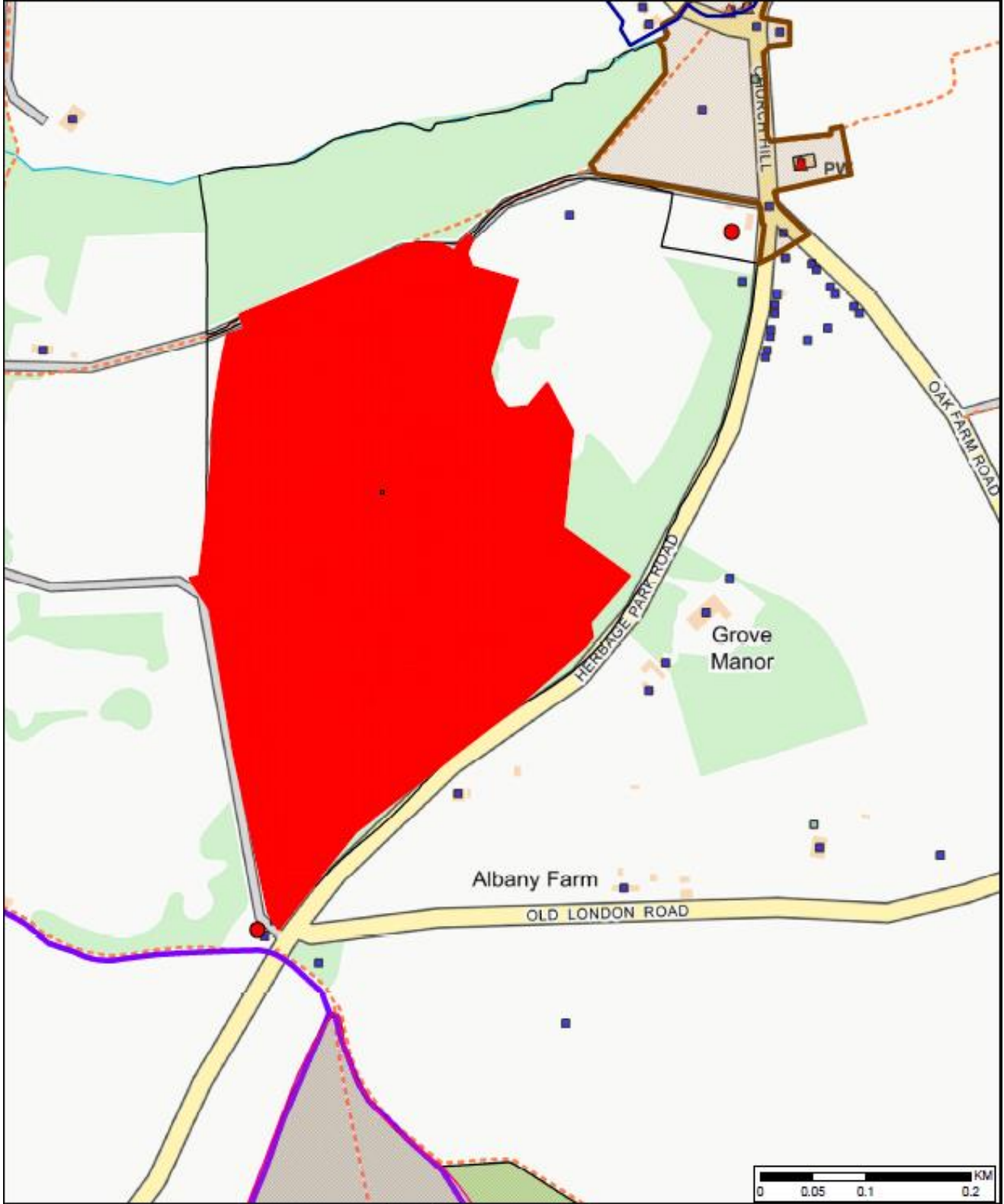
**1. RECOMMENDATION**


**APPROVE** subject to the conditions as set out within Section 8 of this report.

**2. SITE MAP**

Please see below.

**The Warren Lodge Park - Herbage Park - Herbage Park Road - Woodham Walter**  
 23/00360/VAR



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	<b>Organisation:</b> Maldon District Council	<b>Comments:</b> NW Area Committee
	<b>Department:</b> Department	<b>Date:</b> 25/07/2024
	<b>MSA Number:</b> 100018588	www.maldon.gov.uk

### 3. **SUMMARY**

#### 3.1 **Proposal / brief overview, including any relevant background information**

##### Site description

- 3.1.1 The application site extends to approximately 21.5 hectares and comprises 102 holiday homes (Warren Lodges), together with an amenity building housing a swimming pool and gym. The application site is known as Warren Pit and is within the ownership of The Warren Estate, which covers an area of 145 hectares and including The Warren Golf Club.
- 3.1.2 The land slopes steeply down from the west, wherein the main vehicular access route is from Herbage Park Road (which provides access to the 'Warren Lodges' holiday homes and The Warren Golf Club). A Public Right of Way (PRoW) runs alongside the northern boundary beyond which is woodland. To the east is undeveloped and open land, whilst to the south beyond existing tree planting on site, is Herbage Park Road.
- 3.1.3 The site is identified as a Wildlife Site (MA8). It is located outside of the Conservation Area. In addition, it is within Flood Zone 1 as identified in the Environment Agency's (EA's) Flood Map and therefore has a low probability of flooding from rivers and the sea.

##### Description of proposal

- 3.1.4 The application seeks to vary condition 6 of application 16/01373/FUL which reads as follows:

*With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents or similar items shall be erected or placed on the site without the prior approval in writing of the local planning authority. Reason: To ensure the appropriate development and use of the site for recreational purposes in accordance with policy REC20 of the Adopted Replacement District Local Plan.*

- 3.1.5 It is proposed that the wording of the varied condition could be as follows: -

*With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents, garden paraphernalia, or similar items shall be erected or placed on the site without the prior approval in writing of the local planning authority with the exception of a single storage shed no greater than 2.5m x 4metres and no greater than 4metres from each lodge.*

- 3.1.6 The Planning Statement submitted with the application sets out there is a need for each lodge to have an outbuilding for the storage of 'out of season items such as deckchairs, garden furniture and other items that would be damaged if left outside during winter months'. The majority of the units have already erected such an outbuilding, and thus the application is part retrospective.
- 3.1.7 This application relates to 28 of the holiday lodges on site. A separate Section 73 application is awaiting validation, and that application seeks to vary the relevant condition(s) for the other 74 lodges on site.

## **3.2 Conclusion**

- 3.2.1 The variation of Condition 6 on application 16/01373/FUL would allow the provision of 1no. small outbuilding (size to be restricted via condition) to serve each holiday lodge. The need for such storage has been adequately set out and would support the existing tourism use on site in compliance with Policy E5 and S8 of the Local Plan. The principle of development is supported and acceptable.
- 3.2.2 Given the siting of each outbuilding, which would be within 4 metres of the lodge it serves, and due to the size and scale of building that would be permitted, there would be no harm to the wider character and appearance of the site or locality. The structures would not appear unduly prominent from within the site, or from any public views, including from Herbage Park Road or from the PRow to the north.
- 3.2.3 The development will create no adverse neighbour amenity impacts, for either occupiers of existing lodges or to neighbouring properties.
- 3.2.4 Landscape and ecology matters are acceptable and there would be no harmful impacts in regard to flood risk and drainage.
- 3.2.5 Taking into account the above, the development would accord with the policies within the approved Local Development Plan and the NPPF. Officers consider that there are no material considerations, that indicate that a decision should be made other than in accordance with the Development Plan.
- 3.2.6 It is recommended that planning permission be granted.

## **4. MAIN RELEVANT POLICIES**

### **4.1 Maldon District Local Development Plan (2017)**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E5 Tourism
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T2 Accessibility

### **4.2 National Planning Policy Framework (2023) including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 54-58 Planning Conditions and Obligations
- 123-127 Making effective use of land
- 131-141 Achieving well-designed places
- 180-194 Conserving and enhancing the natural environment

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)

## **5. MAIN CONSIDERATIONS**

**5.1** The main issues which require consideration as part of the determination of the application are the principle of the development; the impact of the development on the character and appearance of the area; the impact on the amenity of existing residents and any neighbouring residents; highway safety / access / parking matters; landscape and ecology; and matters of flood risk / drainage.

### **5.2 Principle of Development**

**5.2.1** The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.

**5.2.2** The site is located outside of a defined settlement boundary and thus lies within a countryside location. Policy S8 of the Local Development Plan (LDP) states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Policy S8 sets out the development types that may be permitted where there is no adverse impact to the countryside. One set exception, set out at Policy S8 f) is '*rural diversification, recreation and tourism... (in accordance with Policies E4 and E5)*'.

**5.2.3** Policy E5 entitled tourism sets out a positive policy provision for tourism within the District and states that '*The Council will support developments which contribute to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment*'. The policy goes on to set out that tourism will be supported where there is a need identified; where there are good connections with other tourist destinations and to local services; where there would be no detrimental impacts to the character and appearance of the area; and that adverse impacts to the natural and historic environment can be avoided.

**5.2.4** In terms of the need for the development, the Planning Statement sets out that there is a need for each lodge to have an outbuilding for the storage of out of season items such as deckchairs, garden furniture and other items that would be damaged if left outside during winter months. Indeed, during the consultation of the application, existing owners of the site have commented and advised that the holiday lodges

require a shed to store cleaning equipment, garden care equipment, BBQ's, bicycles, golf clubs, outdoor chairs, fitness equipment and similar. It would not be unreasonable for the owners of the lodges to require additional space for the secure storage of such items, which would support the use of these tourist lodges. On this basis, the need for the development is demonstrated.

5.2.5 In terms of the other criteria of Policy E5, the site has previously been assessed as having good connections with other tourist destinations in the locality and good connections to green infrastructure and local services. In addition, and as discussed later in this Report, there would be no detrimental impacts to the character and appearance of the area and no adverse impacts to the natural and historic environment.

5.2.6 The development would meet with the criteria of Policy E5 relating to tourism provision, and thus would meet with the Policy S8 which seeks to protect the countryside. On this basis, the principle of development is acceptable and is supported.

### **5.3 Layout, design and impact on the character and appearance of the area**

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

5.3.2 This principle has been reflected in the approved LDP, primarily with policy D1 which seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

5.3.3 The application seeks to vary an existing condition which restricts the siting of outbuildings for the lodges. The application seeks to enable each lodge to be provided with 1 outbuilding, no larger than 2.5 x 4metres, to be sited within 4metres from the lodge it serves.

5.3.4 The variation would not control the actual size, design or choice of materials, and thus there would be the opportunity for variation of these matters between each structure. As already noted above, a number of the lodges have already erected such an outbuilding, and in design terms the majority are in keeping with the lodge it serves and are discreetly sited. In any event, due to the limited size of structure permitted by the condition, and due to the requirement for it to be sited close to the lodge it serves, there would be no harm to the character and appearance of the site. It is highlighted that the re-drafted condition would continue to restrict other structures and tents at the site.

5.3.5 In addition, the structures would only be seen from within the site itself, and there are no public views, either from Herbage Park Road to the south or from the Public Right of Way to the north. There would be no harm to the wider amenity of the area and the intrinsic character and beauty of the countryside would be maintained in accordance with policy S8 of the LDP and the provisions of the NPPF.

### **5.4 Impact on Residential Amenity**

5.4.1 Given the siting of the lodges with each other, and due to the scale and siting of outbuilding that would be allowed by the change to the wording of the condition, there

would be no unacceptable impact to amenity of occupiers within the lodges on site from outlooking, loss of light or similar.

- 5.4.2 In terms of neighbouring amenity, there are no nearby neighbours and as set out above, the development would not appear prominent from any public viewpoints such that there would be no harm to neighbouring residential amenity.
- 5.4.3 Overall, the development would comply with policies D1 and H4 of the LDP and section C07 of the MDDG, which seek to ensure that development will protect the amenities of neighbouring properties.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 The change to the wording of the condition would not result in a change to highway capacity, with no implications for access arrangements. Matters in relation to highway safety therefore remain acceptable.
- 5.5.2 There would be no change to parking arrangements on the site. In addition, the provision of the outbuildings would provide opportunities for secure storage for bicycles which would add to the sustainability credentials of the site.
- 5.5.3 The development would comply with policies T2 and D1 of the LDP.

## **5.6 Impact on Ecology and Landscape**

- 5.6.1 In terms of ecology considerations, the Councils Ecology Consultant has advised that there is sufficient ecological information available for determination of the application, and comment that no further adverse effects will result because of the proposed amendments to the Condition. This provides certainty for the Local Planning Authority (LPA) of the likely impacts on designated sites, protected and Priority species & habitats and to enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).
- 5.6.2 Although the site is a designated Local Wildlife Site, due to the nature of the proposal, there would be no harm upon it. The comments from the Parish Council in terms of a potential impact to the nearby Site of Special Scientific Interest (SSSI) are noted. However, the site SSSI, is around 0.6 miles to the east of the site and will be unaffected.
- 5.6.3 In terms of impacts to existing landscape features, it is noted that the majority of the sites soft landscaping is to the site boundaries or within the areas of open space. The proposed wording to the condition, sets out that any outbuilding would be required to be sited within 4 metres of the lodge it serves. In addition, given the scale of the outbuildings (which would also be restricted via condition) which are likely to sit on a small area of hard surfacing, there would be no harm to landscape features.
- 5.6.4 The development would comply with policies S1, D1, N1 and N2 of the LDP which seek to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of green infrastructure network.

## **5.7 Flood Risk and Drainage**

- 5.7.1 The application site is located within Flood Zone 1 on the EA's Flood Map and therefore has a low probability of flooding. Due to the scale of the application, the Lead Local Flood Authority (LLFA) have been consulted. The LLFA advise that the

development will have no implications for flood and drainage considerations, and thus this would not be a constraint to development. The proposal is thereby considered acceptable in relation to flooding and drainage.

## 6. **RELEVANT SITE HISTORY**

- **05/00798/FUL** - Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building. Granted.
- **11/00953/FUL** - Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park.
- **15/00590/FUL** – Variation of condition 3 on approved planning permission FUL/MAL/11/00953 (Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park) Variation: holiday accommodation occupancy period, and;  
  
Variation of condition 2 on approved planning permission FUL/MAL/05/00798 (Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building) Variation: holiday accommodation occupancy period. Granted.
- **16/01373/FUL** - 28 new holiday lodges with associated infrastructure and access.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	Object and make the following comments: - <ul style="list-style-type: none"> <li>• - Would change the concept of the planning approvals (Lodges are holiday accommodation and therefore the sheds and other similar items are considered unnecessary);</li> <li>• Not in keeping with the original concept of the holiday park;</li> <li>• Lodges are not occupied in accordance with conditions for holiday accommodation and sheds are retrospective;</li> <li>• Structures can be seen from the public realm including Herbage Park</li> </ul>	Addressed within the report.



Name of Parish / Town Council	Comment	Officer Response
	<p>Road and Footpath 13. Appear untidy given the various designs, sizes and colours;</p> <ul style="list-style-type: none"> <li>• Would result in a proliferation of domesticity at the site, contrary to LDP policy E5 which supports tourism where there are no detrimental impact on the character, appearance of the area and the quality of life of local people;</li> <li>• Is a registered Local Wildlife Site and adjacent is a SSSI - LDP Policy E5 states that any adverse impact on the natural and historic environment should be avoided (it is not possible here to mitigate the effect).</li> </ul>	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection.	Noted, addressed in section 5.5 of this report.
Lead Local Flood Authority (LLFA)	Have no comments to make and advise that the application does not relate to flooding.	Noted, addressed in section 5.7 of this report.
Active Travel England	No comment.	Noted.

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Ecology	No objection. Comment that there is sufficient ecological information available for determination of this application and that no further adverse effects will result because of the proposed amendments to the condition.	Noted, addressed in section 5.6 of this report.

## 7.4 Representations received from Interested Parties

7.4.1 **One** letter of **objection** was received to the application raising the following comments:

<b>Objection Comment</b>	<b>Officer Response</b>
The site was originally granted consent for tourism purposes and in the interest of contributing to the local economy. Is no need for structures or sheds, of random size, shape or colour. Would be at variance with Local Plan policy E5.	Noted. Addressed within the Report.

7.4.2 **Four** letters were received **in support** of the application raising the following comments:

<b>Supporting Comment</b>	<b>Officer Response</b>
Some of the sheds have been on site between 8-19 years	Noted. There has not been any lawful development certificate sought for these.
Holiday lodges require a shed to store cleaning equipment, garden care equipment, BBQ's, bicycles, golf clubs, outdoor chairs, fitness equipment and similar	Noted. Addressed within the Report.
Sheds do not make the lodges residential	Noted.
Cannot be seen from Herbage Park Road, and even if there are some views, would have no impact to the area	Noted. Addressed within the Report.
Sheds are sited close of lodges and have no harm to the natural and historic environment	Noted. Addressed within the Report.
Holiday lodge owners spend a lot of money in the local economy in the pubs, restaurants, shops, garden centres (plants for decking) and local tradesmen	Noted.

## 8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the approved plan: - WLPGS033 REV 3 (16/01373).  
**REASON** In the interest of proper planning and for the avoidance of doubt as to what is permitted.
2. No holiday lodges shall be used as a person's sole or main place of residence and shall be used for holiday purposes only.  
**REASON** The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with Policy E5 of the Local Development Plan, and the National Planning Policy Framework.
3. With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents, garden paraphernalia, or similar items shall be erected or placed on the site without the prior approval in writing of the local planning authority with the exception of a single storage shed no greater than 2.5m x 4metres and no greater than 4metres from each lodge.

REASON To ensure the appropriate development and use of the site for recreational purposes in accordance with policy E5 of the Local Development Plan.

4. The holiday lodges shall not be used for human habitation between 15 January and 28 January (inclusive).

REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with policy E5 of the Local Development Plan, and the National Planning Policy Framework.

5. The owners / operators of the site shall maintain an up-to-date register of the names of all owners / occupiers of individual holiday accommodation units on the site, dates of arrival and departure from the site, and their main home addresses. The register shall be made available at all reasonable times for inspection and copying by the Local Planning Authority for record keeping purposes.

REASON The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with policy E5 of the Local Development Plan, and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Caravan Sites and Control of Development Act 1960, the location and siting of any holiday lodge shall only be in accordance with the approved layout plan. No new or replacement holiday lodge, chalet, mobile home or similar shall be placed upon the site other than of a design and form first agreed in writing by the Local Planning Authority.

REASON To ensure the appropriate development and use of the site for recreational purposes, and to protect the amenity of the locality in accordance with policy E5 and D1 of the Local Development Plan and the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected at the site without the prior grant of planning permission by the local planning authority.

REASON To safeguard the appearance and character of the rural area in accordance with policy D1 of the Local Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no hardstanding, access road or similar hard surface shall be laid at the site without the prior approval in writing by the Local Planning Authority.

REASON To safeguard the appearance and character of the rural area in accordance with policy D1 of the Local Development Plan.