



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

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
16 OCTOBER 2024**

<b>Application Number</b>	<b>24/00166/FUL</b>
<b>Location</b>	Land Adjacent 9 St Peters Court, Bradwell-on-Sea
<b>Proposal</b>	Construction of a 4-bedroom house with granny annex above triple garage
<b>Applicant</b>	Mr Martin Lane
<b>Agent</b>	Mr James Thomas
<b>Target Decision Date</b>	23 October 2024
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>BRADWELL-ON-SEA</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan

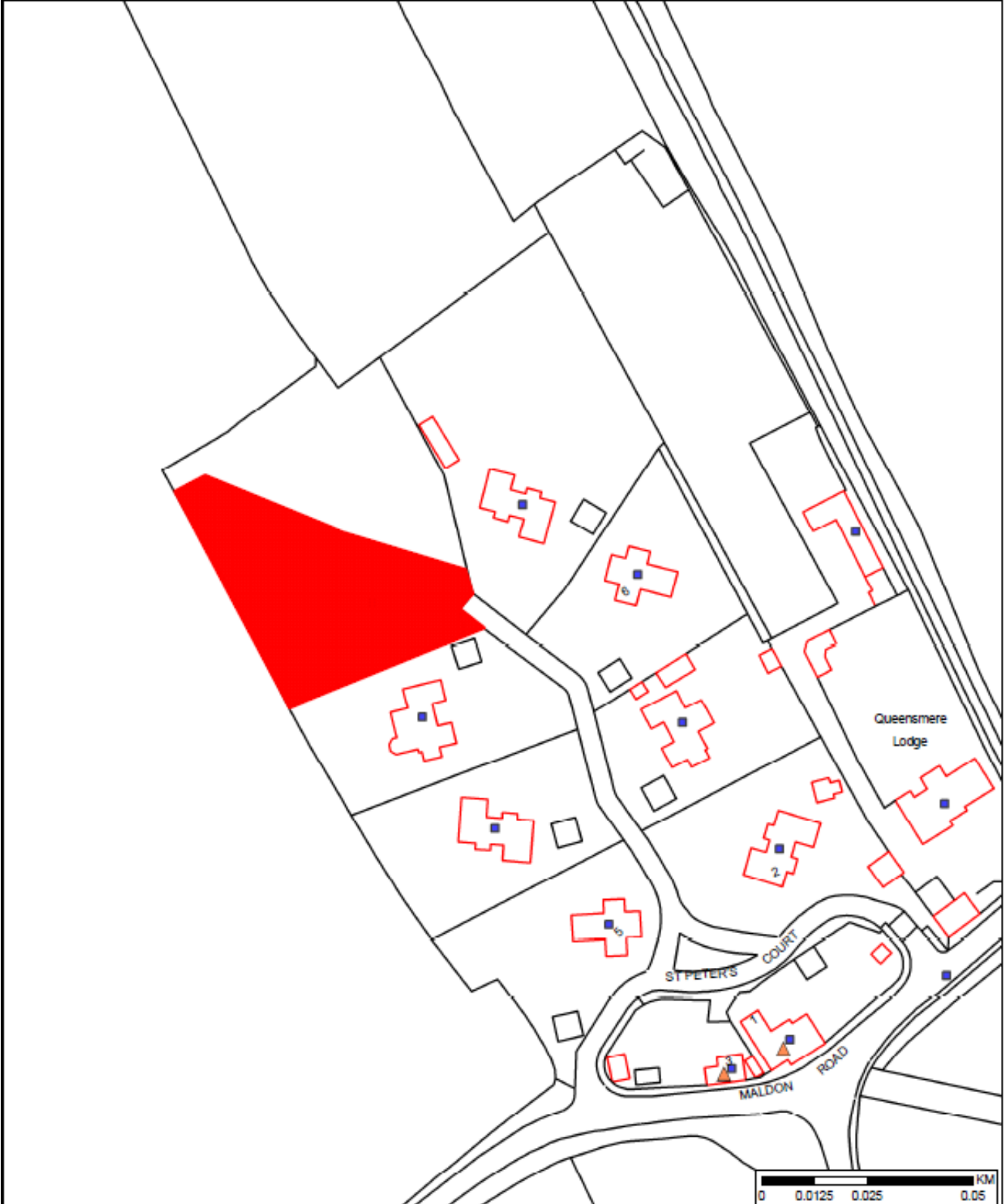
**1. RECOMMENDATION**


**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.

**Land Adjacent 9 St Peters Court - Bradwell on Sea**  
24/00166/FUL



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	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: South East Area Committee</p>	<p>Date: 22/08/2024</p>
	<p>www.maldon.gov.uk</p>	<p>MSA Number: 100018588</p>

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the northwest of St Peters Court outside the settlement boundary of Bradwell-on-Sea. St Peters Court is accessed from Maldon Road and is a residential cul-de-sac comprising of nine dwellings. The application site is an undeveloped parcel of land in the northwest corner located between No.8 and No.9. The red line development site is the southern half of a larger site which benefited from previous planning permissions. There is a low boundary fence on the eastern boundary of the (larger) site adjacent to No. 9 and a close boarded fence of approximately 1.8 metres in height to the southern boundary shared with No. 8. The surrounding area is generally rural, with sporadic dwellings fronting the highway. To the east of the site is open countryside. The dwellings within St Peters Court are all detached and sizeable within spacious plots and generous gardens.
- 3.1.2 Planning permission is sought for the erection of a four-bedroom dwelling with a detached granny annex above a double garage.
- 3.1.3 The proposed dwelling would measure 17 metres in width, 16 metres in depth, have a maximum eaves height of 5.8 metres and a maximum ridge height of 12 metres, including the chimney. The dwelling would be 'T shaped' with an intersecting gable roof style. The front elevation would have a front gable end projection extending to the roof, a small porch projection, windows at ground and first floor levels, and a feature window and roof lights to serve rooms within the roof space. The rear elevation would also have a gable end projection with a bay window at ground and first floor levels, windows at ground and first floor, roof lights, juliet balcony and a balcony at first floor level. Both of the side elevation would have gable ends with the north elevation featuring a chimney stack.
- 3.1.4 The proposed double garage would measure 10 metres in width, 7.6 metres in depth, have an eaves height of 2.3 metres and an overall (flat) roof height of 6 metres. The front and rear roofs are pitched. Three garage style doors are proposed to the front elevation although only two are operational for vehicle parking use. A single access door and window are proposed at ground floor level and five roof lights are proposed to the rear elevation, a single access door and tripled paned window are proposed to the side (north) elevation and no windows are proposed to the side (south) elevation facing number 8 St Peters Court.
- 3.1.5 The proposal also includes a driveway and an area of hardstanding to the front and side of the dwelling and garage for the parking of vehicles. An area of soft landscaping is shown on the proposed block plan to the west of the site, which would consist of 4.5 metres wide planting of mixed native hedgerow. The site would also be boarded on the site boundaries with a 1.8 metre close board fencing.
- 3.1.6 The materials proposed in the construction would be red stock facing brickwork with cant bricks and off white render for the walls, textured grey composite eternit slate roof tiles, anthracite grey UPVC windows, bifold and french doors.
- 3.1.7 The development will provide accommodation within the dwelling in the form of a hall, lounge, toilet, utility room, dining room and kitchen at ground floor level, three bedrooms all with en-suites, hallway, and bathroom at first floor level, a balcony is also proposed with access from two of the proposed bedrooms. A master bedroom with en-suite, landing, office and storage space is proposed within the roofspace. The feature window to the front gable at roof level accommodates a double height space /

void to the first-floor landing. The landing accommodating the rooms in the roof is set back internally by 3 metres from the front gable.

- 3.1.8 The garage building comprises two covered car parking spaces and a segregated kitchen at ground floor level, and a single bedroom, lounge and bathroom within the roofspace. All glazing to the first floor is sited to the rear roof plane with no glazing to the front.
- 3.1.9 Agreement to the required pre-commencement condition attached to the recommendation has been gained from the agent.

### **3.2 Conclusion**

- 3.2.1 It is noted that the proposal is in conflict with policy S8 of the Local Development Plan (LDP). However, having taken all material planning considerations into account, including the previous applications approved on the site, including on appeal. It is found that a dwellinghouse in this location has been historically established and therefore no objection is raised to the principle of the development. The impact of the development on the character of the area and the countryside has been assessed and having regard to the previous appeal decision and decision of the South Eastern Area Planning Committee held on 17 June 2019, the proposal would not result in material harm to the character and appearance of the area or the intrinsic character and beauty of the countryside. The development would not cause harm to the amenities of the neighbouring occupiers, and it would provide a suitable living environment for the future occupiers. Off-street parking has been provided in accordance with the Vehicle Parking Standards (VPS), and the Local Planning Authority (LPA) is satisfied that the development would not adversely impact on the public rights of way. Therefore, whilst there is some policy conflict, the proposal is found to be acceptable having regard to the policies in the plan taken as a whole, material considerations in terms of the planning history of the wider site and is consistent with the governments drive to boost the supply of housing set out in the National Planning Policy Framework (NPPF). Subject to the proposed conditions the proposal is acceptable and planning permission is recommended for approval.

## **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
- 10-14 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 123-130 Making effective use of land
- 131-141 Achieving well-designed places
- 180-194 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- N2 Natural Environment and Biodiversity

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

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards (VPS) SPD
- Planning Practice Guidance (PPG)
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (adopted August 2020)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

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

5.1.2 In terms of 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”. Policy S2 of the LDP aims to focus “strategic growth at the District’s main settlements as they constitute the most suitable and accessible locations in the District”. Policy S8 of the LDP steers new development towards the existing urban areas whilst allowing for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.3 In terms of housing delivery the Council is meeting the 5-Year Housing Land Supply (5YHLS) threshold with 6.3 years’ worth of housing against the Council’s identified housing requirements. However, it should be noted that this is not a ceiling to development as the Council is required to approve housing development, in context of the government drive to meet housing demand where the harm is outweighed by the benefits of the scheme and all other material considerations.

5.1.4 It is the Council’s position that policies relevant to the assessment of the current application remain in general conformity with the NPPF and the 5YHLS position

demonstrates that the key direction of growth remains in conformity with Local and national policy. Therefore, significant weight can be applied to the LDP Policies,

5.1.5 Planning permission was granted following an appeal under reference 17/01483/FUL for the 'Erection of a detached dwelling' (the 2017 scheme) (within the large site) and permission was also granted under reference 19/00458/FUL 'Erection of 2No. detached 4-bedroom dwellings (the 2019 scheme)' (in two separate parcels of the larger site). Both schemes have not been built nor any works carried out to have implemented the permission and therefore the time bound commencement condition has not been complied with resulting in the permissions now having lapsed.

5.1.6 The proposed new dwelling is located to roughly one half (the southern part) of the site which was approved for two dwellings in 2019. The site is located outside of the settlement boundary of Bradwell-on-Sea, and as such, there is some conflict with policy S8. Bradwell-on-Sea is classified as a 'smaller village' within policy S8 of the plan and described as containing few or no services and facilities, with limited or no access to public transport, and very limited or no employment opportunities. The 2019 approval was heard at the South Eastern Area Planning Committee, which confirmed the weight applied to the Planning Inspector's decision in their approval of the 2019 application.

5.1.7 The Planning Inspector when determining the appeal for the 2017 scheme (APP/X1545/W/18/3204574) stated:

*'I accept that there would be some conflict with Policy S8 because the appeal site is outside of the defined development boundary. However, it would not compromise the general principle of preserving the intrinsic character and appearance of the countryside. Nor would it conflict with the overall key sustainable development principles set out in Policy S1, which reflect those in the Framework. As such, I consider the policy conflict would be minor, and the proposal would accord with the development plan as a whole. Thus, I conclude that the appeal site is a suitable location having regard to Policy S1 of the LDP and the Framework (2018).'*

5.1.8 This was taken into account in the consideration of the 2019 approval and whilst there is no extant permission the details within the committee report for 19/00458/FUL stated:

*'On the basis of the Inspector's findings and that there is an extant permission for one dwelling at the site, it is reasonable to consider that the application site is a suitable location for residential accommodation, as it is not considered that an additional dwelling would provide any considerations which would alter this stance. Therefore, although the principle of development is contrary to Policy S8 of the LDP, having regard to the previous decision, which is a material consideration, it is considered that the principle of the erection of two dwellinghouses in this locality would be acceptable.'*

5.1.9 It has been stated that the permission has expired, however, that does not alter the weight applied to the approval on appeal or the Committees approval of the previous applications as material considerations of significant weight in the determination of this current application.

## **5.2 Housing Mix**

5.2.1 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is

wholly compliant with the latest NPPF and up to date PPG 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.

- 5.2.2 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three-bed dwellings; specifically, up to 10% one bedroom, 25-35% two-bedrooms, 40- 50% three-bedrooms, and 15-25% for 4+ bedroom market dwellings.
- 5.2.3 Whilst the proposed development would contribute to the District's housing need, any weight given to this would be limited given that only a single dwelling is proposed. However, this is a bespoke development site with a history of single larger dwellings approved. It is a limited area in a discrete area of similar dwellings. As such, while limited planning weight is given to the contribution of this dwelling to the LHNA, an exception is acceptable and historically predicated. The granny annex is not counted as part of the Council's housing need.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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.
- 5.3.3 The application site lies outside of the settlement boundary and the relevant policy context has been articulated previously in this report.
- 5.3.4 The application site has been subject of two previous applications for dwellings on the site, and the principle of development is established and are material considerations in the determination of this application. In February 2019 application 17/01483/FUL (Erection of a detached dwelling) was allowed on appeal (APP/X1545/W/18/3204574) in paragraphs 7 & of the appeal decision the inspector stated:

*'7. Though the area is generally flat, extensive views of the proposed dwelling from the public domain would be restricted by mature hedgerows and other buildings. The most significant views of the site would be from the south west along Maldon Road. Whilst the proposed dwelling would be visible from this direction, it would be viewed against the existing dwellings of St Peter's Court and, given the position of the proposed dwelling between Nos 9 and 8, the effect of the appeal dwelling on the character and appearance of the countryside would not be significantly greater than the existing dwellings.*

*8. The dwelling would be of a similar design to the existing dwellings and would sit in a generous plot set back from other properties and the private road and would therefore not compromise the feeling of spaciousness which is characteristic of St Peter's Court.'*

The inspector then concluded in paragraph 12 that:

*'Thus, I conclude that there would be no harm to the character and appearance of the countryside and no conflict with Policy S8 of the Maldon District Approved Local Development Plan (LDP) 2014-20291 in this regard, which seeks to protect the countryside for its intrinsic character and beauty, amongst other things. Nor would there be conflict with Policy D1 of the LDP which states that development should respect and enhance the character and local context and makes a positive contribution in terms of, amongst other things, landscape setting. There would also be no conflict with criterion 12 of Policy S1 of the LDP which seeks to maintain the rural character of the District, amongst other things or Policy H4 of the LDP which seeks to optimise the use of land having regard to the character and location and setting of the site, amongst other things.'*

- 5.3.5 Reference to the 2017 appeal was referred to in the determination of the 2019 application 19/00458FUL (Erection of 2No. detached 4-bedroom dwellings), it is noted that this permission was for two dwellings on the wider site, the site has subsequently been split into two, with two separate owners. It was considered as part of application 19/00458/FUL that whilst the dwellings did not follow the radial pattern of the existing houses within St Peters Court, as the dwellings would be set further back that it would not result in material harm to the character and appearance of the area or the countryside. The dwelling subject of this application is of a similar footprint and is set back slightly than that of the neighbouring property to the south. Reference was also made to the comparable plot sizes, design and proposed materials of the nine dwellings which currently exist within St Peters Court. It was concluded that the development would not result in a cramped form of development and that the 'T' shaped design of the dwelling proposed would be match other dwellings in the streetscene and would not look out of place.
- 5.3.6 The proposal includes a double garage with the appearance of a triple garage externally, and an annex proposed above (kitchen at ground floor) which would be located to the south west of the dwelling' and at a distance 3.7 metres to the boundary with the neighbouring property. Given its composition and design, the garage would be noticeably larger than the existing garages elsewhere in St Peters Court. It is located at a setback position within the application site towards the rear. Whilst the building is large, its position negates any impact on St Peters Close itself. While it introduces built for of a scale larger than adjoining and nearby properties in the area, its impact on the wider landscape to the west would be limited in long views of the site. Furthermore, its impact is muted due to its context with the proposed and existing housing of the complex, and further the scheme proposes a landscaping scheme to rear boundary (west) which would further soften and appearance of the site as a whole in the wider context.
- 5.3.7 Having regard to the above assessment, the previous Inspector's decision and the planning history discussed above, the proposal would not result in material harm to the character and appearance of the site or the intrinsic character and beauty of the countryside. And as such is in compliance with policies S1 and D1 of the Local Plan.

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

- 5.4.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (MDDG) (2017).



- 5.4.2 The application site is boarded by two neighbouring properties, No.8 St Peters Court to the northeast and No.9 St Peters Court to the south.
- 5.4.3 The proposed dwelling would sit 19 metres to the boundary 33 metres to the house respectively at to the northeast, No.8 St Peters Court. It is positioned at 10 metres from the boundary and 16 metres to the neighbouring property to the south, No.9 St Peters Court. There are no windows proposed in the first floor side elevations of the proposed dwellings and no other windows directly facing that property. As such there would be no overlooking or loss of privacy. The majority of the rooflights are to the rear (western) roof slope and would not face onto the adjoining properties. A balcony is proposed at first floor level to the rear, however, due to its position would not be visible to either neighbouring property.
- 5.4.4 The proposed garage would sit approximately 3.7 metres from the rear / side boundary with the neighbouring property to the south, No.9 St Peters Court. It would visibly present a large flank wall facing the boundary with the neighbouring property; however, the garden is large, and the proposed garage / annex is set at a sufficient distance from the neighbouring dwelling itself with no windows facing this neighbour. As such, it is considered the garage would not impose on or be overbearing to the amenities of neighbouring property in terms of their use of that part of the garden. The nearest point of the annex to the rear wall of the neighbouring property house is approximately 16 metres. As said above no windows are proposed to that elevation and as such there would be no loss of amenity due to overlooking.
- 5.4.5 On the basis of the above assessment, there would not be a harmful impact to the residential amenities of either neighbouring properties or that the garage/annexe would have an overbearing impact on the neighbouring property. Furthermore, given the separation distance between the proposal and the neighbouring properties there would be no material impact in terms of light or overshadowing to the neighbouring properties. Therefore, the proposal would comply with Policy D1 of the LDP.

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

- 5.5.1 Access to the site would be via St Peters Court off Maldon Road. Rushes Lane is a private road and the proposed access point off of St Peters Court to the dwelling is not in the ownership of the applicant. St Peters Court is an unmade gravel Road which provides access to the nine other dwellings.
- 5.5.2 The Council's adopted VPS SPD requires a four bedroom dwelling to have three parking spaces. One bedroom is proposed within the annex, which would result in five bedrooms on site. The ground floor of the garage proposed would provide two covered parking spaces which measure 7m x 3m internally, which would be in compliance with the VPS. Furthermore, there is an area of hardstanding proposed to the front and side of the dwelling and garage which would accommodate at least another four reasonable sized vehicles.
- 5.5.3 Essex County Council (ECC) Highways were consulted on the application and have advised they have no objection to the proposed access subject to recommended conditions in relation to cycle parking and residential travel information pack, together with advisory informatives, if the application is recommended for approval. Therefore, no objection is raised in relation to traffic and transport issues.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open

spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms and 50m<sup>2</sup> for smaller dwellings.

- 5.6.2 The development proposed would provide well in excess of 100m<sup>2</sup> of private amenity space. Therefore, the proposal is in compliance with Policy D1 of the LDP.
- 5.6.3 The proposed area of hedgerow planting is considered a suitable addition to the site and provides a suitable amount of greenery to help soften the appearance of the dwellings. A condition would however be imposed, ensuring that the landscaping is implemented and to ensure that species and stock sizes were appropriate.

## **5.7 Ecology (including the impact of development within the Zone of Influence (Zol) for the Essex Coast RAMS and RAMS)**

- 5.7.1 Paragraph 180 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 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. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.4 The application was submitted prior to the mandatory Biodiversity Net Gain (BNG) requirements came into force, therefore there is no BNG requirement.
- 5.7.5 The application has been accompanied by an updated Preliminary Ecological Appraisal (PEA) and additional ecological information. The survey related to the potential impacts of development on protected species and habitats within the wider Local Wildlife Site.
- 5.7.6 The Council's Ecology Consultant has reviewed the submitted plans and PEA and is satisfied with the information provided subject to recommended conditions and informatives. Should permission be granted, the suggested conditions would be imposed.
- 5.7.7 Natural England (NE) were also consulted on the application and having assessed the information provided have advised that they have no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).
- 5.7.8 The site falls within the evidenced recreational Zol of the Essex Coast RAMS. The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will

mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

- 5.7.9 The development of 1no. dwellings falls below the scale at which bespoke advice is given from Natural England (NE). This has been confirmed in comments received by Natural England. To accord with NE's requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the 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 1no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 1no. dwellings.

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

Summary of Appropriate Assessment

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.

- 5.7.10 As a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £163.86 per dwelling is necessary. The Council is now in receipt of a signed Unilateral Undertaking (UU) and the appropriate mitigation would therefore be secured, in compliance with policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

## **5.8 Trees**

- 5.8.1 The application has been accompanied by a Tree report in accordance with BS5837:2012 - Arboricultural Impact Assessment (AIA). The application site is a bare (rough terrain) overrun by weeds and containing one solitary tree (T1) and a group of trees (G2). The (T1) is a large oak tree, which is in the very far north-western corner of the site and is surrounded by a small copse of trees (G2) containing several dead elms. The trees on site are not protected by way of a Tree Preservation Order (TPO) and does not fall within a designated Conservation Area. It is proposed that the dead elms within the (G2) are removed to prevent and potential tree failure, which should have a minimal impact on the amenity due to the dense vegetation group of the (G2).

No works are specifically required to the (T1) due to its location in relation to the development proposed and would therefore not alter the existing amenity value. A root protection area (RPA) will be in place around the (T1) and does not extend out to any areas marked for development. The RPA for the (T1) (and in turn, the G2), can be excluded from any construction activity via temporary fencing.

- 5.8.2 The T1 (Oak) is to be retained at the site and a planting scheme is proposed to the western boundary. The specific details relating to the proposed planting has been added as part of the hard and soft landscaping details to be submitted if the application is to be approved.
- 5.8.3 Place Services – Arboriculture was re-consulted on the application following the submission of the AIA, which has shown the presence of two specimens to the north-west of the site with T1 being a category A and the mixed species within G2 being a category C2. The trees are approximately 40 metres from the location of the proposed construction and as such be suitably retained in conjunction with the development. As a result, no objection has been raised subject to the imposition of a recommended condition in relation to the protection of the trees on site.

## 5.9 Other matters

- 5.9.1 The Council's Environmental Health Department has raised no comments to make on the application.

## 5.10 Planning Balance

- 5.10.1 The key priority within the NPPF, stated at paragraphs 7 and 8, 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 economic, social and environmental objectives as set out in the NPPF.
- 5.10.2 In judging whether the scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.
- 5.10.3 Social benefits from providing market homes. The Council has a 5YHLS. The proposal is for one new home which would be of limited benefit due to the scale of development, therefore this is given **limited** weight.
- 5.10.4 In terms of environmental benefits, the proposal is considered to result in good quality design, and this is given **moderate** weight.
- 5.10.5 Economic benefits flowing from the construction phase of the development, where the opportunity exists for sourcing local labour and materials. This is largely a short-term benefit and given the small scale of the development this is given **limited** weight. Longer term economic and social benefits would be derived from the new residents supporting the limited local facilities and services however, such benefits would be limited due to the scale of the development and are given **limited** weight.
- 5.10.6 The main impacts of the development that present a degree of harm/conflict are:
- The proposal would introduce residential use beyond a settlement boundary where policies seek to protect the intrinsic character and beauty of the countryside. The proposal would have a limited degree of conflict with the LDP's spatial framework through the potential for harm to the character and appearance of the area. It is considered that the majority of journeys to and from the site would be reliant on travel

by private car, indicating the site is not in a sustainable location. However, this harm is balanced against the planning history of the site which is a material consideration of **significant** weight. which considered the site's location to be acceptable. Furthermore, in design terms, the infilling of a 'gap' within the existing development context is appropriate in design terms and would be consistent with and consolidate the existing character. A continuous and consistent boundary comprised of new hedging, adjacent to the countryside would reinforce the adjacent boundary treatment. Accordingly, the policy harm is given **limited** weight.

5.10.7 The development is found to constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance which has not been mitigated through a legal agreement. This is given **significant** weight.

5.10.8 Neutral impacts are identified as follows:

5.10.9 It is considered that impacts of the development with regard to design, residential amenity, highway safety, contamination, and flood risk could be mitigated through planning conditions and are therefore considered neutral impacts. The impact on the Essex Coast RAMS is mitigated by the financial contribution which has been paid and therefore is also a neutral impact.

5.10.10 With regard to the NPPF, the development proposal does not represent sustainable development; it fails to address the social and the environmental objectives to support strong, vibrant and healthy communities or to protect the natural environment. The proposal is in conflict with the Development Plan.

5.10.11 The planning balance is not a mathematical exercise whereby a number of weights of benefits equals an acceptable scheme, but instead provides a rounded view of the proposals overall. It is important to recognise the benefits of the scheme, which are limited, but also the limited harm identified with this particular proposal. On the merits of this particular proposal and giving significant weight to the previous appeal and committee decisions, the limited benefits outweigh the limited harm.

## **6. ANY RELEVANT SITE HISTORY**

- **17/00409/FUL** - Application for two dwellings, Refused – 22 June 2017.
- **17/01483/FUL** - Erection of a detached dwelling, Refused and allowed on appeal – 11 February 2019.
- **19/00458/FUL** - Erection of 2No. detached 4 bedroom dwellings, Approved – 20 June 2019.
- **19/00754/NMA** - Application for non-material amendment following grant of Planning Permission FUL/MAL/19/00458 Erection of 2No. detached 4 bedroom dwellings. Amendment sought: Removal of condition 4, Approved – 11 July 2019.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Bradwell-on-Sea Parish Council	Support the application	Noted

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection – subject to recommended conditions and informatives	Noted – refer to section 5.5 of report
Natural England	No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).	Noted – refer to section 5.7 of report
Place Services – Arboriculture	No objection – subject to recommended conditions	Noted – refer to section 5.9 of report
Place Services - Ecology	No objection subject to recommended conditions and informatives	Noted – refer to section 5.8 of report

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments	Noted

## 7.4 Representations received from Interested Parties

7.4.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The house will be too big and cramped and not in keeping with the look of St Peters Court	St Peters Court is made up of substantial size dwellings, the proposed house is not that dissimilar in size to the previously approved dwellings on the site
St Peters Court is a private road owned by 7 existing houses	This is a civil matter that cannot be addressed through planning.
The existing sewer is far too small and blocks regularly	Environmental Health has been consulted and have no comments on the proposed development.
The triple garage is too high	Amended plans were received which reduced the size and position of the garage proposed
The proposed windows and sky lights would impact the privacy of the neighbouring property	The roof lights would face westerly and not overlook the adjoining property
The proposed materials are not in keeping with the other houses	It is proposed to use red brick and off white render which is inline with the other dwellings within the immediate surrounding area, the only difference would be the colour of the roof tiles.
Restrictions need to be added if the application is approved so that the road	The application can only be considered on what is proposed and that which

<b>Objection Comment</b>	<b>Officer Response</b>
is not blocked, any damage to the road is repaired	relates to the application site.
Site working should be restricted to Mon-Fri 9am-5pm	A condition could be imposed in relation to the work areas.

## 8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents as shown on the decision notice.  
REASON To ensure that the development is carried out in accordance with the details as approved.
3. No works shall be carried out above ground level until a sample or high quality photographs of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
4. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site. These details shall include:
  - i. Finished levels;
  - ii. Means of enclosure, including gates;
  - iii. Car parking layouts;
  - iv. Vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Indications of all existing trees and hedgerows on the land and identification of those to be retained; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate. Specifically details of extensive planting to the western boundary to provide an appropriate buffer to the land to its west shall be provided

The details set out in (i) to (v) above shall be implemented as approved prior to occupation of the dwelling and retained thereafter. Soft landscape works, as required by (vi) above, shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place.

- REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the
- iv. development;
- v. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- REASON In the interests of protecting the amenity of adjacent occupiers during construction in accordance with policy D1 of the LDP.
6. Prior to first occupation of the development, cycle parking shall be provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, covered and retained at all times.
- REASON To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T2 of the approved Local Development Plan.
7. No development shall commence until fencing/ground protection to protect the hedges / shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the Local Planning Authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made, and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

- REASON To secure appropriate replanting of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development Plan and the NPPF.
8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, August 2024) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.



REASON To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) in accordance with policy N2 of the Maldon District Local Development Plan and the NPPF.

9. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority.

The Reptile Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

REASON To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) in accordance with policy N2 of the Maldon District Local Development Plan and the NPPF.

10. Prior to first occupation a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (Plumb Associates, August 2024) be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023, s40 of the NERC Act 2006 (as amended) in accordance with policy N2 of the Maldon District Local Development Plan and the NPPF.

- 11 The tree identified for retention on the approved plan drawing number 2320-PL-04 Rev F which is attached to, and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012

(Trees in relation to design, demolition and construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the Local Planning Authority.

**REASON** To secure appropriate replanting of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development Plan and the NPPF.

12. The garage hereby approved shall not be used other than for the accommodation of private motor vehicles and shall not at any time be converted or used as habitable space / living accommodation at ground floor level. The appearance of the garage building frontage shall not be altered from the approved drawings. There shall also be no change in the proposed kitchen area or any increase in bedroom space within the building without planning permission first having been obtained from the Local Planning Authority.

**REASON** To ensure that the development is carried out in accordance with the details as approved and in the interests of the amenity of the area in accordance with policies D1 and H4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

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

**REASON** In the interest of preserving the character and appearance of the site, in accordance with Policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

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

**REASON** In the interest of preserving the character and appearance of the site, in accordance with Policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

### **Approved Plans**

2320-PL-01 Rev H  
2320-PL-02 Rev G  
2320-PL-03 Rev F  
2320-PL-04 Rev F