



**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>24/00273/FUL</b>
<b>Location</b>	1 Pitt Cottages, Hall Road, Asheldham, Southminster
<b>Proposal</b>	Demolition of existing outbuilding and erection of bungalow with associated parking and amenity space.
<b>Applicant</b>	Mr and Mrs G Mott
<b>Agent</b>	Mr Marcus Tate - Smart Planning Ltd
<b>Target Decision Date</b>	Extension of time until 22 October 2024
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>ASHELDHAM AND DENGIE</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan

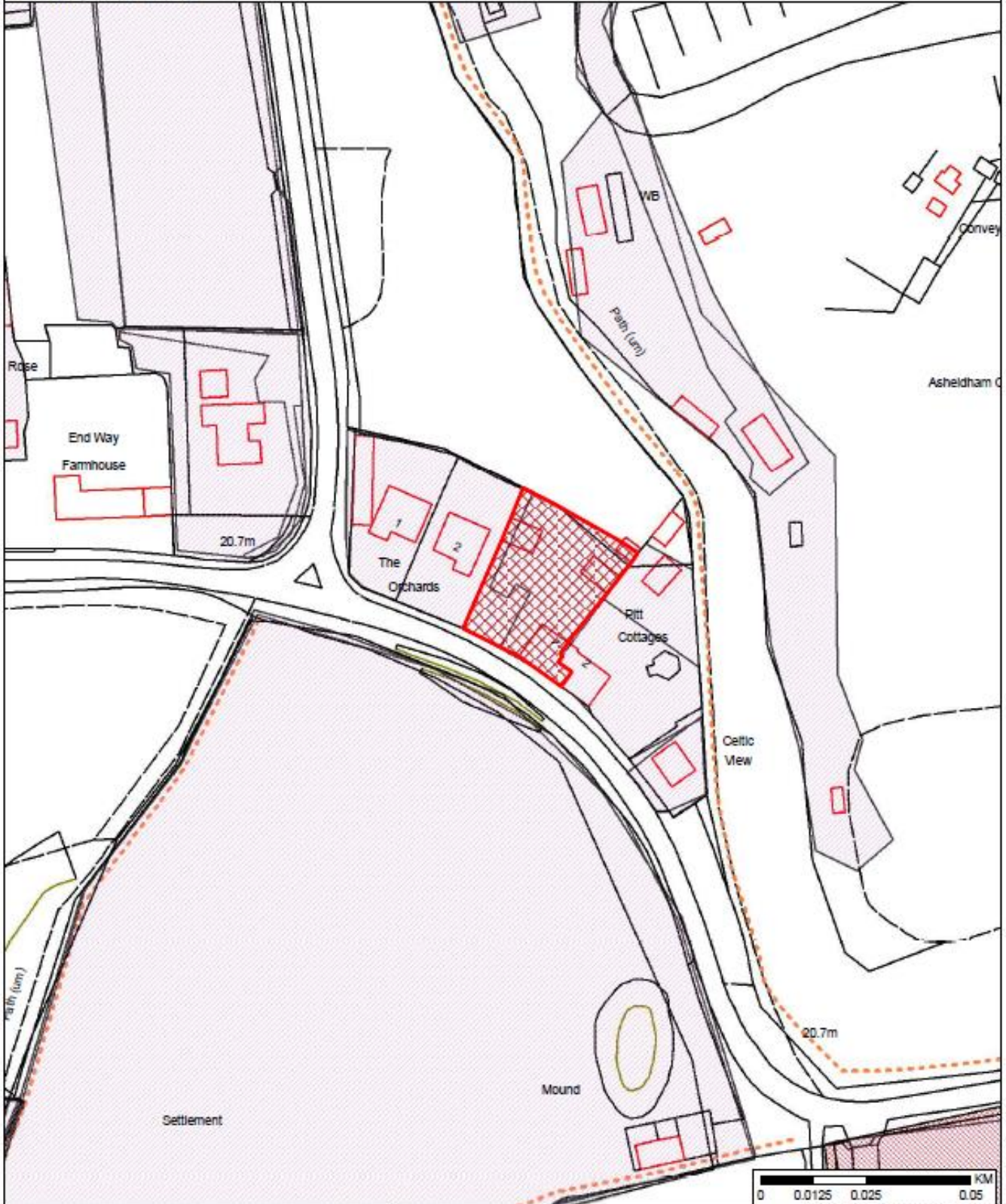
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**Land at 1 Pitt Cottages, Asheldham, Southminster**  
**South Eastern Area**



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 Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: 16.10.2024

Date: 20/09/2024

MSA Number: 100018588

### **SUMMARY**

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

##### The site and surroundings

- 3.1.1 The application site is located outside of a settlement boundary in a generally rural area where dwellings are sporadically located and there are limited footpaths / footways adjacent to the highway. It is situated on the north side of Hall Road close to its junction with Southminster Road, Asheldham. Hall Road is a classified road which joins the B1021 Southminster Road at roughly the centre of the settlement of Asheldham and provides access to the nearby Dengie Crop Dryer facility. The B1021 links the eastern lying villages of the Dengie with the village of Southminster and the town of Burnham-on-Crouch.
- 3.1.2 The application site lies approximately 100m east of the Asheldham Centre and sits within an enclave of existing residential houses made up of Pitt Cottages, two recently constructed bungalows (see planning history below) and Endway Farmhouse. The site forms part of the residential curtilage of number 1 Pitt Cottages, a two-storey semi-detached dwelling. To the immediate south of the site are open fields with the Dengie Marshes beyond. To the north there is a working gravel pit.

##### Description of proposal

- 3.1.3 Planning permission is sought to demolish an existing outbuilding and construct a 3-bedroom bungalow with amenity space and parking.
- 3.1.4 The proposed bungalow would be set back from the road frontage with a shared, widened access and off-street parking space and turning point for new dwelling and host dwelling. The proposal would be in alignment with the existing bungalows to its west with a similar arrangement and set back to the street.
- 3.1.5 A single shared vehicular access is proposed from Hall Road with two car parking spaces arrangement proposed between the host and proposed dwellings. A turning area is proposed at the frontage. A section of hedgerow is to be retained with close boarded fence along the south-eastern boundary.
- 3.1.6 The proposed bungalow would measure approximately 12 metres in depth and 10.6 metres in width. The entrance into the dwelling is proposed to the southern elevation within a proposed overhang roof projection. The dwelling would have an overall height of 5.6 metres, 2.6 metres to the eaves.
- 3.1.7 The proposed bungalow would comprise 3 bedrooms, a kitchen / dining room, bathroom, hallway and living room.

##### Conclusion

- 3.1.8 The site is located in the countryside, beyond any settlement boundary, where future occupants would largely be reliant on travel by car. The principle of development is therefore in conflict with the main thrust of the Council's spatial strategy.
- 3.1.9 Notwithstanding the above, the appeal decision for a previous application at the site (planning application ref. 15/00755/FUL, appeal reference no. APP/X1545/W/16/3148231), is a material planning consideration when determining this application. The appeal scheme was for two bungalows on land adjacent to 1 Pitt Cottages, and was part of the garden of 1 Pitt Cottages, as is the current application

site. The appeal was allowed as the Inspector considered the proposal would not harm the character and appearance of the area and the appeal proposal would “*result in reasonably sustainable travel patterns*” (para. 10). Given the appeal scheme’s location being the garden of 1 Pitt Cottages, as per the current application, and the similarities between the schemes, significant weight is given to the appeal decision when considering this application. In this particular instance, it is considered that to take a different view to the Inspector would be difficult to defend on any appeal and hence be considered unreasonable, particularly in light of the governments drive to significantly boost housing supply. Accordingly, no objection is raised in regard to the principle of development.

3.1.10 The proposal is acceptable in design terms and would not result in any harmful adverse impacts on the residential amenities of neighbouring properties. The proposals are acceptable in terms of highway safety and satisfactory parking provision is proposed. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) mitigation tariff, which is necessary to make the application acceptable, has been paid in full.

3.1.11 The proposal is therefore found to be acceptable and is recommended for approval subject to conditions.

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework (NPPF), 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 obligation
- 60-81 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-130 Making effective use of land
- 124-125 Achieving appropriate densities
- 131-141 Achieving well-designed and beautiful places
- 180-194 Conserving and enhancing the natural environment

##### **4.2 Maldon District Approved Local Development Plan 2017 (LDP) approved by the Secretary of State**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

### 4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) (2020)
- Maldon District Design Guide SPD (2017)
- Maldon District Vehicle Parking Standards SPD (2018)

## 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 unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Approved Local Plan 2017 (the Local Development Plan or LDP).

#### Spatial Strategy

- 5.1.2 LDP Policy S1 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 applies 14 key principles in policy and decision making set out in the Policy. This includes principle 2 “*Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high-quality homes in the most sustainable locations*”.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 LDP Policy S8 includes a settlement hierarchy which identifies Asheldham as an ‘other village’ which is one that has no defined settlement boundary. Policy S8 of the LDP flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 confirms that development will be supported within settlement boundaries and that outside these areas it will only be supported where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. The proposed development does not fall within any of the development types listed in Policy S8 as being acceptable in the countryside. Although there is conflict with Policy S8 in that the site is located outside of any settlement boundary, this is balanced against other material planning considerations which are discussed below. Furthermore, it has been found in appeal decisions that Policy S8 is not wholly incompatible with the Framework’s (NPPF) objectives to boost housing supply, when taken together with other relevant policies in the plan that have a role to play in the determination of housing development, together with identified material considerations.
- 5.1.5 In terms of the principle of development, the appeal decision on the adjacent site (application no. 15/00755/FUL, appeal reference no. APP/X1545/W/16/3148231), is a material planning consideration when determining this application which is given significant weight. The appeal decision is included in **APPENDIX A**. The appeal was for two bungalows on land adjacent to 1 Pitt Cottages, and was part of the garden of 1 Pitt Cottages, as is the current application site. There are two elements of the

appeal decision which are particularly relevant when considering the principle of the current development as discussed in the following paragraphs.

- 5.1.6 Whilst the impact on the character and appearance of the development is discussed in detail in section 5.2 below, when considering the principle of development it is necessary to consider Policy S8 which seeks to protect the countryside for its intrinsic character and beauty. The Inspector concluded in para. 7 of the appeal decision that the proposal would accord with the then Policy CC6 *“which seeks to protect and enhance the natural beauty, tranquillity, amenity and traditional quality of the landscape or Policy S2 which seeks to protect the countryside for its own sake and for its landscape value”*. Policy S8 of the LDP has a similar thrust in that it states *“the countryside will be protected for its landscape, natural resource and ecological value as well as its intrinsic character and beauty”*. As the application site is immediately adjacent to the appeal site and also forms part of the garden of 1 Pitt Cottages, it is considered that to take a different view in this instance would be unreasonable in planning terms, and difficult to defend in a case of a contrary view being proffered.
- 5.1.7 In terms of impact on the rural character and appearance of the area, it is also noted that the application site comprises a relatively small gap between the dwelling at 1 Pitt Cottages and the two new dwellings. Again, reference to the appeal decision is a relevant consideration where at para. 6 the Inspector state that *“whilst the proposal would consolidate the existing pattern of built development, it would not be intrusive in the wider rural setting. There is no substantive evidence to suggest that the layout or appearance of the proposed dwellings would be objectionable. Consequently, I consider that the proposal would not have a harmful effect on the character and appearance of the site or the surrounding area”*. It is considered the same circumstances apply in this case due to the site being in the same location and now, due to the appeal decision, being enclosed on both sides by dwellings.
- 5.1.8 In terms of the site’s location and its sustainability credentials, the Inspector acknowledged at para. 8 that there was a limited range of facilities and services in the immediate vicinity of the appeal site and, whilst noting that there were limited bus services and that cycling would be an option, accepted that future occupiers *“would be likely to rely on trips by private car to meet... their day to day needs”*. At para. 10 the Inspector concluded that *“Having regard to the rural nature of the area, and the approach to the sustainability of the location taken by other decision makers, I consider that the appeal proposal would result in reasonably sustainable travel patterns and accord with Framework paragraphs 29 and 35”*. Paragraphs 29 and 35 of the 2012 version of the NPPF, referred to by the Inspector, embody the same overall objectives for sustainable travel choices as paragraphs 108 – 110 of the latest (December 2023) version of the NPPF.
- 5.1.9 Whilst Officers do not consider that the site is sustainably located due to its location and that occupiers would be reliant on cars, significant weight is given to the appeal decision. In terms of the current application, although the DaRT service is no longer operational in the area, it is considered that there are no other material considerations that would lead the LPA to reasonably come to a different conclusion to that of the Inspector. On that basis, and in this particular instance having regard to the appeal decision, the location of the site would not justify a reason for refusal.

#### Five Year Housing Supply (5YHLS)

- 5.1.10 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 Councils



identified housing requirements. The published figure for the year 2023 / 24 was 6.35 years. 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 to demonstrate that it is being consistent with national policy.

### Summary of Principle of Development

- 5.1.11 The site is outside of any defined settlement boundary and is not considered to be in a sustainable location and therefore conflicts with the spatial strategy of the LDP. Although each application must be considered on its merits, in this particular instance for the reasons set out in the preceding paragraphs, it is considered that due to the appeal scheme and the current proposal being at the same location, significant weight is given to the appeal decision as referenced above. Accordingly, no objection is raised to the development in terms of the principle of development.

## **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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Policies D1 and H4 of the LDP and the Maldon District Design Guide 2017 (MDDG) are relevant in this respect.

- 5.2.2 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes a positive contribution in terms of:

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

- 5.2.3 LDP Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is 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 enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.2.4 More detailed provisions supplementing the above requirements for high quality design and appropriate layout, scale and detailing of development are set out in the MDDG.
- 5.2.5 The proposed new dwelling is a bungalow of traditional form with design features including a brick plinth and timber clad gables. It is subservient in scale and sympathetic in appearance to the two storey terraced cottages adjoining the site to the east. Notably, its design is essentially the same as that of the recently constructed bungalows on the appeal scheme to the west which were not considered to have a harmful effect on the character and appearance of the site or the surrounding area. There is nothing in LDP policy D1 or the MDDG to lead to a different conclusion being reached regarding the design and character of the proposed dwelling.
- 5.2.6 For the above reasons in terms of design the dwelling is considered to accord with relevant provisions of LDP Policy D1 and advice in the MDDG.

### **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. In addition, Policy H4 (density (7)) requires consideration of the impacts of development on neighbouring amenity.
- 5.3.2 The dwelling is situated on the approximately the same building line as the newly constructed dwellings to the west and is set behind frontage car parking in a similar way to these dwellings. There is only one window in a flank wall and this serves a dining room on the western elevation which would be screened from the neighbouring property by the boundary treatment which would be the subject of the recommended boundary treatment condition. Due to its low overall height and siting, the proposed bungalow does not raise any other neighbour amenity issues in terms of light or outlook.
- 5.3.3 For the above reasons in terms of residential amenity the proposed dwelling accords with relevant provisions of LDP Policy D1 and H4 and advice in the MDDG.

### **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 adopted Vehicle Parking Standards SPD (VPS SPD) provides minimum standards for car parking provision and requires the provision of 2 spaces for 2 and 3 bedroom dwellings.
- 5.4.3 It is proposed that the host dwelling and the proposed dwelling would share a widened vehicle access and provides for two off street parking spaces each for the existing and proposed dwellings and a turning area within the site in front of the proposed dwelling. The number of spaces proposed meets the requirements of the



VPS SPD. Furthermore, the parking spaces meet the minimum size requirements set out in the VPS SPD.

- 5.4.4 Essex County Council, in its role as the local highway authority, has advised that the proposal is acceptable in terms of access and parking subject to conditions including a requirement to secure the widening of the vehicle access as is now proposed.
- 5.4.5 The proposal therefore accords with Policies T2 and D1 of the LDP, the VPS SPD and relevant guidance in the NPPF.

## **5.5 Living Conditions of Occupants**

- 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 (2017) advises a suitable garden size for each type of dwellinghouse, namely 50m<sup>2</sup> for 1-2 bed dwellings and 100m<sup>2</sup> of private amenity space for dwellings with 3+ bedrooms.
- 5.5.2 The development provides well in excess of 100m<sup>2</sup> of private amenity space for both the host and proposed dwellings, and therefore meets this requirement.
- 5.5.3 The proposed dwelling accords with the nationally described space standards.
- 5.5.4 The site is adjacent to Asheldham Quarry which has planning permission for extraction and filling activities until 2029. The quarry was operational at the time the previous application and subsequent appeal were considered and no objection was raised in regard to potential impacts on the residential occupants. However, since 2018 the NPPF incorporates the agent of change principle whereby paragraph 193 of the NPPF establishes that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 5.5.5 The Council's Environmental Health department advised that the Essex County Council (ECC) "*waste and minerals permission for the quarry has noise conditions which require regular monitoring of the site and submission of reports to ECC which we are consulted on. There is generally a good history of compliance and no concerns in respect of noise relevant to this application*". ECC, as the Minerals and Waste Planning Authority (MWPA), raised no objection to the 2015 application but made some suggestions in terms of orientation of the dwellings which were not implemented. For this application, the MWPA has advised that the site is within the Minerals Consultation Area and Waste Consultation Area for Asheldham Quarry and as such a Minerals Infrastructure Impact Assessment and a Waste Infrastructure Assessment is required to be submitted. The applicant has submitted the necessary assessments.
- 5.5.6 On the basis that there is no objection from Environmental Health or from the MWPA, and taking account the previous appeal decision which raised no concerns in regard to the quarry operations, no objection is raised in regard to impacts on residential amenity.

## 5.6 Ecology (including Biodiversity Net Gain (BNG) and RAMS)

- 5.6.1 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'.
- 5.6.2 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.
- 5.6.3 Policy N2 of the LDP which states that '*All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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*'.
- 5.6.4 The application was submitted prior to the mandatory BNG requirements came into force, therefore there is no BNG requirement.
- 5.6.5 The application is supported by a preliminary ecological assessment which the County Ecologist is satisfied provides sufficient information for determination of the application. Since the necessary mitigation measures could be secured by condition the proposal is considered to accord with the relevant requirements of LDP policy N1.
- 5.6.6 The application site falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast RAMS.
- 5.6.7 The development of one dwelling 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 (below) 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 Zone of Influence (ZoI) for the Essex Coast RAMS with respect to the previously listed sites? Yes (Blackwater Estuary Special Protection Area (SPA) and Dengie SPA)

Does the planning application fall within the specified development types? Yes (a new dwelling)

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

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

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

Summary of Appropriate Assessment – as a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution or Unilateral Undertaking to secure payment has been received.

- 5.6.8 Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse impact on the integrity of the European sites from

recreational disturbance, when considered in combination with other development. Natural England does not need to be consulted on this Appropriate Assessment.

- 5.6.9 A flat rate tariff of £163.86 per new dwelling is currently the appropriate fee as the contribution to mitigate the impact of a new residential property with regard to the Coastal Recreational Avoidance and Mitigation Strategy. In this case, as the applicant is neither the owner nor the mortgagee, the RAMS payment has been paid in full and this secures the appropriate mitigation. The proposal therefore complies with policies S1, D1, N1 and N2 of the Local Plan and Government advice contained in the NPPF with regards to RAMS.

## **5.7 Flood Risk and Drainage**

- 5.7.1 Policy S1 of the LDP 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 sets out the Council's approach to minimising flood risk.
- 5.7.2 The site is within Flood Zone 1 and presents a low risk of flooding.
- 5.7.3 The Council's Environmental Health department has no objection to the proposal on drainage grounds however has recommended a condition to details of the foul drainage scheme to be submitted.
- 5.7.4 It is therefore considered that the proposal accords with Policy D5 of the Local Plan.

## **5.8 Other matters**

### Archaeology

- 5.8.1 Policy D3 requires that, where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out. ECC Archaeology has advised that the site is located within an area of archaeological potential and appropriate conditions are included in the recommendation.

### Pre-commencement conditions

- 5.8.2 Pursuant to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority must obtain the written agreement of the applicant to the terms of any pre-commencement condition recommended before it can be included on any planning permission granted. In this case, pre-commencement conditions are required with regard to the approval of archaeological investigations and a foul drainage scheme. Agreement to these has been received via email from the agent.

## **5.9 Planning balance**

- 5.9.1 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.
- 5.9.2 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.

- 5.9.3 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.
- 5.9.4 In terms of environmental benefits, the proposal is considered to result in good quality design, and this is given **moderate** weight.
- 5.9.5 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.
- 5.9.6 The main impacts of the development that are harmful are:
- 5.9.7 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 conflict with the LDP's spatial framework through the 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 appeal decision which considered the site's location to be acceptable. Accordingly, this harm is given **limited** weight.
- 5.9.8 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.
- 5.9.9 Neutral impacts are identified as follows:
- 5.9.10 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.
- 5.9.11 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.
- 5.9.12 The planning balance is not a mathematical exercise whereby an amount 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 appeal decision, the limited benefits outweigh the limited harm.

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

- **15/00755/FUL** – Proposed construction of two, three-bedroom bungalows. Allowed on appeal 06.06.2016, following refusal on 09.10.2015.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	Refuse this planning application due to the restriction of car parking spaces and the amenity space of the existing property. Also, this is contrary to MDC policy D1, H4 and scale, bulk and design of the application.	Noted, addressed in sections 5.2 and 5.4 of the report.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority - ECC	No objection, but recommended conditions.	Addressed in section 5.4 of the report. .
Essex County Council Minerals and Waste Planning Authority	The site is within the Minerals Consultation Area and the Waste Consultation Area for Asheldham Quarry and as such a Minerals Infrastructure Impact Assessment and a Waste Infrastructure Assessment is required to be submitted	Addressed in section 5.5 of the report.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions. However, suggest a foul drainage condition as the site does not appear to benefit from a mains sewer connection according to DIGDAT, yet the application form suggests that a main sewer will be used to dispose of foul water.  No objection in regard to the adjacent quarry.	Addressed in sections 5.5 and 5.7 of the report.

Name of Internal Consultee	Comment	Officer Response
Ecology	No objection subject to securing a proportionate financial contribution towards Essex Coast RAMS and a condition relating to biodiversity mitigation and enhancement measures. Recommend conditions for: in accordance with the details contained in the Preliminary Ecological Appraisal; a Biodiversity Enhancement Strategy; and a Wildlife Sensitive Lighting Design Scheme	Addressed in section 5.6 of the report.

#### 7.4 Representations received from Interested Parties

7.4.1 No representations have been received for this application.

### 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) of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans as shown on the decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. Prior to any works above slab level, full details and / or samples of the materials to be used in the construction of the external surfaces of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority. The 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 Policies D1 and D3 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.
4. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.  
REASON: To protect the site, which is of archaeological interest, in accordance with policy D3 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.
5. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner

of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

REASON: To protect the site, which is of archaeological interest, in accordance with policy D3 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.

6. Prior to first occupation of the development and as shown on planning drawing 24.7953/P201 Rev A, the existing vehicle access shall be widened to the east to become a shared access. The width of the access at its junction with the highway shall be 5.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.  
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy T2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.
7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
REASON: To avoid displacement of loose material onto the highway in the interest of highway safety in accordance with policy T2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.
8. Prior to first occupation of the development the cycle parking shall be provided in accordance with the Essex Planning Officers Association (EPOA) Parking Standards. 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 S1, 13) and Policy T1 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.
9. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.  
REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy T2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.
10. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, March 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 and enhance protected and Priority species, allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.



11. Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) detailed designs or product descriptions to achieve stated objectives;
  - b) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
  - c) persons responsible for implementing the enhancement measures;
  - d) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To conserve and enhance protected and Priority species, allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.

12. Prior to occupation of the development hereby permitted a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To conserve and enhance protected and Priority species, allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.

13. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure satisfactory drainage of the site, and to minimise flood and pollution risk in accordance with Policies D2 and D5 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the NPPF.

## **APPENDIX A:** Appeal decision for APP/X1545/W/16/3148231

### **Submitted plans**

24.7953/M002  
24.7953/M001  
24.7953/E101  
24.7953/E102  
24.7953/P201 Rev A

24.7953/P202  
24.7953/P203  
24.7953/P204 Rev A