



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

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
13 NOVEMBER 2024**

<b>Application Number</b>	<b>24/00586/FUL</b>
<b>Location</b>	Land At Nipsells Farm House, Nipsells Chase, Mayland, Essex CM3 6EJ
<b>Proposal</b>	Construction of single storey dwelling
<b>Applicant</b>	Mr & Mrs D Theckston
<b>Agent</b>	Mr Matthew Stearn - Whitworth Co-Partnership
<b>Target Decision Date</b>	15 November 2024
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan; Call-in by Councillor W J Laybourn

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**Land At Nipsells Farm House Nipsells Chase Mayland**  
**24/00586/FUL**



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 Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee

Date: 29/10/2024

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 Nipsells Farm House is located at the northern end of Nipsells Chase, just outside of the defined settlement boundary of Mayland. The application site comprises the existing undeveloped front garden area of the wider Farm House site, on the eastern side of Nipsells Chase. The site is bound by the main Farm House and grounds to the east, Nipsells Farm Lodge and two further cottages to the north, and further agricultural buildings to the north-east. To the west of the site lies a small residential development of 11 dwellings accessed from Nipsells Chase. The site is separated from No 138 Nipsells Chase to the south by substantial hedgerows and a public footpath which runs along the northern edge of Mayland from Imperial Avenue to the northern end of Mill Road.
- 3.1.2 The immediately surrounding area is generally residential in character, with a mixture of detached and semi-detached dwellings immediately to the south and west along Nipsells Chase and detached residential buildings to the north and east that form part of the wider Nipsells farm development. Beyond the immediately adjoining properties the wider context is much more rural in character with open agricultural land further to the east and north of the site
- 3.1.3 Planning permission is sought for the erection of a two-bedroom single storey dwelling with associated landscaping and a front gravel driveway with parking for two cars.
- 3.1.4 The proposed dwelling would measure 12.8 metres in width, 6.3 metres in depth (with additional 2m deep front porch) and would have a maximum eaves height of 2.3 metres and a maximum ridge height of 4.2 metres. The dwelling would be of a regular rectangular footprint with a hipped roof and front gabled porch entrance.
- 3.1.5 The proposal includes a crushed concrete driveway accessed via the existing driveway serving Nipsells Farm House, and an area of hardstanding to the front of the dwelling and garage for the parking of 2 vehicles. An area of soft landscaping margin would be retained around the front driveway and to the sides of the proposed dwelling (5-6m width including hedgerows) with a generous rear garden extending to approximately 350sqm. The site would be enclosed by a mixture of hedging (selected to match the existing side boundary) and mixed trees to the rear garden.
- 3.1.6 The proposed dwelling would be constructed in red stock facing brickwork at plinth level, white weatherboarding above and red clay pantile roof, with UPVC windows, doors and guttering.
- 3.1.7 The development would provide accommodation within the dwelling in the form of a living room, kitchen/diner, two double bedrooms, and bathroom with bath and shower. Patio door access to the rear garden would be provided via the kitchen/dining area. The total internal footprint of the dwelling would be 74 sqm.

#### **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 position of the proposed bungalow relative to existing surrounding residential development on all sides, its “contiguous” relationship with the settlement

boundary (supported by the draft Mayland Neighbourhood Plan), no objection is raised to the principle of the development in this instance.

- 3.2.2 The impact of the development on the character of the area and the countryside has been assessed and it is considered that the proposal, due to its limited size and sensitive design, would not result in material harm to the character and appearance of the area or the intrinsic character and beauty of the countryside.
- 3.2.3 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, and the local planning authority is satisfied that the development would not adversely impact on the public rights of way.
- 3.2.4 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). It is therefore recommended that planning permission be granted subject to the conditions set out within section 8 of this report.

#### **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 SPD

- Planning Practice Guidance (PPG)
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (adopted August 2020)
- Draft Mayland Neighbourhood Plan (Submission Version Jan 2024)

## 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 5 year housing land supply 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 The site is located outside of the settlement boundary of Mayland. Policy S8 of the LDP identifies a number of types of development where planning permission may be granted outside of defined settlement boundaries, provided that the character and beauty of the countryside is not adversely impacted upon. This includes “*additional development as identified in adopted neighbourhood plans (in accordance with Policies S1 and S7).*”
- 5.1.6 At the time of writing this report, the Mayland Neighbourhood Plan is in draft form, with a submission version published in June 2024 under public consultation. Whilst it is accepted that the Plan is not adopted (and as such would not be relevant in terms of policy S8 above), the direction of travel of the Neighbourhood Plan indicates some flexibility in respect of development adjoining the settlement boundary. Draft policy MAY G1 states that: “*Development should be located within or immediately adjacent to and contiguous with the settlement boundary*” – and further clarifies by explaining that “*Where development is proposed outside the settlement boundary, it must be contiguous with the boundary. The use of brownfield sites outside the settlement*

*boundary, and contiguous to it, should be utilised before greenfield sites where possible.”*

- 5.1.7 Whilst it is acknowledged that the Neighbourhood Plan is in draft form, it is noted that the application site in this instance is contiguous with the boundary and therefore would fall within this definition – and therefore the respective exemption in LDP policy S8.
- 5.1.8 Irrespective of the emerging Neighbourhood Plan, the creation of an additional single dwelling between the residential properties along Nipsells Chase to the south and the farm dwellings to the north is considered to be a logical use of the site taking into account its surroundings and position in close proximity to the settlement boundary. As already noted within this report, although the application site lies just outside of (but adjacent to) the settlement boundary, it is in fact surrounded by residential properties in all directions. The Nipsells Farm as a whole, with both residential and agricultural buildings taken into account, represent a substantial area of built form that already exists to the north of the application site, outside of the settlement boundary. In this respect, the proposal would not cause harm to the intrinsic character and beauty of the countryside as referred to by policy S8.
- 5.1.9 To summarise, given the existing pattern of surrounding residential development, the site's position adjacent to the settlement boundary, as well as the limited scale of development proposed, it is considered that the overall harm caused by the conflict with Policy S8 in this instance is limited.

## **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. Nevertheless, the proposal represents a benefit in terms of addressing the specific identified need for smaller housing, and a recognised (but unquantified) demand for single storey/bungalow accommodation that is suitable for elderly residents seeking to downsize, which as the LHNA acknowledges can in turn increase supply of family accommodation elsewhere.

## **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. However, as also noted, the site is surrounded by existing development in all directions (both residential and agricultural), with tall hedging along the boundary of the existing site and an access point to Nipsells Chase already serving the Farm House itself.
- 5.3.4 In townscape terms, the dwelling is positioned so as to align with the pattern of development along Nipsells Chase to the south, with the front building line broadly aligning with that of No 138 to the south and the properties beyond. The detailed design and materials proposed is also considered sympathetic to the local context – in particular the main Farm House itself which features a similar palette of materials (albeit in a mock-tudor style).
- 5.3.5 Whilst the existing site is laid to lawn with no other landscaping (other than boundary treatments) the proposed site plan as submitted indicates additional planting to the plot in the form of hedging and new trees. Should planning permission be granted a condition would require the submission and approval of a more detailed landscaping scheme and the implementation and ongoing maintenance of these approved details.
- 5.3.6 For all of the reasons above it is therefore considered that 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 the proposal would comply with policies S1 and D1 of the LDP.

#### **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 located within the front garden area of Nipsells Farm House, which at present comprises an open lawned space enclosed by laurel hedging along the north and south boundaries, and a wide gated entrance from the highway.
- 5.4.3 The proposed dwelling would sit 4.9m from the southern boundary of the site, and a further 8 metres from the nearest property to the south at 138 Nipsells Chase. To the north the separation distance is approximately 7.2m from the boundary with 1 and 2 Nipsells Farm Cottages and to the east approximately 48m from the front elevation of the Farm House itself.
- 5.4.4 Due to the significant separation distances between the proposed dwelling and nearest neighbouring properties, together with the dense vegetation that exists along the site boundaries (to be retained and extended as part of the development) no concerns are raised in relation to the potential for overlooking or loss of privacy resulting from the proposal.
- 5.4.5 Likewise, due to the single storey nature of the proposal and its central position within the plot there would be no impact in terms of loss of daylight/sunlight or overshadowing of adjoining gardens.

- 5.4.6 On the basis of the above assessment, there would not be a harmful impact to the residential amenities of either neighbouring property in terms of privacy and overlooking. 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 the existing driveway serving Nipsells Farmhouse, which itself is accessed directly from Nipsells Chase.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD requires a two-bedroom dwelling to have 2 parking spaces. The area of gravel driveway proposed to the front of the dwelling would accommodate 2 vehicles and would therefore comply with this guidance accordingly.
- 5.5.3 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.
- 5.4.3 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 dwelling. As already noted, planning conditions would require the submission and approval of a more detailed landscaping scheme and the implementation and ongoing maintenance of these approved details.

## **5.7 Ecology (including the impact of development within the Zone of Influence (Zoi) 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.

#### Biodiversity Net Gain (BNG)

- 5.7.4 In terms of Biodiversity Net Gain (BNG), a BNG assessment and Small Sites Metric – Calculation tool has been submitted to demonstrate compliance with the statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Act 1990. Sufficient information has been submitted and as a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool, should be submitted prior to commencement as part of the 'biodiversity gain condition'. This may result in a need to secure off site contributions (as highlighted within the wording of the Biodiversity Net Plan), because although there is support for the post-development habitat creation shown, this relates to a private garden which has no public access, wherein biodiversity net gains cannot be legally secured.
- 5.7.5 The application has been accompanied by a 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 are satisfied with the information provided subject to recommended conditions and informatives. Should permission be granted, planning conditions would ensure that all mitigation measures specified within the PEA are implemented, and furthermore requiring the submission of a biodiversity enhancement layout prior to occupation of the dwelling. An informative relating to provision of external lighting and potential impacts upon wildlife would also be included.

#### RAMS

- 5.7.8 The site falls within the evidenced recreational Zone of Influence (Zoi) of the Essex Coast RAMS. The LPA is therefore required to prepare a project level 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 Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from 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 below sites? **Yes**

Does the planning application fall within the specified development types? **Yes** - The proposal is for 1no. dwelling

#### 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 Local Planning Authority 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 Natural England's advice, it is considered that mitigation, in the form of a financial contribution of £163.86 per dwelling is necessary. The Council are now in receipt of a signed 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 Other matters**

- 5.8.1 The Council's Environmental Health Department have raised no objection to the proposals to make on the application subject to including planning conditions relating to surface water drainage, foul drainage, and construction management.
- 5.8.2 Whilst the need for submission of details relating to surface water and foul drainage is accepted, given the limited scale of the proposed development, its location in relation to the public highway and the availability of space for construction at the site (and across the wider Farm House site) it is not considered that a construction management plan would be necessary for the development in this instance.

### **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 housing – in this case a single dwelling. Given that the Council has a 5YHLS and the level of housing proposed is low, the proposal would be of limited benefit - 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 proposal would introduce residential use beyond a settlement boundary where policies seek to protect the intrinsic character and beauty of the countryside. As set out above, the proposal would have a **limited** degree of conflict with the LDP's spatial framework in terms of potential for harm to the character and appearance of the area, due to the site-specific circumstances (established surrounding residential development and contiguous relationship with the settlement boundary). The scheme effectively represents limited infilling within the existing built context, that would be appropriate in design terms and consistent with the existing pattern of development.
- 5.9.7 The site is not a significant distance from services within Mayland (certainly compared with the immediate neighbour which lies within the settlement boundary) and although it is considered that some journeys to and from the site would be reliant on travel by private car, the site is not considered to be an unsustainable location given the surrounding established residential uses.
- 5.9.8 Accordingly, the policy harm is given **limited** weight.
- 5.9.9 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 – however this impact has been mitigated by way of a financial contribution (see section 5.7.10)
- 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 National Planning Policy Framework, 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 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 weight to the setting of the proposed dwelling among existing residential development and contiguity with the settlement boundary, together with its minimal scale, it is considered that the limited benefits outweigh the limited harm.

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

- **08/00493/OUT** - Demolition of existing house and erection of 3 x three bed detached houses, Refused – 23 June 2008.
- **17/01483/FUL** - Single storey rear / side extension with balcony over and front porch, Approved – 29 Mar 2021

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

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

<b>Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	No objection	Noted

### 7.2 **Statutory Consultees and Other Organisations**

<b>Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highways	No objection – subject to recommended conditions and informatives	Noted – refer to section 5.5 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**

<b>Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions	Noted

### 7.4 **Representations received from Interested Parties**

- 7.4.1 The application was advertised by way of a site notice posted on the 14 August 2024 (with expiry date for comments set at 4 September 2024). The site notice was affixed at eye level to a telegraph pole to the southern boundary to the site, in a prominent position at the entrance to the adjacent footpath.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 15 August 2024 (with expiry date for comments set at 5 September 2024).
- 7.4.3 No comments have been received from third parties during the specified consultation period, nor subsequently during the application process.

## 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 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.

- 4 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.
- 5 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, June 2023) 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 Section 40 of the NERC Act 2006 (as amended).
- 6 A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (Plumb Associates, June 2023) 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, Section 40 of the NERC Act 2006 (as amended) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Approved Maldon District Local Development Plan 2014-2029.
- 7 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 garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission 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.
- 8 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 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.

### **Approved Plans**

01 - Site Location Plan  
 R01 - Existing & Proposed Site Plan  
 R02 - Proposed Elevations  
 R03 - Proposed Floor Plans  
 BNG Statement July 2024  
 Schedule of Materials October 2024