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## Appeal Decision

Site visit made on 21 June 2021

**by Nick Palmer BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 July 2021**

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**Appeal Ref: APP/X1545/W/20/3258926**

**Land adjacent 1 Poplar Grove Chase, Great Totham, Maldon CM9 8NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs A Goodson against the decision of Maldon District Council.
  - The application Ref FUL/MAL/20/00043, dated 7 January 2020, was refused by notice dated 20 March 2020.
  - The development proposed is a two-bed dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a two-bed dwelling at land adjacent 1 Poplar Grove Chase, Great Totham, Maldon CM9 8NX in accordance with the terms of the application, Ref FUL/MAL/20/00043, dated 7 January 2020, subject to the conditions set out in the attached schedule.

### Main Issues

2. From the Council's decision and the officer's report, the main issues in the appeal are:
  - i) the effect of the proposal on the character and appearance of the area;
  - ii) its accessibility to services and facilities; and
  - iii) its effect on European designated habitats.

### Reasons

#### *Character and Appearance*

3. The site is within a group of dwellings in the countryside. There is linear development which extends for some distance along the eastern side of Broad Street Green Road. There is also a row of dwellings along Poplar Grove Chase which is to the west of that road. The site is on the corner of those two roads and forms part of the garden to the host property. It is outside the settlement boundaries as defined in the development plan.
4. Although there is a significant amount of development in the locality, the frontage to Broad Street Green Road is verdant in character. There is a high hedge along the frontage of the site, which extends around the corner onto Poplar Grove Chase.

5. The houses along Broad Street Green Road are informally sited, being set back from the road by varying distances. There are two pairs of semi-detached houses opposite the site which are close to the road frontage whereas other more recent detached houses are set back on that side of the road. On the same side as the appeal site there is a detached house which is close to the road and a pair of semi-detached houses that are set back.
6. The proposed dwelling would project forward of the side elevation of the host dwelling and the adjacent semi-detached houses, but it would not be as far forward as the nearby detached house. Because the dwelling would be set back from the road frontage and behind a high hedge it would not be unduly prominent or intrusive in the street scene. The established pattern of development in the area includes buildings that are quite close to the road frontage, and the proposal would not be out of character in this respect.
7. The appearance and proportions of the dwelling would be similar to other recently built houses along Poplar Grove Chase. Although it would be slightly forward of numbers 1 and 2, it would be similarly sited to the other dwellings. For these reasons, the proposal would be in keeping with the existing development on Poplar Grove Chase.
8. Although it would differ from its semi-detached neighbours in terms of being detached, this makes no difference to my finding. Neither does the location of the proposed front door on the side elevation of the proposal.
9. For these reasons, the proposal would accord with Policies D1 and H4 of the Local Development Plan<sup>1</sup> (LDP) which require development to respect and enhance the character and local context and to optimise of the use of land having regard to the density of the area. It would accord with Policy S1 of the LDP which requires high quality design and maintenance of rural character.
10. The development does not accord with Policy S8 of the LDP which restricts development outside settlement boundaries. However, the Council advises that it cannot demonstrate a five year supply of deliverable housing sites and that at December 2020 the supply was 4.9 years. On this basis Policy S8, which is a policy that is most important for determining the application, is out-of-date. On this basis I give limited weight to the conflict with that policy.
11. For the reasons given, the proposal would not harm the character and appearance of the area.

### *Accessibility*

12. There are bus stops on both sides of Broad Street Green Road, with a footpath along the eastern side of the road. There is no footpath on the western side of the road, but the bus stop on that side is easily and safely accessible from Poplar Grove Chase via the eastern footpath. Heybridge is about 600 metres to the south of the site, and has a range of services and facilities, including retail and education facilities, with employment opportunities and good public transport links. Occupiers of the proposed dwelling would be able to access services and facilities by means of public transport.
13. The National Planning Policy Framework (the Framework) states that opportunities to maximise sustainable transport solutions will vary between

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<sup>1</sup> Maldon District Local Development Plan 2014-2029 (2017)

urban and rural areas. For the reasons given, the proposal would have a reasonably good level of accessibility to services and facilities by sustainable means and it would accord with Policy S1 of the LDP which seeks to prioritise sustainable modes of transport.

#### *Effect on Habitats*

14. The basis for the Council's second reason for refusal is that a financial contribution equivalent to that which would be secured under the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) had not been secured. A signed Unilateral Undertaking has been submitted with the appeal which secures a contribution.
15. Natural England has advised that the site falls within a zone of influence for European designated habitats. New residential development considered alone or in combination is likely to significantly affect the European sites through increased recreational pressure. The financial contributions secured by means of the RAMS will be used to fund mitigation measures. This ensures that development does not adversely affect the integrity of the European sites.
16. I conclude that, as the requisite contribution has been secured, the proposal would not adversely affect the integrity of European designated habitats. The proposal would protect the natural environment and would help to deliver net biodiversity gain as required by Policies S1, D1, N1 and N2 of the LDP.

#### **Planning Balance**

17. I have found that Policy S8 of the LDP is out-of-date and on this basis, paragraph 11(d) of the Framework is engaged. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
18. The proposal would be of social and economic benefit by contributing to housing supply in the context of a shortfall. It would provide a small dwelling for which there is an identified need in the area. The occupiers would contribute to the local economy and employment would be generated during construction. The scale of these benefits would be limited, however, given the limited scale of the proposal.
19. I give limited weight to these benefits. For the reasons given above, there would be no adverse impact that would significantly and demonstrably outweigh that limited weight.
20. A previous proposal for two dwellings on the appeal site was dismissed on appeal<sup>2</sup> but in that appeal the planning policies were not found to be out-of-date. In addition, that scheme was for a greater amount of development and was materially different to this proposal.

#### **Conditions**

21. I have imposed the conditions suggested by the Council with two exceptions as set out below. I have made changes to the wording of the conditions where appropriate to ensure that the tests as set out in the Framework are met.

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<sup>2</sup> APP/X1545/W/18/3196652

22. It is necessary to specify the approved plans to provide certainty. I have required details of external facing materials to be submitted to the Council for approval as details are not included on the application form or plan. These details together with details of landscaping are required to be approved to ensure the appearance of the development is acceptable.
23. It is also necessary to approve details of foul and surface water drainage to ensure that the drainage systems are adequate, and that localised flooding is avoided. I have not included the detailed matters referred to in the suggested condition for surface water drainage because these matters are advisory rather than precise requirements and for these reasons would not meet the test of precision.
24. A condition requiring construction traffic to park within the site is necessary to avoid obstruction to the highway.
25. I have not imposed the suggested conditions that would restrict permitted development rights for extensions, outbuildings and dormer windows, because these restrictions have not been justified and the conditions would not meet the tests of reasonableness or necessity.

### **Conclusion**

26. For the reasons given I conclude that the appeal should be allowed.

*Nick Palmer*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6022/SK04 and GPG-01B.
- 3) No development shall take place above ground level until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details and retained thereafter.
- 4) Prior to occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The details shall include, as appropriate:
  - i) proposed finished levels contours;
  - ii) hard surfacing materials; and
  - iii) planting details.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development. If within a period of five years from the date of the planting of any tree or plant, it 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 or size as that originally planted shall be planted in the same place.

The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved.
- 5) No development shall take place above ground level until details of drainage schemes for foul and surface water have been submitted to and approved in writing by the local planning authority. The approved schemes shall be implemented before the dwelling is occupied.
- 6) 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 and clear of the highway.

## Application for Planning Permission. Town and Country Planning Act 1990

### Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to the Local Planning Authority in accordance with the legislation detailed on this form and 'The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

### Local Planning Authority details:

**MALDON DISTRICT COUNCIL**

Princes Road, Maldon, Essex CM9 5DL

TEL 01621 854477 FAX 01621 852575 EMAIL [dc.planning@maldon.gov.uk](mailto:dc.planning@maldon.gov.uk)



### Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

If printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

#### 1. Applicant Name and Address

Title:	MRS			First name:	A.		
Last name:	Goodson						
Company (optional):							
Unit:		House number:		House suffix:			
House name:	c/o AGENT						
Address 1:							
Address 2:							
Address 3:							
Town:							
County:							
Country:							
Postcode:							

#### 2. Agent Name and Address

Title:	M			First name:	PETER		
Last name:	LE GUY						
Company (optional):	STANFORDS						
Unit:		House number:		House suffix:			
House name:	THE LIVESTOCK MARKET						
Address 1:	WYNCHILL ROAD						
Address 2:							
Address 3:							
Town:	COLCHESTER						
County:							
Country:							
Postcode:	CO4 2HU						

### 3. Description of the Proposal

Please describe the proposed development, including any change of use:

Proposed two bay dwelling

Has the building, work or change of use already started?

☐ Yes

☒ No

If Yes, please state the date when building, work or use were started (DD/MM/YYYY):

(date must be pre-application submission)

Has the building, work or change of use been completed?

☐ Yes

☐ No

If Yes, please state the date when the building, work or change of use was completed: (DD/MM/YYYY):

(date must be pre-application submission)

Reference no. of permission in principle being relied on (technical details consent applications only):

### 4. Site Address Details

Please provide the full postal address of the application site.

Unit:  House number:  House suffix:

House name:  LAND ADJACENT

Address 1:  1 POPLAR GROVE CHASE

Address 2:

Address 3:

Town:  GREAT TOTHAM

County:

Postcode (optional):  CM9 8NX

Description of location or a grid reference. (must be completed if postcode is not known):

Easting:  Northing:

Description:

### 5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☐ Yes

☒ No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

Date (DD/MM/YYYY):  
(must be pre-application submission)

Details of pre-application advice received?

## 6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

☒ Yes ☐ No

Is a new or altered pedestrian access proposed to or from the public highway?

☒ Yes ☐ No

Are there any new public roads to be provided within the site?

☐ Yes ☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

☐ Yes ☒ No

Do the proposals require any diversions /extinguishments and/or creation of rights of way?

☐ Yes ☒ No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan (s)/drawings(s)

GPG - O/A

## 7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

☐ Yes ☒ No

If Yes, please provide details:

Have arrangements been made for the separate storage and collection of recyclable waste?

☐ Yes ☒ No

If Yes, please provide details:

## 8. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? ☐ Yes

☒ No

With respect to the authority, I am:

(a) a member of staff

(b) an elected member

(c) related to a member of staff

(d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them.



## 9. Materials

If applicable, please state what materials are to be used externally. Include type, colour and name for each material:

	Existing (where applicable)	Proposed	Not applicable	Don't Know
Walls		TO BE ASKED	<input type="checkbox"/>	<input type="checkbox"/>
Roof		" "	<input type="checkbox"/>	<input type="checkbox"/>
Windows			<input type="checkbox"/>	<input type="checkbox"/>
Doors			<input type="checkbox"/>	<input type="checkbox"/>
Boundary treatments (e.g. fences, walls)			<input type="checkbox"/>	<input type="checkbox"/>
Vehicle access and hard-standing			<input type="checkbox"/>	<input type="checkbox"/>
Lighting			<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify)			<input type="checkbox"/>	<input type="checkbox"/>

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☐ Yes

☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

## 10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of Vehicle	Total Existing	Total proposed (including spaces retained)	Difference in spaces
Cars		2	+ 2
Light goods vehicles/ public carrier vehicles			
Motorcycles			
Disability spaces			
Cycle spaces			
Other (e.g. Bus)			
Other (e.g. Bus)			

## 11. Foul Sewage

Please state how foul sewage is to be disposed of:

- ☒ Mains sewer ☐ Cess pit  
☐ Septic tank ☐ Other  
☐ Package treatment plant

Are you proposing to connect to the existing drainage system? ☒ Yes ☐ No

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

TO BE DETERMINED UNDER THE BUILDING REGULATIONS

## 12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)? ☐ Yes ☒ No

Will the proposal increase the flood risk elsewhere? ☐ Yes ☒ No

How will surface water be disposed of?

- ☐ Sustainable drainage system ☐ Existing watercourse  
☒ Soakaway ☐ Pond/lake  
☐ Main sewer

## 13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

a) Protected and priority species:

- ☐ Yes, on the development site  
☐ Yes, on land adjacent to or near the proposed development  
☒ No

b) Designated sites, important habitats or other biodiversity features:

- ☐ Yes, on the development site  
☐ Yes, on land adjacent to or near the proposed development  
☒ No

c) Features of geological conservation importance:

- ☐ Yes, on the development site  
☐ Yes, on land adjacent to or near the proposed development  
☒ No

## 14. Existing Use

Please describe the current use of the site:

RESIDENTIAL

Is the site currently vacant? ☐ Yes ☒ No

If Yes, please describe the last use of the site:

When did this use end (if known)?  
DD/MM/YYYY   
(date where known may be approximate)

Does the proposal involve any of the following?  
If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated? ☐ Yes ☒ No

Land where contamination is suspected for all or part of the site? ☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination? ☒ Yes ☐ No

## 15. Trees and Hedges

Are there trees or hedges on the proposed development site? ☒ Yes ☐ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? ☐ Yes ☒ No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

## 16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? ☐ Yes ☒ No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

**17. Residential Units (Including Conversion)**

Does your proposal include the gain, loss or change of use of residential units?  
If Yes, please complete details of the changes in the tables below:

☒ Yes☐ No**Proposed Housing**

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>		1				a
Flats/maisonettes	<input type="checkbox"/>						b
Sheltered housing	<input type="checkbox"/>						c
Bedsit/studios	<input type="checkbox"/>						d
Cluster flats	<input type="checkbox"/>						e
Other	<input type="checkbox"/>						f
Totals (a + b + c + d + e + f) =							A

Social, Affordable or Intermediate Rent	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Sheltered housing	<input type="checkbox"/>						c
Bedsit/studios	<input type="checkbox"/>						d
Cluster flats	<input type="checkbox"/>						e
Other	<input type="checkbox"/>						f
Totals (a + b + c + d + e + f) =							B

Affordable Home Ownership	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Sheltered housing	<input type="checkbox"/>						c
Bedsit/studios	<input type="checkbox"/>						d
Cluster flats	<input type="checkbox"/>						e
Other	<input type="checkbox"/>						f
Totals (a + b + c + d + e + f) =							C

Starter Homes	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Bedsit/studios	<input type="checkbox"/>						c
Other	<input type="checkbox"/>						d
Totals (a + b + c + d) =							D

Self Build and Custom Build	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Bedsit/studios	<input type="checkbox"/>						c
Other	<input type="checkbox"/>						d
Totals (a + b + c + d) =							E

Total proposed residential units (A + B + C + D + E) =

**Existing Housing**

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Sheltered housing	<input type="checkbox"/>						c
Bedsit/studios	<input type="checkbox"/>						d
Cluster flats	<input type="checkbox"/>						e
Other	<input type="checkbox"/>						f
Totals (a + b + c + d + e + f) =							F

Social, Affordable or Intermediate Rent	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Sheltered housing	<input type="checkbox"/>						c
Bedsit/studios	<input type="checkbox"/>						d
Cluster flats	<input type="checkbox"/>						e
Other	<input type="checkbox"/>						f
Totals (a + b + c + d + e + f) =							G

Affordable Home Ownership	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Sheltered housing	<input type="checkbox"/>						c
Bedsit/studios	<input type="checkbox"/>						d
Cluster flats	<input type="checkbox"/>						e
Other	<input type="checkbox"/>						f
Totals (a + b + c + d + e + f) =							H

Starter Homes	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Bedsit/studios	<input type="checkbox"/>						c
Other	<input type="checkbox"/>						d
Totals (a + b + c + d) =							I

Self Build and Custom Build	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	<input type="checkbox"/>						a
Flats/maisonettes	<input type="checkbox"/>						b
Bedsit/studios	<input type="checkbox"/>						c
Other	<input type="checkbox"/>						d
Totals (a + b + c + d) =							J

Total existing residential units (F + G + H + I + J) =

TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):

## 18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

☐ Yes

☒ No

If you have answered Yes to the question above please add details in the following table:

Use class/type of use		Not applicable	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross internal floorspace proposed (including change of use)(square metres)	Net additional gross internal floorspace following development (square metres)
A1	Shops	<input type="checkbox"/>				
	Net tradable area:	<input type="checkbox"/>				
A2	Financial and professional services	<input type="checkbox"/>				
A3	Restaurants and cafes	<input type="checkbox"/>				
A4	Drinking establishments	<input type="checkbox"/>				
A5	Hot food takeaways	<input type="checkbox"/>				
B1 (a)	Office (other than A2)	<input type="checkbox"/>				
B1 (b)	Research and development	<input type="checkbox"/>				
B1 (c)	Light industrial	<input type="checkbox"/>				
B2	General industrial	<input type="checkbox"/>				
B8	Storage or distribution	<input type="checkbox"/>				
C1	Hotels and halls of residence	<input type="checkbox"/>				
C2	Residential institutions	<input type="checkbox"/>				
D1	Non-residential institutions	<input type="checkbox"/>				
D2	Assembly and leisure	<input type="checkbox"/>				
OTHER		<input type="checkbox"/>				
Please Specify		<input type="checkbox"/>				
Total						

In addition, for hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

Use class	Type of use	Not applicable	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms
C1	Hotels	<input type="checkbox"/>			
C2	Residential Institutions	<input type="checkbox"/>			
OTHER		<input type="checkbox"/>			
Please Specify		<input type="checkbox"/>			

## 19. Employment

Please complete the following information regarding employees:

	Full-time	Part-time	Total full-time equivalent
Existing employees			
Proposed employees			

## 20. Hours of Opening

If known, please state the hours of opening (e.g. 15:30) for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Not known

## 21. Site Area

Please state the site area in hectares (ha)

0. /

## 22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Is the proposal a waste management development? ☐ Yes ☒ No

If the answer is Yes, please complete the following table:

	Not applicable	The total capacity of the void in cubic metres, including engineering surcharge and making no allowance for cover or restoration material (or tonnes if solid waste or litres if liquid waste)	Maximum annual operational throughput in tonnes (or litres if liquid waste)
Inert landfill	<input type="checkbox"/>		
Non-hazardous landfill	<input type="checkbox"/>		
Hazardous landfill	<input type="checkbox"/>		
Energy from waste incineration	<input type="checkbox"/>		
Other incineration	<input type="checkbox"/>		
Landfill gas generation plant	<input type="checkbox"/>		
Pyrolysis/gasification	<input type="checkbox"/>		
Metal recycling site	<input type="checkbox"/>		
Transfer stations	<input type="checkbox"/>		
Material recovery/recycling facilities (MRFs)	<input type="checkbox"/>		
Household civic amenity sites	<input type="checkbox"/>		
Open windrow composting	<input type="checkbox"/>		
In-vessel composting	<input type="checkbox"/>		
Anaerobic digestion	<input type="checkbox"/>		
Any combined mechanical, biological and/or thermal treatment (MBT)	<input type="checkbox"/>		
Sewage treatment works	<input type="checkbox"/>		
Other treatment	<input type="checkbox"/>		
Recycling facilities construction, demolition and excavation waste	<input type="checkbox"/>		
Storage of waste	<input type="checkbox"/>		
Other waste management	<input type="checkbox"/>		
Other developments	<input type="checkbox"/>		

Please provide the maximum annual operational throughput of the following waste streams:

Municipal	
Construction, demolition and excavation	
Commercial and industrial	
Hazardous	

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

## 23. Hazardous Substances

Does the proposal involve the use or storage of any of the following materials in the quantities stated below? ☐ Yes ☒ No ☐ Not applicable

If Yes, please provide the amount of each substance that is involved:

Acrylonitrile (tonnes) <input type="text"/>	Ethylene oxide (tonnes) <input type="text"/>	Phosgene (tonnes) <input type="text"/>
Ammonia (tonnes) <input type="text"/>	Hydrogen cyanide (tonnes) <input type="text"/>	Sulphur dioxide (tonnes) <input type="text"/>
Bromine (tonnes) <input type="text"/>	Liquid oxygen (tonnes) <input type="text"/>	Flour (tonnes) <input type="text"/>
Chlorine (tonnes) <input type="text"/>	Liquid petroleum gas (tonnes) <input type="text"/>	Refined white sugar (tonnes) <input type="text"/>

Other:

Other:

Amount (tonnes):

Amount (tonnes):

## 24. Ownership Certificates and Agricultural Land Declaration

One Certificate A, B, C, or D, must be completed with this application form

### CERTIFICATE OF OWNERSHIP - CERTIFICATE A

#### Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner\* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding\*\*

**NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.**

\* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

\*\* "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

### CERTIFICATE OF OWNERSHIP - CERTIFICATE B

#### Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that I have/ the applicant has given/ the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner\* and/or agricultural tenant\*\* of any part of the land or building to which this application relates.

\* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

\*\* "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner / Agricultural Tenant	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

## 25. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority (LPA) has been submitted.

The original and 3 copies\* of a completed and dated application form:

☒ The correct fee:

☒

The original and 3 copies\* of the plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:

☒ The original and 3 copies\* of a design and access statement, if required (see help text and guidance notes for details):

☒

The original and 3 copies\* of other plans and drawings or information necessary to describe the subject of the application:

☒ The original and 3 copies\* of the completed, dated Ownership Certificate (A, B, C or D – as applicable) and Article 14 Certificate (Agricultural Holdings):

☒

\*National legislation specifies that the applicant must provide the original plus three copies of the form and supporting documents (a total of four copies), unless the application is submitted electronically or, the LPA indicate that a smaller number of copies is required. LPAs may also accept supporting documents in electronic format by post (for example, on a CD, DVD or USB memory stick). You can check your LPA's website for information or contact their planning department to discuss these options.

## 26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

7/1/20

(date cannot be pre-application)

## 27. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

## 28. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

01206 879225

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

pl@stanfords-colchester.co.uk

## 29. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ Agent

☐ Applicant

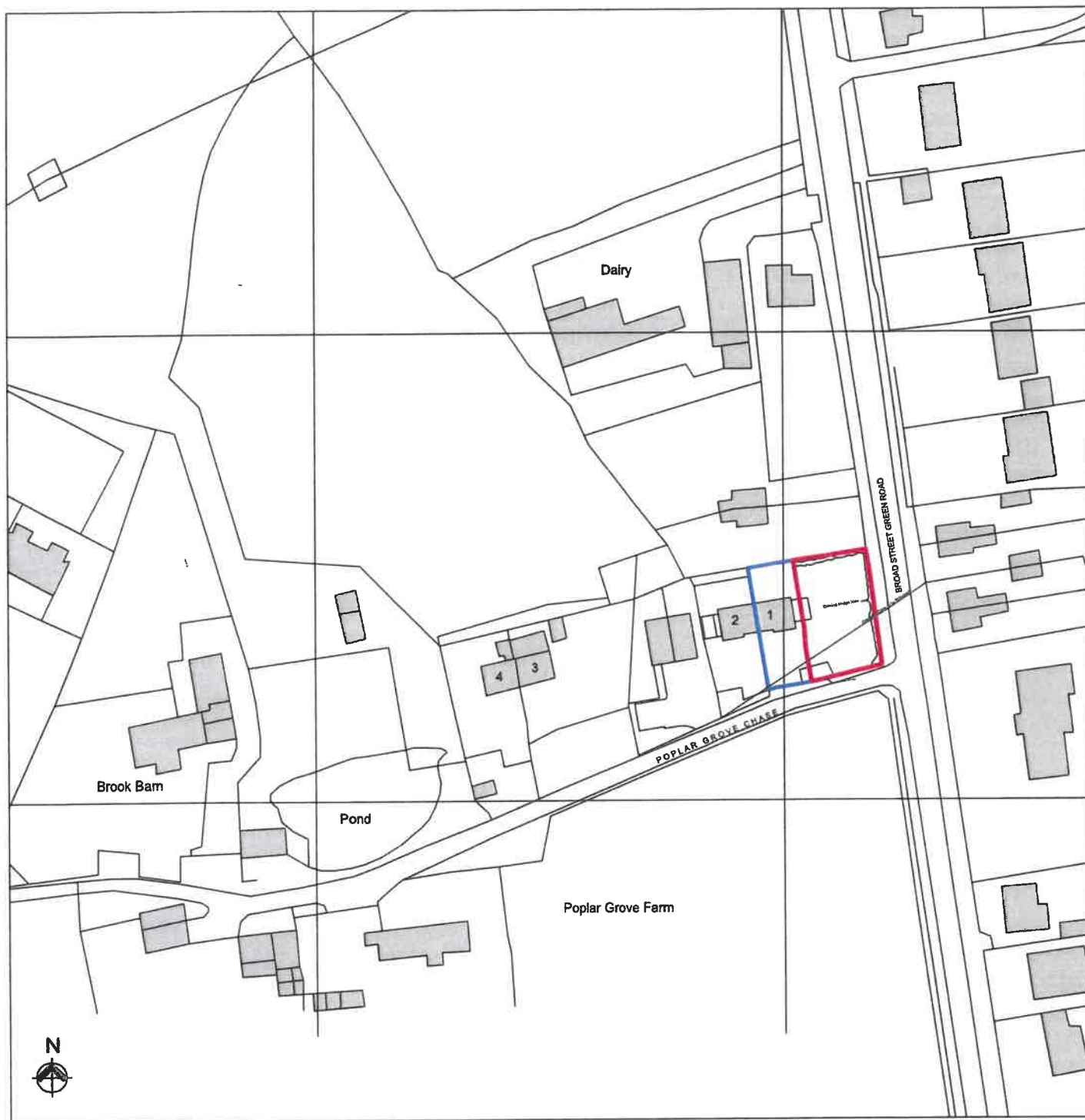
☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:




— Additional Land Owned by Applicant  
— Application site

APPLICATION SITE AREA 0.0389 Hectares

## PLANNING

0m 50m 100m

Revision	Date	Amendment	Initials
Project / Client:			
Land Adjacent to 1 Poplar Grove Chase		Project Ref: 6022	North : 
Drawing Title:		Drawing No. : SK04	Scale : 1:1250 @ A4
Location Plan		Drawn : MW	Date : June 2017
		Checked : LWB	Date : June 2017

**b3 architects**

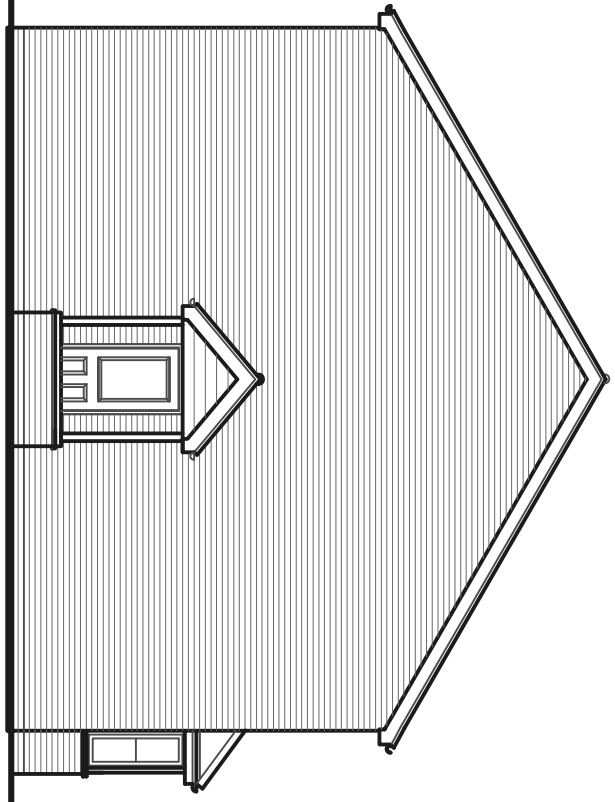
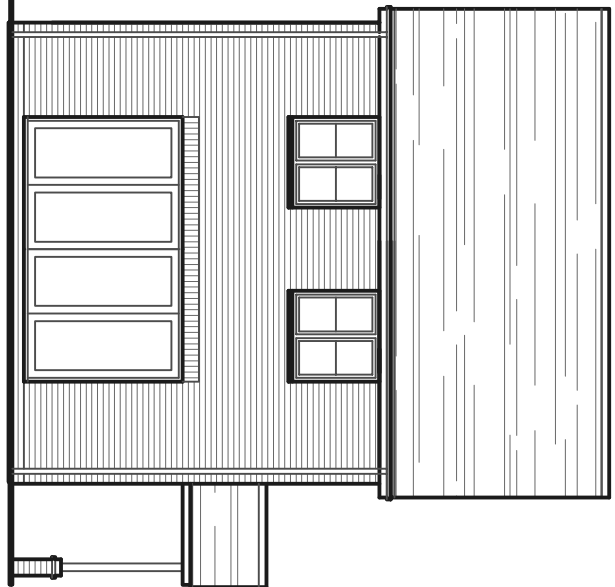
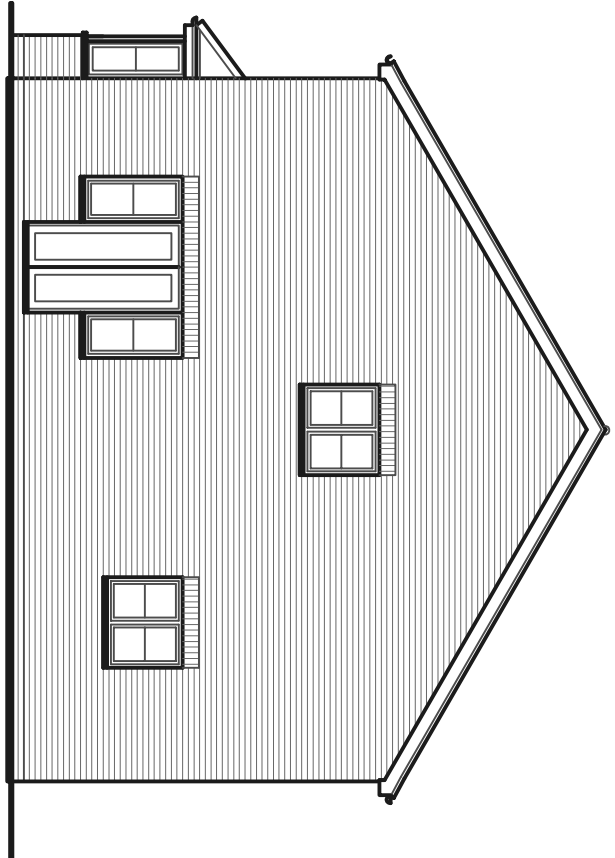
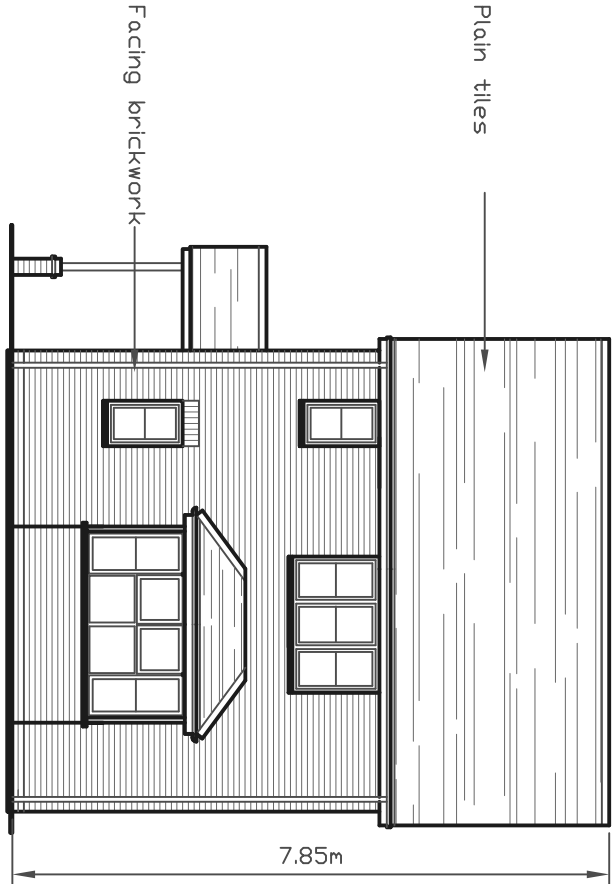
Audley House, Berechurch Hall Road, Colchester, Essex CO2 9NW  
 Telephone 01206 562946  
 Email : architects@b3-architects.co.uk

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DO NOT SCALE

IF IN DOUBT ASK



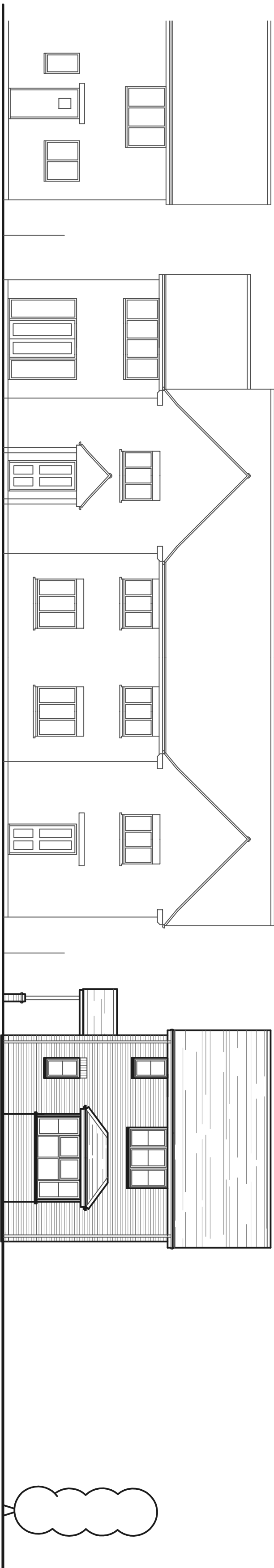
Front elevation

Side elevation

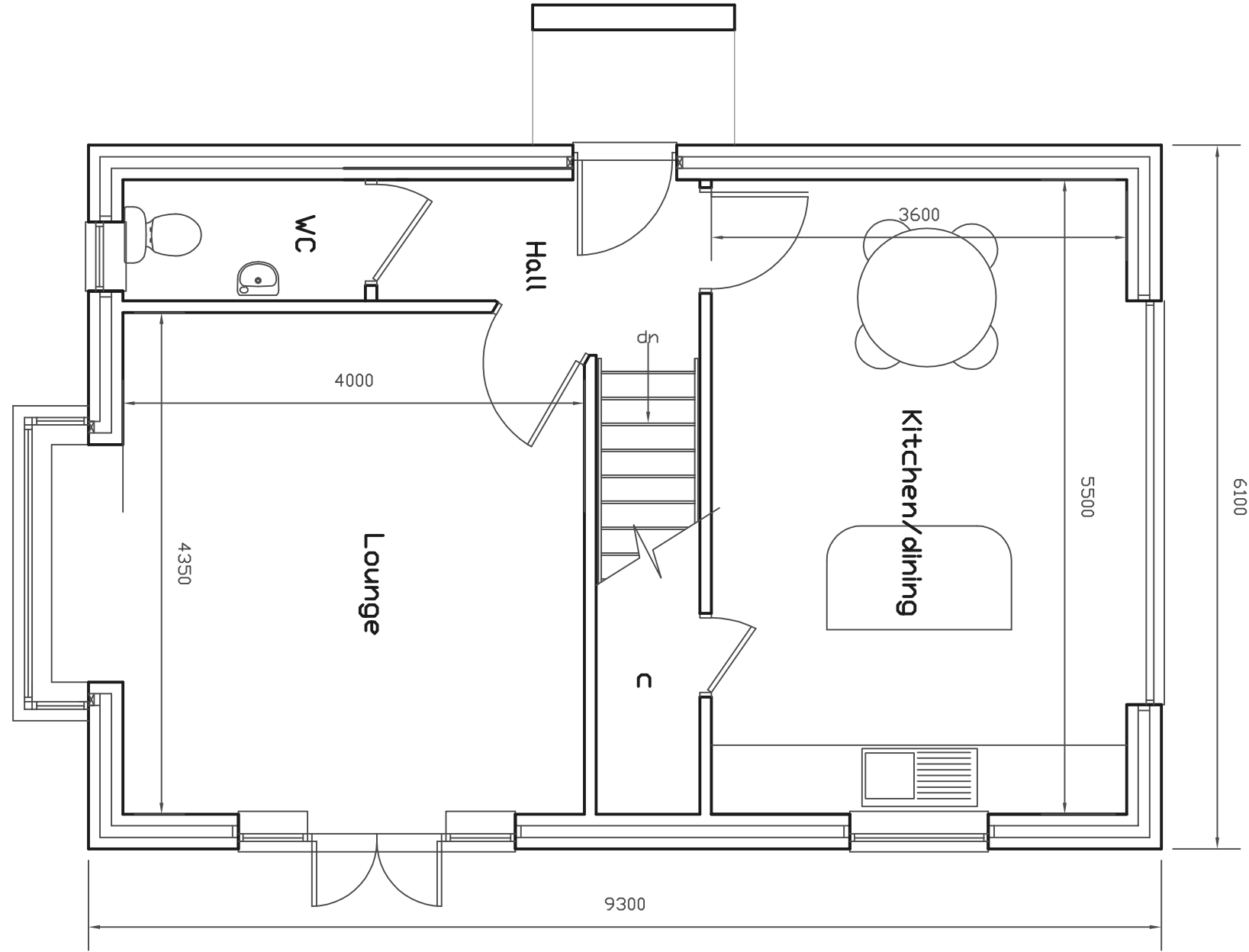
Rear elevation

Side elevation

• ELEVATIONS AS PROPOSED 1:100 •

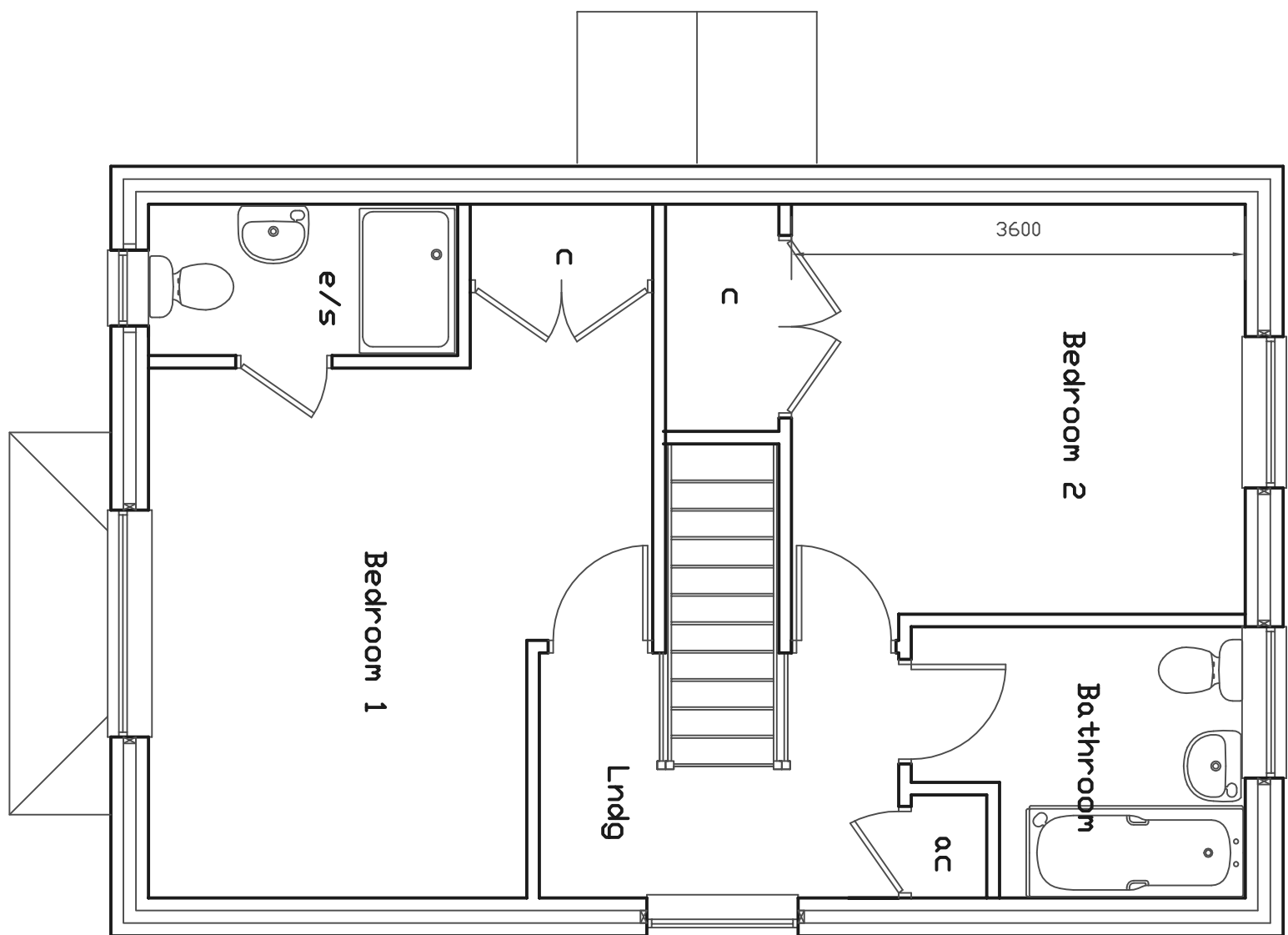


• STREET SCENE 1:100 •



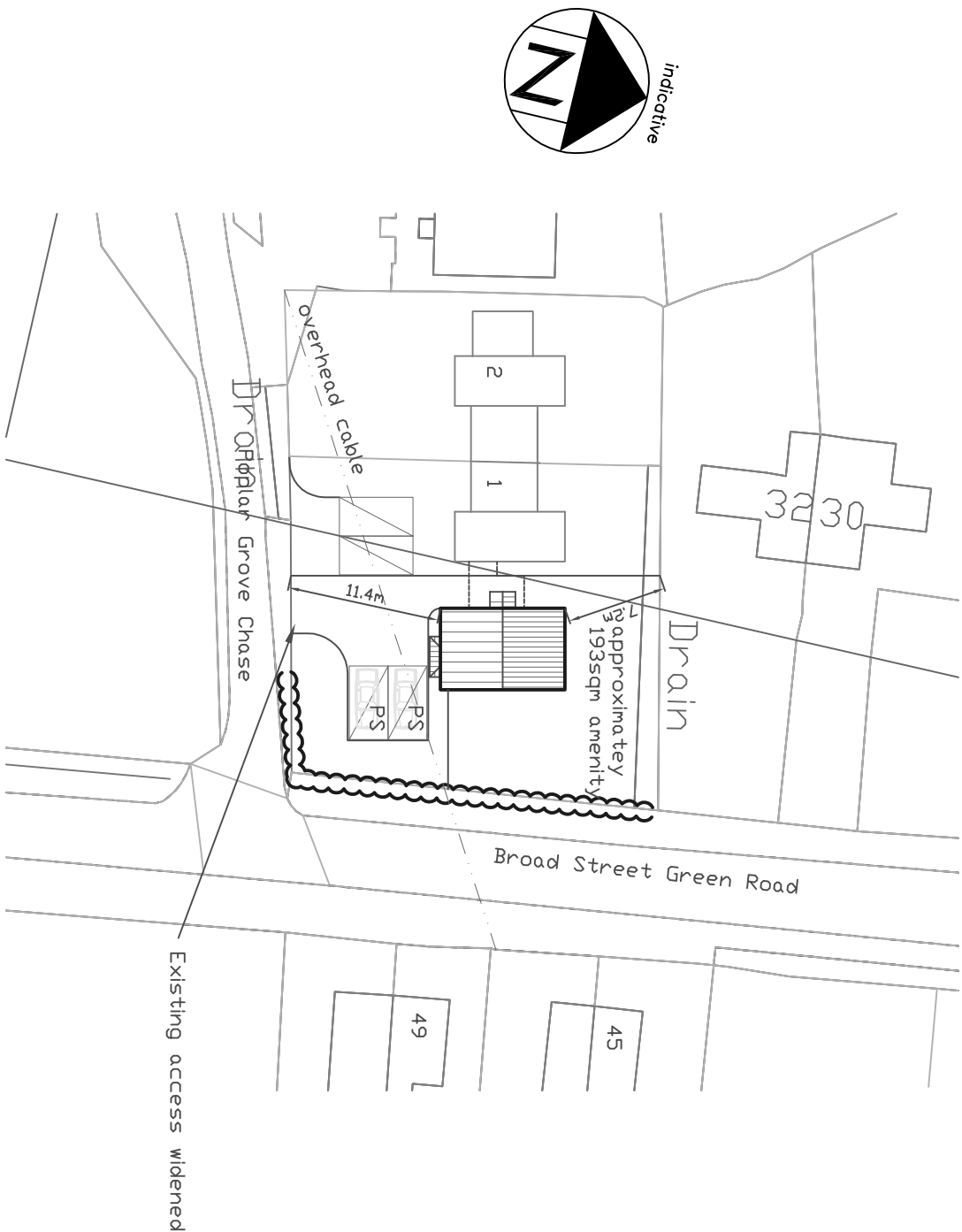
• GROUND FLOOR PLAN 1:50 •

floor area 49 sqm



• FIRST FLOOR PLAN 1:50 •

floor area 49 sqm

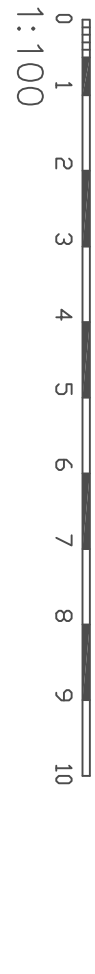


• BLOCK PLAN 1:500 •

AS PROPOSED

Measurements obtained from Ordnance survey extract

NOTES: –  
MEASUREMENTS SHOWN ARE INDICATIVE ONLY – ALL DIMENSIONS TO BE CHECKED  
ON SITE PRIOR TO COMMENCING WORK AND ANY DISCREPANCY REPORTED



1:100

1:50

Scale Bar

PLANNING DRAWING ONLY

B Street Scene added, block plan scale corrected		01/20
A	Measurements added to block plan	01/20
Rev/No	Revision note	Date

Drawing title	
Planning drawing	
Description	
Proposed dwelling	
Address	
Adjacent to 1 Poplar Grove Chase, Great Totham, Essex, CM9 8NX	
Client	
Amanda Goodson	

Drawn ZM	Sheet no.
Date 09/2019	Scale as indicated @ A1
Drawing No GPG-01	Revision B

**Zoe Manning BSc.**  
Drawing Services Ltd.  
143 Connaught Avenue  
Frinton-on-Sea, Essex,  
CO13 9AB  
Tel/Fax 01255 676563  
zmanningdrawing@gmail.com

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# Land adj. No. 1 Poplar Grove Chase, Great Totham

**Proposed two bed dwelling**



**Peter Le Grys MA Dip.TP MRTPI**

**January 2020**

**Stanfords**

## **1.0 Introduction**

- 1.1 This Planning Statement has been prepared on behalf of Mrs A. Goodson and is submitted in support of a full planning application for the construction of a two bed dwelling on land adjacent to No. 1 Poplar Grove Chase, Great Totham.
- 1.2 This statement should be treated as forming part of the application, and includes details on the site and its surroundings, the intended scheme and how it relates to adopted and emerging planning policies. Although the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013 removed the requirement for Design and Access Statements to be submitted with minor planning applications, this statement is submitted to explain the rationale behind the development to assist the Local Planning Authority in making its decision.

## **2.0 Physical Context**

- 2.1 The application site lies outside of the defined development boundary of Great Totham which is approximately one mile to the north and Heybridge approximately ½ mile to the south. It is located on the northern side of Poplar Grove Chase and comprises an area of approximately 0.05 hectares. Poplar Grove Chase is a minor turning off the main B1022 Broad Street Green Road and serves a few residential properties, including Poplar Grove Farm which is a group of four Grade II Listed Buildings. This minor turning stands aside from the larger part of the settlement, which fronts Broad Street Green Road and particularly on its eastern side has the character of ribbon or suburban development.
- 2.2 To the west is a pair of semi-detached houses (No's 1 & 2), with a further pair of houses recently constructed within the side garden of No.2. A further pair of similar 2 bed houses has recently been constructed on the side garden of No.3. The area has been accepted by the Council through the granting of planning permission on land adjacent No.3 as being sustainable given its proximity to local facilities and services together with reasonable access provided by public transport. A regular bus service runs along Broad

Street Green (No.75) which connects Maldon and Heybridge with Colchester town centre.

- 2.3 The site is laid with grass, forming part of the garden to No.1. It is enclosed with a high dense hedgerow across the Broad Street Green frontage and to the rear, northern boundary
- 2.4 To the south of Poplar Grove Chase, the extensive new residential development at Heybridge can now be observed.

### **3.0 Relevant Planning History**

- 3.1 Planning permission was refused in 2017 for the development of two dwellings on the site (reference FUL/MAL/17/00690). An appeal was subsequently dismissed in August 2018.

### **4.0 Policy Context**

#### National Guidance

- 4.1 The National Planning Policy Framework advises that in determining planning applications for residential development, local planning authorities should take into account the Development Plan Policies and all other material considerations. Local planning authorities should follow the approach of the 'Presumption in Favour of Sustainable Development' and that development which is sustainable can be approved without delay. It emphasises the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than a barrier.
- 4.2 The NPPF states that to promote sustainable development in rural areas, housing should be located where there are groups of smaller settlements and should avoid new isolated homes in the countryside. Further, it states that housing applications should be

considered in the light of sustainable development. Paragraph 78 of the NPPF states that in order 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. Meanwhile paragraph 001 of the NPPG considers that 'all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence'.

#### Local Planning Policy

- 4.3 The Council's Local Development Plan was adopted in July 2017. In general terms, Policy S1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development as contained in the NPPF and will apply a number of key principles in policy and decision making including to ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District.
- 4.4 In respect of all development, Policy D1 on Design Quality and Built Environment cites a number of criteria to which development must respect and enhance the character and local context and make a positive contribution in terms of architectural style, use of materials, detailed design features and construction methods; Innovative design and construction solutions will be considered where appropriate; Height, size, scale, form, massing and proportion; Landscape setting, townscape setting and skylines; Layout, orientation, and density; amongst numerous other items.
- 4.5 Policy T2 Accessibility aims to create and maintain an accessible environment, with development proposals should be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated, or locations where the impact can be suitably mitigated, taking into account the cumulative impact of developments while providing safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate. The proposed scheme would not contravene this policy as the site would be able to accommodate the development

utilising the existing long established access along Poplar Grove Chase, including adequate visibility splays onto Broad Street Green and acceptable turning areas within the site for private motor vehicles, refuse collection and emergency service vehicles. The position of the access is not only already in existence but it is within the 30mph speed restricted zone further demonstrating the suitability of the site.

## **5.0 Proposed Development**

- 5.1 First, while the site is outside the settlement boundary for either Great Totham to the north or the new settlement at Heybridge to the south, the Council has accepted in the recent past that this area is not inappropriate for further limited housing. An appeal decision in 2015, for two dwellings adjacent to No.3 Poplar Grove Chase was followed by the Council granting two further dwellings in 2016 on the land to the side of No.2. Within its decision, the Council confirmed the suitability of the area for further development, accepting that there was reasonable access to facilities and employment within neighbouring Heybridge and Maldon. A similar approach has also been accepted within the various appeal cases affecting the Old Dairy premises to the north.
- 5.2 The decision of the Inspector in 2018, when examining the scheme for 2 dwellings for the current site, appears to take a rather different view by suggesting the site is 'remote from everyday services', although he appears to have failed to take into account the close proximity of a number of services including those soon to be provided within the Heybridge Garden Suburb. Moreover, while recognising the site was within a 'small cluster of housing', the Inspector failed to have regard to either the advice within the NPPG mentioned above, or the judgement in *Braintree District Council v Secretary of State for Communities and Local Government & Ors* [2018] EWCA Civ 610, which had been issued only a few months earlier. While the site may be outside of the defined settlement boundary and this is a relevant consideration, as determined within the judgement of *Wood v Secretary of State for Communities and Local Government and Gravesham Borough Council* (2015 EWCA Civ 195) that alone is not necessarily determinative.



- 5.3 The proposal does not involve an existing field or open land; it is part of an enclosed garden with residential development to the north, west and on the opposite side of Broad Street Green immediately to the east. Nevertheless, the Inspector in 2018 opined that the scale of the development then proposed, namely two dwellings, would erode the openness of the site and result in the dwellings being visible from views to the north. Further concerns were raised towards the scale of the buildings and the extent of car parking upon the frontage.
- 5.4 This revised application now proposes a single 2 bed dwelling to be located alongside No.1 Poplar Grove Chase. The dwelling would be rather modest, at only 98m<sup>2</sup> floor area. The Inspector in 2015 gave particular consideration to then emerging policy H2 and the provision of a pair of small two bedroom houses to meet an acknowledged need within the District. The SHMA for the District has identified that there is a good existing supply of larger (3+ bedroom) dwellings. To create a better balanced stock to address the impact of the ageing population and the needs of young people entering the market, the Council's policy is to deliver a higher proportion of smaller (1 or 2 bedroom) units over the life of the Plan. This proposal would achieve those aims, unlike other proposals within the locality.
- 5.5 The size of the dwelling is also comparable to those within the surrounding area while the scale and design of the dwelling will be almost identical to those recently constructed along Poplar Grove Chase. It cannot therefore be argued that the development per se will be out of scale or character with the six semi-detached houses alongside. The Inspector considered in 2018 that the development of two dwellings would be incongruous on this corner site. The revised scheme for one dwelling would be no further forward in the street scene than other new dwellings along Poplar Grove Chase. Moreover, it would be positioned a greater distance from the Broad Street Green frontage compared with Hamilton House to the north and to No's 45 – 51 on the opposite side of the road. This situation is rather more desirable than the four large 'executive' style houses recently permitted by the Council on land at 53-55 Broad Street Green opposite the junction with Poplar Grove Chase. The property would also have a substantial garden area of some 193m<sup>2</sup>, considerably greater than the adopted standards.

- 5.6 The span and height of the dwelling would be virtually identical to that permitted by the authority on land adjacent No.2 Poplar Grove Chase as follows:-

	Roof span	Ridge Height
Proposed	9.3m	7.85m
Adjacent No.2	9.1m	7.85m

- 5.7 In contrast to the previous scheme, no part of the hedgerow surrounding the site is to be removed. The existing vehicular crossover serving the host dwelling would be widened and provision for two parking spaces and a turning facility would be made available. Again, compared with the earlier scheme, the extent of car parking and visual impact upon the street scene will be significantly reduced thereby overcoming the concerns raised by the Inspector.



*The view from Broad Street Green Road*



## **6.0 Conclusion**

- 6.1 As a consequence of the careful consideration for the neighbouring properties and character of the street scene, the development will comply with the adopted policies against which this proposal should be adjudged, particularly S8 and D1 while fulfilling the requirements set out within Policy H2, together with the statements contained within the NPPF. The design of the proposed dwelling would be consistent with the modest nature and character of the neighbouring houses and will not appear incongruous within the street scene. The issues of harm previously suggested by the Council and Inspector have been overcome, and the effect of this modest scheme within the existing housing cluster will not prejudice the Council's strategic approach to development outside of the defined settlements.