

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY AND
RESOURCES
Paul Dodson

31 October 2023

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 8 NOVEMBER 2023 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy and Resources

COMMITTEE MEMBERSHIP:

CHAIRPERSON	Councillor M F L Durham, CC
VICE-CHAIRPERSON	Councillor M E Thompson
COUNCILLORS	J C Hughes S J N Morgan C P Morley R H Siddall E L Stephens S White L L Wiffen





AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 8 NOVEMBER 2023

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 13 September 2023, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **23/00021/FUL - Land adjacent Eastholm, Latchingdon Road, Purleigh** (Pages 13 - 32)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)*.

6. **23/00700/FUL - Harmony Kennels, Brook House, Spar Lane, Purleigh, Chelmsford, Essex, CM3 6QW** (Pages 33 - 48)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)*.

7. **22/00324/PROW - Land at Broad Street Green Road, Langford Road And Maypole Road, Great Totham, Essex** (Pages 49 - 64)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)*.

8. **Any other items of business that the Chairman of the Committee decides are urgent**

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5-6.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

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Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

Lift

Please be aware, there is not currently lift access to the Council Chamber.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) - 2018
 - Planning Practice Guidance (PPG)
 - Planning policy for Traveller sites - 2015
 - Relevant government circulars
 - Relevant Ministerial Statements (as referred to in the report)
 - Essex and South Suffolk Shoreline Management Plan – October 2010

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
13 SEPTEMBER 2023**

PRESENT

Chairperson Councillor M F L Durham, CC
Vice-Chairperson Councillor M E Thompson
Councillors J C Hughes, S J N Morgan, R H Siddall, E L Stephens,
S White and L L Wiffen

227. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

228. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor C P Morley.

229. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 16 August 2023 be approved and confirmed.

230. DISCLOSURE OF INTEREST

There were none.

231. 23/00123/OUTM - LAND REAR OF 9 CHURCH ROAD, WICKHAM BISHOPS

Application Number	23/00123/OUTM
Location	Land Rear of 9 Church Road Wickham Bishops
Proposal	Outline planning permission with the matters of access for consideration for the demolition of 9 Church Road, creation of new access and the development of up to 50 dwellings including associated car parking, open space and landscaping
Applicant	Mr M Tentori – Mazdev Ltd
Agent	Mr Mark Schmull – Arrow Planning Ltd
Target Decision Date	23.08.2023 (EOT 27 September 2023)
Case Officer	Devan Hearnah
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Major Application Departure from the Local Plan Member Call In – Councillors M F L Durham CC and S J N Morgan (policies S1, S8, D1 and H4)

It was noted from the Members' Update that since the agenda had been published amendments had been made to the Committee Report regarding Housing Mix and Affordable Housing, further representations from Parish Town Councils and Interested parties had also been received.

Prior to her presentation the Officer provided a verbal update, informing the Committee of a correction to paragraph 5.3.17 of the Members' Update, stating that where it reads 25% of the entire site will be first homes, it should read 10% of the entire site and 25% of the affordable which equates to five dwellings. She then gave further elaboration on the ownership issues addressed in the MP letter received that had already been addressed in the Members' Update.

Following the Officers presentation, the Agent, Mr Schmull, an Objector, Mr Kewish and Parish Council representative, Councillor Wardrop addressed the Committee. The Chairperson then opened the floor for debate.

Councillor S J N Morgan proposed to refuse the application contrary to the Officers recommendation as the development would be contrary to policies S1, S8 and D1 Maldon District Local Development Plan, this was duly seconded by Councillor S White.

A lengthy debate ensued, during which Members commented and raised questions in relation to the application and aired concerns specifically around the affordable housing proposed. In response to the debate, Officers provided the Committee with the following answers:

- If the applicant were to reduce the current level of affordable housing stated on the application back to a policy compliant level rather than an over provision, then the application would need to be brought back to Council to be looked at afresh.
- The previous Inspector stated that this is one of the most sustainable sites within the District for the provision of housing.
- Regarding Health Care infrastructure, contributions would be provided by the applicant through the planning process and put towards the existing infrastructure.
- Garden sizes would be addressed at the reserved matters stage and the applicant would be expected to ensure that the garden sizes are acceptable and ensure that 25m back-to-back distances are provided.
- In relation to the removal of 78 category B trees on the site there have been no concerns raised by the arboricultural consultant. Additional tree planting would be provided to mitigate against the loss.
- Native hedgerow would be planted around the site to replace that removed in the construction process to ensure there is no loss to net biodiversity.

There being no further debate the Chairperson put Councillor Morgan's proposal to refuse the application contrary to the Officers' recommendation to the Committee and upon a vote being taken, this was agreed.

Officers requested the Policies that Members sought to refuse the application against, and Members confirmed that Policies S1, S8 and D1 of the Maldon District Local Development Plan as well as Policies WBen 02, WBen 03, WBen 04, WBF 02, WBF 03, WBH 01 of the Wickham Bishops Neighbourhood Development Plan. The reason

for refusal was that the site lies outside of the settlement boundary, and the benefits of the development, given the limited over provision of affordable housing, would not outweigh the harm.

It was also confirmed that the necessary reasons for refusal relating to a lack of signed S106 agreement should be included with specific reference to Neighbourhood Plan Policy WBen 01 in respect of the Essex Coast Recreational Avoidance Mitigation Strategy.

RESOLVED that the application be **REFUSED** for the following reasons:

1. The site lies outside the settlement boundary and the benefits of the development, most notably the over provision of affordable housing, would not outweigh the adverse impacts of the development. Therefore, the development is contrary to Policies S1, S8, and D1 of the Maldon District Local Development Plan as well as Policies WBen 02, WBen 03, WBen 04, WBF 02, WBF 03, WBH 01 of the Wickham Bishops Neighbourhood Development Plan.
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal includes inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the completion, management and maintenance of the public open space, the provision of any necessary contribution towards health care provision, securing any necessary contribution towards Early Years and Childcare, primary and secondary school placements, provision for school transport contribution and the provision of a contribution to library improvements, the impact of the development cannot be mitigated contrary to Policies S1, D1, N1, N3, I1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
4. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan, the NPPF and Policy WBen 01 of the Wickham Bishops Neighbourhood Development Plan.

232. 23/00024/FUL - SLATE HALL COTTAGE, LOWER BURNHAM ROAD, STOW MARIES, CM3 6SG

Application Number	23/00024/FUL
Location	Slate Hall Cottage, Lower Burnham Road, Stow Maries, CM3 6SG
Proposal	Demolition of the existing dwelling and the erection of two dwelling houses, landscaping and associated parking and visibility splays
Applicant	Mr Hollington
Agent	N. Bushell of Arcady Architects
Target Decision Date	09.03.2023
Case Officer	Jonathan Doe
Parish	STOW MARIES
Reason for Referral to the Committee / Council	Member Call In by Councillor S White with regard to Policies S1 and D1

Following the Officers presentation, the Chairperson opened the floor for debate.

A brief debate ensued, where Members debated the reasons for refusal and aired safety concerns around the placement of the current structure and debated if the new proposed structures, being set back from the road would be safer. Councillor S White felt that due to there being footpath access from the rear of the application site that leads to the National Coastal Path and the benefits of building two modern efficient dwellings that would be of benefit to the local housing stock, the benefit would outweigh the harm. Councillor White then proposed to approve the application contrary to the Officer's recommendation.

On conclusion of further debate the Chairperson put the proposal to approve the application contrary to the Officers' recommendation to the Committee and upon a vote being taken, this was agreed.

RESOLVED that the application be **APPROVED** subject to a Section 106 agreement and conditions delegated to Officers in consultation with the Chairperson.

At this point Councillor R H Siddall declared a pecuniary interest in Agenda Item 7 - 23/00592/VAR - Land at the Summer House, Back Lane, Wickham Bishops, due to his mother living on Back Lane and he would leave the Chamber as this was the next item of business.

233. 23/00592/VAR - LAND AT THE SUMMER HOUSE, BACK LANE, WICKHAM BISHOPS

Application Number	23/00592/VAR
Location	Land at The Summer House, Back Lane, Wickham Bishops
Proposal	Variation of condition 2 and 3 on approved planning permission 20/00490/FUL (Erection of 1No. dwelling (amendment to planning permission ref. RES/MAL/16/01475))
Applicant	J. Jarvis of Jarvis Developments
Agent	Mr K. Reynolds of Reynolds Developments
Target Decision Date	16.08.2023
Case Officer	Jade Elles
Parish	WICKHAM BISHOPS

Reason for Referral to the Committee / Council	Member Call in by Councillor S J N Morgan in the light of the changes sought being of a magnitude that the proposal differs from that granted planning permission at appeal
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Following the Officers presentation, the Applicant J Jarvis and Parish Council representative, Councillor I Wardrop addressed the Committee. The Chairperson then opened the floor for debate.

Councillor S J N Morgan then proposed to refuse the application contrary to the Officer's recommendation and the applicant be asked to submit a full planning application for the changes in this application, this was seconded by Councillor White.

Further debate ensued around the variations outlined in the report and in response to questions raised the Officers gave the following responses:

- Recent case law this year that states that Section 73 doesn't only have to be used for minor material amendments it can be for material amendments, however, it must ensure that the development doesn't conflict with the operative part of the permission granted. In the case of this application, it can be covered by Section 73 as the amendments don't conflict with the operative part of the permission.
- From the report, the increase in ridge height was 20cm.
- The applicant could use the additional space in the roof area for storage purposes, however, condition 8 of the report would restrict the applicant from creating any openings in the roof, such as windows.

Councillor Morgan raised a concern with Officers' that he had information that Velux windows were being installed in the property. Officers confirmed that there was no evidence or provision in the previous and amended applications for there to be Velux windows as this would be contrary to condition 8 of the report.

There being no further debate the Chairperson put the proposal to the Committee and upon a vote being taken, this was not agreed. In light of this the Chairperson then sought an alternative proposal from the Committee. Councillor M F L Durham then moved the Officers' recommendation of approval as set out in the report which was duly seconded and upon a vote being taken, this was agreed.

RESOLVED that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans submitted with 23/00592/VAR:
 - S01, 20.02.03
 - 11197-P201
 - 11197-P200
 - 11197-P210 Rev A
 - 11197-P211 Rev B

and the approved plans submitted with 20/00490/FUL:

 - DB/SUM/01 Rev A
 - DB/SUM/02
 - DS1190P
 - 20.02.04
 - MFA/SH01
2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed in drawing number 11197-P211 Rev B.

3. The soft landscape works shall be carried out in complete accordance with the Soft landscaping & Planting Specification and Landscape plan reference DB/SUM/02 in approved application 20/00490/FUL, 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 that 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.
4. The Surface and Foul Water Drainage schemes shall be carried out in accordance with submitted details in approved application 20/00490/FUL and completed before the building is occupied.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.
6. The development hereby approved shall be carried out in complete accordance with the Arboricultural Report and Arboricultural Implications Assessment and Tree protection plan reference DB/SUM/01 Rev A in approved application 20/00490/FUL.
7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no first floor windows or other form of opening shall be constructed on the northern flank wall of the dwellinghouse hereby permitted without planning permission having been obtained from the Local Planning Authority.
8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no second floor windows or other form of opening shall be constructed on the roof slope of the dwellinghouse or garage hereby permitted without planning permission having been obtained from the Local Planning Authority.

There being no other items of business the Chairperson closed the meeting at 9.22 pm.

M F L DURHAM, CC
CHAIRPERSON



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 NOVEMBER 2023**

Application Number	23/00021/FUL
Location	Land adjacent Eastholm, Latchingdon Road, Purleigh
Proposal	Erection of 2no. dwellings with associated landscaping and ancillary works.
Applicant	Jacob
Agent	Blaine McMahon – Scene Architects Ltd
Target Decision Date	15/11/2023 (EOT agreed)
Case Officer	Lisa Greenwood
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor S White, reasons stipulated are Policies S1 and D1 of the LDP.

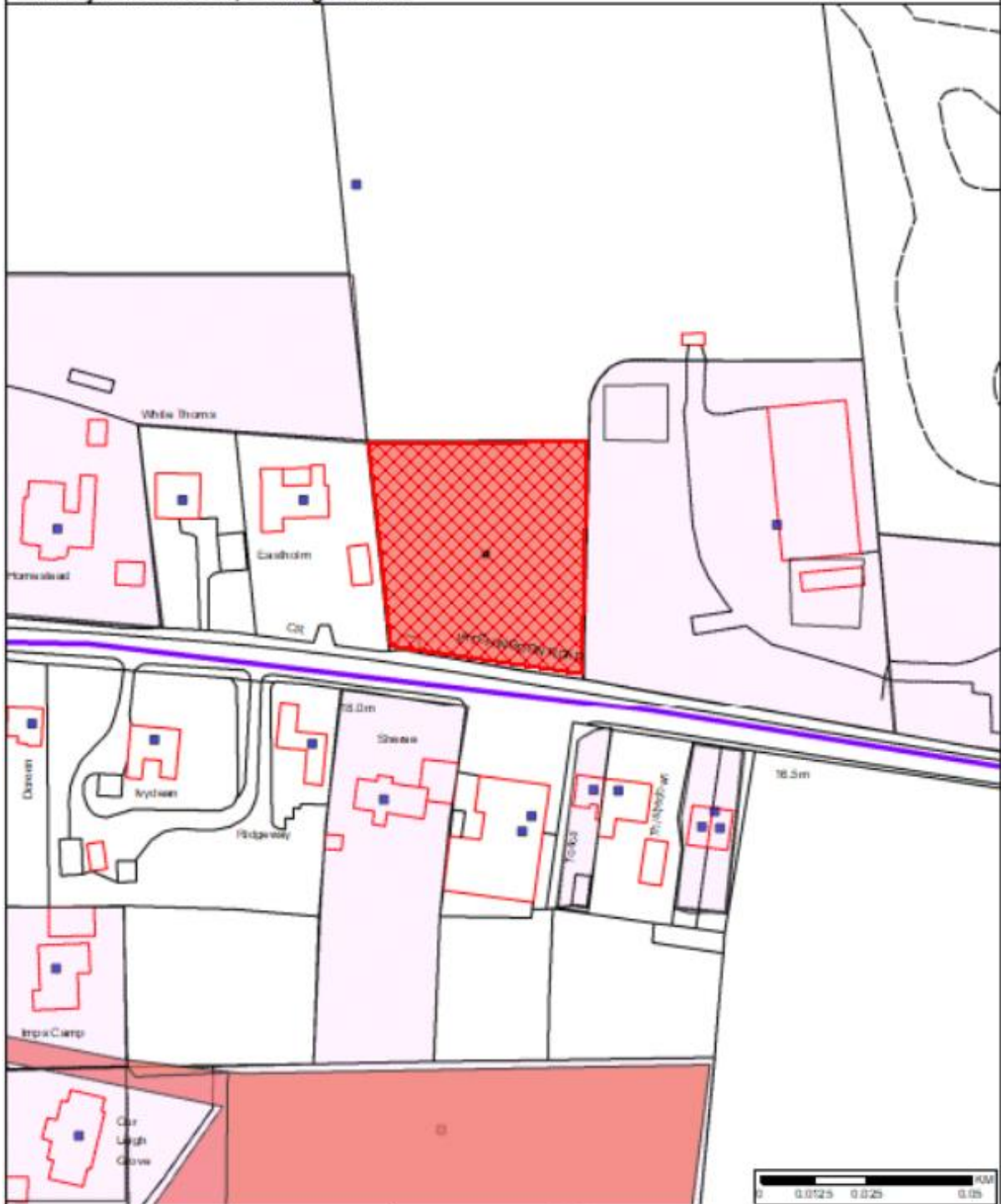
1. RECOMMENDATION


REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

Application reference 23/00021/F UL
Land adjacent Eastholm, Latchingdon Road



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	Organisation: Maldon District Council	Scale: 1:1,250
	Department: Department	Scale: 1:1,250
	Comments: Not Set	Scale: 1:1,250
	Date: 06/06/2023	Scale: 1:1,250
	MSA Number: 100018588	Scale: 1:1,250

3. SUMMARY

3.1 Site Description

- 3.1.1 The application site is located on the northern side of Latchingdon Road, outside of any defined settlement boundary, and is in open countryside. The site comprises a parcel of land that is almost rectangular in shape and is currently laid to grass. The site is open and undeveloped, with a boundary of mature hedgerow along the road frontage. Established trees and vegetation are also present along the east, west, and northern boundaries. A dropped kerb is present along the southern boundary, and this provides access to the fields beyond the application site for the purpose of maintenance only.
- 3.1.2 This section of Latchingdon Road is characterised by ribbon development on both sides of the highway. To the south of the site, beyond the highway, is a shop. To the west of the site is a residential dwelling, Eastholm, and to the east is the farmhouse and associated buildings of Pale Pitts Farm. To the south of the site and beyond all development are agricultural fields, and the character at the site is rural.

3.2 The Proposal

- 3.2.1 Planning permission is sought for the erection of 2no. dwellings with associated landscaping and ancillary works. The dwellings would be arranged over two storeys and served by an attached, single storey garage. Each dwelling is also served by a detached outbuilding / annexe, which would be located along the rear boundary. Plot 1 would be located to the west of the site, and Plot 2 to the east. The dwellings have been designed as a pair with regard to height, fenestration and materials, however, there are some differences in the layout and design.
- 3.2.2 Plot 1 would have a maximum depth of 13.875 metres, a maximum width of 11.3 metres, and a maximum ridge height of 10.822 metres (9.172 metres to the eaves). The garage would have a maximum depth of 7.430 metres, a maximum width of 4.715 metres, and a maximum ridge height of 5.590 metres (approximately 2.5 metres to the eaves).
- 3.2.3 Plot 2 would have a maximum depth of 13.425 metres, a maximum width of 11.3 metres, and a maximum ridge height of 10.822 metres (9.172 metres to the eaves). The garage would have a maximum depth of 7.430 metres, a maximum width of 4.715 metres, and a maximum height of 5.590 metres (approximately 2.5 metres to the eaves). A porch would be provided on the front elevation. This would have a maximum depth of 1.5 metres, a maximum width of approximately 2.3 metres, and a maximum ridge height of approximately 3.7 metres (approximately 2 metres to the eaves).
- 3.2.4 The outbuildings / annexe proposed to the rear of the site would have a maximum depth of 4 metres, a maximum width of 10 metres. Elevations to show the height and scale of the outbuildings have not been provided.
- 3.2.5 The dwellings would provide accommodation in the form of a dining room, utility room (with access to the proposed garage), kitchen / dining room, WC, hallway and living room at ground floor level. At first floor level, the dwellings would provide accommodation in the form of four bedrooms, two served by en-suite bathrooms and one served by a dressing room, a bathroom and cupboard.
- 3.2.6 The dwellings would be set back from the footway by between approximately 16 and 22 metres. The proposal seeks to upgrade and widen the existing access approved

under planning application reference 12/00030/FUL to become a shared vehicle access. Private amenity space is proposed to the rear of each dwelling. Cycle and bin storage is proposed within the detached garages. Parking is shown for 6no. vehicles across the frontage (3no. parking spaces per dwelling).

- 3.2.7 The walls would be finished in a red brick with a cream render and natural timber posts and framing. The roof would be finished in a red clay tile, and the windows would be finished in timber. The vehicle access and hardstanding would be finished with permeable paving. Large sections of glazing are proposed along the rear elevation. A terrace would be provided along the first-floor rear elevation. Access to the terrace would be via bedroom 1. A glass screen is proposed along the side elevations of the proposed terrace.

3.3 Conclusion

- 3.3.1 The proposed development is located outside of a defined settlement boundary and is in open countryside. The site is not considered to be in an accessible location and does not promote sustainable travel. Furthermore, by virtue of the domestication and urbanisation of the site, and loss of an open and punctuated rural gap, the proposed development is considered to appear as an incongruous form of development that is out of keeping and would erode the intrinsic character and beauty of the open countryside. The principle of development has, therefore, been found to be unacceptable.
- 3.3.2 In addition, the proposed development has not considered the context within which it would sit and would not respect the established pattern of ribbon development found at this section of Latchingdon Road. With its associated residential curtilage, paraphernalia and domestic characteristics, the development has been found to urbanise the site and would not be in keeping with the character and appearance of the rural area. The development has not taken design cues from the immediate area and would also appear as visually intrusive when viewed at the street scene. The dwellings proposed are excessive in height (10+ metres to the ridge) and the pastiche design lacks a coherent sense of place.
- 3.3.3 A window and balcony are proposed along the first-floor side elevation fronting the neighbouring dwelling, Eastholm and would provide overlooking into the neighbouring site, causing harm to residential amenity.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2023 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 81-85 Building a strong, competitive economy
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land

- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy D5 – Flood Risk and Coastal Management
- Policy N1 – Green Infrastructure Network
- Policy N2 – Natural Environment, Geodiversity and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure Services
- Policy I2 – Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Vehicle Parking Standards
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Maldon District Local Housing Needs Assessment (2021)

5. MAIN CONSIDERATIONS

5.1 Background to the application

5.1.1 The planning history for the site is a material consideration.

5.1.2 In 2008, planning permission was sought for 2no.chalet bungalows at the application site (planning reference 08/00397/FUL). The proposal was refused for the following reason:

“The site lies within an area where rural planning policies of restraint apply, as set out in policy S2 of the Maldon District Replacement Local Plan. These policies seek to provide strict control over new buildings in rural areas beyond defined development boundaries. The proposed development of the site for two houses is unrelated to the purposes specified in these policies and is therefore contrary to the development plan. The development would have a harmful and adverse effect on the character and appearance of this rural site, to the detriment of the visual amenity of this countryside location and contrary to policy CC6 Of the Maldon District Replacement Local Plan. Furthermore, the development of this site for two houses remote from

community services and essential support facilities and inaccessible by a range of transport would represent an unsustainable form of development contrary to policies S2, H1 and T1 of the Maldon District Replacement Local Plan.”

- 5.1.3 An appeal was made against the decision of Maldon District Council (MDC) and the appeal was dismissed (appeal reference APP/X1545/A/08/2082893/WF). The Inspector considered the main issues to be the effect on the character and appearance of the surrounding countryside; and whether the proposal would constitute a sustainable form of development.
- 5.1.4 The Inspector advised that “housing development, as proposed at the appeal site, would have an urbanising influence, consolidating the ribbon development along Latchingdon Road.” This would “have an adverse effect on the rural character and appearance of the surrounding area, contrary to the aims of policy S2 of the Local Plan.”
- 5.1.5 The Inspector reinforced the objective of the Local Plan, which is to direct new development “to sites within the defined settlement boundaries” and create “a sustainable pattern of development.” The Inspector commented on the range of services available in Cold Norton at that time. This included a primary school, but a limited range of other services and facilities and limited access to public transport. Future occupiers would therefore be highly reliant on the use of the private car. It was concluded that “the appeal scheme would constitute an unsustainable form of development, contrary to the aims of Policies S2 and H1 and T1 of the Local Plan.”
- 5.1.6 The Appellant argued that the site should be seen as part of the village of Cold Norton, however, the appeal did not present any convincing evidence for the need of new development in Cold Norton that could not be met within the existing settlement boundary, and that would justify a departure from the policies of the development plan. As stated, the appeal was dismissed.
- 5.1.7 Following this appeal decision, an application was made for the creation of a new vehicle crossing (dropped kerb) to provide access from Latchingdon Road to land to the rear of the application site for the purposes of maintaining a field (planning application reference 12/00030/FUL). The principle of development was considered to be acceptable on this basis only, and planning permission was granted by the North Western Area Planning Committee.

5.2 Principle of Development

- 5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.2.2 Policy S1 of the LDP states that “*When considering development proposals the Council will take a positive* 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*” and apply a number of key principles in policy and decision making set out in the Policy.
- 5.2.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided

that it is for specified purposes. These specified purposes do not include new build general residential properties but does allow (m) development which complies with other policies of the LDP.

Five Year Housing Land Supply

- 5.2.4 As per Paragraph 74 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District is expected to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.” To this end, Maldon District Council prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the Local Development Plan 2014-2029’s plan monitoring period of 1 April to 31 March.
- 5.2.5 Following a review into the suitability of the 5 Year Housing Land Supply (5YHLS) methodology through its 5YHLS working group established in August 2022, the Council has confirmed that the official 5YHLS for the District of Maldon now stands at 6.35 years, updating the previous official position for 2021/2022 of 3.66 years. This means that the Council’s presumption in favour of sustainable development position against paragraph 11 (d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. The Council is therefore now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the NPPF, and the LPD), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure.

Accessibility

- 5.2.6 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. As stated, the LDP through Policy S1 re-iterates the requirements of the NPPF Policy S1 allows for new development within the defined development boundaries. Paragraph 79 of the NPPF states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

- 5.2.7 The site is located in excess of 0.5km from the settlement boundary of Cold Norton. Cold Norton is defined within the adopted LDP as a ‘smaller village’, which is a settlement containing few or no services and facilities with limited or no access to public transport facilities and employment opportunities. Notwithstanding this, it is noted that evidence undertaken as part of the ongoing Local Plan review (Maldon District Rural Facilities Survey and Settlement Pattern, January 2022), identifies Cold Norton as a ‘medium village’ with facilities such as a school, shop, nursery and pub / restaurant. Whilst this evidence is still in draft format, it does offer some insight as to the sustainability of the settlement.

- 5.2.8 In terms of accessibility, the site is linked to the settlement by a footway. This footway extends along the northern side of Latchingdon Road which is unlit, and rural in character, with punctuated gaps of agricultural land to the north of the highway. The bus service in Cold Norton is extremely limited and includes a bus shopper service that must be booked two hours in advance of travel. Future occupants of the site would therefore be highly reliant on the use of the private car to access the restricted services at Cold Norton, and beyond, particularly during the hours of darkness or at times of inclement weather. This does not support the objectives of the Local Plan and National Planning Policy Framework, as the development would not promote sustainable travel. This assessment echoes the findings of the Inspector for the aforementioned appeal, who advised that “future occupiers of the proposed houses would be heavily dependent on journeys by private car... the appeal scheme would constitute an unsustainable form of development.”

The impact on the intrinsic character and beauty of the open countryside

- 5.2.9 The pattern of residential development at this section of Latchingdon Road represents a form of ribbon development, which can be defined as a narrow bank of development extending along one or both sides of a highway. The application site comprises an open and undeveloped parcel of land that is laid to grass, with a hedgerow border along the frontage. Open and undeveloped plots such as the application site positively contribute to the rural character and appearance of the immediate area. The dwellings located to the east and west of the site are detached, set back from the highway, and benefit from large and spacious plots.
- 5.2.10 The proposal seeks to introduce 2no. large dwellings and associated outbuildings / self-contained annexe. The dwellings would be sited forward of the residential development to the west, to which it is most closely related. As set out in detail at Paragraph 4.5 of this report, the proposal would introduce an incongruous form of development that is out of keeping with the prevailing pattern of development found in the immediate area and would create an urbanising effect, that is at odds with the site's rural setting. The development has not considered the context within which it would sit and is contrary to Policies S1 and S8 of the LDP, as the proposal would cause harm to the intrinsic character and beauty of the open countryside.

Other Matters

- 5.2.11 During the application process, the agent for the applicant has submitted a Planning Statement which makes reference to the Council's 5YHLS position. The Statement refers to the fact that the Council's position should not present a ceiling for development, which is not contested. The Statement also refers to the findings of the Council's 'Rural Facilities Survey and Settlement Pattern', which has been referenced at Paragraph 4.3.7 of this report. The Statement also references two other planning applications (references 22/00482/OUT and 21/00628/FUL) that the applicant considers to be more remote from facilities than the application site. It should be noted that planning application reference 22/00482/OUT is an application for a residential development of 18 dwellings, with a provision for affordable housing, and planning application reference 21/00628/FUL was for a live / work dwelling. All applications are assessed on their own individual merits, and the proposal cannot be considered comparable to either of the aforementioned schemes.
- 5.2.12 For the reasons stated, the proposal has been found to be contrary to Policies S1, S2, S8, D1, H4, N2, and T2 of the Maldon District LDP (2023) and the guidance contained in the NPPF (2023). The principle of development has been found to be unacceptable. For completeness, the merits of the scheme are assessed below.

5.3 Housing Mix

- 5.3.1 The Local Housing Needs Assessment (LHNA) (2021) 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 (2023) and up to date Planning Practice Guidance 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.
- 5.3.2 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three-bed dwellings; specifically, 25-35% two-bedrooms, 40-50% three-bedrooms, and 15-25% for 4+ bedroom market dwellings.
- 5.3.3 The proposal seeks planning permission for the erection of 2no. 4+ bedroom market dwellings, and therefore does not meet the largest requirement for smaller dwellings within the District.

5.4 Design and Impact on the Character of the Area

- 5.4.1 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.
- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.4.3 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 in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;

- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.5 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.4.6 The application site lies outside of the defined settlement boundaries. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.4.7 With regard to the impact on the character of the area, this section of Latchingdon Road is characterised by ribbon development on both sides of the highway. The application site provides a punctuated gap which contributes positively to the open and rural character of the immediate area. Whilst it is noted that a hedgerow boundary does extend along the southern boundary, views are achieved of the agricultural fields to the north from Latchingdon Road. By virtue of the scale and height of the two dwellings proposed, the hardstanding proposed across the frontage that would provide for the parking of cars, and associated residential paraphernalia, the proposal would urbanise the site, eroding the intrinsic character and beauty of the open countryside and this would consolidate the ribbon development, introducing a form of linear development that is out of keeping, and sited forward of (by approximately 16 metres measuring from the front elevation of the neighbouring dwelling, Eastholm, and the front elevation of Plot 1), the prevailing pattern of development found at this section of Latchingdon Road. Whilst it is acknowledged that planning permission has been previously granted for the access, this was on the understanding that the access would provide accessibility to the plots to the rear for the purposes of maintenance only, and it is understood this does not take place on a regular basis. This was not on the understanding that residential development would be provided in this location at a later date.
- 5.4.8 In terms of design, the height of the individual dwellings would extend up to 10.822 metres and would be readily visible at Latchingdon Road. The dwellings would appear to be visually prominent within the street scene, particularly when viewed in relation to the existing residential development to the east, and the farmhouse and associated agricultural buildings to the west, which are of a single storey. The proposed development would therefore appear as visually intrusive and out of keeping and would cause harm to the rural and open character and appearance of the area.

- 5.4.9 The proposed dwellings would be finished with natural timber posts and framing in a mock tudor / pastiche design. The Design and Access Statement submitted to support the proposal states that there is a “clear precedent” for this type of design in the local area, and that the use of half timbering “hints at the local area in Cold Norton.” However, the application site is not located within the settlement boundary of Cold Norton, and the development within the immediate area does not reflect this style of design and the proposal is again out of keeping.
- 5.4.10 Whilst it is acknowledged that large sections of glazing are proposed along the rear elevation, this would not be visible within the public realm.
- 5.4.11 The proposal seeks to provide outbuildings to the rear, however, the outbuildings proposed would provide accommodation in the form of a living room, kitchen, and bathroom, and would measure a maximum of 4 metres in depth and 10 metres in width. The outbuildings would also be separated from the principal dwellinghouses by in excess of 18 metres. The elevations of the proposed outbuildings have not been provided therefore it is not possible for the LPA to provide an accurate assessment of the outbuildings / annexe proposed.
- 5.4.12 Overall, the proposal has not considered the context within which it will sit. The site does not provide for a suitable form of infill development, as suggested by the documents submitted to support the proposal but would consolidate the ribbon development at this section of Latchingdon Road, eroding an important punctuated gap that contributes positively to the open and rural character and of immediate area. Further, the proposed development and its associated residential curtilage, paraphernalia and domestic characteristics would have an urbanising effect. The dwellings proposed, which would measure in excess of 10 metres in height and of a pastiche design, would appear to be incongruous and visually prominent within the street scene. Whilst additional landscaping could be secured via the imposition of a condition on any consent, this would not conceal the harm caused to the rural area and the development would be out of keeping with the character and appearance of the rural area. For the reasons stated, the proposal has therefore been found contrary to Policies S1, S8, D1 and H4 of the Maldon District LDP (2017), the MDDG (2017), and the policies and guidance in the NPPF (2023). In accordance with Paragraph 134 of the Framework, “development that is not well designed should be refused.”

5.5 Impact on Residential Amenity

- 5.5.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.5.2 The neighbours that may be potentially impacted by the proposed development are the neighbours to the west at Eastholm, and to the east at Pale Pitts Farm.
- 5.5.3 The farmhouse associated with Pale Pitts Farm is located in excess of 150 metres to the east of the site. Established trees and vegetation provide a boundary treatment separating the Farm and the application site. Owing to this, and the fact that various farm buildings are interspersed between the proposed dwelling and the farmhouse, it is not considered that the proposal would cause harm to the residential amenity of this neighbour.

- 5.5.4 With regard to the neighbour at Eastholm, as stated, the proposed dwellings would be sited forward of the front elevation of this neighbour. An existing access track separates the boundaries of the sites by approximately 8 metres, and Plot 1 would be separated from the dwelling at Eastholm by in excess of 20 metres. Whilst it is noted that the dwellings proposed would measure in excess of 10 metres in height, owing to the separation distance and their orientation, the development would not appear unduly overbearing. The development would also not result in a loss of daylight and sunlight to this neighbour.
- 5.5.5 Turning to a potential loss of privacy, a window is proposed along the first floor western elevation, fronting the boundary shared with the neighbour at Eastholm. In addition, access to a balcony area is provided from this bedroom and future occupiers would be able to achieve views to the side and rear of the application site and beyond. Whilst it is acknowledged that the dwellings have been orientated at an angle away from the neighbouring site, the future occupiers of bedroom 1 would still be able to achieve views of the neighbouring amenity space and potentially into the windows of the neighbouring dwelling. This would result in a loss of privacy to this neighbour, and the proposal is considered to cause harm to the residential amenity of this neighbour. As a bedroom is a habitable room, it is not considered reasonable to request that the glazing to serve this window is obscured.
- 5.5.6 With regard to the amenity of the future occupiers of Plots 1 and Plots 2, owing to the siting and orientation of the proposed dwellings, and the fact that the proposed garages would be located closest to the shared boundary, the proposed dwellings would not appear unduly overbearing and would not result in a loss of daylight and sunlight. There are no windows proposed along the first floor side elevations fronting the shared boundary, and the proposal would not result in a loss of privacy to either occupier.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The proposal has been reviewed by the Highways Authority, who advise that the proposal includes the construction of 2no. dwellings and that off-street parking is included. The existing field access would be upgraded and widened to become a regular shared vehicle access. From a highway and transportation perspective, the impact of the proposal is acceptable to the Authority, subject to the imposition of conditions on any consent regarding the widening of the existing access, the surface treatment of the access, the reception and storage of building materials, any gates provided, cycle parking, and the provision, implementation and distribution of a Residential Travel Information Pack.
- 5.6.3 In accordance with the Council's Vehicle Parking SPD (2018), developments with 4+ bedrooms are required to provide for 3 parking spaces. Parking bays are required to measure 2.9 metres x 5.5 metres. Each dwelling proposed would include an integral garage that would measure approximately 4.5 metres x 6.9 metres. However, it is also proposed to utilise the garage for bin and bike storage. The length / depth of the useable space would therefore be approximately 5 metres, as any car would be required to park in front of these storage areas. Notwithstanding this, parking could

potentially be achieved across the frontage. Should planning permission be forthcoming, a condition would be required to be imposed on any consent to ensure that a satisfactory parking layout is submitted to and approved in writing by the LPA, and that once approved, the parking area would be implemented and remain in perpetuity.

5.7 Private Amenity Space and Landscaping

- 5.7.1 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 (2017) advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms.
- 5.7.2 The proposal would provide for in excess of 100m² of private amenity space, and the proposal is acceptable in this regard.
- 5.7.3 A landscaping scheme has not been submitted to support the proposal and could be secured via the imposition of a suitably worded condition on any consent. Notwithstanding this, as set out at Paragraph 5.4 of this report, it is not considered that a landscaping scheme could conceal the harm caused to the open character and appearance of the rural area.

5.8 Flood Risk and Drainage

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 With regard to drainage, at this juncture, comments have not been received from the Council's Environmental Health Officer. Should planning permission be forthcoming, conditions would be required to be imposed on any consent to ensure that details regarding foul drainage and surface water drainage are submitted to and approved in writing by the LPA.

5.9 Ecology and Impact on European Designated Sites

- 5.9.1 Paragraph 174 of the NPPF (2023) 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.'
- 5.9.2 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.
- 5.9.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and / or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and

/ or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

5.9.4 The proposal is supported by a Preliminary Ecological Appraisal (PEA) (Arbtech, December 2022). The Council's Ecological Consultant has reviewed the information submitted and has advised that the site falls within the evidenced recreational Zone of Influence (Zol) of Crouch and Roach Estuaries Ramsar and SPA. Therefore, the LPA is required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

5.9.5 The development of 2no. dwellings falls below the scale at which bespoke advice is given from Natural England (NE). This has been confirmed in comments received by NE. To accord with NE's requirements and standard advice an Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the Zol 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 2no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 2no. dwellings

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

5.9.6 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 would not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.

5.9.7 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £156.76 (2023-2024 figure) and thus, the developer contribution should be calculated at this figure. The applicant has submitted the relevant checking and monitoring fees, and the relevant Unilateral Undertaking (UU) 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 Habitat sites.

- 5.9.8 Notwithstanding this, the Consultant was not initially satisfied that sufficient ecological information had been made available for the determination of the application. There are three ponds within 250 metres of the application site, and the site is within an Amber Risk Zone for Great Crested Newts. The applicant had failed to submit an environmental DNA (eDNA) survey, and this survey is required prior to the determination of the application.
- 5.9.9 In addition, the PEA advises that the development would result in a loss of a section of hedgerow, a priority habitat. Further mitigation and compensation may be necessary to compensate for this loss. It was therefore recommended that compensatory planting would be undertaken (and shown on any updated maps / plans) and that Defra's Biodiversity Offsetting Metric 4.0 (or any successor) should be used to demonstrate how impacts will be compensated for. Such details should be submitted prior to the determination of this application.
- 5.9.10 The applicant has now submitted additional information in this regard. The PEA has been amended, and an eDNA survey result (Arbtech, July 2023), submitted relating to the likely impacts of the development on designated sites, protected and priority species & habitats and the identification of appropriate mitigation measures. The Consultant has confirmed that the information available provides certainty that with appropriate mitigation measures secured, the development can be made acceptable. Such measures should be secured by a condition of any consent.
- 5.9.11 The biodiversity enhancement measures proposed (bat boxes, bird boxes, native tree and hedgerow planting, and wildflower grassland creation) are reasonable, and can also be secured via the imposition of a condition on any consent. If any external lighting is proposed, a lighting scheme would be required if planning consent is forthcoming. This can also be secured via the imposition of a condition of any consent.

5.10 Other Matters

Tree Impact

- 5.10.1 The proposal is supported by an Arboricultural Impact Assessment Report (Sharon Hosegood, November 2022). At the time of writing, comments had not been received from the Council's Arboricultural Consultant. It is not considered reasonable to recommend the application is refused on these grounds, however, should planning permission be forthcoming, additional information may be required in this regard.

6. ANY RELEVANT SITE HISTORY

Reference	Proposal	Status
12/00030/FUL	Creation of a new vehicle access to provide access from Latchingdon Road to plots 5 and 7 for maintenance purposes	Approved.
APP/X1545/A/08/2082893/WF	Two chalet bungalows	Dismissed.
08/00397/FUL	Two chalet bungalows	Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	<p>Recommends refusal</p> <ul style="list-style-type: none"> - The application site lies within a rural location outside of a defined settlement boundary where policies of restraint apply. The proposed development will be remote and disconnected from local services and facilities by reason of its location and will provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development will therefore be unacceptable and contrary to policies S1, S2, S8, D1, H4 and T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019). <p>The application contains numerous inaccuracies, most notably:</p> <ul style="list-style-type: none"> - The 'supermarket' referred to is not as described in the application, but is in fact a village shop - There is no Post Office in the shop or elsewhere in the immediate vicinity - The nearest bus stop is over half a mile away from the site, 	Noted, and discussed at Paragraph 4.3 of this report.

Name of Parish / Town Council	Comment	Officer Response
	<p>not nearer as stated in the application</p> <ul style="list-style-type: none"> - The development does not constitute infill, as there is far more road frontage remaining between this proposed development and the farm buildings to the east than the development will take up. 	

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Comments not received.	Noted.

7.3 External Consultees

Name of External Consultee	Comment	Officer Response
Highways Authority	No objection, subject to the imposition of conditions on any consent.	Noted, and discussed at Paragraph 4.7 of this report.
Ecological Consultant	No objection, subject to securing a proportionate financial contribution towards Essex Coast RAMS and biodiversity mitigation and enhancement measures.	Noted, and discussed at Paragraph 4.10 of this report.
Arboricultural Consultant	Comments not received.	Noted.

7.4 Representations received from Interested Parties

- 7.4.1 **6no.** letters were received **objecting** the application. 1no. comment was received from Cold Norton Parish Council, as the neighbouring Parish. The reasons for objections are summarised as set out in the table below:

Objecting Comment	Officer Response
<p>Principle of development</p> <ul style="list-style-type: none"> - Site is outside of the Settlement Boundary. - Would consolidate ribbon development effect. - Would leave nearly 3 acres of land behind the dwellings open but with the same road access. Could encourage backland development. 	<p>Noted, and discussed at Paragraph 4.3 of this report.</p>

Objecting Comment	Officer Response
<ul style="list-style-type: none"> - Access road approved in 2012 is for the maintenance of the land to the rear. This is used once a year for maintenance purposes and to future proof this plot, not so it could be built on. - Does not promote sustainable travel. Occupants would rely on the car. 	
<p>Access, Parking and Highway Safety</p> <ul style="list-style-type: none"> - 40mph road. Very fast. Heavy lorries. - Visibility splays restrictive. - Most visitors to the shop are in a car. - Congestion. Traffic. - Highway safety. 	<p>Noted, and discussed at Paragraph 4.3 and 4.7 of this report.</p>
<p>Flood Risk and Drainage</p> <ul style="list-style-type: none"> - Topography. Site cannot withhold surface run off. - Sewers at capacity during heavy rainfall. Gardens in this location flood.- 	<p>Noted, and discussed at Paragraph 4.9 of this report.</p>
<p>Housing Mix</p> <ul style="list-style-type: none"> - Dwellings proposed are larger dwellings. 	<p>Noted, and discussed at Paragraph 4.4 of this report.</p>
<p>Infrastructure</p> <ul style="list-style-type: none"> - Schools at capacity and over subscribed. 	<p>This is noted, however, the pressure on services created by the erection of 2no. dwellings is considered to be nominal.</p>
<p>Design & Impact on the Character of the Area</p> <ul style="list-style-type: none"> - Impact on character and appearance of the rural area. - Development would create a linear corridor. Does not respect the prevailing pattern of development. 	<p>Noted, and discussed at Paragraph 4.5 of this report.</p>
<p>Other Matters</p> <ul style="list-style-type: none"> - The proposal is for 2no. four bedroom houses plus 2no. self contained studio / granny annexes. - Planning history for the site is a material consideration. - Access road should be restricted for agricultural use only. 	<p>Noted, and discussed at Paragraphs 4.3 and 4.5 of this report.</p>

8. PROPOSED REASONS FOR REFUSAL

1. The proposed development is located outside of a defined settlement boundary and is in open countryside. The site is not considered to be in an accessible location and does not promote sustainable travel. Furthermore, by virtue of the domestication and urbanisation of the site, and loss of an open and punctuated rural gap, the proposed development is considered to appear as an incongruous form of development that is out of keeping and would erode the intrinsic character and beauty of the open countryside. The principle of development has, therefore, been found to be unacceptable. The proposal is therefore contrary to Policies S1, S2, S8, D1, D2, H4, T1, T2, N1 and N2 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017), and the policies and guidance in the National Planning Policy Framework (2023).
2. The proposed development has not considered the context within which it would sit and would not respect the established pattern of ribbon development found at this section of Latchingdon Road. With its associated residential curtilage, paraphernalia and domestic characteristics, the development has been found to urbanise the site and would not be in keeping with the character and appearance of the rural area. The development has not taken design cues from the immediate area and would also appear as visually intrusive when viewed at the street scene. The dwellings proposed are excessive in height and the pastiche design lacks a coherent sense of place. The proposal is therefore contrary to Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017), and the policies and guidance in the National Planning Policy Framework (2023).
3. A window and balcony are proposed along the first floor side elevation fronting the neighbouring dwelling, Eastholm and would provide overlooking into the neighbouring site. This would cause harm to the residential amenity of this neighbour and would be contrary to Policies S1 and D1 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017), and the policies and guidance in the National Planning Policy Framework (2023).

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
8 NOVEMBER 2023**

Application Number	23/00700/FUL
Location	Harmony Kennels, Brook House, Spar Lane, Purleigh, Chelmsford, Essex, CM3 6QW
Proposal	Proposed single storey dwelling, cart lodge and outbuilding incidental to the proposed dwelling replacing existing outbuildings.
Applicant	Mr and Mrs Lawrence & Moore
Agent	Mr Oscar Dickens – Design Designed Ltd
Target Decision Date	16.10.2023
Case Officer	Juliet Kirkaldy
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor S White with regard to Policies S1 and D1.

1. RECOMMENDATION

REFUSE for the reason as detailed in Section 8 of this report.


2. SITE MAP

Please see below.

Harmony Kennels

22/01012/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	22/12/2022
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located to the north of Rudley Green Lane and to the east of Spar Lane, outside of the defined development boundary for Purleigh. The site is currently occupied by a former kennel and stable buildings. There is an existing access to the application site from Spar Lane.

3.1.2 In July 2020 planning permission was refused on the site (reference 20/00444/FUL) for 'Construction of 1 no detached dwelling'. The Officer report described the proposal stating,

'Planning permission is sought for the demolition of the existing single storey structures onsite and the construction of one detached dwelling with a detached cart lodge. The proposed dwelling would have a maximum height of 7.38 metres with an eaves height of 3.72 metres, a width of 17.4 metres and a depth of 14.1 metres. The gabled aspect would be constructed of facing brick, with each side element finished in black stained weatherboarding, these would have 'M' shaped roof forms with a catslide dormer to the rear elevation accommodating Juliet balconies'.

3.1.3 The applicants appealed the decision and it was subsequently dismissed (APP/X1545/W/20/3260927) for the following reasons:

'The appeal site would not be suitable for the development proposed. It would therefore fail to comply with Policies S1, S2, S8, D2 and H4 of the LDP, which taken together, establish the strategic growth requirements and settlement hierarchy for the district, and promote sustainable development.'

'Due to the scale and overall bulk of the proposed dwelling, I conclude that the proposal would harm the character and appearance of the surrounding environment. On this basis, it would fail to accord with Policies S1, S8, D1 and H4 of the LDP, which taken together, seek amongst other things, sustainable development which respects and enhances character and local context.'

3.1.4 In September 2022, a further planning application (reference 22/01012/FUL) was submitted for a 'Proposed single storey dwelling and cart lodge replacing existing outbuildings'. It was granted permission, contrary to the Officer recommendation, on 8 February 2023 at the North Western Area Planning Committee.

3.1.5 The Committee report described the proposal stating,

'The proposed single storey dwelling would have a maximum ridge height of approximately 4.9 metres with an eaves height of approximately 2.3 metres, a width of 19.2 metres and a depth of 7.8 metres. The main part of the dwelling would have a hipped roof form with a central gable projection to the front and rear. The materials would be facing soft red brickwork, black weatherboard with clay pantiles to the roof. The windows would be black Upvc with an oak entrance door to the front elevation and aluminium folding or sliding doors to the rear. The proposed cart lodge would be located to the west of the dwellinghouse and would have an approximate maximum height of 4.9 metres with an eaves height of 2.3 metres, a depth of 7.4 metres and a width of 6.5 metres.'

3.1.6 The current application proposes a revised scheme. The proposed single storey (2 bedroom) dwelling would be situated approximately 3 metres south of the previously approved dwelling (22/01012/FUL). It would have a maximum ridge height of

approximately 6.4 metres with an eaves height of 2.2 metres. A hipped roof is proposed. It would have a width of 19.2 metres. There are 3 protruding gables proposed on the front and rear elevation which increase the overall depth of the dwelling to 10.8 metres. The central gable projection would have a hipped roof form. The materials would be red brick, black featheredge board, red clay pantiles, stone arches and black framed windows.

- 3.1.7 The proposed cart lodge would be located 3.7 metres to the west of the dwelling. It would have a pitched roof with a ridge height of 4.8 metres and 2.2 metres to the eaves. It would have a depth of 7.4 metres and a width of 6.5 metres. This is of a similar scale, size and appearance to the previously approved cart lodge.
- 3.1.8 For the approved scheme (22/01012/FUL), permitted development rights were removed '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, separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume), dormer windows or other form of addition shall be constructed within the site without planning permission having first been obtained from the local planning authority'.
- 3.1.9 The current application proposes a further outbuilding situated 14 metres to the north east of the dwelling, forwards of the front elevation for the dwelling. The submitted covering letter refers to the health issues of the applicant and states, '*a managed exercise programme with the use of hydrotherapy can help considerably. The proposed outbuilding will hold exercise equipment, a hydrotherapy unit, W.C. plant room and garden store*'. However, Officers note that the submitted floor plan for the outbuilding does not appear to indicate a hydrotherapy unit.
- 3.1.10 The proposed outbuilding would have a hipped roof on the front southern elevation with a ridge height of 3.9 metres and 2.3 metres to the eaves. A pitched roof front porch/canopy is proposed with a width of 3.3 metres and a depth of 1.1 metres. On the rear northern elevation, a flat roof projection is proposed. The proposed outbuilding would have a width of 10.8 metres and a depth of 8.9 metres. The front elevation would have bifold doors. A single door is proposed on the side east and west elevations.

3.2 Conclusion

- 3.2.1 The proposed development, as a result of the design, layout and appearance would result in a prominent form of development that would have an unacceptable effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. It would be distinctly at odds with the unassuming presence of the existing buildings on site and that of the approved scheme. Therefore, the proposal conflicts with the National Planning Policy Framework (NPPF) (2023), Policy S1, D1 and H4 of the Local Development Plan (LDP) and the Maldon District Design Guide (MDDG) (2017).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2023 including paragraphs:

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

- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well designed places

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

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

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF (2021) require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 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” and apply a number of key principles in policy and decision making set out in the Policy.
- 5.1.3 The application site is situated outside of the defined development boundary for Purleigh and therefore policies of rural constraint apply.
- 5.1.4 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes as detailed in the policy. The proposal put forward does not fall within one of the exceptions listed in Policy S8 and would therefore represent a departure from the LDP.
- 5.1.5 The previous application (22/01012/FUL) was recommended for refusal by Officers with the reasons for refusal stating,
1. *The application site is located outside the defined development boundary of Purleigh and within the countryside where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by*

the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. If developed, the proposed development would fail to protect and enhance the character and appearance of the rural area and the built form would have an urbanising effect resulting in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. The proposed development, as a result of the intended residential use would result in the domestication of the countryside to an unacceptable degree to the detriment of the character and appearance of the area. Furthermore, if developed, the site would be disconnected from the existing settlement and by reason of its location and access, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D2 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2018).

2. *The proposed development, as a result of the design, siting, and location of the proposed dwellings and the spread of built form at the site on a partially open parcel of land, would result in an incongruous, new development that would have an unacceptable urbanising effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. The poor sustainability credential as defined by the Framework would significantly outweigh the benefits of the proposal when assessed against the approved policies of the Local Development Plan and the National Planning Policy Framework as a whole. The proposal would therefore fail to meet the requirements of policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan and the core planning principles and guidance as contained within the National Planning Policy Framework.*

- 5.1.6 However, the Officers recommendation for refusal was overturned by the Planning Committee. The Minutes of the Planning Meeting (8 February 2023) stated,

'A debate ensued around the merits of this application as opposed to the previous submission. Members felt that the applicant had changed the application in line with Planning Officers' recommendations and the reduction of scale and the new design enhanced the local context. Councillor S White proposed that the application be approved contrary to the Officer's recommendation due to its reduced size, change in design and given it concurred with policies S1, S8, D1 and H4. This was seconded by Councillor J V Keyes. It was further noted that this area was no longer predominantly rural and was a sustainable location. There being no further discussion the Chairman put Councillor White's proposal to approve the application, contrary to the Officer's recommendation, with conditions delegated to Officers, to the Committee and this was agreed.'

- 5.1.7 Given that the application was approved, the principle of residential development at the site has been established. Therefore, in assessing the current application the main considerations relate to design, layout and appearance and the impact on the wider countryside setting.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised

principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that: *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.2 This principle has been reflected in the LDP. The basis of policy D1 of the LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation and density.
- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.4 In addition, policy H4 requires all development to be design led and to seek to optimise the use of land having regard amongst others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.5 The proposed dwelling would be situated in the centre of the plot, approximately 15 metres from the northern boundary, 14 metres from the southern boundary and 25 metres from the eastern boundary. The position of the dwelling has moved further south (approximately 3 metres) from that of previously approved scheme (22/01012/FUL) creating an enlarged gravel forecourt to the front/north of the proposed dwelling. There are no concerns raised by Officers regarding the proposed positioning of the dwelling, particularly given its previous position within the plot (in the approved scheme) and given the relationship with the surrounding area, neighbouring properties, and the proposed boundary treatment.
- 5.2.6 The approved scheme (22/01012/FUL) proposed a modest single storey dwelling with a hipped roof and a central projecting gable. The material proposed was a clad weatherboard on a red brick plinth. The fenestration proposed was simple and unobtrusive. Notwithstanding, the Officer recommendation to refuse the previous scheme, it is acknowledged that the design and appearance of the approved dwelling is compatible with the rural setting and would have the appearance of an agricultural/rural outbuilding blending in with the countryside setting.

- 5.2.7 The revised scheme proposes a dwelling of a far more ornate appearance/design which is wholly inappropriate to a rural setting. The proposed dwelling would have a height of 6.4 metres this is an increase of 1.5 metres from the approved scheme. This would inevitably increase the prominence of the dwelling in the wider countryside setting. It is noted that there are existing buildings on the site, however, these are low rise buildings of a utilitarian appearance (3.9 metres overall height to the ridge). As concluded by the Planning Inspector in the dismissed appeal (APP/X1545/W/20/3260927), *'the existing buildings are not prominent within the public realm and their scale and appearance generally ensure that the buildings have a discreet presence. As a consequence, in my judgement, the existing buildings are unassuming and subservient to existing established development, as well as the countryside beyond'*.
- 5.2.8 On the submitted proposal, the proposed 3 protruding gables on the front northern and rear southern elevations appear overly dominant and detract from the previously modest and unassuming appearance of the approved scheme. Although the footprint of the proposed dwelling has marginally increased from the approved scheme, there is concern that cumulatively, the increased ridge height and 6 protruding gables increase the bulky appearance and mass of the dwelling to an unacceptable degree. It is considered that this would cause detrimental visual harm to the rural area and would be distinctly at odds with the unassuming presence of the existing buildings onsite and that of the approved scheme.
- 5.2.9 There is concern regarding the proposed fenestration for the dwelling, particularly the rear (southern elevation) and the glazed gable within a rural countryside setting. Policy S1 of the LDP states that the countryside should be protected, including its natural beauty, tranquillity and distinctiveness and it is essential that any new development does not cause harm to these features of the landscape and rural environment. In the dark skies the glazed gable would result in light 'spill' on the southern elevation increasing its prominence in the wider area including glimpses from Chelmsford Road.
- 5.2.10 The materials proposed are considered compatible with the countryside setting and therefore no concerns are raised in this regard.
- 5.2.11 The proposed cart lodge would be of a similar size/scale and appearance to the previously approved cart lodge. Officers raise no concerns regarding this part of the proposal.
- 5.2.12 The proposed outbuilding would introduce further built form into the countryside sprawling eastwards of the site. There is no clear and convincing justification for the size of the outbuilding proposed. The supporting letter suggests it would accommodate a hydrotherapy unit although this is not shown on the floor plan. In considering the dismissed appeal (APP/X1545/W/20/3260927) the Planning Inspector raised concern that, *'the proposal would have the effect of appearing to extend the presence of built form into the open countryside. This would be to the detriment of the pattern of development in the immediate surroundings and would cause demonstrable visual harm to the rural landscape beyond'*. There is concern that the proposed outbuilding would further extend the built form on the site, sprawling further into the open countryside. Therefore, the benefits of the approved scheme, in terms of consolidating the built form, when considering the existing former kennel buildings/structures which sprawl the site, would have been lost.
- 5.2.13 During the application Officers have sought amendments to the proposed scheme to address the above concerns raised. However, revised plans have not been submitted or forthcoming.

5.2.14 The proposed development, as a result of the design, layout and appearance would result in a prominent form of development that would have an unacceptable effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. It would be distinctly at odds with the unassuming presence of the existing buildings onsite and that of the approved scheme.

5.2.15 The proposal conflicts with the NPPF, Policy S1, D1 and H4 of the LDP and the MDDG (2017).

5.3 Impact on Residential Amenity

5.3.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section c07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

5.3.2 The land to the south west of the application site benefits from permission to construct two detached dwellings. These dwellings were allowed on appeal under references APP/X/1545/W/18/3201224 (2no.detached dwellings with attached garage with first floor accommodation above) and APP/X/1545/W/18/3214188 (2no.detached dwellinghouses with detached single storey cartlodges).

5.3.3 The proposed dwelling would sit 15 metres from the shared boundary (to west) with the northern dwelling and over 50 metres from this property itself. Due to this substantial degree of separation, it is not considered that the proposed dwelling would result in an overbearing impact on this neighbouring property or that it would result in an unacceptable loss of light to these neighbouring occupiers. Furthermore, the proposal is a single storey dwelling and therefore, there are no concerns in relation to a loss of privacy to this neighbouring property.

5.3.4 Therefore, it is not considered that the development would represent and unneighbourly form of development or give arise to overlooking or overshadowing. The proposal is in accordance with Policy D1 of the LDP and the NPPF.

5.4 Access, Parking and Highway Safety

5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards.

5.4.2 The NPPF refers in paragraph 110 (b) to, 'ensuring safe and suitable access to the site can be achieved for all users'.

5.4.3 The proposed development would utilise the existing access to the site from Spar Lane.

5.4.4 In the approved scheme (22/01012/FUL) there were no concerns raised regarding this access. The Committee report stated, 'It is considered that the intensification of the access and roadway by the proposed development would not result in a detrimental impact on highway safety of the free flow of traffic and is therefore in accordance with NPPF and LDP'.

5.4.5 The proposal is in accordance with Policy D1 of the LDP and the NPPF.

5.5 Private Amenity Space and Landscaping/Trees

Private Amenity Space

5.5.1 Policy D1 of the LDP requires all development to provide sufficient and usable private amenity space. The MDDG (2017) advises a suitable garden size for each type of dwellinghouse, namely 100sqm of private amenity space for dwellings with three or more bedrooms, 50sqm for smaller dwellings and 25sqm for flats.

5.5.2 The application proposes a 2-bedroom dwelling. There is adequate amenity space proposed to exceed the requirement for at least 50sqm of private amenity space.

5.5.3 The proposal accords with Policy D1 of the LDP and the MDDG (2017).

Landscaping

5.5.4 The Block Plan proposes a post and wire fencing along the southern and eastern boundary of the site with a new mixed thorn hedging to be placed field side. It further indicates that any existing hedging that is dead along the boundaries will be replaced the following growing season. It proposes that the existing track is to remain in a gravelled finish.

5.5.5 The boundary treatment and planting proposed is similar to that of the approved scheme (22/01012/FUL). Therefore, no concerns are raised in this regard.

5.5.6 A landscaping condition requiring further detail to be provided could be imposed should the application be approved.

Trees

5.5.7 The NPPF states in paragraph 174, 'planning decisions should contribute to and enhance the natural and local environment by, recognising the intrinsic character and beauty of the countryside and the wider benefits including, benefits of trees'.

5.5.8 The application is supported by an 'Arboricultural Report and Arboricultural Implications Assessment' (prepared by Moore Partners LTD, dated February 2020). The report concluded that, *'the proposal does not require the removal of any trees'* however, it is noted that the report relates to the previous approved scheme (22/01012/FUL). The report identifies that the site comprises of 8 individual trees, 3 groups of trees which could be impacted by this development. 2 trees are Category B trees (moderate quality), 5 trees and 3 groups are Category C trees (low quality) and 1 individual tree is a Category U (poor condition).

5.5.9 The Council's Tree Consultant has reviewed the application and raised concern that 'an issue is raised due to the timing of the tree inspection, dated as 6th February 2020, which is 3.5 years ago. Generally, a tree inspection is valid for a period of 1 year. This is due to the trees being living organisms which grow and adapt to their surroundings and climatic conditions. As such, it is not possible to make an informed decision regarding the suitability of this development and its impact on the trees onsite in their current state. The Tree Constraints and Protection Plan is also outdated.'

5.5.10 A condition could be imposed should the application be approved, requiring a Tree Constraints and Protection Plan to be submitted and approved in writing by the Local

Planning Authority prior to commencement of works to ensure that trees and roots are protected during construction.

5.6 Ecology and Recreational Zone of Influence (ZOI) Essex Coast RAMs.

- 5.6.1 The NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.6.2 Policy N2 of the LDP states that, 'where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified the proposal would not normally be permitted. If any protected species and / or priority habitats/species or significant local wildlife are found onsite or their habitat maybe affected by the proposed development the proposal must make provision to mitigate any negative biodiversity impacts it may create'.
- 5.6.3 A Preliminary Ecological Appraisal (PEA) Incorporating Bat Survey Inspection (prepared by T4 Ecology Ltd, May 2022) has been submitted as supporting documentation with the application.
- 5.6.4 The summary of the report states, 'It is possible that bats would utilise the tree line/hedge on the northern perimeter of the site for foraging/commuting activities. This would be retained, with opportunities for new and additional planting as part of the proposal. As such, bat behaviours would not be adversely affected. However, given the possibility of foraging/commuting along the northern boundary, whilst no surveys are necessary given proposed retention, it is advised that a bat considerate lighting scheme be employed during the demolition, construction and completed phase such that bat behaviours can continue.'
- 5.6.5 The report concludes that, 'the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided specific mitigatory guidance and enhancement recommendations identified'.
- 5.6.6 The Ecology Specialist (Place Services) has been consulted and reviewed the PEA report. The specialist is satisfied that there is sufficient ecological information available for the determination of the application which provides certainty for the LPA of the likely impacts on designated sites, Protected and Priority species and habitats and, with appropriate mitigation measures secured the development can be made acceptable.
- 5.6.7 The Ecology Specialist has raised no objection to the proposal subject to the mitigation measures identified in the PEA being secured by a condition of any consent. The reasonable biodiversity enhancement measures should also be outlined within a Biodiversity Enhancement Strategy and secured by a condition of any consent. The Ecology Specialist notes that the PEA highlights that, '*it is highly likely bats could be foraging/commuting within and around the site.*' Therefore, it is recommended that a condition requiring a wildlife sensitive lighting design be imposed.
- 5.6.8 The proposal accords with the NPPF and Policy N2 of the LDP subject to imposition of conditions should the application be granted.

5.7 Recreational Zone of Influence (ZOI) of Essex Coast RAMs

- 5.7.1 Paragraph 170 of the NPPF states, 'Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity'.
- 5.7.2 Policy S1 of the LDP seeks to conserve and enhance the natural environment by providing protection and increasing biodiversity and geodiversity and effective management of the District's green infrastructure network.
- 5.7.3 In terms of off-site impacts, Natural England (NE) has advised that this development falls within the 'Zone of Influence' (ZOI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.4 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'ZOI' of these sites cover the whole of the Maldon District.
- 5.7.5 NE anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these ZOI constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.6 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.7 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European

designated site(s) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £ 156.76 per dwelling.

- 5.7.8 To accord with NE's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

Is the development within the Zol for the Essex Coast RAMS with respect to the previously listed sites? Yes

Does the planning application fall within the specified development types? Yes

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

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

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

- 5.7.9 Summary of Appropriate Assessment – as a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed.

- 5.7.10 Based on this and taking into account NE's advice, mitigation, in the form of a financial contribution of £156.76 is necessary. Therefore, subject to securing the necessary mitigation through a Section 106 (S106) no concerns are raised. A draft s106 unilateral undertaking has been submitted and a payment has been made to secure the s106 to cover the checking and monitoring fee.

- 5.7.11 Therefore, subject to satisfactory checks, it is considered that mitigation has been secured in accordance with policies S1, D1, N1 and N2 of the LDP and guidance contained in the NPPF.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
62/00097/MAR	Demolish existing – construct shop/café	Refused
62/00347/MAR	3 detached bungalows	Refused
63/00543/MAR	Outline- Kenneling for dogs	Approved
63/00543/1/MAR	Details – Kenneling for dogs	Approved
64/00539/MAR	Demolish existing – erect new dwelling	Refused
70/00396/MAR	Caravan – Expired 31.12.1971	Approved
78/00960/MAL	Site Caravan	Refused
85/00322/MAL	2 Bungalows	Refused
85/00824/MAL	Replacement Kennels Agricultural condition	Approved
85/00824/A/MAL	Amended Plans	Approved
85/00824/B/MAL	Relocation of Kennel building	Approved
20/00444/FUL	New two storey dwelling and cartlodge	Refused

Application Number	Description	Decision
22/01012/FUL	Proposed single storey dwelling and cart lodge replacing existing outbuildings	Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council.	Recommend grant of planning permission. The proposed development is sustainable, complies with planning legislation and does not conflict with policies contained within the LDP and guidance contained within the NPPF.	Noted.

7.2 **Statutory Consultees and Other Organisations**

Name of External Consultee	Comment	Officer Response
Essex County Highways	No objection subject to condition relating to unbound material within 6 metres of highway boundary.	Noted.
Tree Consultant	Objection. The Tree Constraints and Protection Plan is outdated. An updated Tree Assessment and Arboricultural Impact Assessment is required.	Noted.
Ecology Specialist	No objection subject to securing a proportionate financial contribution towards Essex Coast RAMs and biodiversity mitigation and enhancement measures.	Noted.

7.3 **Internal Consultees.**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to land contamination and drainage.	Noted.

7.4 Representations received from Interested Parties.

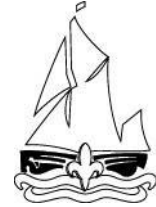
- 7.4.1 Two letters of support have been received in relation to the proposed development raising the following matters:

Support Comment	Officer Response
Proposed application improves the aesthetics of the previously proposed dwelling and provides appropriate use of land.	Noted.
The design is an improvement of previously scheme approved and can only be good for Rudley Green.	Noted.

8. PROPOSED REASON FOR REFUSAL

- 1 The proposed development, as a result of the design, layout and appearance would result in a prominent form of development that would have an unacceptable effect by way of visual intrusion and an unacceptable encroachment into the rural landscape setting. The proposal would therefore be contrary to the requirements of policies S1, D1 and H4 of the approved Maldon District Local Development Plan and the core planning principles and guidance as contained within the national planning policy framework.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 NOVEMBER 2023**

Application Number	22/00324/PROW
Location	Land at Broad Street Green Road, Langford Road And Maypole Road, Great Totham, Essex.
Proposal	Permanent diversion of PROW 19 Great Totham and PROW 17 Heybridge.
Applicant	David Moseley - Countryside Properties
Agent	Ian Mitchell - Mayer Brown
Target Decision Date	N/A
Case Officer	Tim Marsh
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Not Delegated to Officers

1. RECOMMENDATION

That a permanent Diversion Order of the sections notated (A-B, F-G routes to close), (A-C-D-E-B, F-H-G Diverted routes) of Public Footpath 19 Great Totham is **MADE** and, if no relevant objections are received, **CONFIRMED** by Maldon District Council, as 'competent authority' under Section 257 of the Town and Country Planning Act 1990

2. SITE MAP

Please see below.

3. SUMMARY

- 3.1 This application has been made under section 257 of the Town and Country Planning Act 1990 (which relates to footpaths affected by development) for a footpath diversion order. Section 257 provides a 'competent authority' (Maldon District Council (MDC) in this case) with the power to authorise the diversion of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted. Whilst MDC is the determining authority, Essex County Council (ECC), in their role as the highway authority, has been instructed to process the application.
- 3.2 The footpaths the subject of this application are located within the wider area identified as Strategic Site S2(d) in the Maldon District Approved Local Development Plan (LDP) which gained planning permission on appeal (reference OUT/MAL/15/00419) in October 2019, for Part outline/part detailed (hybrid) application for mixed use development including:
- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline).
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline).
 - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline).
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline).
 - (iv) A relief road between Broad Street Green Road and Langford Road (Detailed element).
 - (v) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vi) Construction of initial gas and electricity sub-stations (Detailed); and
 - (Viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).
- 3.3 The following Reserved Matters have subsequently been approved:
- 21/00384/RES - Strategic infrastructure for phase 1 approved in October 2021
 - 21/00752/RES – Construction of 160 residential units on Phase 1, approved in November 2021
 - 21/00961/RES - Strategic infrastructure for phase 2, approved in March 2022
 - 22/00523/RES - Construction of 262 residential units on Phase 2, approved in December 2022
 - 22/00289/RESM - Strategic infrastructure for phases 3, 4 and 5, approved in February 2023
 - 23/00408/RESM - Construction of 246 residential units on Parcels 3, 6 and 7 only, approved in July 2023
- 3.3.1 Phases 1 and 2 of the spine road are substantially complete and works are ongoing on the Relief Road section from Langford Rd to the new Maypole Road junction with substantial formation of Relief Road from Broad Street Green to new central junction with the Spine Road.

PROW 17 Heybridge

- 3.4 After submission the applicant confirmed that Public Right Of Way (PROW) 17 Heybridge does not need to be moved to allow for any development. ECC Highways then confirmed that it is not required to be added to the diversion order. Therefore, no further assessment of PROW17 is required.

PROW 19 Great Totham

- 3.5 In line with the requirements of condition no. 11 of application 15/00419/OUT a Strategic Phasing Plan was approved by MDC prior to the first submission of Reserved Matters. This Phasing Plan, approved in May 2020, sets out five phases to the development. The outline elements include 1,138 homes, care home, neighbourhood centre, primary school, two early-years facilities and sport and recreation provision. The Planning Permission includes a number of Parameter Plans to which condition requires adherence. The approved Access and Movement Parameter Plan (PRM-03-P) details the 'potential new route of diverted PROW 19'.
- 3.6 The applicant provides the following reason for the proposed route: *"The approved Green Infrastructure Parameter Plan, ref: PRM-02-W, details the location and distribution of surface water detention basins. The on-site SuDS system is contained principally within the various elements of green infrastructure to be provided as part of the development, shown on the approved Green and Blue Infrastructure Parameter Plan. A key component is the retention and widening of existing ditches that run alongside existing field boundaries, for both the transfer and storage of surface water. There is an existing ditch running north-south, located to the west of Heybridge Wood and continuing towards the site's northern boundary. The widening of this ditch and the introduction of an attenuation basin to the north-west of Heybridge Wood form key components of the surface water strategy agreed with Maldon District Council as Local Planning Authority and Essex County Council in its capacity as Lead Local Flood Authority. The approved Access and Movement Parameter Plan (PRM-03-P) details that the measures to manage and convey surface water necessitate the diversion of a section of PROW19. The principles of diverting the PROW were agreed through the Master planning process and form part of the approved Parameters for the site. The new route was considered and ran through the extensive areas of publicly accessible open space created as part of the development. Furthermore, the crossing of the Relief Road was approved as part of the hybrid planning permission".*
- 3.7 It is evident that the diversion of PROW19 is required to allow completion of the surface water drainage infrastructure for the wider development. All works associated with the providing the diverted route would be carried-out by the applicant, Countryside Properties, at their expense.
- 3.8 ECC Highways has carried out an informal pre-order consultation with relevant statutory consultees and other interested parties.
- 3.9 Consultations were also sent by this council to statutory consultees and the following representations have been received:
- 3.9.1 Ramblers Association - will not oppose the proposed diversion providing:
- 1 Where a drain, ditch, or water retention area crosses the public footpath, a permanent footbridge is installed, maintained and repaired promptly if need be. Please confirm who is the party responsible for eventual repairs.
 - 2 Where a new road crosses the footpaths, a pedestrian crossing is installed.

3 Connectivity with the existing public footpath network is maintained.

3.9.2 Langford and Ulting Parish Council - no objection provided the routes of the paths are reinstated at the end of the temporary period.

3.9.3 Great Totham Parish Council - no objection provided the routes of the paths are reinstated at the end of the temporary period.

3.10 With regards to the Ramblers comments, the proposed diversion will not alter existing responsibilities for maintenance. With regards to the Parish Council's comments, the proposed diversion is permanent, and the nature of the development works that have necessitated the diversion are such that the routes could not be re-instated.

3.11 It is considered that the diversion proposal for PROW 19 Great Totham satisfies the requirements of the Town and Country Planning Act and, therefore, it is recommended that the footpath Diversion Order applied for is Made and, if no relevant objections are received, Confirmed.

3.12 Conclusion

3.12.1 MDC, as 'competent authority', is satisfied that the permanent footpath Diversion Order applied for under Section 257 of the Town and Country Planning Act 1990 is necessary in order to enable development to be carried out in accordance with the planning permission granted. Therefore, it is recommended that the proposed permanent public footpath Diversion Order is Made and, if no relevant objections are received, Confirmed.

4. ANY RELEVANT SITE HISTORY

4.1 The relevant planning history is set out in the table below:

Application Number	Description	Decision
15/00419/OUT	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline); (ii) Residential Care for up to 120 beds (Use Class C2) (Outline); (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline); (iv) Primary school and early years childcare facility (Use Class D1c) (Outline); (v) A relief road between Broad Street Green Road and Langford Road	Refused - 08.03.2019 – Allowed on Appeal – 25.10.2019.

Application Number	Description	Decision
	<p>(Detailed element);</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline).</p>	
19/00741/OUT	<p>Part outline/part detailed (hybrid) application for mixed use development including:</p> <p>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)</p> <p>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</p> <p>(iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</p> <p>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline)</p>	Approved 14.10.2019
20/05035/DET	<p>Compliance with conditions notification of approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 12 - Strategic management and maintenance plan</p>	Approved 11.05.2020

Application Number	Description	Decision
20/05039/DET	Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic Phasing Plan – Cleared - 15.05.2020 • 21/00321/NMA - Application for non-material amendment following grant of Planning Permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Amendment to Condition 31	Approved - 29.04.2021
21/00538/NMA	Application for non-material amendment following grant of planning permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Condition 9	Approved - 09.06.2021
21/05031/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development Condition 13 - Ecological conservation management plan. Condition 7 - Construction & environmental management plan	Approved - 01.04.2021
21/05054/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 – Archaeology	Approved - 18.05.2021
21/05107/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 14 - Contaminated land.	Approved - 18.08.2021
21/00384/RES	Reserved Matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising; (a) landscaping for the approved Relief Road, (b) phase 1 entrance green, (c) phase 1 spine road, (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play) (e) acoustic bund for phase 1 Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:	Approved - 08.10.2021

Application Number	Description	Decision
	<ul style="list-style-type: none"> (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline).) 	
21/05147/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeological assessment.	Approved - 09.11.2021
21/05162/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 13 - Ecological Conservation Management Plan ECMP in relation to Phase 2 of the development only.	Approved - 29.11.2021
21/05185/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Utilities and arboricultural implications	Approved - 13.01.2022
21/05187/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic phasing plan	Approved - 14.01.2022

Application Number	Description	Decision
21/00961/RES	<p>Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phase 2 and part of Phase 4 of the approved planning application (15/00419/OUT) comprising:</p> <ul style="list-style-type: none"> (i) The landscaping surrounding the eastern section of the Relief Road, and Broad Street Green Roundabout; (ii) The internal spine road, from Broad Street Green Road to the northeastern corner of Heybridge Wood (including bus stops); (iii) The green corridors that surround Parcels 10, 11 and 12; (iv) The second phase of the acoustic barrier; (v) The play area (LEAP) that lies south of Parcel 12; (vi) The internal road and associated attenuation basins to the north of Parcel 8 that serves the Local Centre; (vii) The proposed pumping station; (viii) Pedestrian and cycle links falling within this phase of the development. 	Approved
21/00752/RES	<p>Reserved Matters application for Phase 1 the approval of access, appearance, landscaping, layout & scale for the construction of 160 residential units with associated access, parking, servicing and landscaping on approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years 	Approved

Application Number	Description	Decision
	<p>childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>(viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline).). – pending consideration</p>	
22/05005/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction Environmental Management Plan (Part (g) in relation to Phase 2).	Approved
22/05109/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Details of position of excavation trenches and means of installation for all services in relation to retained trees.	Approved
22/05014/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Utilities and arboricultural implications.	Approved – 29.06.2022.
22/05021/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 31 - Landscaping scheme.	Approved – 01.08.2022.
22/05054/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 31 - Landscaping scheme.	Approved
22/05058/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Surface water drainage scheme (Revised 06/05/22).	Approved – 14.10.2022.

Application Number	Description	Decision
22/05061/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeology (Addendum to the approved Written Scheme of Investigation)).	Approved
22/05075/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details (Phases 3-5)).	Approved
22/05076/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 16 - Foul drainage details (Phases 1,2,3 and 4 (Drainage phases 1 and 2))).	Approved .
22/05081/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 13 - in respect of Phases 3-5 of the approved phasing plan (and which therefore completes the discharge of Condition 13, following the previous approvals for Phases 1 and 2) - Ecological Conservation Management Plan dated 08/08/22, Heybridge North Badger Technical Survey Note (updated 05/08/22), Heybridge North Bat Technical Survey Note (updated 05/08/22).	Approved.
22/05082/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 6 - Hard and soft landscaping for communal gardens. Condition 7 - Provision and retention of soft landscaping.	Pending consideration.
22/05095/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage Details.	Approved
22/05101/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - condition 4 – Materials.	Approved
22/05108/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - condition 7 - Construction Method Statement.	Approved 19.06.2023

Application Number	Description	Decision
22/05110/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 19 - Acoustic barrier details.	Approved
22/05113/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction and Environmental Management Plan.	Approved
22/00523/RESM	<p>Reserved Matters application for Phase 2 the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping on approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline). 	Approved

Application Number	Description	Decision
21/00945/ADV	Advertisement consent for 3No. freestanding pole mounted non-illuminated signs located on the site's frontage to Broad Street Green Road, Maypole Road and Langford Road in connection with the development of the site.	Approved 17.11.2021.
22/00289/RESM	<p>Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phases 3, 4 and 5 of the approved planning application (15/00419/OUT) comprising:</p> <ul style="list-style-type: none"> (i) The green corridors, open space, and attenuation features within Phases 3, 4 and 5 including those surrounding Parcels 3, 4, 5, 6, 7 and 9; (ii) Formal play areas, including Local Equipped Areas of Play to the north of Parcel 4 and to the east of Parcel 8 and a Neighbourhood Equipped Area of Play to the east of Parcel 7; (iii) The section of the internal spine road which connects to both the spine road previously approved under the Reserved Matters applications of Phase 1 and 2 and to the approved Relief Road, including details of bus stops; (iv) The internal road to serve Parcel 9, allotments and playing field; (v) Pedestrian and cycle links falling within these phases of the development including Public Rights of Way; (vi) The location and layout of the playing fields south of Parcel 9; (vii) The location and layout of the allotments together with the associated parking, means of access and enclosure; (viii) Proposed pumping station south of parcel 9. Together with details pursuant to Condition 18 (tree protection), Condition 27 (bus stops), Condition 28 (footpaths and cycle routes), Condition 29 (Vehicular Parking) and Condition 31 (Landscaping) of the approved planning application 15/00419/OUT. 	Committee approval 02/02/2023.

Application Number	Description	Decision
22/05067/DET	Phase 1 Compliance with conditions notification of application 15/0419/OUT - Condition 15 - Broadband. Condition 16 - Foul water drainage scheme. Condition 17 - Excavation trenches. Condition 19 - Accoustic barrier. Condition 35 - Lighting strategy.	Pending
22/05082/DET	Phase 1 Compliance with conditions notification of approved application 21/00752/RES (Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 160 residential units with associated access, parking, servicing and landscaping (Phase 1 only) on approved application 15/00419/OUT (. Condition 6 - Hard and soft landscaping for communal gardens. Condition 7 - Provision and retention of soft landscaping.	Pending
22/05108/DET	Phases 1 & 2 Compliance with conditions notification 15/00419/OUT Condition 7 - Construction Method Statement	Approved 19.06.2023
23/00267/DLA	Application for the Discharge of Planning Obligation on permission 15/00419/OUT (Youth Facility Specification)	Approved 08.08.2023
23/00385/CLA	Submission of Local Management Organisation Scheme pursuant to Schedule 5 of s106 Agreement for 15/00419/OUT	Pending
23/05018/DET	All Phases Compliance with conditions notification 15/00419/OUT Condition 24 - Travel Plan. Condition 25 - Residential Travel Information Pack.	Approved 10.08.2023
23/05029/DET	Phase 2 Compliance with conditions notification 15/00419/OUT Condition 31 Part (b) in respect of Phase 2 of the development - Landscaping scheme	Approved 09.05.2023
23/05036/DET	Phase 3, 4 and 5 Compliance with conditions notification 15/00419/OUT Condition 7 part a-f and h-k in respect of phase 3, 4 and 5 of the development - Construction Environmental Management Plan (CEMP)	Approved 26.09.2023
23/00226/RESM	Reserved matters application for Phase 3 the approval of access, appearance, landscaping, layout and scale for Phase 3a for the construction of 234 residential units of planning permission 15/00419/OUT	Approved 28.07.2023

Application Number	Description	Decision
23/05080/DET	Phase 1 Compliance with conditions notification 15/00419/OUT Condition 9 - Surface Water Drainage Scheme (Part discharge - amended details for Phase 1 Basins 8 and 8A)	Approved 10.08.2023
23/00528/NMA	Application for non-material amendment following grant of reserved matters application 21/00384/RES (Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising; (a)landscaping for the approved Relief Road, (b)phase 1 entrance green, (c)phase 1 spine road, (d)green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play) (e)acoustic bund for phase 1 Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT Amendment sought: To re-align the point of access from the consented spine road into the Primary School site within Phase 1, Westcombe Park, Heybridge, Essex	Approved 22.09.2023
23/05117/DET	Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development Condition 22 - (a) Monitoring traffic conditions (b) Priority buses scheme.	Approved 26.09.2023
23/05131/DET	Compliance with conditions notification 22/00523/RESM (Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping (Phase 2 only) on approved application 15/00419/OUT Condition 4 - Samples of materials.	Approved 02.10.2023

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