



MALDON
DISTRICT COUNCIL

10 June 2025

Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



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

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 18 JUNE 2025 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

Chief Executive

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 18 JUNE 2025

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 14 January 2025, (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. **24/00817/FUL, South Menage at Chasefield Farm, 64, Walden House Road, Great Totham** (Pages 15 - 36)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)*.

6. **25/00186/OUT, Land At The Brambles, Latchingdon Road, Cold Norton** (Pages 37 - 62)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)*.

7. **TPO/0125/46, East Street, Tollesbury, CM9 8QE** (Pages 63 - 68)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed).

8. **Any other items of business that the Chairperson 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 and 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

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber.

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)
- Great Totham Neighbourhood Development Plan (2022)
- Langford and Ulting Neighbourhood Development Plan (2022)

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
- The Levelling-up and Regeneration Act 2023

Supplementary Planning Guidance and Other Advice

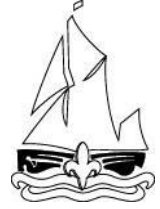
- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) - 2023
 - Planning Practice Guidance (PPG)
 - Planning policy for Traveller sites - 2015

Supplementary Planning Guidance and Other Advice (continued)

- Relevant government circulars
 - Relevant Ministerial Statements (as referred to in the report)
 - Essex and South Suffolk Shoreline Management Plan – October 2010
- 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 Updated yearly
 - 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
14 JANUARY 2025**

PRESENT

Chairperson Councillor M E Thompson

Councillors S J N Morgan, C P Morley, E L Stephens and S White

477. CHAIRPERSON'S NOTICES

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

478. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M F L Durham CC, R H Siddall and L L Wiffen.

479. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 4 December 2025 be approved and confirmed.

480. DISCLOSURE OF INTEREST

Councillor M E Thompson advised that in relation to Agenda Item 7 - 24/00755/HOUSE 1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy she did not have a declaration of interest but to ensure there was no perception of bias on her behalf she would leave the meeting for this item of business.

In light of the above and in the absence of the Vice-Chairperson, Councillor Thompson (Chairperson) advised that a Member of the Committee would need to chair the meeting for Agenda Item 7 and suggested that a Member be elected at this point in the meeting.

Councillor S J Stevens proposed that Councillor S J N Morgan chair the meeting for Agenda Item 7 and this was duly seconded and agreed.

481. 24/00253 FUL LAND REAR OF GREEN MAN INN, GREEN MAN LANE, LITTLE BRAXTED

Application Number	24/00253/FUL
Location	Land Rear of Green Man Inn, Green Man Lane, Little Braxted
Proposal	Construction of a detached five bedroomed dwelling
Applicant	Mr J Purdy
Agent	Ms Alice Quinn – Smart Planning Ltd
Target Decision Date	17.01.2025
Case Officer	J.Kirkaldy
Parish	LITTLE BRAXTED
Reason for Referral to the Committee / Council	Policy D1 and S8 of the approved Maldon District Local Development Plan

A Members' Update circulated prior to the meeting provided further information in respect of sections 4 and 5 of the Officers' report. It was noted that a consultation response had been received from an Ecology consultant and a response to a letter from Councillor S J N Morgan was detailed.

During her presentation the Officer advised that reason for refusal 2 had been removed as the Applicant had provided additional ecology information which addressed the Ecology consultants' previous concerns. Following the Officers' presentation, the Agent Ms Quinn addressed the Committee.

Following some debate, Councillor E L Stevens proposed that the Committee accept the Officers' recommendation of refusal. This proposal was duly seconded. There being an equality of votes the Chairperson exercised her casting vote in support of the proposal.

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

- 1 The site is located outside of a defined settlement boundary and is in open countryside, where policy constraints apply. Future occupants of the site would be heavily reliant on the use of the car to gain access to everyday services and facilities and employment opportunities and as such the proposal does not provide a sustainable form of development. The proposal does not accord with the Council's spatial strategy contrary to Policies S1, Page 26 S8, D1, H4, T1 and T2 of the Maldon District Local Development Plan (2017) and guidance set out in the National Planning Policy Framework.

Councillor S White left the meeting at this point and did not return.

482. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 7:50pm.

483. RESUMPTION OF BUSINESS IN OPEN SESSION

RESOLVED that the meeting resumes at 7:55pm in open session.

The Chairperson advised that the meeting had been adjourned due to a member of the Committee feeling unwell.

484. 24/00742/FUL LAND ADJACENT EASTHOLM, LATCHINGDON ROAD, PURLEIGH

Application Number	24/00742/FUL
Location	Land Adjacent Eastholm, Latchingdon Road, Purleigh
Proposal	Erection of 1no. dwelling with associated landscaping and ancillary works
Applicant	Jacob
Agent	Blaine McMahon - SCENE Architects Ltd
Target Decision Date	21.01.2025
Case Officer	Fiona Bradley
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the local plan

Following the Officers' presentation, the Agent Mr McMahon addressed the Committee.

Councillor C P Morley proposed that the Committee accept the Officers' recommendation of approval. This proposal was duly seconded.

In response to a question, the Head of Service – Development Manager provided some further clarification on the recent National Planning Policy Framework changes and policy S8.

The Chairperson moved the proposal in the name of Councillor Morley and this was duly agreed.

RESOLVED that this application be **APPROVED** subject to the following conditions and the submitted Unilateral Undertaking:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents as detailed on the decision notice.
3. Prior to the commencement of the development hereby approved, full details of both the finished levels, above ordnance datum, of the ground floor of the proposed building and of the finished garden levels and hard and soft surfaces in relation to existing ground levels shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
4. The external materials and finishes shall be as indicated on the application form and Design and Access Statement (prepared by Scene, ref. LGDRD-SCN-XX-XX-RP-A-90_100-A3 Rev. PL01) and shall be permanently retained as such.
5. No development above slab level shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

Soft landscape works

- a) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- b) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.

- c) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

Hard landscape works

- d) Details of all hard surfacing materials.
e) Details of all boundary treatments.

The hard landscape works shall be implemented in accordance with the approved details prior to first occupation.

- 6 Any contamination that is found during construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
- 7 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that as a minimum:
- a) The development should be able to manage water on site for 1 in 100-year events plus 40% climate change allowance.
 - b) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 8 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 9 No development including any site clearance or groundworks of any kind shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall include:
- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) no dust emissions should leave the boundary of the site;
 - c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 10 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, July 2023) submitted with this application.
- 11 Prior to any development work above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) detailed designs or product descriptions to achieve stated objectives;
 - b) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - c) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The development shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”
- 12 Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.
- 13 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- a) Tree retention protection plan
The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at

such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

- 14 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 15 During demolition and construction, areas for the purpose of the reception and storage of building materials shall be identified and made available within the site, clear of the highway.
- 16 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway
- 17 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement of the dwellinghouse(s), provision of any building within the curtilage of the dwellinghouse(s), or alteration of the dwellinghouse(s), as permitted by Classes A, AA, B and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.
- 19 Prior to commencement and concurrent with submission of documents relating to the biodiversity gain condition, a Habitat Management and Monitoring Plan, must be submitted to the planning authority and approved in writing. The content of the Habitat Management and Monitoring Plan should include the following:
 - a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

Councillor M E Thompson left the meeting at this point.

IN THE CHAIR: COUNCILLOR S J N MORGAN

485. 24/00755/HOUSE 1 OXLEY COTTAGE, 1 OXLEY HILL, TOLLESHUNT D'ARCY

Application Number	24/00755/HOUSE
Location	1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy
Proposal	S73A application for alterations to detached garage previously approved under 16/00002/HOUSE including, raising the ridge height, altered roof pitches, changes to fenestration and external materials.
Applicant	Mr Matthew Lockyer – That Design Co Ltd
Agent	Mr Sam Cook
Target Decision Date	17.01.2025
Case Officer	J.Kirkaldy
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Member Call In – Councillor M E Thompson regarding Policy D1 and impact on neighbouring amenity.

Following the Officers' recommendation, Ms Rayner an objector and Mr Cook a supporter addressed the Committee.

During the discussion that followed, further information was provided by Officers regarding the proposed changes and the height of the gable proposed.

Councillor E L Stevens proposed that the Committee accept the Officers' recommendation and refuse the application. This proposal was duly seconded. There being an equality of votes the Chairperson exercised his casting vote in support of the proposal.

RESOLVED that this application be **REFUSED** for the following reason:

- 1 The design and layout of the proposal would create poor amenity and outlook for occupiers of the neighbouring dwelling (no.2 Oxley Hill). It would appear dominant, oppressive and overbearing and would represent an unneighbourly form of development. The development is therefore contrary to the Policy D1 and H4 of the approved Maldon District Local Development Plan, Maldon District Design Guide and guidance set out in the National Planning Policy Framework.

Councillor M E Thompson returned to the meeting at this point.

IN THE CHAIR: COUNCILLOR M E THOMPSON

486. TREE PRESERVATION ORDER (TPO) 18/24 REAR OF 26 MALDON ROAD, GREAT TOTHAM, CM9 8PR

Application Number	TPO 18/24
Location	Rear of 26 Maldon Road, Great Totham, CM9 8PR
Proposal	Confirmation of TPO 18/24
Applicant	J. English
Target Decision Date	17 March 2025
Case Officer	J. Kirkaldy
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's Scheme of Delegation.

Following the Officers' presentation, Councillor S J N Morgan proposed that the Committee accept the Officers' recommendation and confirm the Tree Preservation Order.

Following a request, Members were provided with further clarification regarding the Officer response to objection comments received and detailed within the report.

The Chairperson then moved the proposal in the name of Councillor Morgan and this was unanimously agreed.

RESOLVED that Tree Preservation Order 18/24 be **CONFIRMED** without any modifications.

There being no other items of business the Chairperson closed the meeting at 8.37 pm.

M E THOMPSON
CHAIRPERSON



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
18 JUNE 2025**

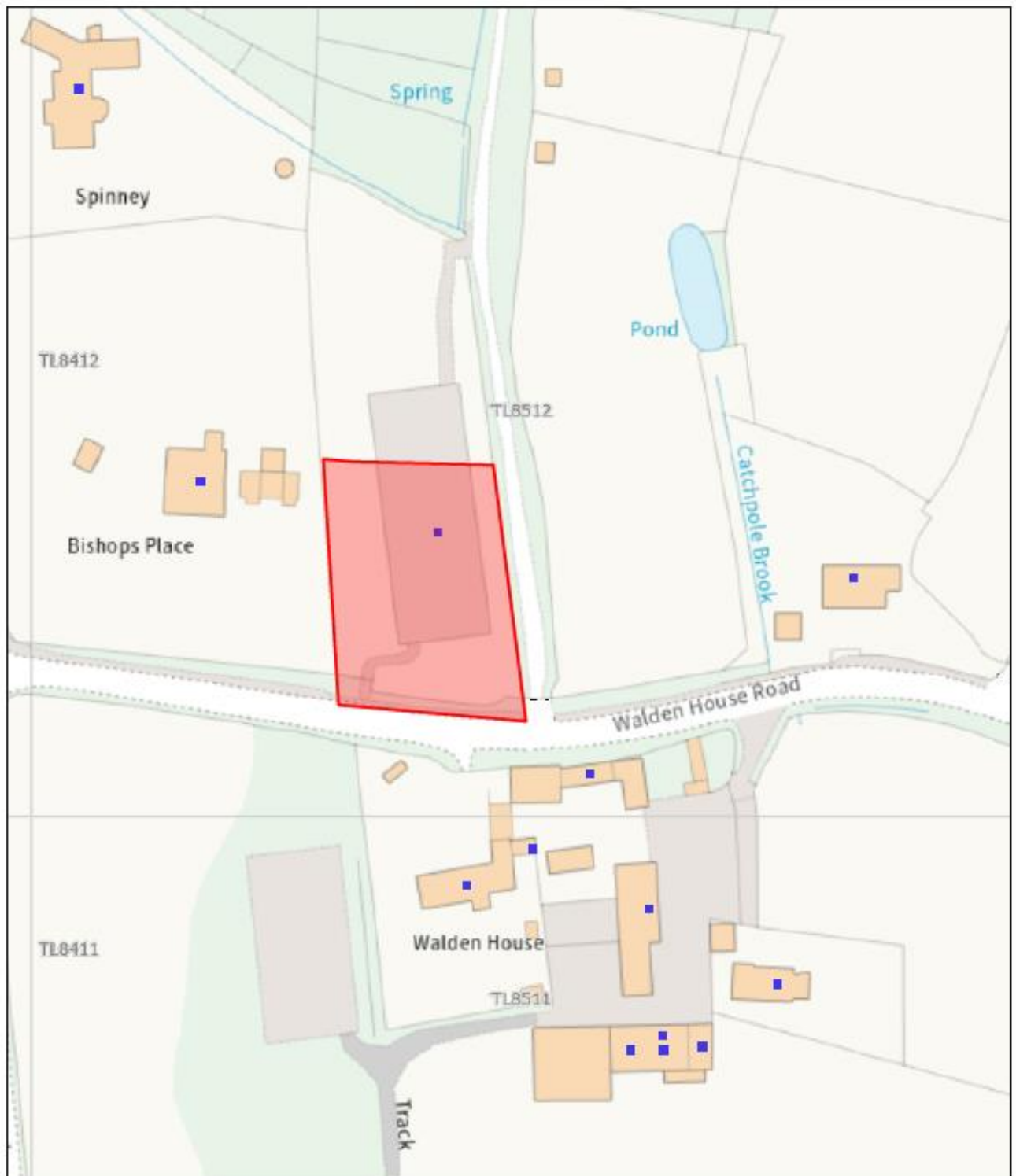
Application Number	24/00817/FUL
Location	South Menage at Chasefield Farm 64 Walden House Road Great Totham
Proposal	Removal of existing menage and construction of new detached two storey dwelling with detached cart lodge, access, parking and landscaping.
Applicant	Mr & Mrs Edwards
Agent	Mr Mark Rickards - Bacchus Design Limited
Target Decision Date	20.06.2025 (Time Extended Agreed with Agent)
Case Officer	Chris Purvis
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Departure from the Local Plan

1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 9.

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The site is identified as the south menage at Chasefield Farm 64 Walden House Road in the Parish of Great Totham. The site measures 0.236 hectares and the agent has stated that the menage was previously used for the private enjoyment of the owners of Chasefield Farm. Within the site the menage occupies the majority of the land area and is bounded by timber post and rail wooden fencing with laid lawn surrounding it. In the south west corner of the site there is an outbuilding that appears to be a former stables building. The southern site boundary onto Walden House Road comprises of timber post and rail fencing with part hedging to the front.
- 3.1.2 There is currently no pedestrian and vehicle access into the site (red lined area) from the southern boundary with Walden House Road. There is an access in the ownership of the applicant that serves Chasefield Farm and this is adjacent to the eastern site boundary. Walden House Road is a 30mph road that includes a pedestrian footway on the northern side of the road. The road links the settlements of Great Totham and Wickham Bishops.
- 3.1.3 The surrounding area is dominated by landscaping including hedgerows and trees but there is existing development nearby in the form Walden House to the south and Bishops Place to the west along Kelvedon Road. There are further houses to the north, east in the settlement boundary of Great Totham and to the west in the in Wickham Bishops.

Description of the Proposal

- 3.1.4 Full planning permission is sought for the removal of the existing menage and the construction of new detached two storey dwelling with detached cart lodge, access, parking and landscaping.
- 3.1.5 The proposed new dwelling would include a living room, snug, utility room, WC, entrance hall and stairway, and an open plan living/dining/kitchen room at the rear. At first floor level four-bedrooms would be created and three-bathrooms including a family bathroom, a shared bathroom for bedrooms 2 and 3, and an en-suite bathroom to the master bedroom, that would also benefit from a dressing room. A study area would be created in the stairwell landing area. The external dimensions of the new dwelling measure 12m wide by 13.1m deep by 8.2m high to the ridge of the roof. The new dwelling would be set back from the front boundary by 15.5m, 24m from the rear boundary, 13.5m from the eastern site boundary and 17.5m from the western side boundary. The roofscape would include solar panels on the east and west sides of the roof.
- 3.1.6 The design of the dwelling would reflect a traditional home with two chimney stacks and a projecting front gable end projecting incorporating a flat roofed porch canopy. The dwelling would be finished in red face brickwork and would include a red coloured plain tiled roof.
- 3.1.7 A cartlodge building would be located to the south east of the dwelling and would include one open sided elevation for vehicle access and parking for three vehicles. To the side of the building a cycle store and bin store would appear as a lean too extension to the building. The overall size of the building would measure 10.3m wide by 5.3m deep by 4.05m high. The building would be constructed of oak posts and

beams, would have a red face brick plinth and black painted weatherboarding to its enclosed elevations. The roof would have a grey slate finish with red ridge and hip tiles.

3.1.8 The proposal would create a new vehicle access onto Walden House Road from the site's southern boundary. This would serve a large tarmacadam hardstanding area with room for at least five car parking space in addition to the parking shown in the proposed cartlodge building. A large rear and side garden would be created with hedging shown to the front boundary and the site's rear boundary. The existing row of trees along the western site boundary would be retained.

3.1.9 The application is accompanied by a number of supporting documents:

- Planning Statement and Design and Access Statement
- Contaminated Land Report
- Landscape and Visual Impact Assessment
- Heritage Statement
- Preliminary Ecological Appraisal

3.2 Conclusion

3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. Based upon the Council's Five Year Housing Land Supply (5YHLS) position the tilted balance in favour of sustainable development applies and for the reasons explained in this assessment the site is considered to be located in a sustainable location in close proximity to two 'larger villages' as defined in policy S8, which provide for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the Local Development Plan (LDP) is therefore considered acceptable along with all other material planning considerations.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

- 202-221 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- Essex Design Guide
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD

4.4 Great Totham Neighbourhood Plan (2022)

- GT01 Spatial Strategy
- GT02 High Quality Arcadian Design
- GT04 Green/Blue Wildlife Corridors and Wildlife Friendly Development
- GT05 Recreational Disturbance and Mitigation
- GT06 Energy Efficiency of Buildings and Renewables
- GT07 Parking Provision
- GT08 Pedestrian and Cycle Access

5. MAIN CONSIDERATIONS

The main considerations for this application are as follows:

- Principle of the Development and Sustainability
- Housing Provision and Mix
- Design and Impact on the Character of the Area

- Living Conditions and Amenity Space
- Access, Parking and Highway Safety
- Flood Risk and Drainage
- Ecology and Biodiversity
- Impact upon Neighbouring Amenity
- Other Matters

5.1 Principle of Development and Sustainability

- 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 National Planning Policy Framework (NPPF) 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. This includes principle 2 *“Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”*.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 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 dwellings but does allow (m) development which complies with other policies of the LDP.
- 5.1.5 In addition to the LDP, the Great Totham Neighbourhood Plan (2022), forms part of the statutory development plan for the area and its policy GT01 focusses development within the settlement boundaries of North Totham and South Totham. The application site is in the South Totham location as Great Totham includes two settlement areas. For development outside of the settlement boundary identified local housing needs will be supported subject to certain criteria including that there are no available and deliverable sites within the settlement boundary, the site is well related to the settlement boundary and would not breach any existing defensible boundary. Whilst the proposal does not demonstrate that there are no available and deliverable sites within the settlement boundary, the site is considered to relate well to the settlement boundary and does not breach any existing defensible boundary.

Five Year Housing Land Supply

- 5.1.6 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a

supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply". To this end, Maldon District Council (MDC) prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029's plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.

- 5.1.7 Currently the Council can only demonstrate 2.7 years' worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government's approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.8 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.9 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*.

Sustainable Development

- 5.1.10 It is necessary to assess whether the proposed development is *'sustainable development'* as defined in the NPPF. If the site is considered sustainable then the NPPF's *'presumption in favour of sustainable development'* applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimension

- 5.1.11 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment. Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that *"development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of*

transport modes". This is supported by the update of the Government's Policy Paper, 'Strategic road network and the delivery of sustainable development' (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that "*new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable*". The Great Totham Neighbourhood Plan policy GT08 supports pedestrian and cycle access.

- 5.1.12 The application site is located along Walden House Road and is outside of the settlement boundary for Great Totham (south) by about 170m. However, Great Totham is a 'larger village' in policy S8 and is recognised to include a range of facilities and services. These include a primary school, a village hall, recreational grounds, a community hall, public houses, post office and store, and a nearby golf course. The site's location also means it is in close proximity to Wickham Bishops, which is also a 'larger village' in policy S8, and this village includes a range of facilities and services including a church, a village hall, recreation ground, library, general store with post office, hairdressers, health food shop, beauty salon, tea room, vehicle repair garage, car show room, a public house and a doctors surgery.
- 5.1.13 In addition to the consideration of facilities and services, it is also necessary to consider whether the site can be reached by a range of sustainable modes of transport. There is pedestrian footway along Walden House Road that allows for walking into both villages with Great Totham Primary School being approximately 170m walking distance from the site. For cycling, this road and the road into Wickham Bishops, are both within 30mph speed restriction zones, although they are both rural type roads with no lighting. Great Totham has a bus route through the village along the Maldon Road (B1022) and there is one hourly service for the 75 operated by First Bus that links to Maldon and Colchester. The nearest bus stop is along the Maldon Road (B1022) also provides for 504 and 506 services. This bus stop can be reached by walking east on the footway along Walden House Road to its junction with Maldon Road where the bus stop is just to the south and is an approximate 750m walk. Within walking distance of the site there is also access to the number 90 service that links Maldon to Witham which can be reached via footways in Wickham Bishops to the west or Great Totham. Witham provides access to the nearest rail service at 3.9 miles away and can be access via the number 90 bus service.
- 5.1.14 Based on the above it is considered that the site has good accessibility in terms of the NPPF sustainability considerations.
- 5.1.15 With regard to other Environmental considerations these are assessed in detail below.

Social Dimension

- 5.1.16 The development would make a nominal contribution towards the supply of housing within the District as only a single dwelling is proposed.

Economic Dimension

- 5.1.17 The development would make a nominal contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

Other Principle of Development considerations

- 5.1.18 The proposal would result in the loss of menage but this is a private facility and not a community facility, it is therefore not considered to be protected for retention by the open space, sport and leisure policy N3 of the LDP.

Summary of Principle of Development

- 5.1.19 Based upon the Council's 5YHLS position the tilted balance in favour of sustainable development applies. Therefore, the development of sites such as this outside of settlement boundaries need to be considered as to whether the development is sustainable development to meet the definition of the NPPF and LDP policy S1. For the reasons explained above the site is considered to be located in a sustainable location for this development in close proximity and accessible to two 'larger villages' as defined in policy S8 which provides for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the Local Plan (LDP) is therefore considered acceptable.

5.2 Housing Provision and Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 Policy H2 requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.2.3 The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance (PPG) and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.2.4 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one-bedrooms, 25-35% two-bedrooms, 40-50% three-bedrooms and 15-25% for 4+ bedroom market dwellings.
- 5.2.5 The proposal is for a four-bedroom dwelling. Therefore, whilst the proposal would not provide a dwelling to meet the majority of housing needs in the District it would still meet a requirement for 4+ bedroom dwellings in the District. The proposal would make a nominal contribution given the scale of the proposal and would not contribute towards the District's biggest requirement for three-bedroom dwellings. Nonetheless, the proposal is not considered unacceptable based on housing mix and policy H2.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be 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 enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.4 The Great Totham Neighbourhood Plan (2022) requires residential development to demonstrate high quality design and layout which respects the 'Arcadian' nature and local character.
- 5.3.5 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. 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.
- 5.3.6 Before assessing the design consideration of the application, it is necessary to understand the context of the site and its surroundings. Great Totham and other settlements in the Maldon District are identified as Arcadian settlements which are defined in the MDDG as being recognised for their 'unusual dispersed pattern without a core street or green' but these are settlements that are defined where mature landscaping dominates the appearance with buildings interspersed into this landscape.
- 5.3.7 In terms of layout the proposed dwelling would be centrally located within the site, and this allows for sufficient space between the proposed building and the boundaries. This can allow for landscaping which is an important part of the appearance of this area. The existing trees along the western boundary would be retained and the plans show that a laid to lawn garden would be created. The front of the site would include a driveway serving the dwelling and cartlodge that connects to the public highway via the front of the site. The layout of the development is considered acceptable.
- 5.3.8 In terms of scale of the development, the proposed dwelling would be 8.2m high, which is acceptable within this plot and in the area, especially considering the height of Walden House to the south and its outbuildings including a former barn conversion. The proposed cartlodge would be 4.05m high and would therefore appear subservient to the host dwelling. The scale of the development is considered acceptable.
- 5.3.9 Turning to design, the proposed dwelling would reflect a traditional style home with two chimney stacks and a projecting front gable end projecting incorporating a flat roofed porch canopy. The dwelling would be finished in red face brickwork and would

include a red coloured plain tiled roof. The cartlodge building would be constructed of oak posts and beams, would have a red face brick plinth and black painted weatherboarding to its enclosed elevations. The roof would have a grey slate finish with red ridge and hip tiles. The front boundary treatment would consist of hedgerows behind a 1.2m high post and rail fence. The design and appearance of the development is considered acceptable.

- 5.3.10 With regard to the proposal's impact upon the area, the applicant's Landscape and Visual Impact Assessment (LVIA) recognises the site is located within the District Landscape Area of F3 which is the Totham Wooded farmland, which covers a much larger area than the site itself. The immediate surroundings include the farmyard and associated buildings to the south with fields to the north and houses along the western side of Kelvedon Road. The LVIA states that existing boundary hedges and trees are to be retained and that new post and rail fencing, characteristic of a rural area, would be used to avoid the garden looking too urban. It is recognised that the proposed dwelling sited centrally within the site and within the existing and proposed landscaping. This is considered in design and in landscape impact terms within this Arcadian landscape. The proposal is therefore acceptable with regard to policies D1 and H4, GT02 of the Great Totham Neighbourhood Plan, the MDDG and the guidance contained in the NPPF.

5.4 Living Conditions and Amenity Space

- 5.4.1 The proposed dwelling is four bedrooms with an internal floor space in excess of 271sqm. It complies with the minimum gross internal floor area for a four-bedroom (eight person) dwelling as specified in the Nationally Described Space Standards (March 2015). There is also light and ventilation proposed for all the habitable rooms.
- 5.4.2 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100sqm of private amenity space for dwellings with three or more bedrooms, 50sqm for smaller dwellings and 25m² for flats.
- 5.4.3 The proposal would provide in excess of 100sqm of private amenity space immediately adjacent to the proposed dwelling. It is considered that the amount, location and design of the amenity space would achieve high quality private amenity space, in accordance with Policy D1 of the approved LDP and the MDDG SPD.

5.5 Access, Parking and Highway Safety

- 5.5.1 LDP 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.
- 5.5.2 The NPPF refers in paragraph 111 that, '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety*'.
- 5.5.3 The Great Totham Neighbourhood Plan policy GT07 encourages the use of car ports and a cartlodge is proposed with this application, and policy GT08 supports pedestrian and cycle access.

- 5.5.4 The proposal would create a new vehicle access onto Walden House Road and the location plan includes sight lines for visibility splays to demonstrate that visibility would be safe for users of the access. Essex County Council (ECC) Highways have no objections to the access but have recommended planning conditions for achieving the visibility splays, the new vehicle access shall need to be at right angles to the highway, no unbound surface materials shall be used within 6m of the entrance to the highway and that any gates to be opening inwards. Subject to these conditions the proposed access arrangement is acceptable having regard to LDP policy T2.
- 5.5.5 The proposal would include a three bay cartlodge for car parking and includes a lean to building for cycle parking. The driveway to the property would also provide ample off street parking. ECC Highways have no objections subject to conditions for achieving cycle parking in accordance with the MDC Parking Standards, and the provision of residential travel information pack for the new occupier. Therefore, the development would provide sufficient off street parking with regard to LDP policy T2 and the Council's adopted parking standards.

5.6 Flood Risk and Drainage

- 5.6.1 Policy D5 of the Local Development Plan 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 maximize opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.6.2 The site is entirely within Flood Zone 1 and presents a low risk from flooding. The site is less than 1 hectare and therefore does not require a Flood Risk Assessment to accompany the application nor does it require application of the Sequential Test as set out in the NPPF / PPG.
- 5.6.3 The proposal has been reviewed by the Council's Environmental Health Officer who has recommended that conditions are imposed relating to foul drainage and surface water disposal.
- 5.6.4 Subject to the above mentioned recommended conditions, the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

5.7 Ecology and Biodiversity

- 5.7.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity*'.
- 5.7.2 Policy S1 of the LDP includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.3 Policy N1 of the LDP 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. Policy N2 of the LDP states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or

national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.7.4 The Great Totham Neighbourhood Plan (2022) policy GT04 seeks development proposals to deliver net biodiversity gains and GT05 requires all residential development to make an appropriate financial contribution towards mitigation measures towards Essex RAMS.

Ecology

- 5.7.5 The applicant's Preliminary Ecological Appraisal (PEA) (October 2024) identifies that the site was visited in August 2024 and considers that the site as menage and laid lawn has limited ecology presence. The trees on the western boundary may include bats and nesting birds but these trees are to remain as they are so there would be no change. The PEA identifies the bat boxes and bird boxes would be installed on the house and cartlodge building as ecology enhancements. Hedgerows would be installed that would also provide enhancement opportunities for wildlife.
- 5.7.6 The Place Service's Ecology Advisor recognises that the site is suitable for foraging and commuting bats, so a sensitive lighting scheme is needed. The Place Service's Ecology Advisor raises no objections subject to conditions requiring mitigation within the PEA and a biodiversity enhancement scheme to be carried out, and if lighting is proposed then a scheme is to be agreed to minimize any impact upon wildlife. The Place Service's Ecology Advisor on Biodiversity Net Gain (BNG) advises that because the proposal is for one new dwelling and is less than 0.5 hectares it is exempt from the BNG requirements. Such requirements can be secured through a planning condition to meet the requirements of policy N2 of the LDP and the relevant paragraphs of the NPPF and PPG.

Impact upon Designated Sites

- 5.7.7 The site falls within the evidenced recreational Zone of Influence (Zoi) of the Essex Coast RAMS, which is an adopted SPD. 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 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.
- 5.7.8 The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 5.7.9 To accord with Natural England's (NE) requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the ZOI for the Essex Coast RAMS with respect to the below sites? Yes

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

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

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

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

Summary of Appropriate Assessment

- 5.7.10 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.7.11 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 £169.45 (2025-2026 figure) and thus, the developer contribution should be calculated at this figure. For this application a financial contribution of £169.45 is required based on the current tariff applied for RAMS mitigation.

Conclusion to this section

- 5.7.12 Subject to the financial contribution towards the RAMS mitigation being secured there are no objections to the proposal with regard to ecology and biodiversity considerations having regard to LDP policy N2, the Great Totham Neighbouring Development Plan policies GT04 and GT05, and along with the guidance and paragraphs of the NPPF / PPG.

5.8 Impact on Neighbouring Amenity

- 5.8.1 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.
- 5.8.2 The nearest residential properties are Walden House to the south and Bishops Place to the west. Both are large houses on substantially sized plots that are sufficiently distance from the siting of the proposed dwelling. The proposal would therefore not impact upon the amenities of the occupiers of these properties in terms of built form, overlooking, loss of privacy, overshadowing nor loss of light. The proposed development would therefore not lead to any adverse impact upon the amenities of the occupiers of these properties and therefore the development is acceptable with regard to LDP policies D1 and H4, and Section c07 of the MDDG (2017).

5.9 Other Matters

- 5.9.1 The application includes a Contaminated Land report which has been assessed by the Council's Environmental Health Officer who recommends a condition is imposed in case there is any unforeseen contamination arising from the construction process of the development.
- 5.9.2 The application includes a Heritage Statement but as there are no heritage assets within the immediate vicinity of the site, so there are no heritage considerations necessary for this application.
- 5.9.3 The application includes a range of renewable and energy efficient measures to meet the requirements of LDP policy D4 and Great Totham Neighbourhood Plan policy GT06 through solar panels to the roof, air source heat pumps and water butts for recycling rainwater.

6. CONCLUSION

- 6.1.1 Based upon the Council's 5YHLS position the tilted balance in favour of sustainable development applies and therefore the development of sites such as this outside of settlement boundaries needs to be considered as whether the development is sustainable development to meet the definition of the NPPF and LDP policy S1. For the reasons explained in this assessment the site is considered to be located in a sustainable location for this development in close proximity and is accessible to two 'larger villages' as defined in policy S8 which provides for a range of facilities, services and various transport modes for accessibility. The principle of the development as sustainable development and a departure from the LDP is therefore considered acceptable.
- 6.1.2 Given the scale of development (one dwelling) limited positive benefits have been identified in relation to the social and economic objectives of sustainable development. Although the development is outside of any settlement boundary, taking into account recent local decisions it is considered that the site lies in a sustainable location, where residents would not be heavily reliant on the use of private cars to access day to day services and facilities. Other environmental impacts can be addressed by way of conditions. The proposed design of the dwelling and its siting would be set back from the road and is considered acceptable in this Arcadian landscape setting and this environmental benefit is given moderate weight in the planning balance. The proposed would be acceptable with regard to highway, drainage, ecology and biodiversity subject to mitigation through planning conditions and a planning obligation towards Essex RAMS.
- 6.1.3 Overall, the benefits of the development would outweigh the harms identified.

7. ANY RELEVANT SITE HISTORY

- 7.1 The relevant planning history is show in the table below:

Reference	Description	Decision
20/00899/FUL	Construction of a menage for personal use	Approved 25.11.2020

8. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Objects as the proposed development is on land outside of any area intended for development and contrary to the Great Totham Neighbourhood Plan and the Maldon District Plan	See section 5.1 of the Assessment

8.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions regarding visibility splays, new vehicle access to be a right angles to the highway, no unbound surface materials, any gates to be opening inwards, cycle parking in accordance with the Maldon District Council Parking Standards, and the provision of residential travel information pack for the new occupier	See section 5.5 of the Assessment
Place Services - Ecology	No objection subject to securing biodiversity mitigation and enhancement measures being secured through planning conditions with regard to the ecological appraisal recommendations, a biodiversity enhancement strategy and wildlife sensitive lighting	See section 5.7 of the Assessment

8.3 **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions for surface water drainage, foul drainage and for unforeseen contamination	See section 5.6 of the Assessment

8.4 Representations received from Interested Parties (*summarised*)

8.4.1 **Two** different comments were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Contrary to the Development Plan and policies S1, S8, D1 and H4	See section 5.1 of the Assessment
Green rural site with wonderful uninterrupted countryside views	Noted. Views are not protected through the planning regime.
The existing menage and surrounding horse grazing areas are in keeping with the overall character and rural green nature of the countryside	Noted
A large house and detached cart-lodge garaging on the site would significantly alter the verdant character of the area through the introduction of built form and other domestic paraphernalia	See section 5.3 of the Assessment
Would lead to demonstrable harm to the character and appearance of the site and the surrounding area	See section 5.3 of the Assessment
Would urbanise an area currently rural in nature and would be out of keeping with this part of the village and the western end of Walden House Road	See section 5.3 of the Assessment
The owners may well choose to no longer use the menage for its original intended purpose but that does not justify conversion of the countryside rural setting to develop a large dwelling and detached cart lodge	See section 5.1 of the Assessment
The application is not on 'unused residential land' as stated at paragraphs 4.8 and 4.24 of the planning statement	Noted
Maldon Council's latest 5YHLS position for 2023-2028 shows that the Council has a 6.3 year supply of housing sufficient to meet its quotas	See section 5.1 of the Assessment
Loss of parking along Walden House Road and lead to safety concerns	See section 5.5 of the Assessment
The development height and position would make the upstairs windows and roof of the proposed building immediately visible to the outlook of existing windows of upstairs bedrooms and bathrooms of Walden House and there is a substantial risk of overlooking	See section 5.8 of the Assessment
Change from environmental of rural darkness to significant urbanisation	See section 5.1 of the Assessment
No explanation as to what the plans are for the remaining section of the menage	Noted, but the remaining part of the menage is outside of the site area

9. **PROPOSED CONDITIONS INCLUDING HEADS OF TERMS FOR ANY SECTION 106 AGREEMENT**

Section 106 legal agreement

A financial contribution of £169.45 for mitigating the impact upon the Zol of the Essex Coast RAMS as new residential development 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.

Proposed Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans as identified above.
REASON: To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
- 3 No development above slab level shall commence until written details or samples of all materials to be used in the construction of the external surfaces of the development and the site boundaries hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
REASON: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 No development above slab level shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development Plan.
- 5 Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification] no building/outbuilding, enclosure, swimming or other pool, container,

- veranda/balcony/raised platform shall be carried out on the site without planning permission having been obtained from the Local Planning Authority.
REASON: In the interests of visual amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan.
- 6 Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be submitted to and approved in writing by the Local Planning Authority before the access is first used by vehicular traffic. The vehicular visibility splays as approved shall be retained free of any obstruction at all times thereafter.
REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.
- 7 Prior to first occupation of the development, details of the proposed new vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the proposed new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no more than 3.6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. The proposed new vehicular access shall be implemented as approved and maintained and retained at all times thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.
- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.
- 8 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.
- 9 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the dwelling free of charge.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2 of the Maldon District Local Development Plan.
- 10 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure that for a minimum:
- 1) The development shall need to manage water on site for 1 in 100 year events plus 40% climate change allowance.

- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change shall be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

The approved scheme shall be implemented prior to the first occupation of the development and be retained for that purpose at all times thereafter.

- 11 REASON: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policy D5 of the Maldon District Local Development Plan. No development works above ground level shall occur until details of the foul drainage scheme to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and then maintained and retained at all times thereafter.

- 12 REASON: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policy D5 of the Maldon District Local Development Plan. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out shall be submitted to the Local Planning Authority for approval in writing.

- 13 REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy D5 of the Maldon District Local Development Plan. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, October 2024). This may include the appointment of an appropriately competent person e.g., an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall

undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

- 14 No works above ground level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- Purpose and conservation objectives for the proposed enhancement measures;
 - Detailed designs or product descriptions to achieve stated objectives;
 - Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - Timetable for implementation;
 - Persons responsible for implementing the enhancement measures;
 - Details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

- 15 Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that lighting will not result in impacts upon the statutory designated sites. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

Application Plans:

23.12.001 – Site Location Plan

23.01.002 – Block Plan

23.01.013 – Proposed Site Plan

23.01.006 – Proposed Ground and First Floor Plans

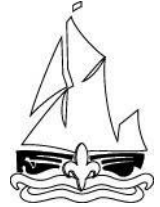
23.01.007 – Proposed Roof Plan Section A-A and Gate Details

23.01.008 – Proposed Elevations

23.01.009 – Proposed Cart Lodge Plan Elevations Roof Plan and Section A-A

23.01.014 – Proposed Street Scene

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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
18 JUNE 2025**

Application Number	25/00186/OUT
Location	Land At The Brambles, Latchingdon Road, Cold Norton
Proposal	Outline application with all matters reserved for the erection of 1 no dwelling
Applicant	Mr Wayne Stanley
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	20.06.2025 (EoT – committee determination required)
Case Officer	Matt Bailey
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the Local Plan

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report) and the submitted Unilateral Undertaking.

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

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 an L-shaped parcel of land 0.15 hectares in area which is currently laid to grass. The site is open and undeveloped, with a boundary of low hedgerows along the road frontage. Established trees and vegetation are also present along the northern boundary. Access to the site is currently gained via the existing shared vehicular access from Latchingdon Road located in the southwestern corner of the site.
- 3.1.2 This section of Latchingdon Road is characterised by ribbon development on both sides of the highway. Approximately 100 metres to the east of the site, to the opposite side of Latchingdon Road, is a convenience shop. To the west of the site is the existing residential property at The Brambles, with substantial outbuilding to the rear. To the east lies the residential property known as Homestead, set approximately 22m from the site boundary. To the north and south of the site (beyond the built development south of the Road) are agricultural fields. The character at the site is rural.
- 3.1.3 The site is within Flood Zone 1 and presents a low risk of flooding.

The Proposal

- 3.1.4 Outline planning permission with all matters reserved is sought for the erection of one dwelling. An indicative plan forms part of the application and illustrates how the site could be developed with a three-bedroom chalet bungalow dwelling with a gross external floorspace of approximately 207 sqm positioned centrally within the site to align with the existing residential property at The Brambles.
- 3.1.5 Indicative plans show that access to the property would be via an access point to the west of the site, shared with the existing dwelling. Parking for three cars would be provided on a front driveway to the south-eastern corner of the site.

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. However, as set out within this report, consideration must be given to the recent appeal decision relating to Land Adjacent to Eastholm (only 100 metres from the site), where the Inspector raised no objections regarding the site's location given its access to services and facilities within the village and beyond. Planning permission was subsequently granted by the North Western Area Planning Committee on 14 January 2025 on the same basis. Due to the recent timing of the appeal decision and subsequent planning permission, and the similar scale of residential development proposed, this is a material planning consideration which is given significant weight.
- 3.2.2 Whilst the application is for outline planning permission, the design and siting of the dwelling as shown on indicative plans would be considered acceptable and would comprise a sensitive infilling of the existing gap along this frontage. Again, based on indicative plans it is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity – subject to details being provided during reserved matters stage and/or by way of planning condition.

- 3.2.3 The proposed development accords with the relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and is recommended for approval.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications
- 54 – 58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157 – 175 Meeting the challenge of climate change, flooding and coastal change.
- 180 – 194 Conserving the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

- Maldon District Design Guide (MDDG)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy
- Vehicle Parking Standards Supplementary Planning Document (SPD)

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 National Planning Policy Framework (NPPF) 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. This includes principle 2 ‘Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations’.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 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 dwellings but does allow (m) development which complies with other policies of the LDP.

Five-Year Housing Land Supply (5YHLS)

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council prepares and publishes a Five- Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.

- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'.

Sustainable Development

- 5.1.9 It is necessary to assess whether the proposed development is '*sustainable development*' as defined in the NPPF. If the site is considered sustainable then the NPPF's '*presumption in favour of sustainable development*' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimension

- 5.1.10 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.
- 5.1.11 Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that "*development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*". This is supported by the update of the Government's Policy Paper, 'Strategic road network and the delivery of sustainable development' (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that "new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable".
- 5.1.12 In this case, the application site is located approximately 500m from the settlement boundary of Cold Norton. Cold Norton is defined within the adopted LDP as a 'smaller village'.
- 5.1.13 A material planning consideration in this case is a recent appeal decision at Land Adjacent to Eastholm, located approximately 100m to the east of the application site (APP/X1545/W/24/3347605 dated 22 November 2024 - see **APPENDIX 1**). In determining that appeal, the Inspector was satisfied that Cold Norton has a reasonable range of services and facilities. At para. 8 the Inspector states that "*The main built-up area of Cold Norton is a 10-minute walk from the site, along a footpath that runs adjacent to a fairly busy 40mph road. The path is of varying widths, in part due to poor maintenance, and is unlit. There is also no street lighting within the settlement boundary. However, facilities such as*

the pre-school and primary school would only usually be accessed within daylight hours, as would buses to secondary schools. The shop is directly opposite the appeal site and appears to have a flood light directed over the car park area to the front of it, and buses can stop outside the site."

- 5.1.14 Following on from the above appeal decision (which was dismissed on design grounds), planning permission was granted for a new dwelling at the Eastholm site by the North Western Area Planning Committee on 14 January 2025 (application ref 24/00742/FUL) in light of the Inspector's conclusion regarding the sustainable location of the site.
- 5.1.15 The facilities and services in the village and the shop in close proximity to the site, together with bus services to Maldon and Chelmsford, as referred to by the inspector are again of equal relevance to the application site in this case - as the appeal decision and subsequent planning permission are very recent and the circumstances of this application are almost identical, there is no reason to come to a different conclusion in terms of locational sustainability.

Social Dimension

- 5.1.16 The development would make a nominal contribution towards the supply of housing within the District as only a single dwelling is proposed.

Economic Dimension

- 5.1.17 The development would make a nominal contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

Summary of Principle of Development

- 5.1.18 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LDP, future occupiers would have reasonable access to day-to-day services and facilities, including public transport, and would not result in undue reliance on private cars for long distance journeys. Giving significant weight to the recent appeal decision and subsequent grant of planning permission at the nearby Land Adjacent Eastholm, Latchingdon Road where the principle of development was accepted (100 metres to the east of the site), no objection is raised.

5.2 Housing Provision and Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.2.3 The LHNA is wholly compliant with the latest NPPF 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. The only significant change with the new NPPF is the emphasis on the provision of Social rented accommodation
- 5.2.4 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one-bedrooms, 25-35% two-bedrooms, 40-50% three-bedrooms and 15-25% for 4+ bedroom market dwellings.

- 5.2.5 The indicative plans submitted as part of the application provide for a three-bedroom dwelling, which would assist in meeting this established need in the District - however this would be nominal contribution given that only a single dwelling is proposed.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be 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 enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.4 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. 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.
- 5.3.5 The site comprises an area of grass and scrubland to the eastern side of an existing residential property, located at the western end of row of frontage development consisting of seven dwellings and a barn along the northern side of Latchingdon Road. There is also a long row of dwellings and a shop on the opposite side of the road. Given its position between existing dwellings, the site's contribution to the rural character of the area is somewhat limited in comparison to the wider surrounding agricultural landscape.
- 5.3.6 Except for the converted buildings between the site and Pale Pit Farm, and some in depth development on the southern side of Latchingdon Road, housing in the area generally consists of ribbon development set back behind parking and front gardens in generous plots. Dwellings vary in terms of age, design and materials, and range in height from single to two-storey, with many having smaller detached outbuildings.
- 5.3.7 Although the application is for outline permission, the submitted indicative drawings show a dwelling that is sited to the centre of the site, in alignment with the existing dwelling at The Brambles, with a similar overall footprint but constructed as a chalet-style bungalow with attic accommodation. The indicative design suggests that the dwelling and associated hardstanding to the front could be sufficiently set back from the frontage to ensure the existing front boundary hedge could be retained, together with additional soft landscaping and necessary parking. The proposed development would not result in any further encroachment into the countryside at the rear than existing built development and

associated gardens. Subject to appropriate boundary treatment and landscaping that could be controlled by conditions, a private garden would not be visually prominent nor result in any harm to the countryside.

- 5.3.8 It is noted that the scale of the proposal (albeit indicative) is similar to that of other properties along this side of Latchingdon Road, and notably of a similar height to that recently approved at Land Adjacent to Eastholm as referred to above.
- 5.3.9 Overall, based on the outline plans submitted, it is considered that the site would be able to accommodate a single dwelling of the style indicated, would not appear as an incongruous form of development and would not urbanise the rural character and appearance of the area.
- 5.3.10 In summary, subject to detailed consideration of the proposed design as part of reserved matters applications, the proposal would not harm the character or appearance of the surrounding area in compliance with policies S1, S8, D1 and H4 of the approved LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, 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.
- 5.4.2 The neighbours that may be potentially impacted by the proposed development are the neighbours to the west at The Brambles, and to the east at Homestead.
- 5.4.3 To the western side, the indicative plans submitted with the application show a chalet style dwelling that is set away from the existing dwelling at The Brambles by 5.6 metres, with two small bathroom windows at first floor level to the side elevation. Given that The Brambles is in effect the “host” property in this case (in the ownership of the applicant), the separation distance proposed and the height of the proposed dwelling it is not considered that the creation of a dwelling at the site would result in any harm in residential amenity terms; and any minor issues relating to amenity could be resolved at reserved matters stage.
- 5.4.4 To the eastern side, the indicative dwelling would be set away from the boundary with Homestead by 2.5 metres – which itself is set away from the shared boundary by a further 22 metres. Given this substantial separation distance, and the potential for boundary treatments (also indicated on the submitted plans) it is not considered that the proposal would cause harm to the residential amenity of this neighbour.
- 5.4.5 Given the proximity of the site to the Brambles, and the shared nature of the site access, officers have recommended a Construction Management Plan be secured by way of a condition to preserve the amenity of the area and avoid nuisance to neighbours during the construction period.

5.5 Living Conditions for Prospective Occupiers

- 5.5.1 The indicative plans submitted with the outline application show a three-bedroom chalet style dwelling of approximately 207sqm which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.
- 5.5.2 It is considered that the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 of the approved 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. Policy D1 seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.6.2 The NPPF refers in paragraph 111 that '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety*'.
- 5.6.3 The existing vehicular access to the Brambles would be used to provide access to serve the new infill dwelling. The Highway Authority has been consulted and raised no objection to the proposal in terms of access, subject to appropriate conditions relating to surface treatments and provision of Travel Information Packs and travel vouchers prior to occupation.
- 5.6.4 The proposed indicative drawings show provision for the parking of three cars to the front driveway, which would accord with the Council's Vehicle Parking Standards for dwellings of four or more bedrooms. This would exceed the requirement of the initially proposed dwelling (shown indicatively as a three-bedroom dwelling). In any event it is considered that the site would be able to provide sufficient parking for a single dwelling irrespective of the number of bedrooms proposed in any final design.

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 SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.7.2 Whilst the application is for outline planning permission, indicative plans demonstrate that the rear garden area as proposed is likely to far exceed the level of private amenity space provision required. It is considered that the site would be able to accommodate sufficient high quality private amenity space, in accordance with Policy D1 of the approved LDP and the MDDG SPD.

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 maximize 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 The proposal has been reviewed by the Council's Environmental Health Officer, who advises that details regarding surface water and foul water drainage would be required and could be imposed by way of conditions on any permission.
- 5.8.4 Subject to the above mentioned recommended conditions the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

5.9 Ecology and Biodiversity

- 5.9.1 Paragraph 170 of the NPPF states that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity’.
- 5.9.2 Policy S1 of the LDP 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 of the LDP 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. Policy N2 of the LDP 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.

Ecology

- 5.9.4 The application is supported by a Preliminary Ecological Appraisal (PEA) (prepared by Skilled Ecology Consultancy Ltd, December 2024).
- 5.9.5 The Council’s ecology consultant, Place Services, has reviewed the submitted information and is satisfied that there is sufficient ecological information available for determination of this application providing certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The reasonable enhancement measures recommended in the submitted Preliminary Ecological Appraisal are supported. Conditions are therefore recommended to secure the measures in the submitted documents are carried out, to secure a biodiversity enhancement strategy and ensure a wildlife sensitive lighting scheme.

Impact on Designated Sites

- 5.9.6 The site falls within the ‘Zone of Influence’ (Zol) for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The LPA must therefore undertake a Habitat Regulation Assessment (HRA) and secure a proportionate financial contribution towards the Essex Coast RAMS.
- 5.9.7 The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE’s requirements and strategy advice, an Essex Coast RAMS HRA record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

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

Is the development within the Zone of Influence (Zol) for the Essex Coat RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for 1no. dwellings, and therefore the net increase of dwellings at the site is 1no. dwellings.

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

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

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

Summary of Appropriate Assessment

- 5.9.8 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.9 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 £169.45 (2025/26 figure) and thus, the developer contribution should be calculated at this figure.
- 5.9.10 The applicant has provided the relevant checking and monitoring fees, and a completed and signed unilateral undertaking to ensure that mitigation is secured.

Biodiversity Net Gain

- 5.9.11 The application as submitted seeks permission for the construction of a self-build dwelling, which is exempt from Biodiversity Net Gain. Notwithstanding the exemption, as part of the submitted PEA the outline scheme proposes a number of ecological enhancements (bat boxes, bird boxes, appropriately selected plant species and soft landscaping design) to be incorporated into the design; these would be secured by way of planning condition as noted at paragraph 5.8.5 above.

Trees

- 5.9.12 The outline application documentation includes a tree survey of the sit, which confirms that very few trees exist at the site and that, based on the indicative plans submitted, any trees would not be adversely affected by the proposed development of a single dwelling to the centre of the site.
- 5.9.13 The Council's Arboricultural consultant supports the application subject to the submission of detailed tree protection plans, an arboricultural impact assessment and method statement. This information can be secured by way of planning condition.

5.10 Planning Balance

- 5.10.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.10.2 Given the scale of development (one dwelling) limited positive benefits have been identified in relation to the social and economic objectives of sustainable development. Although the

development is outside of any settlement boundary, taking into account recent local decisions it is considered that the site lies in a sustainable location, where residents would not be heavily reliant on the use of private cars to access day to day services and facilities. Other environmental impacts can be addressed by way of conditions. The recent appeal decision relating to Land Adjacent to Eastholm is a material consideration which is given significant weight.

5.10.3 Overall, the benefits of the development would outweigh the harm identified.

6. ANY RELEVANT SITE HISTORY

- 6.1 No relevant history relating to the application site. Reference is made to the recent planning permission granted in January 2025 for a single dwelling at nearby Land Adjacent Eastholm, Latchingdon Road, Purleigh (application ref 24/00742/FUL) and the associated preceding appeal decision (APP/X1545/W/24/3347605 (decision dated 22 November 2024)).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish Council	Comment	Officer Response
Purleigh Parish Council	<p>The proposed development is located outside of a defined settlement boundary, is in open countryside and constitutes over development of the site without the removal of the existing dwelling.</p> <p>By virtue of the size of the proposed development and loss of garden space, the proposed dwelling is considered an incongruous form of development that is out of keeping with the existing street scene. 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, the Maldon District Design Guide (2017), and the policies and guidance within the National Planning Policy Framework (2023).</p>	Noted. The principle of development is discussed in section 5.1 and impact on character and appearance of the area is discussed in section 5.2 of this report.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee	Comment	Officer Response
Highway Authority	No objection subject to conditions regarding surface treatment and provision of residential Travel Information Packs and travel vouchers.	Noted and discussed in section 5.5 of this report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions requiring submission of details relating to surface water and foul water drainage.	Noted, addressed in section 5.7 of the report and conditions included in the recommendation.
Ecology	No objection subject to securing a financial contribution towards Essex Coast RAMS and biodiversity mitigation and enhancement measures.	Noted, addressed in section 5.8 of the report and conditions included in the recommendation. Satisfactory unilateral undertaking has been submitted to secure RAMS contribution.
Trees	No objection subject to conditions requiring the submission of a tree survey, tree retention and protection plan, arboricultural impact assessment and method statement.	Noted, addressed in section 5.8 of the report and conditions included in the recommendation.

7.4 Representations received from Interested Parties

7.4.1 No representations have been received in response to the public consultation.

8. **PROPOSED CONDITIONS**

1. The development shall be carried out in accordance with plans and particulars relating to the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
4. The development hereby permitted shall be carried out in accordance with Brown & Cos site location plan.
REASON: To ensure that the development is carried out in accordance with the details as approved
5. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
6. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no works above ground level shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i. Proposed finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

7. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no development shall commence until satisfactory information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree Protection Plan
- Arboricultural Impact Assessment
- Arboricultural Method Statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interest of highway safety in accordance.

9. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) are to be provided by the Developer to the dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan.

10. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with policy D2 of the Maldon District Local Development Plan (2017).

11. No development works shall occur above ground level until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To prevent environmental and amenity problems arising from flooding and in accordance with policy D2 of the Maldon District Local Development Plan (2017).

12. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology Consultancy, December 2024) as submitted with the application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (NERC Act 2006) (Priority habitats and species).
13. No works above ground level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats and species).
14. Prior to installation of any external lighting, a scheme for sensitive lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate, contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).
15. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. the parking of vehicles of site operatives and visitors,
 - b. loading and unloading of plant and materials,
 - c. storage of plant and materials used in constructing the development,

- d. wheel and underbody washing facilities.
- e. no waste materials should be burnt on site, instead being removed by licensed waste contractors.
- f. no dust emissions should leave the boundary of the site.
- g. consideration to restricting the duration of noisy activities and in locating them away from the periphery of the site.
- h. hours of works undertaken only between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interest of protecting residential amenity, in accordance with Policies D1, D2, D5 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2023).

APPLICATION PLANS

BRCM36HR_SP2.0
BRCM36HR_EBP2.1
BRCM36HR_PBP2.2
BRCM36HR_DR1.1A
BRCM36HR-DR1.1B
BRCM36HR-DR1.1C
BRCM36HR-DR1.1D

APPENDIX 1

APPENDIX 1 – Appeal decision reference APP/X1545/W/24/3347605 dated 22 November 2024



Appeal Decision

Hearing held on 6 November 2024

Site visits made on 5 and 6 November 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/X1545/W/24/3347605

Land adjacent to Eastholm, Latchingdon Road, Purleigh, Essex, CM3 6HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr S Jacob against the decision of Maldon District Council.
- The application Ref is FUL/MAL/24/00235.
- The development proposed is erection of 2no. dwellings with associated landscaping and ancillary works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the application form the site location is described as "*Land to the North of Latchingdon Road (Opposite existing Londis supermarket)*". The Council amended the site address to "*Land Adjacent Eastholm, Latchingdon Road, Purleigh, Essex*". It was agreed verbally by the parties that as the Council's description is more detailed and better reflects that of previous planning decisions on the site, this should be used to avoid confusion. The post code of neighbouring properties has been added for completeness. It was also clarified by the main parties at the hearing that although the site is located between the settlements of Cold Norton and Latchingdon, it falls within the Parish of Purleigh.
3. The main parties agree that Policies T1, N1, H1 and I1 of the Maldon District Local Development Plan 2014-2019 (2017) (the LP) are not relevant to the proposed development despite being mentioned in the decision notice and statement of common ground.
4. The site lies within the Zone of Influence (ZoI) of one or more European designated habitat sites. A planning obligation was submitted with the appeal that would secure appropriate mitigation, in accordance with the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS), to ensure that the proposed development would not result in adverse effects to any designated sites. As a result of this, the Council's third reason for refusal was withdrawn.

Main Issues

5. The main issues are i) whether the proposal would be in a suitable location having regard to planning policies and the accessibility of services and facilities, and ii) the effect of the development on the character and appearance of the area.

Reasons

Location

6. Policy S1 of the LP seeks amongst other things to deliver homes in the most sustainable locations and to minimise the need to travel. Policy S2 of the LP states that the majority of new growth will be delivered through sustainable extensions to Maldon, Heybridge and Burnham-on-Crouch. However, it also states that a proportion of new development will be directed to rural villages to support rural housing needs, local services and facilities, and the rural economy. It goes on to state that such development should reflect the size, function and capacity of the settlement and not result in unsustainable spatial patterns to the detriment of the wider area.
7. Policy S8 supports sustainable development within defined settlement boundaries. It also sets out a settlement hierarchy within which the nearest settlement of Cold Norton is defined as a smaller village. The Council confirmed at the hearing that the erection of two dwellings within the settlement boundaries of smaller villages, such as Cold Norton, would normally be considered to constitute sustainable development and would be acceptable in principle. However, in this case the appeal site is located approximately 600 metres outside of the defined settlement boundary, in the countryside. Policy S8 seeks to protect the countryside and it is undisputed that the proposal does not fall within any of the development types listed by that policy as being acceptable.
8. Despite being defined as a smaller village, Cold Norton does have a reasonable range of services and facilities. In addition to a large convenience store, which is directly across the road from the site, there is a public house that also serves food, a village hall that also serves as a pre-school and has a public outdoor playing field and play area, a primary school, a golf club with a restaurant, golf shop and gym, allotments, and a church. Although the local shop no longer appears to provide a post office service, it stocks a wide variety of food and non-food goods and has an ATM, post box, parcel lockers, and a collect plus service.
9. At the hearing I was advised that despite there being no bus stop sign present outside the site or the Londis Store opposite it, buses do stop on demand to drop off and pick up passengers from here. I acknowledge that the Dial and Ride Transport (DaRT) bus service operated by Arrow Taxis has recently ceased and that to date no replacement service has been put in place. I also note that although school bus services are available and can be used by the general public, these only operate on school days. In addition to the Ford Coaches services the Council submitted details of, the Appellant advised that there were other bus services, including the D1 and D2 services, that make approximately 12 or 13 stops in Cold Norton on weekdays and 9 stops on Saturdays. This corresponds with the bus stop sign I observed in Cold Norton during my site visit.
10. North Fambridge train station is approximately 2 miles from the site offering an hourly train service between Southminster and Wickford and onto central London. Whilst this would not be safely accessible on foot and there are no known bus services currently operating on a regular basis between the train station and the site, it is within reasonable cycling distance or a short drive. Car and cycle parking is available at the train station. Accordingly, longer

journeys to larger destinations providing access to a greater range of shopping, healthcare and employment could be made by sustainable transport, following a short car journey or cycle ride.

11. The main built-up area of Cold Norton is a 10-minute walk from the site, along a footpath that runs adjacent to a fairly busy 40mph road. The path is of varying widths, in part due to poor maintenance, and is unlit. There is also no street lighting within the settlement boundary. However, facilities such as the pre-school and primary school would only usually be accessed within daylight hours, as would buses to secondary schools. The shop is directly opposite the appeal site and appears to have a flood light directed over the car park area to the front of it, and buses can stop outside the site. Policy T2 of the LP refers to safe and direct walking and cycling routes to nearby services, facilities and public transport, but does not explain or define what this is. I was advised verbally at the hearing by the appellant that Essex County Council guidance considers a 10-minute walk to be acceptable. This was not disputed by the Council.
12. As the only food shop in the area is the Londis store, which is located opposite the appeal site, outside of the settlement boundary, residents of any existing or new dwellings located within the settlement boundary of Cold Norton would need to walk the same distance, along the same unlit section of footpath, to access this facility, as future occupiers of the proposed development would do to access other services and facilities such as the public house and school. The shop is arguably the facility which would benefit the most residents, the most often, and not just those with young children or that enjoy occasionally visiting the public house or taking part in activities at the village hall, church or golf club.
13. I therefore conclude that although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LP, in the context of the rural district of Maldon, future occupiers would have reasonable access to day-to-day services and facilities, including public transport, without undue reliance on private cars for long distance journeys. Furthermore, any trips generated by two dwellings would be minimal.
14. I find no conflict with Policies S1, S2, D2, H4 or T2 of the LP, which seek amongst other things to deliver new homes in sustainable locations, including rural villages, to minimise the need to travel, particularly by private motor vehicles, and to have regard to accessibility to local services, facilities and public transport. I also find no conflict with the National Planning Policy Framework (the Framework), which supports opportunities for rural villages to grow and thrive, especially where this will support local services and assist in maintaining the vitality of rural communities. It also encourages significant (not all) development to be located in sustainable locations whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Character and appearance

15. The appeal site comprises a small area of grass and scrubland bound by high hedges to the front and side. It sits roughly in the centre of a long row of frontage development consisting of seven dwellings and a barn. There is also a long row of dwellings and a shop on the opposite side of the road. Although the undeveloped open nature of the site provides some limited glimpsed views

through to the wider countryside landscape beyond, its contribution to the rural character of the area is somewhat limited and is distinctly different to the larger fields, paddocks and wooded areas to the west of the site, between No.71 Latchingdon Road and The Brambles.

16. Except for the converted buildings between the site and Pale Pit Farm, and some in depth development on the southern side of Latchingdon Road, housing in the area generally consists of ribbon development set back behind parking and front gardens in generous plots. Dwellings vary in terms of age, design and materials, and range in height from single to two-storey, with many having smaller detached outbuildings.
17. The proposal would utilise the existing vehicular access, which would be widened and extended to serve both new dwellings and the field at the rear of the site. The retention of the field access would result in a generous gap between Eastholm and plot 1, which would be consistent with the adjacent row of dwellings. A large gap would also be retained between plot 2 and the adjacent farm building.
18. Although the proposed dwellings would be sited slightly further forward than those known as Eastholm and White Thorns, this would not detract from the existing staggered building line with the siting being similar to that of Homestead and The Brambles. The dwellings, garages and associated hardstanding to the front of them would be sufficiently set back from the footway to ensure the existing front boundary hedge could be retained, together with additional soft landscaping. The proposed buildings and gardens would not encroach any further into the countryside at the rear than existing built development and gardens surrounding the site. Subject to appropriate boundary treatment and landscaping that could be controlled by conditions, the gardens would not be visually prominent and accordingly some domestic paraphernalia within these would not result in any harm to the countryside.
19. However, the space between the proposed dwellings and garages would be limited to a narrow footway. This together with the height of the garage, which would be almost as high as the dwellings and only slightly stepped back, and the uniformed siting and design of the two dwellings, would appear more estate like than the looser grain, spacious and organic form and pattern of development and mix of dwelling designs found in the immediate surrounding area. For this reason, I agree with the Council that the proposal would appear incongruous in its setting and would urbanise the rural character and appearance of the area.
20. I therefore conclude that although some sensitive infilling resulting in the loss of a small frontage gap would not erode the intrinsic character and beauty of the open countryside, the design and layout of the proposed scheme before me would urbanise the appearance of the site, contrary to Policies D1 and H4 of the LP. These policies require amongst other things that development contributes to and enhances local distinctiveness, having regard to the existing character and density of the surrounding area. The proposal is also contrary to the Framework in so far as it requires new development to be sympathetic to local character and the surrounding built environment and landscape setting. Whilst I acknowledge increased densities and effective use of land is encouraged, the same density could be achieved with smaller or semi-

detached buildings of non-uniformed design and siting, in more spacious surroundings, that better reflect the pattern of development in the area.

Other Matters

21. The site is within the ZoI of one or more European designated habitats sites covered by the Essex Coast RAMS. As I am not allowing the appeal it is not necessary for me to undertake an appropriate assessment to establish whether the proposal would have any likely adverse effect on any designated habitats sites.
22. I acknowledge that a similar proposal for two chalet bungalows on the same site was refused planning permission in 2008 and was dismissed on appeal in 2009. Although little has changed on the ground since that time, national planning policy now takes a less restrictive approach to new housing in rural areas. I therefore afford the previous appeal decision little weight.
23. The proposal would deliver two large 4 bed family market houses. In the context of the Council having a five-year supply of housing land, and 4+ bedroom family houses not being the greatest identified need according to the latest local housing need assessment (2021), I afford this benefit only moderate weight. The economic benefits derived from the short-term construction period of two dwellings, which the appellant states could be delivered very quickly, and the local spending increase generated by future occupiers would also be very modest but would nevertheless benefit local services. As such I also afford this moderate weight.
24. It has been suggested that the most important policies for determining this appeal should be considered out-of-date for the purposes of paragraph 11d of the Framework. It is undisputed that the Council can demonstrate a five-year supply of deliverable housing sites and therefore paragraph 11d is not automatically engaged on that basis. I have no reason to doubt that part of that five-year supply of land is made up of greenfield windfall sites, but the fact is a five-year supply currently exists. However, this does not mean that further acceptable housing development should be resisted.
25. Although the Framework has been updated since the adoption of the LP and there is a legal requirement to review local plans at least every five years to assess whether they need updating, paragraph 219 of the Framework confirms that policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
26. I have been provided with a copy of a report by the Director of Strategy, Performance and Governance, which was presented to elected members of the Council on 3 November 2022. This report, entitled Maldon District Local Development Plan Review (DPR), together with its associated appendices, sets out in detail how and why current LP policies, including those most important to this proposal, fail to conform with the Framework and need to be reviewed. Whilst the DPR does not conclude that all policies are entirely inconsistent with the general aims of the Framework, it acknowledges that many policies are based upon out-of-date evidence, are negatively worded and contain elements of unnecessary repetition and ambiguity. It also recognises the need to introduce new policies to reflect recent changes to the Framework regarding

matters such as self-build housing and small housing sites. Having regard to the Council's own recognised inconsistencies between its LP policies and the Framework, I have reduced the weight that I afford to them accordingly.

27. Although I have not found any conflict with Policy S2 of the LP, the DPR report notes that this policy supports strategic (major) growth in rural villages and refers to a hierarchy but fails to explain what scale or type of development should be supported in each level of it. The DPR report concludes that this policy is not in conformity with the Framework and advises that the principal of housing development in any area outside of Maldon, Heybridge and Burnham-on-Crouch should be determined having regard only to national policy.
28. With regard to Policy S8, the DPR report acknowledges that the settlement hierarchy was based on evidence dating from 2011, with no site visits being undertaken to assess its accuracy. As a result, villages with more services and facilities are mixed into the same category as hamlets and villages with less services and facilities. It is noted in the DPR report that Policy S8 could be preventing many of the LP key objectives from being delivered by restricting development to within settlement boundaries.
29. Whilst the evidence before me suggests that some individual LP policies do not fully conform with the Framework, the basket of policies that are most important for determining this development proposal are not, when taken collectively, so inconsistent with the Framework as to render them out of date. Consequently, I do not consider that paragraph 11d is engaged. Even if this was the case, the adverse effect of the development on the character and appearance of the site would in my view significantly and demonstrably outweigh the moderate benefits of the proposal when assessed against the policies in the Framework taken as a whole.
30. My attention has also been drawn to the Maldon District Rural Facilities Survey and Settlement Pattern May 2023, which forms part of the evidence base to the emerging local plan (the eLP). This document, like the DPR report, also acknowledges that the settlement hierarchy in the current LP was not based upon thorough and accurate research into the services and facilities on offer in each village. Based upon the more robust surveys recently undertaken, it is proposed that Cold Norton should be defined as a medium village in the future, rather than a smaller village. However, until such time as the eLP and its evidence base have been subject to consultation and examination, I afford this limited weight. I am also mindful that recent changes to the local bus service could affect the eventual categorisation. I have therefore determined the appeal based upon the services and facilities that I consider to be reasonably accessible from the site at the time of making my decision.
31. Both parties have referred me to multiple decisions elsewhere within the district. I have considered each of those and have had regard to any similarities within them. However, as each case is very different in terms of its scale, location, access to services and facilities and in terms of its harms and benefits, I do not consider that the Council's decision is inconsistent with others that were granted permission for a variety of different reasons. Likewise, I have considered this appeal based upon its own merits.

Planning Balance and Conclusion

32. Decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal would conflict with Policy S8 of the LP, due to the site being located outside of any defined settlement boundary. However, the Council's own report concludes that this policy is unduly restrictive and not entirely consistent with the Framework. Furthermore, I have not been provided with evidence of any harm that would arise from the conflict with this policy, in relation to the location of the proposed development. I am satisfied that future occupiers of the development would have the same level of access to services, facilities and public transport as those living within the settlement boundary. Accordingly, I afford the conflict with this policy very limited weight.
33. The development of the site would not result in harm to the intrinsic character and beauty of the countryside or the wider landscape from the loss of a small open gap. However, the form and pattern of the development on the site together with the uniformed house types would be incongruous with the varied house types on spacious surrounding plots and would urbanise the appearance of the area contrary to policies D1 and H4 of the LP. As I consider these policies to be broadly consistent with the Framework, I afford this harm significant weight.
34. Having had regard to all of the evidence before me, I conclude that the proposal would conflict with the development plan and the moderate benefits of the scheme, although material considerations, would not clearly outweigh the harm to the character and appearance of the site. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Leigh BA (Hons) MRTPI – Q Square - Agent

Blaine McMahon - Scene Architects Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Fiona Bradley MRTPI - Principal Planning Officer

Michael Johnson - Head of Service Development Management and Building Control



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
18 JUNE 2025**

Application Number	TPO 01/25
Location	46 East Street, Tollesbury, CM9 8QE
Proposal	Confirmation of TPO 01/25
Applicant	T.Reynolds
Target Decision Date	2 April 2025
Case Officer	Matt Bailey
Parish	TOLLESBURY
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation.

1. **RECOMMENDATION**

CONFIRM Tree Preservation Order (TPO) 01/25 without any modifications.

2. **SITE MAP**

Please see below.

Tree Preservation Order		Details													
To the front of 46 East Street, Tollesbury		<div>T1 - Ash</div>													
Copyright <small>For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</small>		<table border="1"> <tr> <td>Scale:</td> <td>1:625</td> </tr> <tr> <td>Organisation:</td> <td>Maldon District Council</td> </tr> <tr> <td>Department:</td> <td>Department</td> </tr> <tr> <td>Comments:</td> <td>TPO 20/24</td> </tr> <tr> <td>Date:</td> <td>02/10/2024</td> </tr> <tr> <td>MSA Number:</td> <td>100018588</td> </tr> </table>		Scale:	1:625	Organisation:	Maldon District Council	Department:	Department	Comments:	TPO 20/24	Date:	02/10/2024	MSA Number:	100018588
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www.maldon.gov.uk															

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 In September 2024 an application (24/00696/TCA) was submitted to fell the T1 Ash Tree. The Councils Arboricultural Consultant raised an objection stating that,

The tree is highly visible from the public realm and makes a high contribution to the local visual amenity value. Although the applicant has stated that damage to the driveway is occurring no evidence of this has been supplied to prove this. The removal of the tree would have a high negative impact on the local visual amenity and regular maintenance pruning would help to keep the tree at a suitable size and limit potential damage to property by restricting root growth. Therefore, this application will be refused on Arboricultural grounds, and it is advised a Tree preservation Order to be served on this tree.

- 3.1.2 The tree has been previously reduced through application 14/01035/TCA which would help restrict root growth and keep the tree at a suitable size for its location. It is recommended that the applicant undertakes a crown reduction by 3-4m back to previous pruning points as this will help to limit any potential damage and limit the trees overall size'.
- 3.1.3 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is the nationally accepted system of scoring the amenity value of a tree, was carried out by the Councils Arboricultural Consultant. The TEMPO assessment scored the tree 17 out of 25 and concluded that the tree definitely merited a TPO. Therefore, a TPO was served as a provisional order on 21 January 2025, which must be confirmed within six months to become permanent and thus continue the trees protection.
- 3.1.4 One letter of objection has been received from the owner of 46 East Street relating to the serving of the TPO 01/25 located on the grass verge to front of / north 46 East Street.
- 3.1.5 The objection remains unresolved; therefore, the question of whether or not to confirm the TPO has been brought before members to determine.
- 3.1.6 For the purposes of the report going forwards, the tree (Ash) subject to this report will be referred to as T1.

3.2 The Site

- 3.2.1 The T1 (as identified in the TPO) is located to the front/north of 46 East Street on the grass verge adjacent to the pavement, within a residential setting. It is situated within the defined development boundary of Tollesbury and within the designated Conservation area.
- 3.2.2 The T1 is highly visible from the public realm of East Street and therefore provides high visual amenity.
- 3.2.3 An assessment of the T1 suggests it is suitable for retention and has a lifespan of 20 to 40 years.

4. MAIN RELEVANT POLICIES

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

4.1 Relevant Planning Guidance/Documents

- National Planning Policy Guidance (NPPG).

4.2 Other Relevant Guidance:

- Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2017

4.3 Government Guidelines:

4.3.1 Government guidelines advise that the Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.3.2 If Members decide to confirm TPO 01/25, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. That the TPO is not within the powers of the Act, or
2. That the requirements of the Act or Regulations have not been complied with in relation to the TPO.

4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

5. MAIN CONSIDERATIONS

5.1 The T1 is situated to the north/front of 46 East Street, Tollesbury. The T1 tree is visible from the public realm of East Street and therefore provides high visual amenity.

5.2 An assessment of the tree shows it to be in good condition, free of ill health and major defects with a well-balanced crown. In its location it is expected that the tree can continue to thrive for 20 to 40 years.

5.3 NPPG states (Paragraph 10 reference ID: 36-010-21040306) 'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. However, it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases, the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'

5.4 The T1 is located within a Conservation Area. An application was submitted in September 2024 to fell the tree (24/00696/TCA) however, this was subsequently refused, and a TPO was served for the following reason, '*the proposed works to T1,*

Ash tree would have a detrimental impact on the character and appearance of the surrounding conservation area and therefore, the works to these trees cannot be found acceptable and a Tree Preservation Order under reference 20/24 has been served on 8th October 2024'.

- 5.5 As the correct procedure for serving the TPO 20/24 was not followed, the TPO was revoked and re-served (reference 01/25) on 21 January 2025.
- 5.6 In the interest of protecting this prominent landscape feature and the amenity value of the tree within the locality, the Ash tree was assessed using the TEMPO which is designed as a guide to decision making and stands as a record that a systematic assessment has been undertaken. The TEMPO considers all of the relevant factors in the TPO decision making chain including amenity assessment, expediency assessment and decision guide. Within the assessment the Ash tree scored 'good' for the suitability of a TPO for amenity due to its size and location which is visible within the public realm of East Street. The assessment showed the tree to be in good condition. The expediency assessment reflected the immediate threat to the tree, as there is pressure to remove the tree due to driveway damage and conflict with the garage building. In addition, an application had been submitted to fell the tree (24/00696/TCA). The Ash tree scored an overall total 17 out of 25 which means that the tree definitely merits a TPO.
- 5.7 It is worth noting that the guidance provided alongside the TEMPO assessment acknowledged that the reason for serving the TPO can be quite minor (precautionary only).
- 5.8 It should be noted that the TPO would not prevent future works to the trees from being carried out, however it would control any such works to ensure that they were suitable, justified and did not harm the health of the trees or the amenity value they offer to the surrounding area.

6. **ANY RELEVANT SITE HISTORY**

Application Number	Description	Decision
14/01035/TCA	T1 Ash Tree – Reduce crown by 3 to 4 metres. T2 Chestnut - Fell	Allowed to proceed.
24/00696/TCA	T1 Ash Tree – Fell	TPO served.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Interested Parties**

- 7.1.1 **One** letter has been received **objecting** to the TPO 01/25 and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Ash tree is a woodland tree unsuitable for an urban setting in close proximity to buildings. There are more suitable ornamental trees that could be planted.	Noted.
Concern about the damage tree is causing to my property.	No evidence submitted.

Objection Comment	Officer Response
Heave of pavers causing trip hazard to persons on my property.	Noted.
Possible threat to house foundations.	No evidence submitted.
Canopy striking high sided vehicles.	This could be managed with a reduction to crown.
Canopy obscuring school warning sign.	This could be managed with a reduction to crown.
Utility cables pass through canopy.	This could be managed with a reduction to crown.
Tree does not appear to be healthy.	The Council's Arboricultural Officer has not raised any concerns regarding health of tree.

8. **CONCLUSION**

8.1 The (T1) Ash tree, subject of the TPO, makes a contribution to the character and appearance of the surrounding area due to its size and location. Given that the TEMPO assessment scored 17 for the tree it definitely merits serving a TPO, it is considered that the TPO should be confirmed to prevent the felling of the tree or inappropriate works being carried out which could harm the amenity value and overall health of the tree.

8.2 **Photo of Ash tree (T1)**

