



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
18 JUNE 2018**

Application Number	FUL/MAL/18/00415
Location	Land Adjacent Springwood, Rectory Lane, Latchingdon, Essex
Proposal	Re-submission of planning application for 3 dwellings with access off Burnham Road
Applicant	Foxley Corporate Ltd
Agent	Mr David Wallis - Smart Planning
Target Decision Date	01.06.2018 (Extension of time agreed: 22.06.2018)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land Adjacent Springwood - Rectory Lane
 Latchingdon FUL/MAL/18/00415



Copyright



MALDON DISTRICT COUNCIL

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 Stationery Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Maldon District Council 100018588 2014

Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Area Committee

Date: 07/06/2018

www.maldon.gov.uk

MSA Number: 100018588

3. **SUMMARY**

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

Site description

3.1.1 The site is located to the south of Burnham Road, west of Rectory Lane. Part of the site, although an open field, appears to be used as an amenity area for the neighbouring dwelling of Springwood. The area is mainly grassed over and bounded by a hedgerow along the north and west boundaries. The site has an established access onto Burnham Road.

3.1.2 It is noted an application (Ref No.: OUT/MAL/17/00869) to erect six dwellings, in an area including the application site and extending further to the south, was recently refused. Concurrently with this application, another application (Ref No.: OUT/MAL/17/00868) to develop the area to the rear of Springwood, providing four additional dwellings was also refused. An area smaller than the application site (approximately 500sqm) benefits from approval for the erection of two dwellings (Ref No.: OUT/MAL/15/01080). This application followed the refusal of a similar proposal when the dwellings proposed were larger in scale (Ref No.: OUT/MAL/15/000635). The most recent application (Ref No.: FUL/MAL/18/00014) on site, which is currently the subject of an appeal, relates to the erection of three dwellings on the same land as currently proposed and it was refused due to the layout, width, height, scale and design of dwellings. The development has now been amended and the differences compared to the last refused application are discussed below.

3.1.3 The site is located outside the defined settlement boundary of Latchingdon, which is approximately 300 m to the north of the site.

3.1.4 To the east of the proposed site are two large detached recently constructed dwellings, while to the south of these dwellings is the existing property of Springwood. Further to the north of the site on the opposite side of Burnham Road is an agricultural field which has outline approval for 10 dwellings and east of the field is a large residential property on a large plot. To the north of that property is land which benefits from planning permission for the erection of 30 dwellings. Those dwellings are currently being constructed. To the northwest of the site, an application for the erection of 41 dwellings benefits from a resolution to grant planning permission, subject to completion of a S106 agreement. South of the site are agricultural fields, and to the west of the site is the Jacks Centre bowls complex contained within a large building and adjacent car park.

Description of proposal

3.1.5 Planning permission is sought to erect three four bedroom, two storey dwellings on the land to the south Burnham Road, west of Primrose House, with associated off-street parking and landscaping.

3.1.6 Two types of dwellings are proposed to be erected and their details are as follows:

- House type 1 – plots 1 and 2: The dwellings would be of a T-shape, with a main gable roof running in a west-east direction and two lower gable projections to front and rear. The dwelling would measure a maximum of 11.2m wide, 10.2m

deep, with a maximum height of 8.3m. Internally the dwelling would accommodate an open plan kitchen/lounge/breakfast area, a dining room and a WC at ground floor and four bedrooms (one en-suite) and a bathroom on the first floor.

- House type 2 - plot 3: The dwelling at plot 3 would be of an L-shape with gable roofs running north-south and east-west directions. The property would measure a maximum of 11.5m wide, 9.9m deep, with a maximum height of 8.4m. The dwelling internally would be in a form of an open plan kitchen/breakfast area, a lounge, a dining room, a WC, a study room and a utility at ground floor and four bedrooms (one en-suite) and a bathroom at first floor.

3.1.7 The dwellings would have gardens measuring approximately between 227sqm and 265sqm.

3.1.8 The site would be accessed via an existing access onto Burnham Road, to the west of Primrose House. The access road within the application site would be formed almost parallel with the highway along the front building line of the proposed dwellings.

3.1.9 All properties would benefit from detached single garages measuring 7m deep by 3.5m wide, with a maximum height of 4.8m. An additional two off-street parking spaces would be provided per dwelling.

3.1.10 Limited information has been submitted in relation to the external finishing materials. The roofs would be tiled and the external walls would be finished in render and brick facing forming plinth.

3.1.11 The most important amendments from the previously refused scheme are as follows:

- Overall the height and scale of the dwellings has been reduced. The dwellings as previously proposed had a maximum height between 8.3m and 8.8m, whilst now their ridge height varies between 8.3m and 8.4m. In terms of their width, the dwellings were previously varying between 12m and 16.2m wide, while the width of the dwellings as currently proposed is between 11.2m and 11.5m.
- In terms of their design and appearance the dwellings now proposed have eaves which are aligned.
- There is a general uniformity and consistency in the external appearance of the dwellings and the gaps maintained between them.
- The garages would be detached from the dwellings and they would be set back from the dwellings, allowing wider gaps between the dwellings.

3.2 Conclusion

3.2.1 In this particular instance, whilst representing a departure from the policies of the development plan, given the planning history of the application site and the surrounding area and the amendments incorporated to the development, it is considered that, on balance, the proposal would be acceptable in terms of its impact on the character of the rural area and the streetscene. Following amendments the harm to the character and appearance of the site or the surrounding area has been addressed and the amenities of neighbouring occupants would not be compromised by the development. The proposed dwellings would be served by ample parking and

amenity space. It is therefore considered that having regard to all the above matters, the development would be acceptable.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

4.2 Maldon District Local Development Plan adopted by the Secretary of State in July 2017:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

- Maldon District Design Guide SPD (MDDG)
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

5.1.2 Policy S1 of the Local Development Plan 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 will apply, inter alia, the following key principles in policy and decision making:*

2) *Deliver 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*

3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*

4) *Support growth within the environmental limits of the District;*

5) *Emphasise the importance of high quality design in all developments;*

6) *Create sustainable communities by retaining and delivering local services and facilities;*

12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*

13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”.*

5.1.3 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that “*Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area*”.

5.1.4 Along with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (MDLDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and 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 when it is for a purpose that falls within a defined list of acceptable development.

5.1.5 The abovementioned policies are in compliance with the NPPF which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise. Open market residential development is not within the defined list.

5.1.6 The site is sited outside the defined settlement boundary of Latchingdon and it is therefore contrary to the Policies S1, S2 and S8 of the LDP. However, it is noted that two dwellings were approved on land within the application site, on a smaller application site, under the terms of application (OUT/MAL15/01080) and also no objection was previously raised to the principle of the erection of three dwellings on the application site (FUL/MAL/18/00014).

5.1.7 The proposed three residential dwellings would be sited in a plot of a larger width than that previously approved to accommodate two dwellings in a linear form continuing the existing built form. Taking into consideration that it would not further

encroach onto the open countryside to the south, as the previous development for the erection of six dwellings did, it is considered that the extent of sprawl into the countryside would not be substantially worse than the previously approved development. Therefore, given that an extant permission for two dwellings exists on a comparable site, no objection is raised to the principle of the proposed development.

- 5.1.8 Whilst residential development would normally be unacceptable, support for two dwellings at the site is considered to carry substantial weight, as are the other permissions in the surrounding area. The additional dwelling would not reduce the sustainability of the site and the additional dwelling would be equally accessible and sustainable.
- 5.1.9 As noted above, the layout, scale and design of the dwellings proposed has been amended and thus, the design and impact of the proposed development on the area is to be assessed in order to justify that it would not have a detrimental impact on the streetscene or the character of the locality. This along with other material planning consideration including the impact of the development on the amenity of the neighbouring occupiers, the living conditions of the future occupiers and highways issues are assessed below.

5.2 Accessibility

- 5.2.1 Policies T1 and D2 seek to encourage sustainable development within settlement boundaries, increased use of sustainable modes of transport (walking, cycling, public transport) and reduced reliance on the car to access essential services and facilities. LDP Policy T2 relates more directly to accessibility, by requiring all new development proposals to '*provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate*'. In addition, paragraph 35 of the NPPF sets out that '*developments should be located and designed where practical to...give priority to pedestrian and cycle movements, and have access to high quality public transport facilities*'.
- 5.2.2 On the basis of the above, an important element when considering the appropriateness of a proposed development is the ability of future residents to access essential services and facilities through sustainable modes of transport. The site is located approximately 300m away from the settlement boundary of the Latchingdon. To the north and west of the site there are public footpaths which could be used by residents of the proposed development to access services and facilities within the village of Latchingdon. The footpath to the north is opposite the application site, while the distance to the footpath to the west is approximately 50m. Unlike the application for the erection of four dwellings to the south of Springwood, the occupiers of the currently proposed development would be able to easily access this footpath. Therefore, given that the distance to the convenience store is at the limit of what is considered to be an appropriate walking distance, it is considered that residents would not be discouraged from walking or cycling.
- 5.2.3 In terms of use of public transportation, the nearest bus stop to the site is The Village Hall which is located around 350m away from the site. The bus stop served by two service routes connecting Latchingdon with Burnham-on-crouch, Althorne, Maldon, Danbury and Chelmsford. The first bus is at 6.16am and the last is at 8.40pm. The links are not very frequent; however, on balance, they can provide a level of

connection with main employment opportunities areas and areas providing local services and amenities. Opposite the application site there is an existing pavement which would be able to be used by the occupiers to access the nearest bus stop. Therefore, on balance, it is considered that future occupiers would be able to use public transportation for their day to day needs and for commuting to work. Therefore, the current proposal is considered acceptable in terms of accessibility to services and public transportation.

5.3 Housing need and Supply

- 5.3.1 The proposal would provide three, four bedroom dwellings. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.3.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.3.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide three, four bedroom dwellings would not contribute towards the identified need from smaller houses.
- 5.3.4 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 5.3.5 Although the council is able to demonstrate housing supply in excess of five years, taking also into consideration the extant planning permission for the erection of two dwellings, it is considered that in this particular instance, no objection is raised to the principle of residential development for three dwellings in this location.

5.4 Design and Impact on the Character of the Area

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

5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.4.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.4.4 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

5.4.5 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

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

5.4.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.4.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.4.8 The proposed site is located outside of the southern settlement boundary of Latchingdon, west of Rectory Lane. The site is currently open grass fields,

approximately 0.2 hectares in size. Immediately adjacent to the east of the application site there are two large detached recently constructed dwellings, approved in planning application 15/01080, and south of these dwellings is the existing property of Springwood. To the south of the application site are agricultural fields, and west of the site is the Jacks Centre bowls complex contained within a large building and adjacent car park.

- 5.4.9 The area of Burnham Road south of the Latchingdon development boundary was characterised by dispersed and sporadic development including large residential properties on large plots, and hotel, recreational, and light industrial uses in buildings of a range of styles and designs. Between developed sites, grass fields, large open agricultural fields, large hedges and dense vegetation surrounding existing development created a more rural character in comparison to the pattern of development further north within the Latchingdon settlement boundary, which comprises predominantly smaller plots containing detached and semi-detached dwellings.
- 5.4.10 This scattered form of development along the southern section of Burnham Road distinguishes the countryside from the village boundary, acting as a village fringe, creating a gradual transition into the countryside. As noted above the site forms an open grass field which separates the existing development of the Jacks Centre and the two recently developed dwellings fronting Burnham Road. However, it is noted that there are three substantial development sites in close proximity to the site which will change the character of the area.
- 5.4.11 An application to erect two houses within part of the application site was approved in the past (Ref. No.: OUT/MAL/15/01080) to continue the linear form of development along this section of Burnham Road and therefore, it was considered to be in keeping with the character of the area.
- 5.4.12 The current proposal is to erect three dwellings within a plot that is larger than that previously approved application. The proposed development would be built to continue the linear form of development along Burnham Road. In terms of the position of the dwellings, their front building line would be almost in line with the frontages of the existing dwellings to the east. Therefore, no objection is raised to the provision of three dwellings orientated as shown in the submitted plans.
- 5.4.13 With regard to the layout of the proposed dwellings, it is noted that following amendments, wide gaps of 6m between the proposed dwellings and 7m to the neighbouring dwelling to the east would be maintained. Furthermore, the width of the proposed dwellings, although marginally larger from what was previously approved on site (Ref. No.: OUT/MAL/15/01080), would be narrower than the existing dwellings to the west and also those shown within the last refused application. Taking also into consideration the reduction of the height of the proposed dwellings and the provision of wide gaps, it is considered that the development would consistently continue the linear form of development and it would not appear out of keeping with the semi-rural character of the development along the road. It is therefore considered that previous objections regarding the layout of the development have been overcome.

5.4.14 Although the proposed dwellings would be set marginally higher from the existing dwellings to the east (the nearest proposed dwelling to the adjacent property would be 300m higher), given that the height increase would be only limited, taken together with the gap which would be retained between the development and the adjacent property and the set back from the public highway, it is considered that the development would not appear overly dominant or disproportionately larger than the existing built form along the road. The proposed dwellings would be narrower than the adjacent dwellings and as such, this would reduce their visual impact and perception of their scale when viewed together with the existing dwellings. The plans submitted show that existing vegetation along the northern boundary of the application site would be maintained and this would screen the development and alleviate its visual impact. In particular the westernmost dwelling would be largely screened by the existing dense planting.

5.4.15 With regard to design of the dwellings, following amendments, the houses' eaves and ridge height would be almost aligned, providing a consistency and unbroken continuity to the development. All dwellings would have main gable roofs of similar pitch which would result in a uniform appearance. Two types of dwellings are proposed, which would have front projecting features and canopies projecting forward of the entrance doors. Sufficient fenestration would also be incorporated, providing the hierarchy between the ground and first floor. As such, the development proposed would create a neat and architecturally attractive frontage.

5.4.16 Whilst of two storey appearance, the development would not appear out of keeping with the neighbouring dwellings to the east, given that a similar scale, height, width and projecting feature would be continued through to the development within the application site.

5.4.17 The garages would be set well back from the highway (minimum of 24m) and thus, they would be limitedly visible from the public vantage points. Due to their limited scale, height and position, they would appear subservient to the main dwellings. The garages would have gabled roofs and they would complement the design of the proposed residential units.

5.4.18 In light of the above, it is considered that the previous reason for refusal has been overcome and the development would not detrimentally impact upon the appearance of the streetscene or the semi-rural character of the area more widely.

5.5 **Impact on Residential Amenity**

5.5.1 The basis of policies D1 and H4 of the approved LDP seek to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

5.5.2 The proposed development would result in increased levels of activity, by reason of the erection of three dwellings on land which is currently an open grassed area. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the neighbours to the east, west or north, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area.

5.5.3 The two storey dwelling at plot 1 would be sited 7m away from Primrose House, while a 2.4m separation distance would be maintained from the single storey detached garage. Although the proposed dwelling would project rearwards of the existing property to the east, given the separation distance, it is not considered that it would result in any adverse impact in terms of loss of light or domination. Furthermore, the development would not breach a notional 45° angle taken from the two storey rear projection and extending horizontally towards the neighbouring dwelling to east. Given the limited height of the garage, it is not considered that it would be unacceptable, in terms of being overbearing or resulting in undue loss of light. A window to the bathroom is proposed to be installed at first floor on the east elevation of the dwelling at plot 1, which would be conditioned to be glazed in obscure glass, to protect the neighbours' privacy.

5.5.4 No other dwelling in the surrounding area would be affected by the development, given its position.

5.5.5 The proposed dwellings would be quite comfortably located within their plots and thus no objection is raised in terms of their interrelationship. By reason of their position and orientation, they would have an acceptable impact by way of loss of light and overbearing impact. There are windows proposed at first floor on the side elevations of the proposed dwellings, which are windows to bathrooms and a secondary window to a bedroom. Therefore, to obviate overlooking, a condition is considered reasonable to be imposed to protect the amenities of the future occupiers.

5.6 Access, Parking and Highway Safety

5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.6.3 The site benefits from an existing access which as shown on the submitted plans is approximately 7m wide. The access would be wide enough to allow access and egress from the site without obstructing the free flow of traffic. The Highways Authority has been consulted and subject to conditions, raised no objection in terms of highway and transportation perspective.

5.6.4 In terms of parking provision, at least three off-street parking spaces would be available per dwelling and thus, the development would accord with the Council's adopted parking standards. It is therefore considered that development would be acceptable in terms of off-street parking provision and it would not result in an increase in on-street parking demand.

5.6.5 No details of cycle parking have been submitted; however, given that all dwellings would benefit from reasonably sized garages, no objection is raised in terms of secure and accessible cycle parking provision.

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 Maldon Design Guide 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 25 m² for flats.

5.7.2 Based on the Site Plan submitted, it appears that the garden sizes for each proposed dwelling would accord with the minimum amenity area standards. Therefore, the outdoor amenity provided would be sufficient to meet the outdoor needs of the future occupiers.

5.7.3 The level of accommodation provided, in terms of size of the dwellings and provision of adequate light, ventilation and outlook to all habitable rooms, would be acceptable and it would not result in cramped or poor quality living conditions.

5.7.4 Although there are no protected trees within the application site, it benefits from some mature vegetation on the outer periphery. Some of the existing soft landscaping has been shown to be retained and additional is proposed to be planted to enhance the appearance of the development, screen it and reduce its impact on the countryside. The retention of the existing hedgerows can be secured through the imposition of a condition, as well as details of the proposed soft landscaping.

5.8 **Sustainability**

5.8.1 Paragraph 7 of the Framework outlines that there are three dimensions to sustainable development; economic, social and environmental. To fully assess the sustainability of the scheme, it would be appropriate to consider the proposal against the three dimensions.

5.8.2 In relation to the economic role, the development of three new dwellings would provide employment during construction. Future residents would also be likely to make use of the existing services in the area. Although some would be temporary, there would be some economic benefits for the local area derived from the scheme.

5.8.3 With regards to the social role, the development would not contribute towards the required type of housing in the District (one and two bedroom houses). It is therefore considered that there would be limited social benefit derived from the provision of housing.

5.8.4 In relation to the environmental role, the impact of the development on the character and appearance of the area is assessed above. Following amendments to the previously refused scheme on site and given consideration of the fallback position of the approved application, it is considered that the development would not have an unacceptable impact on the semi-rural character of the area or the locality more

widely. In terms of the accessibility of the site, on balance, and on the basis of the accessibility assessment above, it is considered that the development would not discourage the use of alternative to vehicle means of transport and thus, no objection is raised in terms of transport sustainability.

5.8.5 In order for a proposal to constitute sustainable development all three aforementioned dimensions should be met. Therefore, on balance, it is considered that the development, whilst a departure from the policies of the development plan, in this instance, for the reasons stated above would constitute an acceptable form of development.

5.9 **Other Material Considerations**

Drainage System

5.9.1 No details of a drainage scheme have been submitted for both foul and surface water and thus, full details would be required to be submitted and approved in writing by the local planning authority, avoid the risk of water flooding and pollution.

Archaeology

5.9.2 The Historic Environment Officer was consulted and based on cartographic evidence; Burnham Road had its origins as a linear green with post-medieval settlement gradually. The application site is therefore likely to contain multi-period archaeological deposits. Thus, an archaeological condition securing the submission of an archaeological investigation would be imposed

6. **ANY RELEVANT SITE HISTORY**

6.1 **OUT/MAL/15/00297** – Erect 2no. two storey detached dwellinghouses with garages, parking and amenity areas, stop up existing vehicular access onto Burnham Road and form new vehicular and pedestrian access onto Rectory Lane and new pedestrian accesses onto Burnham Road. Application withdrawn.

6.2 **OUT/MAL/15/00635** – Erect 2No. two-storey detached dwellinghouses with garages, parking and amenity areas, stop-up existing vehicular access onto Burnham Road and form new vehicular and pedestrian access onto Burnham Road. Planning permission refused.

6.3 **OUT/MAL/15/01080** – Erect 2No. two storey detached dwelling houses with garages, parking and amenity areas. Stop-up existing vehicular access onto Burnham Road and form new vehicular and pedestrian access onto Burnham Road (amended proposal). Planning permission granted. The dwellings approved were proposed to be sited in line with the front building line of the neighbouring dwellings to the east and their scale was reduced from the previously refused application (15/00635/OUT).

6.4 **PREAPP/MAL/17/03051** – Erection of 12 dwellings.

6.5 **OUT/MAL/17/00869** – Outline application for 6 dwellings with access off Burnham Road. Planning permission refused. Appeal in progress.

6.6 **OUT/MAL/17/00868** - Land To Rear Of Springwood (land within the applicant's ownership, south of the application – Outline application for 4No. dwellings with access off Rectory Lane. Planning permission refused. Appeal in progress.

6.7 **FUL/MAL/18/00014** – Planning application for 3 dwellings with access off Burnham Road. Planning permission refused for the following reason:

- *The proposal development by reason of the layout, width, height, scale and design of dwellings, would result in an incongruous, obtrusive and contrived form of development that would be harmful to the character and appearance of the area and have a discordant visual impact on the streetscene contrary to the National Planning Policy Framework and policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and guidance contained within the Maldon District Design Guide (2017).*

Appeal in progress.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Object to the proposed development, due to the lack of information regarding the changes from the previously refused application.	Comment noted ; however, it is considered that the plans submitted clearly show the differences between the two developments.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority (ECC)	No objection subject to the imposition of conditions.	Noted and relevant conditions are imposed
Natural England	No comments	
Archaeology	The Historic Environment Characterisation indicates the potential for multi-period archaeological deposits in the area. Thus, condition are suggested to be imposed.	Noted and relevant conditions are imposed.
Essex and Suffolk Water	No objection, subject to compliance with their requirements	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>It has been confirmed that the comments attached to the previous application OUT/MAL/17/00869 remain relevant to this proposal. No objection was previously raised, subject to conditions in relation to surface water and foul drainage.</p>	Comments noted and relevant condition is imposed

7.4 Representations received from Interested Parties

7.4.1 Two letters of **objection** have been received.

Objection Comment	Officer Response
Loss of light, overbearing impact and sense of enclosure cause by the proposed garage at the easternmost plot.	Addressed in section 5.5 of the report.
Concerns regarding the development being outside the development boundary.	Addressed in section 5.1 of the report.
The application should have been submitted as an amendment to the previously approved application.	There is no such planning requirement.
All previous applications were refused	The planning history of the site is assessed above.
Other application recently approved in the immediate area should be taken into consideration.	The history of the adjacent site is also taken into consideration for the determination of the application.
There are no material changes from the previously refused application.	The differences of the current proposal with the previous submissions are stated in the 'Proposal' section of the report. Comparison of the two proposals is made within the main body of the report.
Concerns regarding highway safety and access to the site.	The Highways Authority has been consulted and raised no objection regarding highways safety and vehicular access proposed.
Consideration of infrastructure improvement should be considered prior to the approval of further developments	It is considered that the proposal of three dwellings would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: 16.3664/M001; 17/2910/03; 18/0405/05; 18/0405/04 and 18/0405/03.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 No development shall take place until details/samples of the facing materials to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 Prior to the occupation of the development full details of hard landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. Full details of soft landscape works to be carried out shall be submitted to and approved in writing by the Local Planning Authority, prior to the first planting season after first occupation of the dwellings. 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 the beneficial 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 ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 5 The first floor windows on the side of each dwelling shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of

multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

REASON: To protect the privacy and environment of people in neighbouring residential properties, in compliance with the National Planning Policy Framework and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

6 No development shall commence until details of surface water and 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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

7 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities.

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 in accordance with BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

8 Prior to occupation of the development, the site access shall be constructed at right angles to the highway boundary and to the existing carriageway. As shown in drawing 17/2910/03, the width of the access at its junction with the highway shall not be less than 6.0 metres and shall be provided with an appropriate vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

9 Prior to the occupation of the development, the site 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 both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To ensure adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

10 The existing access shall be suitably and permanently closed incorporating the reinstatement of the highway verge immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of

highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

11 No unbound materials 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 policies D1 and T2 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

12 Prior to occupation of the proposed development, details of a Residential Travel Information Pack to be provided for each dwelling for sustainable transport shall be submitted to and approved in writing by the local planning authority.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T1 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

14 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.

15 If archaeological features are identified on site, no development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise archaeological trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor.

REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.

INFORMATIVES

- 1 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU

- 3 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance

- 4 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
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.

- 5 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start