



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
5 NOVEMBER 2018**

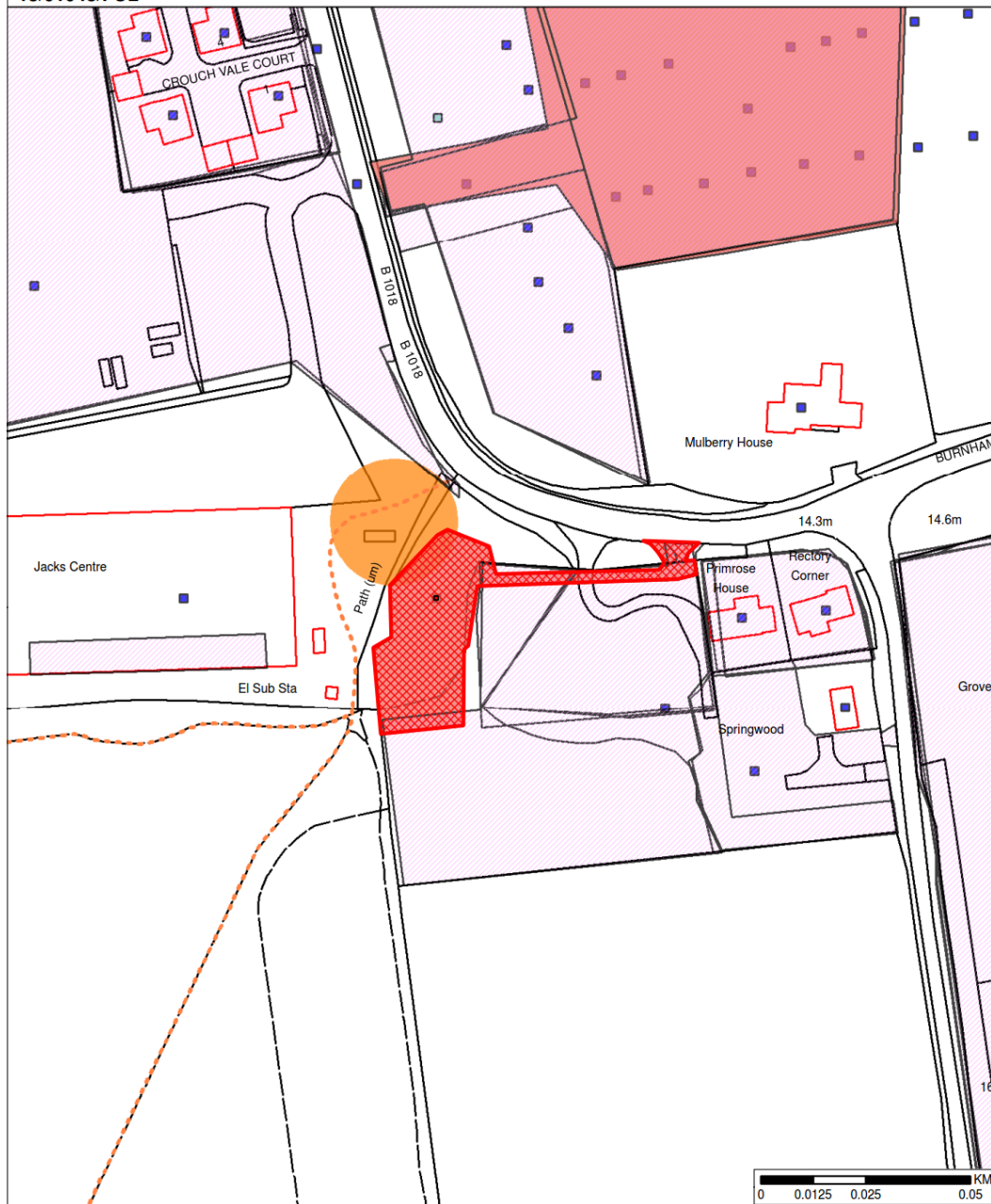
<b>Application Number</b>	<b>FUL/MAL/18/01048</b>
<b>Location</b>	Land East Of The Jacks Centre, Burnham Road, Latchingdon, Essex
<b>Proposal</b>	Erection of one new dwelling
<b>Applicant</b>	Foxley Corporate Ltd
<b>Agent</b>	Mr David Wallis - Smart Planning
<b>Target Decision Date</b>	30.10.2018 (EOT agreed: 09.11.2018)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2017

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



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Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 15/10/2018

MSA Number: 100018588

### **3. SUMMARY**

#### *Site Description*

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

- 3.1.1 The site is located to the south of Burnham Road, west of Rectory Lane, east of public footpath 12 and the Jack Centre. The area is currently mainly grassed over, bounded by a hedgerow along the north and west boundaries. It is noted though that a number of trees were previously covering the western part of the site, which have been felled. There is an established access onto Burnham Road.
- 3.1.2 The site is located outside the defined settlement boundary of Latchingdon, which is approximately 170m to the north of the site.
- 3.1.3 At present, to the east of the proposal site is an open field that has planning permission for the erection of three dwellings, which was allowed by appeal APP/X1545/W/18/3198063 on 4<sup>th</sup> July 2018. Further to the east there are two large detached recently constructed dwellings, while to the south of these dwellings is the existing property of Springwood. 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.
- 3.1.4 It is noted an application (Ref No.: 17/00869/OUT) to erect six dwellings, in an area immediately adjacent to the east of the application site and extending further to the south, was recently dismissed on appeal (APP/X1545/W/17/3189543). Concurrently with this application, another application (Ref No.: 17/00868/OUT) to develop the area to the rear of Springwood, providing four additional dwellings was also dismissed on appeal (APP/X1545/W/17/3188293).
- 3.1.5 As set out above, an application (Ref No.: 18/00014/FUL) on the adjacent site to the east, was allowed on appeal (APP/X1545/W/18/3198063), approving the erection of three dwellings on the land between the application site and Primrose House. Following the refusal of the application and prior to the appeal decision another application was submitted (Ref. No.: 18/00415/FUL) for the erection of three dwellings of an altered design and scale which was also refused.

#### *Description of proposal*

- 3.1.6 Planning permission is sought to erect a detached two storey dwelling, with associated off-street parking, amenity area and landscaping.
- 3.1.7 The dwelling would have a main gable roof running in an east west direction incorporating front and rear gable projections. A single storey side projection is proposed to be erected to the east of the two storey dwelling.

- 3.1.8 The dwelling would measure a maximum of 14m wide, 10.3m deep and 5.4m high to the eaves, with a maximum height of 8.2m.
- 3.1.9 Internally the dwelling would accommodate an open plan kitchen dining room, a lounge, a study, a utility and a WC at ground floor and four bedrooms (one en-suite) and a bathroom at first floor.
- 3.1.10 The dwelling would benefit from an outdoor amenity area of around 370sqm.
- 3.1.11 A minimum of three vehicles would be able to be accommodated at the front curtilage of the dwelling, as well as turning facilities. Access to the site would be gained off of Burnham Road, via a service road running along the front building line of the previously approved dwellings (Appeal reference: APP/X1545/W/18/3198063) to the east of the site, almost parallel with the highway

### **3.2 Conclusion**

- 3.2.1 In this particular instance, whilst representing a departure from the policies of the development plan, given the recent planning history of the neighbouring site to the east and that of the surrounding area, it is considered that, on balance, the proposal would be acceptable in terms of its impact of the character of the rural area and the streetscene. The harm to the character and appearance of the site or the surrounding area for the reasons stated in the relevant section of the report would be limited and the amenities of neighbouring occupants would not be compromised by the development. The proposed dwelling would be served by ample parking and amenity space and would no cause unacceptable harm in terms of ecology impacts. 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 2018 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
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development

- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

#### **4.3 Relevant Planning Guidance / Documents:**

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The MDLDP has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).
- 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, as 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 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 National Planning Policy Framework 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 (paragraph 79). 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 located 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 three dwellings were recently allowed on appeal (APP/X1545/W/18/3198063) on the land immediately adjacent to east of the application site. In particular the Inspector assessing this proposal stated that *“residential development has taken place or is currently being constructed on either side of Burnham Road between the site and the settlement. A pavement is located along the opposite side of the road. As such, the development sites fronting Burnham Road would be linked directly to the village”*. The Inspector concluded that the site was a suitable location in terms of access to services and facilities and thus, it was considered to comply with policies S1, S2, S8, D2 and H4 of the LDP. He also stated that *“The proposed development in Appeal C would comprise three dwellings that would share an access and front Burnham Road. They would add to the group of dwellings between the bend in Burnham Road and junction with Rectory Lane, such that they would link those to the village to some extent.”*
- 5.1.7 The proposed residential dwelling would be sited immediately adjacent to the above-mentioned site, closer to the village settlement and it would accommodate one dwelling in a linear form continuing the existing and approved 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 that of the previously approved three dwellings along Burnham Road. Therefore, the recent appeal decision for the adjacent site is considered to be relevant to the current proposal and it is a material planning consideration that carries significant weight for the determination of the current application.
- 5.1.8 Whilst residential development at this location would normally be unacceptable, the recent Inspector’s support for three dwellings at the adjacent site is considered to carry substantial weight, as do the other permissions in the surrounding area. The additional dwelling would sit in line with and form part of the cluster of the approved

and existing dwellings to the east and the additional dwelling would be equally accessible and sustainable.

- 5.1.9 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 (September 2017), 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 6.28 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.
- 5.1.10 Although the Council is able to demonstrate housing supply in excess of five years, taking also into consideration the recent appeal decision on the neighbouring site, it is considered that in this particular instance, no objection is raised to the principle of residential development for one dwelling in this location and position which is closer to the settlement boundary.
- 5.1.11 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 170m 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 and public footpath 12 runs almost along the western boundary of the site.
- 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 200m 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.

- 5.2.4 The sustainability credentials for the application site are not dissimilar to the neighbouring site to the east, in terms of public transportation and access to facilities and the Inspector considered the position of the site to be acceptable with easy access to local services, facilities and public transportation. Therefore, given that the distance to the convenience store and public transportation is at the limit of what is considered to be an appropriate walking distance and taking into consideration the Inspector's reasoning at the recent appeal decision (APP/X1545/W/18/3198063), it is considered that residents of the proposed dwelling would not be discouraged from walking or cycling.
- 5.2.5 In light of the above, the current proposal is considered acceptable in terms of accessibility to services and public transportation.

### **5.3 Housing Mix**

- 5.3.1 The proposal would provide one four bedroom dwelling. 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 Strategic Housing Market Assessment (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 a four bedroom dwelling would not contribute towards the identified need from smaller houses.

### **5.4 Design and Impact on the Character of the Area**

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

- 5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.4.5 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.4.6 The proposed site is located outside of the southern settlement boundary of Latchingdon and it is currently a predominantly open grass field, approximately 0.11 hectares in size, bounded by hedges and trees on its northern and western boundaries. It is noted that the site was partially covered by trees and shrubs which have been recently felled. Immediately adjacent to the east of the application site, there is an open field which benefits from planning permission for the erection of three dwellings (Application ref.: FUL/MAL/18/00014 and Appeal ref.:APP/X1545/W/18/3198063) in a linear pattern continuing through the layout of the existing large detached dwellings which have been recently constructed (approved in planning application 15/01080). 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 associated car park.

- 5.4.7 The 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 a small parcel of land between the Jacks Centre and the site which was recently allowed on appeal to erect three large detached dwellings. There are also three substantial development sites in close proximity to the site which will significantly change the character of the area. One of these sites, to the north of the application site is currently under construction.
- 5.4.8 The Inspector determining the development proposed at the neighbouring site to east considered that there is a gap between the existing houses on the junction of Burnham Road and Rectory Lane and the bowls club and that the dwellings as proposed under application reference FUL/MAL/18/00014 would add to the group of the existing dwellings such that they would link those to the village to some extent.
- 5.4.9 The current proposal is to erect an additional dwelling between the recently allowed dwelling and The Jacks Centre. The proposed development would be built in a plot of a comparable size to the neighbouring plots and it would continue the ribbon development along Burnham Road. In terms of the position of the dwelling, its front building line would be almost in line with the frontages of the existing dwellings and recently approved dwellings to the east. Therefore, no objection is raised to the provision of one additional dwelling orientated as shown in the submitted plans.
- 5.4.10 To accommodate the development, the site was recently cleared from existing trees and shrubs. Whilst the loss of the existing vegetation is undesirable, it is noted that a number of mature trees and hedges have been retained along the northern and western boundaries of the site. The felled trees were not of high amenity value and for that reason they were not protected and the Local Planning Authority had no control over their retention.
- 5.4.11 With regard to the layout of the proposed dwelling, a sufficient gap has been maintained between the development and the property as allowed under APP/X1545/W/18/3198063 and would reflect the character and built pattern that is to be created following the erection of the dwellings allowed on the adjacent site. A smaller gap is maintained to the western boundary (1.2m); however, further distance is maintained between the development and The Jacks Centre building. It is also noted that an existing hedgerow along the western boundary of the site creates a visual separation of the two buildings. It is therefore 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.
- 5.4.12 The proposed dwelling would be set lower than the dwelling to the east, as allowed on appeal (500mm lower) and thus, no objection is raised in terms of the development's height. The dwellings to the east, would have a marginally varying ridge height and as such, taking also into consideration the gap between the dwellings and the fact that the proposal would be largely hidden behind the vegetation along Burnham Road, it is not considered that it would appear at odds or would detract from the continuity of the ridge line.
- 5.4.13 The proposed development would share the same access with the same access with the three dwellings to the east and it would visually form part of the group of the

dwellings. The dwelling would be almost of the same design, with the exception of the side projection, with the dwelling at plot 2 of the neighbouring site. Therefore, the development would reflect the character and appearance of the neighbouring development. The scale and mass of the building would also be reflective of the size and scale of the units recently allowed on the adjacent site.

- 5.4.14 As a result, it is considered that the development would be acceptable in design terms and it would not be detrimental to the character and appearance of the surrounding area, the countryside to the south and the locality 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 dwelling would maintain a 2m gap to the eastern boundary and an additional 5m gap to the western wall of the approved neighbouring dwelling to the east. Taking into consideration the orientation of the house in relation to the potential neighbouring dwelling to the east and the separation distance maintained, the proposal would not result in a detrimental impact on the amenity of the future neighbouring occupiers by being overbearing or resulting in loss of light.
- 5.5.3 With regard to privacy, a bathroom window is proposed at first floor on the east elevation of the proposed dwelling, which is considered reasonable to be conditioned to be glassed only in obscure glass to prevent from giving rise to material overlooking.
- 5.5.4 The neighbouring property to the west, which is also not a residential property is sited a considerable distance away from the application site (around 19m) and thus it is not expected that the development would result in any greater impact of the amenity of the neighbouring 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 development would share an existing access with the neighbouring development of the three dwellings to the east. The access to be used is an existing access to the

site, which 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. Whilst no response from the Highways Authority has been received yet for the current development, in the previous consultation regarding the neighbouring development, they raised no objection in terms of highway and transportation perspective, subject to appropriate conditions. Given that this access has not been amended, it is considered unlikely that an objection would be raised for the currently proposed development, which will only marginally increase the movements, due to the introduction of an additional dwelling.

5.6.4 In terms of parking provision, at least three off-street parking spaces would be provided for the proposed 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. A condition is therefore considered reasonable to be imposed to request details of secure and covered cycle parking to be submitted and approved by the Local Planning Authority.

## **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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.

5.7.2 The proposed development would be compliant with the abovementioned requirement and therefore, the outdoor requirements of the future occupiers would be met.

5.7.3 The proposed dwelling would have sufficient space to provide a good level of accommodation and also windows would serve all habitable rooms to provide adequate light, outlook and ventilation.

5.7.4 Whilst it is undesirable that a number of trees on site have been felled, there is still sufficient vegetation on the outer periphery of the site, which would be beneficial to be retained. 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 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS**

5.8.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach

Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.

- 5.8.2 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.8.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.8.6 To accord with Natural England’s requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

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

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

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

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

### **5.8.7 Summary of Appropriate Assessment**

As a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England's interim advice is guidance only, it is not considered that mitigation, in the form of a financial contribution, is necessary, in this case.

### **5.8.8 Conclusion**

Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

## **5.9 Sustainability**

- 5.9.1 Paragraph 8 of the Framework outlines that there are three objectives 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.
- 5.9.2 In relation to the economic role, the development of one new dwelling 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.
- 5.9.3 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.
- 5.9.4 In relation to the environmental role, the impact of the development on the character and appearance of the area is assessed above and it is considered to be acceptable. 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 an alternative to vehicle means of transport and thus, no objection is raised in terms of transport sustainability.
- 5.9.5 In order for a proposal to constitute sustainable development all three aforementioned dimensions should be met. On balance, whilst a departure from the policies of the development plan, in this instance and for the reasons stated above the development would constitute an acceptable form of development.

## 5.10 Other matters

### *Drainage System*

- 5.10.1 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*

- 5.10.2 Cartographic evidence has shown that Burnham Road had its origins as a linear green with post-medieval settlement. The Historic Environment Officer stated that “ *the 1<sup>st</sup> edition OS map shows two buildings on the site, plus a couple of out-buildings. The date of their construction is not known. The site is linked by a footpath to the medieval Church and Hall Complex of St Peters Church and Snoreham Hall to the south-west.* ” The application site is therefore likely to contain multi-period archaeological deposits. Therefore, an archaeological condition securing the submission of an archaeological investigation which was imposed by the Inspector at the neighbouring site for the erection of three dwellings is also considered reasonable to be imposed to the current application.

## 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. Dismissed on appeal 04.07.2018.
- 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. Dismissed on appeal 04.07.2018.

6.7 **FUL/MAL/18/00014** – Planning application for 3 dwellings with access off Burnham Road. Planning permission refused for the following reason. Allowed on appeal 04.07.2018.

6.8 **FUL/MAL/18/00415** - Re-submission of planning application for 3 dwellings with access off Burnham Road. Refused on 22.06.2018.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	No response received.	

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No response was received at the time of writing the report.	
Natural England	It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission.	Comment noted and addressed at section 5.8
Essex & Suffolk Water	No apparatus is located on the site and thus no objection is raised.	Comments noted.
Archaeology	The proposed development site is located on the corner of a former linear green. The 1st edition OS map shows two buildings on the site, plus a couple of out-buildings. The date of their construction is not known. The site is linked by a footpath to the medieval Church and Hall Complex of St Peters Church and Snoreham Hall to the south-west. Archaeological remains are both fragile full archaeological and	Comments noted and addressed at section 5.10.2.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	fine. It is recommended that if this proposal is approved that a condition is attached to the planning consent.	

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection in principle. Conditions about contamination, surface and foul water drainage shall be applied.	Comments noted and conditions would be imposed.

### 7.4 Representations received from Interested Parties

- 7.4.1 A letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
There are currently no dwellings on the site and permission has only been granted for two dwellings. This therefore seems misleading to suggest that there is permission for three existing properties.	It is noted that an appeal was recently allowed for the erection of three houses at the neighbouring site of the application site, as quoted above in the various sections of the report.
Sense of enclosure, overbearing and overshadowing impact.	Addressed in section 5.5.
Out of keeping with the character of the area.	Addressed in section 5.4.
The access point is on a bend and further developments of this site should be considered with the new builds across the road from it.	Addressed in section 5.6.

## 8. PROPOSED CONDITIONS

- 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).
- The development hereby permitted shall be carried out in complete accordance with approved drawings 16.3664/M001; 16.3664/M006; 18/0808/01A; 18/0808/02A and 18/0808/03A.  
REASON To ensure the development is carried out in accordance with the details as approved.

3. No development works above ground level shall take place until samples of the facing material 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 4. Design Guide SPD.
4. No works above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The hard landscape works shall be carried out as approved prior to the occupation of the development hereby approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

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. No works above ground level shall take place until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such in perpetuity.  
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.
6. The existing hedgerows and trees along the northern and western boundaries of the application site shall be protected during the construction of the development.  
REASON To ensure that the hedgerow is adequately protected during the building works and in the interest of visual amenity in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the Maldon District Design Guide.
7. The dwelling hereby permitted shall not be occupied until the first floor window on the east elevation serving bathroom has been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.  
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.
- 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 18/0808/01A, 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 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 No dwelling shall be occupied until space has been laid out within the site in accordance with details that have been submitted to and approved in writing by the local planning authority for cars to be parked. That space shall thereafter be kept available at all times for the parking of vehicles.  
REASON To ensure that on-street parking is provided as approved in accordance with policies D1 and T2 of the approved Local Development Plan.
- 11 No development works above ground level shall occur, details of the surface water and foul water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full 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.
- 12 No development shall take place until a Written Scheme of Investigation of archaeology shall have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the Written Scheme of Investigation.  
REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.
- 13 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.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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 policies D1 and T2 of the submitted Local Development Plan.

- 14 Prior to the occupation of any part of the development hereby permitted details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority. The approved provisions shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.

REASON To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the submitted 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](mailto: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; b0etween 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](http://www.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto: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