



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
3 FEBRUARY 2020**

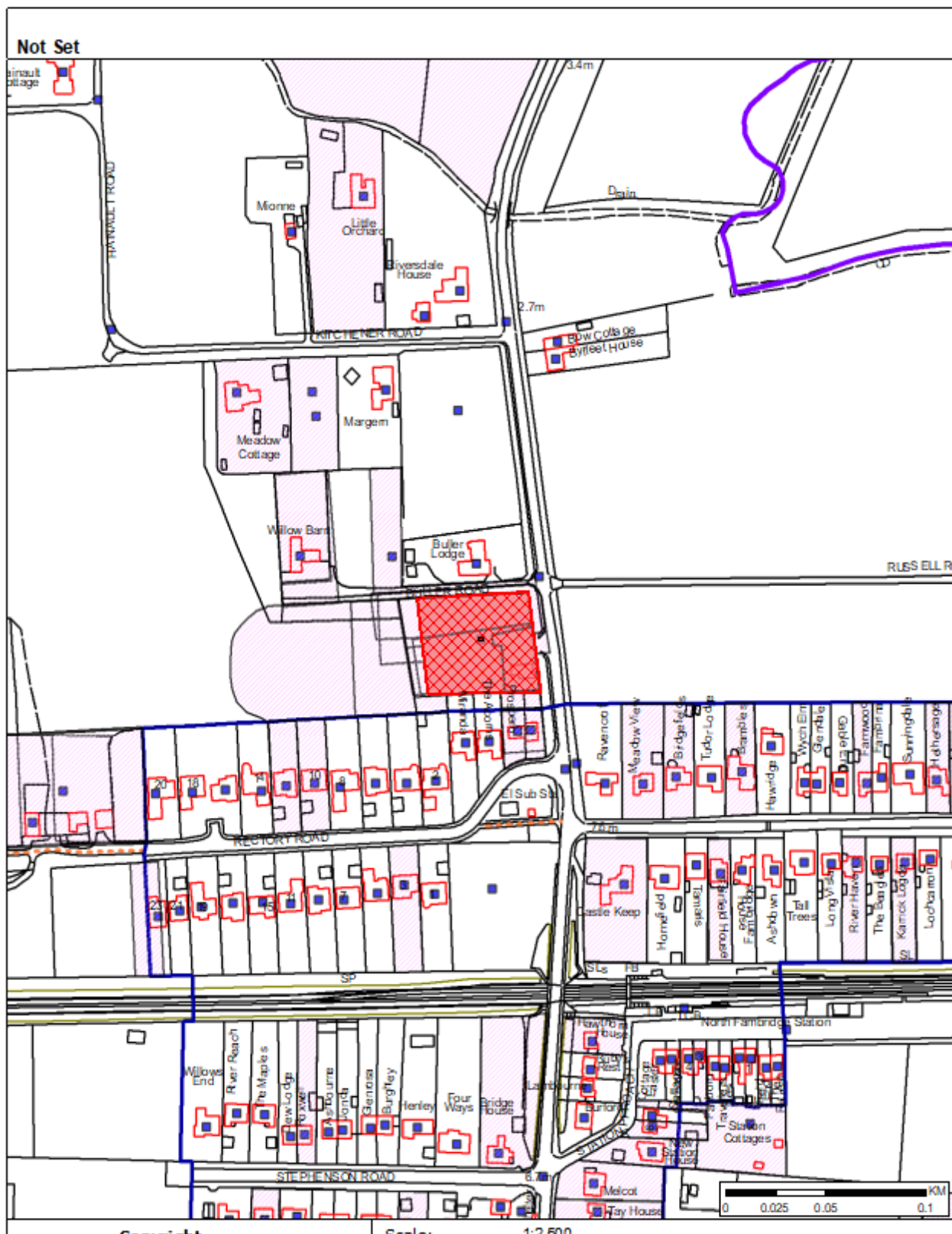
Application Number	19/01159/FUL
Location	Land South Of Buller Lodge Buller Road North Fambridge
Proposal	Construction of 4No. 2 bed detached bungalows with proposed access via Fambridge Road.
Applicant	Lord Rayner
Agent	Mr Ashley Robinson
Target Decision Date	30.12.2019 EOT 07.02.2020
Case Officer	Hannah Bowles
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Departure from the Local Plan

1. RECOMMENDATION

APPROVE subject to a signed Unilateral Undertaking to confirm that the developer will contribute to Essex coast RAMS and the conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site has an area of approximately 0.285 hectares and is located south-west of the junction of Buller Road and Fambridge Road. The application site is just outside of the defined settlement boundary of North Fambridge. The site is currently partially grassed, with an area of hardstanding and was historically used as an agricultural field/pasture. It is relatively flat with trees and hedges along the northern and eastern site boundaries. There is an existing agricultural gate fronting Buller Road.
- 3.1.2 Buller Road is a private unmade single carriageway. Along Buller Road are two dwellings set amongst open countryside, although planning permission for a further dwelling has recently been granted at appeal. To the west is open countryside. To the south are a number of residential dwellings fronting Rectory Road which make up the northern edge of the settlement of North Fambridge.
- 3.1.3 The application site previously benefited from planning permission for four dwellings. The access road to the proposed development was constructed however, the pre-commencement conditions were not cleared and therefore a lawful commencement of the development did not occur within three years of the date of the decision and the permission has expired. The previously approved development was allowed at appeal for the construction of four, two-bedroom detached bungalows with a proposed access from Fambridge Road (planning permission: 14/00076/OUT and appeal reference: APP/X1545/A/14/2219905 dated 15 September 2014, reserved matters reference: 16/00386/RES was approved on 3 June 2016). The proposed scheme is identical to that previously approved.
- 3.1.4 Further, it is pertinent to note that outline planning permission was allowed on appeal for an additional bungalow to the south eastern corner of the site (reference: APP/X1545/W/16/3163300 Proposed 5th Plot for a small two bedroom bungalow dated 23 February 2017) and the reserved matters were subsequently approved (reference: 17/01426/RES dated 8 February 2018). A lawful start to this permission was commenced and the dwelling within plot 5 appears to be almost externally completed.
- 3.1.5 Planning permission is sought for the construction of four, two bedroomed, detached bungalows with associated parking, access track and private amenity space accessed via Fambridge Road.
- 3.1.6 The bungalow within plot 1 (as marked on the proposed site plan) measures approximately 11 metres wide, 16 metres when measured at its deepest point and 9 metres at its narrowest point. The bungalow would measure approximately 6.5 metres to ridge level at its highest point and 4.8 metres at its lowest point. The Internal floor area of the building would be approximately 120m². It would be positioned 1 metre away from the shared boundary with existing residential properties ‘Miranda’ and ‘The Acorns’ located to the south of the site.
- 3.1.7 The bungalow within plot 2 would be identical in width, height, scale, design and appearance to Plot 1. It will be positioned approximately 2 metres to the north of Plot

1. The Internal floor area of the building would be approximately 120m². Plot 1 and Plot 2 would both have an open plan lounge and kitchen area, two bedrooms, one with an en-suite and a bathroom.
- 3.1.8 The bungalow within plot 3 measures approximately 12 metres wide, 11.5 metres when measured at its deepest point and 7.5 metres at its narrowest point. The bungalow would measure approximately 5.1 metres to ridge level at its highest point and 4 metres at its lowest point. The Internal floor area of the building would be approximately 85.2m². The bungalow would be positioned approximately 8 metres to the north east of Plot 2.
- 3.1.9 The bungalow within plot 4 would be identical in width, height, scale, design and appearance to Plot 3. It will be positioned approximately 2.4 metres to the east of Plot 3. The Internal floor area of the building would be approximately 85.2m². Plot 3 and Plot 4 would both have a porch area, hall/dining room, kitchen, living room, bathroom and two bedrooms, one with an en-suite.
- 3.1.10 The bungalows would be constructed using weather boarding for the walls and plain tiles (35 degree pitched roofs throughout).
- 3.1.11 For Plot 1 and Plot 2, a private amenity space in excess of 200m² would be provided. Plot 3 will have a rear garden area in excess of 700m², while Plot 4 will have an area of 139 m².
- 3.1.12 As stated above the access point from Fambridge Road, as shown on the proposed plans has been constructed along with the access track, which the proposed dwellings will be positioned around, and the turning area. Each bungalow will have two-off street parking spaces allocated to the front of the building.

3.2 Conclusion

- 3.2.1 The proposed development is identical to a previously approved scheme, although the original permission expired on 3rd June 2018, having regard to the planning history of the site and surrounding area, namely the allowance of the dwelling less than 10m from the site in May 2019, an objection in relation to the principle of the development or the sustainability credentials of the site would be unreasonable. Further, the proposed development is not considered to result in a detrimental visual impact, loss of amenity to the neighbouring occupiers or impact on highway safety. In addition, adequate amenity space and car parking provision are proposed to serve each dwelling. Therefore, the proposed development is considered to be in accordance with the requirements on the Maldon District Local Development Plan (MDLDP) and Government guidance contained within the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 59 – 79 Delivering a sufficient supply of homes
- 102 – 111 Promoting sustainable transport
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Maldon District Vehicle Parking Standards SPD (VPS)
- Maldon District Design Guide SPD (MDDG)
- Planning Practice Guidance (PPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).
- 5.1.2 The LDP, as approved, has been produced in light of the NPPF's emphasis on sustainable development and preferred policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.1.3 The application site lies just outside of the defined settlement boundary of North Fambridge as identified in the LDP and as such Policy S8 of the LDP would be applicable to this case. Policy S8 requires development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. 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 it is for other uses as listed under Policy S8 (a)-(m). The application site is outside a development boundary and is in the

countryside for the purposes of application of the abovementioned planning policies. As such, the proposal is in conflict with the approved policies.

- 5.1.4 Whilst it is considered that the principle of four dwellings in this location would be contrary to Policy S8 of the LDP and core principles of the NPPF which directs new dwellings to the defined development boundaries, it is important to note that the site has been accepted for the construction of five dwellings, as outlined above (paragraphs 3.1.3 and 3.1.4). Although the permission for four dwellings on the application site has lapsed and it is noted that the principle of development on this site was determined when the Council did not have a 5YHLS which weighed in the proposals favor; it is considered, given the planning history, findings of the Inspectors for the appeals and that the construction of the dwelling in plot 5 (approved under references 16/00858/OUT, which was allowed at appeal, and 17/01426/RES) is well underway, that an objection to the principle of four dwellings on the site would be unreasonable. In this respect it is pertinent to note the following conclusion contained within the appeal decision for application reference 14/00076/OUT (APP/X1545/A/14/2219905):

'Paragraph 8 of the Framework makes it clear that the environmental, social and economic roles of sustainability are mutually dependant. When considering the balance of all three dimensions taken together, I conclude that this would amount to sustainable development pursuant to paragraph 7 of the Framework. Accordingly, there is a presumption in its favour as set out in paragraph 14. In the absence of adverse impacts to significantly and demonstrably outweigh the benefits, planning permission should be granted.'

- 5.1.5 In addition to the above, an appeal has been allowed for a further dwelling, along Buller Road, around 10m from the application site. Appeal reference APP/X1545/W/18/3206806 was allowed on 13th May 2019 and the Inspector for the appeal stated *'..planning law also requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Whilst in policy terms the appeal site falls outside of the defined limits of North Fambridge, visually it appears to sit comfortably within the built limits of the village. Its close proximity to local services and transport links also makes it a reasonably sustainable location, which is part of the reasoning behind Policies S1, S2 and S8.'*
- 5.1.6 In terms of sustainability and, whether the proposal is located in a sustainable location, in addition to the above, the application site has been assessed in this respect by two different Planning Inspectors for the construction of five bungalows (reference: APP/X1545/A/14/2219905 - Outline application for the construction of 4 x 2 bed detached bungalows with proposed access via Fambridge Road and APP/X1545/W/16/3163300 - Proposed 5th Plot for a small two bedroom bungalow). In both of these appeal decisions, both Planning Inspectors found that the location was sustainable with regard to access to local services. Whilst the outline and reserved matters permission for the construction of four bungalows has lapsed; the findings of the Inspectors are a material consideration when determining this case.
- 5.1.7 It is therefore considered that the general principle of residential development in this locality would amount to sustainable development and the principle would be

acceptable subject to other material considerations which will be discussed in the report below.

- 5.1.8 Therefore, notwithstanding the conflict with policy S8, given the above it is considered that the principle of the proposed four dwelling and the sustainability of the site in terms of accessibility to services is acceptable.

5.2 Housing Need and Supply

- 5.2.1 The proposal would provide four dwellings which are proposed to have two bedrooms. Policy H2 of the LDP contains a policy and 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. The Council therefore, encourages, in the Policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.2.2 The Council is therefore encouraged in Policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. As mentioned above, the proposal provides four x two bed dwellings. The provision of smaller units would have public benefits in terms of boosting local housing, in accordance with the SHMA and therefore, this weighs in favour of the proposal.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- 5.3.3 *"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".*
- 5.3.4 *"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".*
- 5.3.5 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:-

- (i) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - (ii) Height, size, scale, form, massing and proportion;
 - (iii) Landscape setting, townscape setting and skylines;
 - (iv) Layout, orientation, and density;
 - (v) Historic environment particularly in relation to designated and non-designated heritage assets;
 - (vi) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - (vii) Energy and resource efficiency.
- 5.3.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.3.7 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.
- 5.3.8 The proposed bungalows, of which there are two types, are traditional in terms of design, appearance and materials and comprise front and rear facing gables. They are considered to be of some architectural merit with attractive finishes and fenestration detailing. The overall scale of each bungalow is considered to be relatively modest and the layout is not considered to be overly dense for the rural area.
- 5.3.9 The application site is located in the Fambridge Drained Estuary Marsh Landscape Character Area, as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area is the hinterland of the marshes on the north shore of the narrow River Crouch. The landform is gently rolling country indented by many creeks, with scattered blocks of trees, linear tree belts, scrub and formerly elm-dominated hedgerows around pastures.
- 5.3.10 In the appeal decision for 14/00076/FUL (APP/X1545/A/14/2219905) the Planning Inspector considered that four bungalows would not significantly impact on the landscape character of the area particularly having regards to new development that was being constructed in close proximity of the application site at that time. The Planning Inspector also stated that the impact of the increased built form on this site would be minimal in light of housing along Rectory Road and Buller Road which already has an urbanising effect, this was balanced with the spacious layout shown on the indicative block plan. The Inspector concluded that whilst that development would reduce the openness of the site, it was considered that the single-storey and spacious nature of the development proposed would limit its impact on the landscape and would cause no material harm to the landscape or views from the countryside. The reserved matters application 16/00386/RES was approved on 3 June 2016 and it

is pertinent to note that the proposed bungalows are identical to those previously approved.

- 5.3.11 Whilst the above permissions lapsed on 3 June 2018, given the findings of the Inspector, detailed above and the fact the scheme is identical to that previously approved along with the advance stage of construction of the dwelling in plot 5 (approved under permissions 16/00858/OUT allowed at appeal, and 17/01426/RES) and the further residential development that has taken place in close proximity to the site, it is considered unreasonable to raise an objection in respect of the visual impact of the residential development on the wider locality or the existing site.
- 5.3.12 Given the above, it is not considered that the proposed bungalows, previously approved under references 16/00858/OUT and 17/01426/RES, would detrimentally impact the visual amenity of the site or surrounding area. Therefore, the proposal is considered to comply with policy D1, H4 and S8 in this respect.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.4.2 The application site fronts onto Buller Road to the north, Fambridge Road to the east and open countryside to the west. The application site includes plot 5 which is currently under construction in the south east corner of the site. To the south, the site abuts the end of the rear gardens of 'Miranda', 'The Acorns', 'Prospero' and 'Falstaff'.
- 5.4.3 The proposed dwellings are single-storey in nature, given this, the orientation, layout and the separation distance, it is not considered that the proposal would result in domination, a loss of light or overlooking to the neighbouring occupiers.
- 5.4.4 Further to the above, the closest dwelling to the proposed development is the dwelling being constructed in plot 5 and the impact on the residential amenity of the proposed scheme and the occupiers of this dwelling was considered during the assessment of 16/00858/OUT and 17/01426/RES. No concerns were raised at that time and it is not considered that there have been any significant changes to the site, surrounding area or policy position that would alter this stance.
- 5.4.5 Similarly to the above, the impact of the development on the residential amenity of the dwellings to the south of the site was assessed at the time of determining applications 14/00076/FUL and 16/00858/OUT and no concerns were raised. It is not considered that there have been any significant changes to the site, surrounding area or policy position that would alter this stance.

- 5.4.6 Therefore, it is not considered that the proposed bungalows, previously approved under references 16/00858/OUT and 17/01426/RES, would detrimentally impact the residential amenity of the neighbouring occupiers. Therefore, the proposal is considered to comply with policy D1, H4 and S8 in this respect.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 The proposed bungalows have two bedrooms leading to a requirement of two car parking spaces per dwelling. The car parking spaces have been demonstrated on the submitted plans and comply to the requirements in terms of the recommended parking bay size of 5.5m by 2.9m. Therefore, no concerns are raised in respect of the car parking provision to serve the development.
- 5.5.4 The proposal includes the creation of an access from Fambridge Road and access track and turning area (this element is retrospective as it has already been carried out on the site). The Highway Authority has been consulted and has raised no objection to the proposal in terms of highway safety. A turning area is proposed and therefore there is adequate space to safely turn in and out of the site. Therefore, there are no objections to the proposal in this respect.

5.6 Private Amenity Space and Landscaping

- 5.6.1 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 advises a suitable garden size for each type of

dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

- 5.6.2 The proposed dwellings have two bedrooms and would therefore be classed as smaller dwellings requiring a private amenity area of 50m².
- 5.6.3 Plot 1 and Plot 2 would be served with a private amenity space in excess of 200m². Plot 3 would have a rear garden area in excess of 700m² and Plot 4 would have an amenity area of around 139 m². Therefore, no concerns in terms of the size of the space is raised.
- 5.6.4 It is noted that plot 4 forms a corner plot and the proposed private amenity area is adjacent to Buller Road and Fambridge Road. Whilst this would usually raise concerns as to the lack of privacy; in this instance a buffer between the proposed amenity space and Buller Road and Fambridge Road has been incorporated into the design. It is also noted that the area proposed is 139m² which is over double the recommended standard for a two bedroom dwelling. In addition, no concerns in this respect were previously raised. Therefore, no concerns in respect of the private amenity space are raised.
- 5.6.5 In terms of landscaping, plan number 01 shows that an existing hedgerow along the north and east boundary of the site will be retained. At the time of the previous application it was conditioned that the works were carried out in accordance with these details and it was noted that the hedges are still in place at the time of the Officer site visit and therefore, a condition will be implemented should this application be approved to ensure the continued retention of the hedges.

5.7 Other Material Considerations

Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS).

- 5.7.1 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.
- 5.7.2 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.

- 5.7.3 Prior to the RAMS being adopted, Natural England advised 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.
- 5.7.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a likely significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 The proposal is for four new dwellings and 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.
- 5.7.6 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 following development types? Yes - The planning application relates to 4 dwellings.

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

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

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

Summary of appropriate assessment

- 5.7.7 The application proposes the erection four dwellings. Given that the site is located within a zone of influence (ZoI) for the Essex Coast RAMS, it is excepted that the development would have likely significant effects on identified European sites. An

appropriate assessment should therefore be carried out to assess the implication of the proposed development on the qualifying features.

- 5.7.8 The Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution should be calculated using this figure. As the proposal is for four dwellings a fee of £489.20 would be required. The developer has confirmed that they are agreeable to sign and submit a legal agreement to secure the abovementioned contribution. Therefore, should this be forthcoming the impact of the development will be considered to be mitigated. An update in this respect will be provided on the Members Update.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
13/00765/OUT	Erection of 4No. 2 bed detached bungalows.	Refused
14/00076/OUT	Outline application for the construction of 4 x 2 bed detached bungalows with proposed access via Fambridge Road	Refused - Allowed at appeal.
15/00347/OUT	Erection of 10no. two-storey dwellinghouses with garages, a two-storey block of 2no. two-bedroom flats, and 1no. bungalow with associated parking and amenity areas, balancing pond, and new road including the formation of new vehicular and pedestrian access onto Fambridge Road.	Refused.
15/01278/OUT	Erection of 5 x two-storey dwellinghouses, two-storey block containing 2 flats, and 1No. bungalow with associated garages, parking and amenity areas, balancing pond, and new road including the formation of new vehicular and pedestrian access onto Fambridge Road (amended proposal).	Refused.
15/01336/FUL	Proposed 3No. new bungalows.	Refused.
16/00386/RES	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/00076 allowed on appeal APP/X1545/A/14/2219905 (Outline application for the construction of 4 x 2 bed detached bungalows with proposed access via Fambridge Road).	Approved.
16/00858/OUT	Proposal for a small two-bedroom bungalow (Plot 5). (Plots 1 to 4 as previously approved).	Refused - Allowed at appeal.
17/00606/FUL	Proposed 5 No. dwellings with associated parking and private amenity accessed via Buller Road	Refused.
17/00848/RES	Reserved matters application for the approval of appearance, landscaping and layout on approved planning application OUT/MAL/16/00858	Refused.

Application Number	Description	Decision
	(Proposal for a small two bedroom bungalow (Plot 5). (Plots 1 to 4 as previously approved).	
17/01162/FUL	Proposed 3No. dwellings with associated parking and private amenity accessed via Buller Road	Refused – Dismissed at appeal
17/01426/RES	Reserved matters application for the approval of appearance, landscaping & layout on application OUT/MAL/16/00858 approved on appeal APP/X1545/W/16/3163300 (Proposal for a small two bedroom bungalow (Plot 5). (Plots 1 to 4 as previously approved).	Approved.
18/05112/DET	Compliance of conditions notification of approved application RES/MAL/17/01426 (Reserved matters application for the approval of appearance, landscaping & layout on application OUT/MAL/16/00858 approved on appeal APP/X1545/W/16/3163300 (Proposal for a small two bedroom bungalow (Plot 5). (Plots 1 to 4 as previously approved)). Condition 3 - Materials. Condition 5 - Boundary treatments.	Conditions cleared.
19/00695/FUL	Proposed 2No. dwellings with associated parking and private amenity accessed via Buller Road	Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Farnbridge Parish Council	No comment.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection subject to conditions.	Noted.

7.3 Representations received from Interested Parties

- 7.3.1 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The existing bungalow is unsightly.	Noted.
To claim that no negative effect will ever	Please see assessment contained within

Objection Comment	Officer Response
become apparent if these properties are all placed on the site is quite simply an unsubstantiated endorsement.	report.
Wildlife concerns.	The site has already been cleared and partially developed.
Drainage concerns.	Please see condition
Highway concerns.	Please see section 5.5.

7.3.2 **1** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Bungalows are wheelchair friendly	This has not been specified within the application documents.
The bungalow nearly completed is very attractive.	Noted.
The entrance is a very safe entrance and exit from the busy Fambridge Road.	Noted.

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 the approved drawings which are attached to and form part of this permission.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
REASON: In order to ensure that the appearance of the development is appropriate for the rural locality in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.
- 4 No development above ground level shall commence until details of the surface water and foul drainage scheme to serve the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme shall include the means to prevent the discharge of surface water onto the highway. The scheme shall be implemented as approved prior to the first occupation of the development.
REASON: In order to ensure that an adequate drainage scheme serves the development in accordance with policy D5 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.
- 5 Within the first available planting season (October to March inclusive)

following the commencement of the development the landscaping works as shown on the approved plan 01 dated April 2016 and specifications attached to and forming part of this permission shall be fully implemented. 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 replacement for it, is removed, uprooted or destroyed or 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 at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To protect the visual amenity of the rural area and the amenity of neighbouring residential properties in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, policies D1, H4 and N2 of the Maldon District Pre-Submission Local Development Plan, and Government advice as contained within the National Planning Policy Framework.

- 6 Prior to the first occupation of the dwellings hereby approved, a 2 metre high close boarded timber fence shall be constructed on the southern boundary of the site and retained as such thereafter.

REASON: To protect the amenity of neighbouring residential property in accordance with policy D1 of the Maldon District Local Development Plan, and Government advice as contained within the National Planning Policy Framework.

- 7 Prior to the occupation of any of the proposed dwellings, a 1.5 metre x 1.5 metre, pedestrian visibility splay as measured from and along the highway, shall be provided on both sides of the vehicular access and shall thereafter be retained and kept free from obstruction. The visibility splays must not form part of the vehicular surface of the access.

REASON: In the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.