



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 JANUARY 2021**

Application Number	20/01145/FUL
Location	Land adjacent Springwood Rectory Lane Latchingdon
Proposal	Erection of five bungalows with revised access position (as previously approved application 18/00014/FUL)
Applicant	Mr P Wells – Woodhill Estates Ltd
Agent	Mr Russell Forde – Smart Planning Ltd
Target Decision Date	01/01/2021
Case Officer	Hannah Dungate
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In by Councillor M G Bassenger with reference to previously approved scheme 18/00014/FUL.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

20/01145/FUL

Land Adjacent Springwood Rectory Lane Latchingdon



Copyright

For reference purposes only.
No further copies may be made.
This map is reproduced from Ordnance Survey
material with the permission of Ordnance Survey on
behalf of the Controller of Her Majesty's Stationary
Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 07/12/2020

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south of Burnham Road, west of Rectory Lane. Part of the site, although an open field, appears to be used as an amenity area for the neighbouring dwelling of Springwood. The area is mainly grassed over and bounded by a hedgerow along the north and west boundaries. The site has an established access onto Burnham Road.
- 3.1.2 The site is located outside the defined settlement boundary of Latchingdon, which is approximately 300m north of the site.
- 3.1.3 To the east of the proposal site are two large detached recently constructed dwellings, and to the south of these dwellings is the existing property of Springwood. Further to the north of the site on the opposite side of Burnham Road is a recently established belt of residential development comprising ten dwellings fronting Burnham Road. South east of this development is a large residential property on a large plot. To the north of that property is an area of land which benefits from an additional 30 dwellings recently constructed. To the northwest of the proposal 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 that a proposal to erect three properties within an area smaller than the application site was recently allowed by the Inspector at appeal (APP/X1545/W/17/3198063 refers). This followed the approval for the erection of two dwellings at the site in a slightly smaller area (15/01080/OUT refers). In addition to the three dwellings allowed at appeal, a fourth dwelling proposed was also approved, west of the three properties allowed at appeal (18/01048/FUL refers). The current proposal site therefore benefits from approval for the erection of four two storey detached dwellinghouses. Planning permission was recently refused for the construction of five three-bedroom bungalows at the site (20/00568/FUL refers).
- 3.1.5 Planning permission is sought for the erection of five bungalows on land south of Burnham Road, west of Primrose House, with associated off-street parking, access drive and landscaping. Three of the bungalows would have three-bedrooms and two of the bungalows would now have two bedrooms.
- 3.1.6 The site would be accessed via an existing access onto Burnham Road, to the west of Primrose House. The access road within the application site would be formed almost parallel with the highway along the front building line of the proposed dwellings.
- 3.1.7 Plots 3 and 4 would benefit from garages, providing one car parking space each, as well as off-street parking spaces located to the front of the single garages. Plots 1, 3 and 5 would benefit from off-street parking spaces located to the front and side of the properties.
- 3.1.8 The proposed bungalows would be single storey and would have a combination of hipped and pitched roof elements. The bungalows located on plots 1 and 2 would

measure 8.6m wide and 13m deep. The bungalows on Plots 3 and 4 would measure over 13m in depth and over 12m wide. The bungalow located on plot 5 would measure over 13m in depth and would be 9m wide.

3.2 Conclusion

- 3.2.1 The reduction in built form at the site, in comparison to the previous refused application, has meant that the overall scheme would, on balance, not be considered so harmful to the character of the area to warrant refusal of the application. In the context of the existing approved scheme for four two storey houses at the site, as well as the existing development located north of Burnham Road, the proposal is now considered to accord with Policies S1, S8 and D1 of the Local Development Plan (LDP).

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:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

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 Built Environment
- 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 Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section

38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the National Planning Policy Framework (NPPF).

- 5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).
- 5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 - This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.1.5 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out-of-date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'.

- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 reiterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 Paragraph 78 of the NPPF states that:
- *‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’*
- 5.1.9 The application site is located outside the defined settlement boundary of Latchingdon which is classified as a “small” village within the district where there are limited services and facilities. Although the site would be located within the countryside in terms of planning policy, it is noted that two dwellings were approved on land within the application site, on a smaller application site, under the terms of application (OUT/MAL15/01080). When considering the sustainability credentials of the site at appeal, the Inspector noted that *“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.”* Therefore, no objection was previously raised to the principle of the erection of three dwellings on the application site (FUL/MAL/18/00014) or to the construction of a fourth dwelling at the site under the terms of application 18/01048/FUL, following this.
- 5.1.10 Notwithstanding the layout, scale and design of the proposed bungalows, taking into consideration that there is an extant permission for four houses on the site, as well as the Inspector’s assessment of the site at appeal, no objection is raised in principle for residential housing in this location. This position is consistent with previous decisions on the site in which the principle was not a reason for refusal.
- 5.1.11 Furthermore, and having regard to the Council not being in a position to demonstrate a 5YHLS, the ‘tilted balance is engaged in respect of the assessment of this application as set out at paragraphs 5.1.3-5.1.6 above.

5.2 Housing Need and Supply

- 5.2.1 Recent case law, as noted above, and having regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, restates the primacy of the of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The proposal would provide five bungalows just outside the defined settlement of Latchingdon, at a site where the principle of residential housing has been established. 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.
- 5.2.4 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms. 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.
- 5.2.5 The proposal would provide 3, three-bedroom dwellings and 2 two-bedroom dwellings. While this would only partially contribute towards the identified need for smaller houses, taking into account the extant planning permission for the erection of 4 four-bedroom dwellings at the site, the proposal would better the overall supply of smaller homes in this location. It is therefore considered that in this instance, no objection is raised to the principle of residential development in this location.

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 in creating better places to live and its importance is reflected in the NPPF. The NPPF states that:

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

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

- 5.3.3 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.
- 5.3.4 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).
- 5.3.5 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.
- 5.3.6 The proposed site is located outside of the southern settlement boundary of Latchingdon, west of Rectory Lane. The site is currently open grass fields, approximately 0.2 hectares in size. Immediately adjacent to the east of the application site there are two large detached recently constructed dwellings, approved under planning application 15/01080FUL, and south of these dwellings is the existing property of Springwood. To the south of the application site are agricultural fields, and west of the site is the Jacks Centre bowls complex contained within a large building and adjacent car park.
- 5.3.7 The area of Burnham Road, south of the Latchingdon development boundary was originally characterised by dispersed and sporadic development including large residential properties on large plots. However, it is noted that there are now three

substantial development sites north of Burnham Road, in close proximity to the application site, which have changed the character of the area.

- 5.3.8 As mentioned above, previous applications to erect three houses within part of the application site have been allowed at appeal, and one additional dwelling latterly approved, meaning a total of four two storey houses are approved within the application site. The layout of the approved properties maintain sufficient gaps which would not appear out of keeping with the loose semi-rural character of the development along this part of Burnham Road.
- 5.3.9 Previously planning permission has been refused for five bungalows at the site, given the overall spread of the development which was considered to urbanise the site (20/00568/FUL refers). The tight gaps between the bungalows were considered to exacerbate the harm to the surrounding area, which is generally characterised by more loose knit development within this semi-rural locality. While the current application is for a similar proposal, amendments to the scheme have resulted in the reduction in size of two of the proposed properties, from three to two-bedroom bungalows, as well as the removal of a detached double garage at the front of the site.
- 5.3.10 The two-bedroom bungalows located next to the existing neighbouring property Primrose House would be modest in scale and form when viewed from Burnham Road and would maintain a sufficient gap of 4.7m between them. The current proposal has enlarged the gaps between properties overall so that they would range between 4m and 6m, in comparison to the previous application where the proposed gaps were between 3.1m and 3.7m. The depth of these properties has also been reduced by approximately 2m, from 15m to 13m. The single storey side garages have also been removed.
- 5.3.11 Although the three bungalows located within the west portion of the site have not been reduced in size as part of the current application, they would sit behind an area of dense vegetation fronting the north and western boundaries of the site. A detached double garage in front of these bungalows has also been removed from the proposal. The reduction in built form at the site has meant that the overall scheme, on balance, would not be considered so harmful to the character of the area, as the previously refused scheme, to warrant refusal for the application. Subject to relevant conditions relating to landscaping and materials, in the context of the existing approved scheme for four two storey houses at the site, as well as the existing development located north of Burnham Road, the proposal is now considered to accord with Policies S1, S8 and D1 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 Although the proposed development would result in increased levels of activity by reason of an additional dwelling proposed at the site, it is considered that this would not result in a materially harmful impact in terms of noise and disturbance to the

surrounding properties, given the nature of the use which is compatible to the existing residential area east and north of the application site.

- 5.4.3 While the proposed bungalow, located closest to Primrose House, would project approximately 3.7m from the rear wall of Primrose House, a 4.2m separation distance would be maintained between the single storey bungalow and Primrose House, which has increased by 1.6m from the previous scheme. Given the single storey nature of the development, as well as its hipped roof form, it is not considered that it would be unacceptable in terms of being overbearing or resulting in any loss of light to this neighbour. It is noted that, while the occupiers of Primrose House have a fairly shallow garden, the property benefits from open fields beyond the rear boundary. As such, the location of the proposed bungalow is not considered to create a sense of enclosure to Primrose House which would be materially harmful.
- 5.4.4 Given the position of the proposed development, no other dwellings within the surrounding area would be affected by the proposed development.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 The Council's adopted Vehicle Parking Standards (VPS) 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.
- 5.5.3 The site benefits from an existing access which as shown on the submitted plans is approximately 7m wide. The access would be wide enough to allow access and egress from the site without obstructing the free flow of traffic. The Essex County Council (ECC) Highways Authority (HA) has been consulted and has not yet provided a response to the application, however, they did not object to the previous applications (18/00014/FUL and 20/00568) and recommended a number of conditions. In this respect these conditions have been included in the recommendation to ensure the development is built out in accordance with the approved plans so that it would not have a harmful impact on highway safety; conditions are therefore attached to this effect.
- 5.5.4 In terms of parking provision, at least two off-street parking spaces would be available per dwelling. Given that the Council's adopted parking standards require a maximum of two car parking spaces for two and three-bedroom properties, it is 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.

- 5.5.5 No details of cycle parking have been submitted; however, given that all dwellings would benefit from a reasonably sized garden, it is considered that cycle parking provision can be dealt with by condition.

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 Maldon Design Guide (MDG) SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 Based on the Site Plan submitted, it appears that the garden sizes for each proposed dwelling would exceed 100m² in accordance with the minimum amenity area standards. Therefore, the private amenity space provided for each property would be sufficient to meet the outdoor needs of the future occupiers.
- 5.6.3 Although there are no protected trees within the application site, it benefits from some mature vegetation on the outer periphery. It is therefore recommended that the retention of the existing hedgerows should be secured through the imposition of a condition, as well as details of the proposed soft landscaping as part of the development; conditions are therefore attached to this effect.

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS

- 5.7.1 Natural England (NE) has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (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' (ZoI) of these sites cover the whole of the Maldon District.
- 5.7.2 NE anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these ZoI constitute a likely significant effect (LSE) 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), Houses of Multiple Occupancy (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 Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) –NE 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 'ZoI' 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 significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE would not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on 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 NE's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a '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**

Summary of Appropriate Assessment

Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will, without mitigation, have a LSE on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. This accords with the findings of the Preliminary Ecological Appraisal (September 2019) submitted with the application. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £627.90 is necessary (£125.58 per dwelling). During the life of the application, a S106 Agreement has been submitted for checking. Given that a signed S106 Agreement has been submitted to support the application, the mitigation is secured. The proposal would therefore comply with policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

5.8 Other Material Considerations

Drainage System

- 5.8.1 No details of a drainage scheme have been submitted for both foul and surface water and thus, should permission be granted for the application, full details would be required to be submitted and approved in writing by the LPA, to avoid the risk of water flooding and pollution.

Archaeology

- 5.8.2 The Historic Environment Consultant was consulted as part of the application and based on cartographic evidence, Burnham Road had its origins as a linear green with post-medieval settlement gradually developing along its edges. The application site is therefore likely to contain multi-period archaeological deposits. Archaeological conditions securing the submission of an archaeological investigation and fieldwork programme, in line with the Historic Environment Consultant's comments, are therefore attached.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
15/00297/OUT	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 accesses onto Burnham Road	Withdrawn
15/00635/OUT	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	Refused
15/01080/OUT	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 (amended proposal)	Approved
17/00868/OUT	Outline application for 4no. Dwellings with access off Rectory Lane	Refused
17/00869/OUT	Outline application for 6 dwellings with access off Burnham Road	Refused
18/00014/FUL	Planning application for 3 dwellings with access off Burnham Road	Refused
17/00101/OUTREF	Outline application for 6 dwellings with access off Burnham Road	Appeal Dismissed
17/00102/OUTREF	Outline application for 4no. Dwellings with	Appeal

Application Number	Description	Decision
	access off Rectory Lane	Dismissed
18/00007/FULREF	Planning application for 3 dwellings with access off Burnham Road	Appeal Allowed
18/00415/FUL	Re-submission of planning application for 3 dwellings with access off Burnham Road	Refused
18/01048/FUL	Erection of one dwelling	Approved
18/01391/FUL	Variation of condition 2 on approved planning permission ful/mal/18/01048 (erection of one new dwelling) to erect a detached double garage	Approved
20/00568/FUL	Erection of 5 no bungalows with revised access position (as previously approved – application 18/00014/FUL)	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No response at time of writing	N/A

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	Undertake a Habitats Regulations Assessment (HRA) in relation to RAMS.	Noted
Highway Authority	No response at time of writing.	N/A
Historic Environment Consultant	Burnham Road had its origins as a linear green with post-medieval settlement gradually developing along its edges. The Historic Environment Characterisation also indicates the potential for multi-period archaeological deposits in the area. It is therefore recommended that if this proposal is approved that	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	full archaeological conditions are attached.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface and foul water drainage and construction management.	Noted
Tree Consultant	No response at time of writing	N/A

7.4 Representations received from Interested Parties

7.4.1 No representations have been received for this application.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: 20/2309/01; 20/2309/02; 20/2309/03; 20/2309/04; 20/2309/05; 20/2309/06; 20/2309/07 20/2309/08; 20/2309/09; 20.7155/M002
REASON To ensure that 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 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 and shall be retained as such thereafter. 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 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 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 20/2309/01, 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.

- 8 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.

- 9 No dwelling shall be occupied until the car parking spaces shown on drawing no. 20/2309/01 have been laid out and made available for use. These spaces 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.

- 10 The garages shown on the approved plans shall be kept available for the parking of motor vehicles at all times. The garages shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.
REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur in the interests of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan.
- 11 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
REASON To ensure the highway is not obstructed during the construction period in the interest of highway safety.
- 12 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.
- 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.
- 15 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.

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

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

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

- 17 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON To ensure an appropriate level of amenity space provision is retained and to reduce the further spread of development into the countryside in accordance with Policy D1 of the approved Local Development Plan.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) no dust emissions should leave the boundary of the site;
 - c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

- 2 Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- 3 Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in

accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

- 4 Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.
- 5 Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.
- 6 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.
- 7 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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