



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
2 NOVEMBER 2022**

Application Number	22/00734/OUT
Location	Land West of Willows End Stephenson Road North Fambridge
Proposal	Outline planning permission (with all matters reserved for future determination) for residential development of land for the erection of two dwellings (site area 0.2 Ha).
Applicant	Ms Alison Rampling
Agent	Mr John Pearce - Brooks Leney
Target Decision Date	11.11.2022
Case Officer	Hannah Dungate
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan

1. RECOMMENDATION

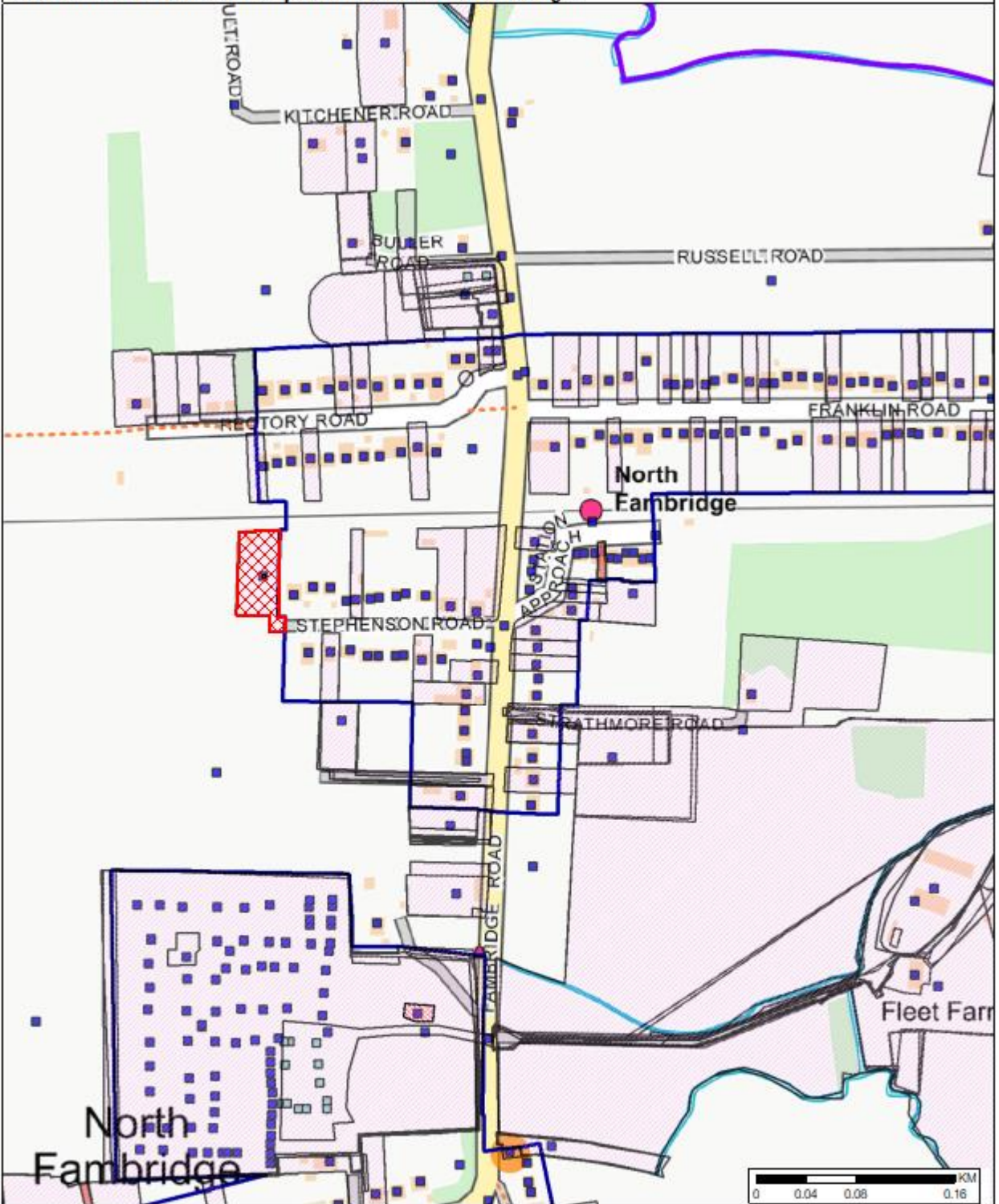
APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), to secure a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy and subject to the conditions as detailed in Section 8.


2. SITE MAP

Please see below.

22/00734/OUT

Land West of Willows End Stephenson Road North Fambridge



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	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 18/10/2022
	MSA Number: 100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Stephenson Road, just outside of the defined settlement boundary of North Farnbridge which runs along the eastern edge of the site. The application site is located at the end of a run of residential properties which front Stephenson Road in a linear formation. Stephenson Road is predominantly characterised by semi-detached and detached single storey bungalows and on the southern side of Stephenson Road, there are instances of one-and-a-half storey chalet bungalows.
- 3.1.2 The application site comprises grassland and is bounded by mature hedgerows. To the south and west of the site lies open fields, and to the north of the site is the Southminster branch line. It is noted that there are views from the application site to residential development further south of the site as part of the David Wilson Homes Development.
- 3.1.3 Outline planning permission with all matters reserved is sought for the residential development of the site for up to two dwellings.
- 3.1.4 The outline application procedure allows for applicants to identify specific matters for consideration which includes the principle of development, layout, access, scale, appearance and landscaping. The application has identified that this application is to consider the principle of the development only.
- 3.1.5 The considerations of layout, access, scale, appearance and landscaping would form a subsequent reserved matter application, should outline permission be granted for the proposal. Nevertheless, all material planning considerations are relevant where applicable to this application including impact on ecology, highways and trees.

3.2 Conclusion

- 3.2.1 The proposed development is considered to represent sustainable development and would assist, albeit marginally, in addressing the current five-year housing land supply shortfall. The application site would be able to accommodate two dwellings in a form that would appear in keeping with the prevailing pattern of development within the street scene. The site is large enough to provide adequate set-back from the public highway, room for car parking and adequate private amenity space for two dwellings. It would also be possible for two dwellings to be designed on the site to ensure that no harm would occur to the residential amenity of neighbouring occupiers. Furthermore, a financial contribution has been requested in relation to Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and upon receipt the impact of the development on designated sites can be mitigated. The proposal is therefore in accordance with the policies set out within the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 2021, including paragraphs:

- 7 Sustainable development

- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 78-80 Rural Housing
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan (LDP) 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
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of development, the impact on the character and appearance of the area, any impact on the amenity of existing residents, the quality of life for the occupiers of the proposed dwellings, highway safety / access / parking, nature conservation and drainage.

5.2 Principle of Development

5.2.1 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.

5.2.2 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).

5.2.3 Where a Local Planning Authority 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 National Planning Policy Framework 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).

5.2.4 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 Local Planning Authority 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).

5.2.5 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'.

5.2.6 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.

Sustainable Development

5.2.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The Local Development Plan through Policy S1 re-iterates 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 Local Planning Authority 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.

5.2.8 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.”

5.2.9 The application site is located just outside the defined settlement boundary of North Fambridge which is classified as a “smaller” village within the district which has limited access to services, facilities to serve the local community. There is a local train station located 250m away from the application site, which is on the Southminster branch line from Wickford to Southminster, this provides a limited service. Although future occupiers of the site would have to walk along an unlit road to access these services, it is noted that there have been several previous appeal decisions for residential development outside but immediately adjacent to the settlement boundary of North Fambridge, which have determined that these locations are 'relatively sustainable' being within easy walking distance of the railway station with mainline service connections and bus services, albeit relatively infrequently. These appeal decisions relate to the following application references; 11/01085/FUL, 14/00836/FUL, 18/00428/FUL. It was concluded in those appeal decisions that the future occupiers of these sites would have access to a range of services, facilities and employment, due to their proximity to the train station, without reliance on the private car. In particular, the Inspector for application 14/00836/FUL, which was for a site located south of Stepheson Road stated:

'15. I recognise that the appeal site is reasonably sustainably located with regard to access to the railway station.'

5.2.10 The Inspector of the appeal for application 18/00428/FUL, which related to a site on Buller Road, further north than the site subject of this application, stated:

“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.

22. The particular location of the appeal site and its context is a material consideration in this case to which I afford significant weight. I therefore consider that in this case the material considerations outweigh the harm caused by the conflict with Policy S8.”

5.2.11 In relation to the application site, which is of a similar context to these appeal sites, and closer to the train station in proximity in some instances, it is not considered that there would be any reason to differ from this assessment.

5.2.12 Furthermore, it is also noted that the Council has recently granted planning permission for housing outside of defined settlement boundaries in sites that are

considered to have a similar or greater need to use unattractive options, for walking, to accesses facilities for day to day living. These decisions include a development for 18 houses outside of the defined settlement of Woodham Mortimer (Reference 22/00482/OUT) and for a dwelling outside of the defined settlement boundary of Mayland (Reference 21/00628/FUL). In both of these instances, the sites were more remote from access to facilities than the application site in question and were still considered to be acceptable by the Council.

- 5.2.13 In light of the above, when considering the sustainability credentials of the site, it is considered that the provision of residential housing within this location would be acceptable in principle.
- 5.2.14 As such, 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 5.1.3-5.1.5 above.

5.3 Housing Mix

- 5.3.1 Recent case law, as noted above and having regard to S38 (6), 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.
- 5.3.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.3.3 The Maldon District Local Housing Needs Assessment (2021) (HNA) is an assessment of the housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The HNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.3.4 The specific housing mix for the proposed dwellings has not been included as part of the application. The HNA concludes that the District has a need for smaller dwellings, with the biggest requirement for 3-bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds. The precise housing mix could be secured by a condition to ensure that it is policy compliant and would meet the Council's identified need for smaller dwellings, albeit limitedly, which would weigh in favour of the scheme; a condition is therefore attached to this effect.

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 local design standards, 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;

- 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 (2017) (MDDG).

- 5.4.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.4.6 The application site is located at the end of an existing residential street which is fronted by bungalows and chalet bungalows in a linear formation. Although the application site would be located at the end of this road, on the periphery of the defined settlement boundary, as it transitions to the countryside, the site in itself is paddock laid with mowed grass and is bounded by mature hedgerows. Given this site context, the loss of this area of land, which makes a limited contribution to the character of the rural area, in terms of its openness, is not considered to be of the same consideration as the loss of open agricultural fields per se. Due to the location of the site adjacent to an existing run of urban development, it is considered that, on balance, the development of the site would result in limited harm to the character of the area and would be read as an extension to Stephenson Road. The proposed residential development would also be relatively contained due to the fact that the site is bound by dense mature hedgerow, which would be retained as part of the proposed development. The presence of this well-established landscaping would

limit views into the site and therefore reduce the harm the proposed development would cause to the character of the rural area.

- 5.4.7 The Council has previously granted planning permission for a single dwelling along a rural road with no formal footpath outside of Mayland (Reference 21/00628/FUL), which is located further away from the defined settlement boundary, and in a more isolated position which would not be read as the continuation of an existing thoroughfare, than the current application. It is, therefore, not considered appropriate to refuse the current application, which would be read, to a greater degree, as part of the existing streetscene due to it being a continuation of a run of existing residential development and would therefore be less harmful to the character of the area, than providing housing in an area where there is predominantly open agricultural field interspersed by sporadic residential development.
- 5.4.8 Overall, it is therefore considered, on balance, that the site is of a sufficient size and position within the street scene to enable the erection of two dwellings without demonstrable harm to the character and appearance of the area.
- 5.4.9 It is noted that the predominant character of Stephenson Road is single storey bungalows. Although full details of the design and layout of any dwelling at the site would be considered at the reserved matters stage, it is considered reasonable to condition that the proposed dwellings would not be higher than one storey in height to protect the character of the site as the suburban development transitions to the countryside and ensure that the proposed development would pay respect to the prevailing character of the area. A condition is therefore attached to this effect. It is noted that the street scene comprised pairs of semi-detached bungalows as well as detached properties. It is not therefore considered reasonable to require that the proposed dwellings would either be semi-detached or detached, which would be considered at the detailed stage.

5.5 Impact on Residential Amenity

- 5.5.1 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.
- 5.5.2 The application is outline in nature, with matters relevant to the impact of the development on the neighbouring residential occupiers, such as scale, appearance, and layout, being reserved for future consideration. Therefore, at this stage it is not possible to undertake a detailed assessment of the impact of the proposal on residential amenity. However, it is possible to undertake a broader assessment.
- 5.5.3 The development would result in two new residential dwelling within an area that is residential in nature and therefore the proposed development is compatible with its wider surroundings in terms of use, and thus, it would not adversely impact upon the amenities of the neighbouring occupiers in that respect.
- 5.5.4 The application site abuts existing residential dwelling to the east. The majority of these properties are single storey bungalows. Due to the size of the site, and given the quantum of development proposed, it is considered that an appropriate layout could be produced such that it would not detrimentally impact on the neighbouring occupiers, including sufficient separation distances between dwellings, and the siting of windows. These matters would be considered in further detail at Reserved Matters stage.

- 5.5.5 It is noted that the site is located adjacent to the existing Southminster Branch Line which could have an impact on the amenity of the future occupiers. Although Environmental Health have advised that a Noise Risk Assessment (NRA) should be submitted, as the application is outline in nature and due to the fact there are existing residential properties in a similar relationship nearby, it is considered that this could be required by condition. Also, considering that the design of the dwelling is likely to impact on the details within the NRA it is not considered that a reason for refusal, on this matter, would be reasonable in this instance.
- 5.5.6 Therefore, subject to the above recommended conditions, it is not considered that the development would not represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 The proposed development is outline in nature, with all matters reserved. Therefore, the matters in relation to access and the layout and provision of car parking would be assessed at the detailed stage. However, it is pertinent to note that the site would be accessed by an established vehicular access to the site from a private road and it is noted that the Highways Authority have raised no objections to the proposal. In this respect, it is considered likely that a suitable access could be provided at the detailed stage.
- 5.6.3 Given that the bedrooms numbers of the properties are not known at this stage, the number of vehicle parking spaces required for the proposed dwellings would be a matter that would be considered at reserved matters stage when the layout of the dwellings would be finalised. However, it is considered that the site could suitably accommodate two car parking spaces per three-bedroom dwelling such that sufficient parking provision could be provided at the site.

5.7 Ecology regarding development within the Zone of Influence (Zoi) for the RAMS

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

- 5.7.4 The application concerns the construction of two dwellings within an open meadow. Therefore, to identify whether any protected species would be present and affected by the proposal it is expected that an Ecological Survey undertaken suitably qualified ecologist using standard methodologies should be submitted with the application.
- 5.7.5 A Preliminary Ecological Appraisal has been submitted which has identified enhancements to the site. The Council's Ecological Advisor has not commented on the content of this report but has raised an objection in relation to the lack of a financial contribution to secure appropriate mitigation in relation to RAMS.
- 5.7.6 In terms of offsite impacts, the application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging RAMS. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.7.7 The development of two dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice a 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. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

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

Does the planning application fall within the specified development types? Yes – The proposal is for two dwellings

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

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

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

Summary of Appropriate Assessment

- 5.7.8 As a competent authority, the Local Planning Authority concludes that the project will, without mitigation, 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 Natural England's advice, it is considered that mitigation, in the form of a financial contribution of £137.31 per dwelling is necessary. During the application process, the Council have requested a signed Unilateral Undertaking (UU) and subject to the receipt of this, the appropriate mitigation would be secured, in compliance with policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.
- 5.7.9 Subject to appropriate conditions it is therefore considered that appropriate mitigation measures that could be put in place to mitigate the likely harm the proposal would cause. The proposal is therefore considered to comply with Policy N2.

5.8 Other Matters

- 5.8.1 The application has been supported by a Tree Survey and Tree Constraints Plan. The report suitably identifies the quality of the trees and how they will be impacted. The Council's Tree advisor has been consulted on the plans and advised that the proposal should look to accommodate the boundary trees, as well as new tree and shrub planting to benefit ecological net gain and wider public amenity. Although landscaping is a matter reserved for future determination, it is considered that this information could be secured by condition.

5.9 Planning Balance and Sustainability

- 5.9.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.9.2 Notwithstanding the considerations as contained in that paragraph, there may be times where there are site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries could no longer be refused on those grounds alone.
- 5.9.3 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.9.4 With regard to the three tests of sustainability, in economic terms, there would be little support for local trade as the proposal only relates to the construction of two dwellings. Whilst the occupiers of the proposed dwelling would bring some economic benefits to the village, which may provide some support to existing services, it is considered that the benefits would be minor given the negligible number of dwellings proposed. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.9.5 In relation to environmental sustainability, as stated within preceding sections of this report, the site is considered to be within a relatively sustainable location, which would weigh in favour of the scheme in relation to environmental sustainability. In light of the Council's housing supply position, it is considered that the proposal would not be considered so harmful to warrant refusal of the scheme. Sufficient ecological information has also been submitted as part of the current proposal such that means that priority species would be conserved as part of the development.
- 5.9.6 In social terms, development should assist in supporting a strong, vibrant and healthy community. Whilst the proposed dwellings would be located outside of the defined settlement boundary the site is considered to be relatively to public transport such that any future occupiers of the site would not be heavily reliant on the use of private vehicles to access everyday facilities. Although there is a limited number of dwellings proposed which would provide minor social benefits, the site would be sufficient in size to meet the recommended amenity space standards which would benefit the future occupiers, and weighs in favour of the scheme.
- 5.9.7 Taking into account the above assessment, the proposal would be considered to be sustainable development in the tilted balance.

6. ANY RELEVANT SITE HISTORY

6.1 No relevant planning history for the site.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Fambridge Parish Council	<p>North Fambridge Parish Council recommends refusal of the Application for the following reasons:</p> <ol style="list-style-type: none">1. As clearly acknowledged in the Applicant's supporting documentation, the site is outside the settlement boundary. It therefore conflicts with Policy S8 of the Approved Local Development Plan, as the proposed development would not fall within one of the possible exceptions listed under S8. Hence the Application is contrary to Maldon District Council's stated priority to protect the intrinsic value of the countryside (also taking into account that it would make an inconsequential contribution to housing land supply).2. Create a precedent in the local area which may encourage further piecemeal development encroachment into the additional loss of rural character. This risk is relevant to Stephenson Road, and other similar spur residential roads in the area.3. Comparable proposed developments outside of the settlement boundary have been previously refused permission. For instance, reference is made to FUL/MAL/14/00836, which was also subject to dismissal of appeal by the	Noted

Name of Parish / Town Council	Comment	Officer Response
	Planning Inspectorate – principally on the grounds that it would extend built development into an area which has a rural character.	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	A Habitats Regulations Assessment (HRA) must be undertaken to secure any necessary mitigation.	
Essex Highways	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.	Noted
Ecology – Place Services	<p>Holding objection due to insufficient ecological information on designated sites (Crouch and Roach Estuaries Ramsar and SPA).</p> <p>This is because the proposed development is within the evidenced recreational Zone of Influence (ZOI) of Crouch and Roach Estuaries Ramsar and SPA. Therefore, given the residential nature of this development is relevant to the Essex Coast RAMS, the LPA will need to prepare a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.</p>	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	The site is adjacent to the Southminster branch line and therefore the application should be supported by a noise risk assessment in accordance with the Calculation of Railway Noise 1995.	Noted
Tree Consultant	The tree constraints and report are considered to be accurate, and recommend any future design looks to accommodate the boundary trees where possible and enhance the site with new planting to benefit ecological net gain and wider public amenity, with new tree and shrub planting.	Noted

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 One representation has been received objecting to this application.

Objecting Comment	Officer Response
Could be out of character with existing properties as no details of the two dwellings proposed.	Noted. This application is outline in nature and relates to the principle of developing the site only. Further details, including the design of the dwellings, would be submitted at Reserved Matters stage for consideration, should outline planning permission be granted for the proposed development.
Could affect our views and overlook our property.	The right to a view is not a planning consideration. Please see Section 5.4 relating to Impact on Residential Amenity.
Privately owned road and would need owners' permission for development of the land.	Noted. As part of the application process, the applicant has advised that the relevant owner of the land is not known. Certificate D will be signed, and a notice submitted to the local press. Separate consent from the owner of the land would need to be obtained which would be separate from the planning process.
The road can be subject to flooding.	Noted. The area is not located in a Flood Zone or Critical Drainage Area.
Please take note of the ecological report.	Noted. The Council's Ecological Advisor has responded to the application and raised a holding objection relating to the absence of the financial contribution relating to Essex RAMS. Upon receipt of a signed Unilateral Undertaking, it is considered that this mitigation can be secured and the holding objection overcome.

Objecting Comment	Officer Response
The application form states that the land is vacant but it was used by horses approximately 18 months ago.	Noted.
The response from Highways states dwelling when the application is for two dwellings.	Noted.

8. **PROPOSED CONDITIONS**

- 1 The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 2 Application(s) for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 The development shall be carried out in accordance with plan reference Location Plan (scale 1:2500) dated July 7 2022 as far as it relates to the access of the site.
REASON To ensure the development is carried out in accordance with the approved plans.
- 5 The residential development hereby approved shall be single storey only.
REASON In the interest of local amenity and residential amenity in accordance with Policy D1 of the approved Maldon District Local Development Plan.
- 6 No more than three bedrooms shall be provided per dwelling.
REASON To meet the identified need for smaller dwellings within the district in accordance with the Maldon District Local Housing Needs Assessment (2021).
- 7 No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON In the interest of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
- 8 A Noise Risk Assessment shall be submitted in accordance with the Calculation of Railway Noise 1995 as part of the application(s) for the approval of the reserved matters referred to in Condition 2. The report shall include mitigation for any identified harm. The development shall be carried out fully in accordance with the details as approved.
REASON To satisfactorily protect the residential amenities of the future occupiers to comply with Policy D1 of the Approved Local Development Plan.
- 9 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be

constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards, in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 10 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard-landscaped areas with the materials and finishes to be used together with details of the means of enclosure (fencing and boundaries), car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance program. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON To ensure the adequate provision of landscaping to mitigate the impact of the development in accordance with Policy D1 of the approved Maldon District Local Development Plan

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

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

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

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in

accordance with the National Planning Policy Framework, and Policy D5 of the approved Maldon District Local Development Plan.

- 12 No works above ground level shall take place until details of the foul drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To ensure the adequate provision of drainage to mitigate against pollution in accordance with the National Planning Policy Framework, and policy D2 of the Maldon District Local Development Plan.

- 13 No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels 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.

REASON In the interests of the character and appearance of the streetscene and the amenity of neighbouring occupiers, in accordance with Policies D1 and H4 of the Maldon District Local Development Plan.