



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 NOVEMBER 2023**

Application Number	23/00700/FUL
Location	Harmony Kennels, Brook House, Spar Lane, Purleigh, Chelmsford, Essex, CM3 6QW
Proposal	Proposed single storey dwelling, cart lodge and outbuilding incidental to the proposed dwelling replacing existing outbuildings.
Applicant	Mr and Mrs Lawrence & Moore
Agent	Mr Oscar Dickens – Design Designed Ltd
Target Decision Date	16.10.2023
Case Officer	Juliet Kirkaldy
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor S White with regard to Policies S1 and D1.

1. RECOMMENDATION

REFUSE for the reason as detailed in Section 8 of this report.


2. SITE MAP

Please see below.

Harmony Kennels

22/01012/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	22/12/2022
	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 to the north of Rudley Green Lane and to the east of Spar Lane, outside of the defined development boundary for Purleigh. The site is currently occupied by a former kennel and stable buildings. There is an existing access to the application site from Spar Lane.

3.1.2 In July 2020 planning permission was refused on the site (reference 20/00444/FUL) for 'Construction of 1 no detached dwelling'. The Officer report described the proposal stating,

'Planning permission is sought for the demolition of the existing single storey structures onsite and the construction of one detached dwelling with a detached cart lodge. The proposed dwelling would have a maximum height of 7.38 metres with an eaves height of 3.72 metres, a width of 17.4 metres and a depth of 14.1 metres. The gabled aspect would be constructed of facing brick, with each side element finished in black stained weatherboarding, these would have 'M' shaped roof forms with a catslide dormer to the rear elevation accommodating Juliet balconies'.

3.1.3 The applicants appealed the decision and it was subsequently dismissed (APP/X1545/W/20/3260927) for the following reasons:

'The appeal site would not be suitable for the development proposed. It would therefore fail to comply with Policies S1, S2, S8, D2 and H4 of the LDP, which taken together, establish the strategic growth requirements and settlement hierarchy for the district, and promote sustainable development.

Due to the scale and overall bulk of the proposed dwelling, I conclude that the proposal would harm the character and appearance of the surrounding environment. On this basis, it would fail to accord with Policies S1, S8, D1 and H4 of the LDP, which taken together, seek amongst other things, sustainable development which respects and enhances character and local context.

3.1.4 In September 2022, a further planning application (reference 22/01012/FUL) was submitted for a 'Proposed single storey dwelling and cart lodge replacing existing outbuildings'. It was granted permission, contrary to the Officer recommendation, on 8 February 2023 at the North Western Area Planning Committee.

3.1.5 The Committee report described the proposal stating,

'The proposed single storey dwelling would have a maximum ridge height of approximately 4.9 metres with an eaves height of approximately 2.3 metres, a width of 19.2 metres and a depth of 7.8 metres. The main part of the dwelling would have a hipped roof form with a central gable projection to the front and rear. The materials would be facing soft red brickwork, black weatherboard with clay pantiles to the roof. The windows would be black Upvc with an oak entrance door to the front elevation and aluminium folding or sliding doors to the rear. The proposed cart lodge would be located to the west of the dwellinghouse and would have an approximate maximum height of 4.9 metres with an eaves height of 2.3 metres, a depth of 7.4 metres and a width of 6.5 metres.'

3.1.6 The current application proposes a revised scheme. The proposed single storey (2 bedroom) dwelling would be situated approximately 3 metres south of the previously approved dwelling (22/01012/FUL). It would have a maximum ridge height of

approximately 6.4 metres with an eaves height of 2.2 metres. A hipped roof is proposed. It would have a width of 19.2 metres. There are 3 protruding gables proposed on the front and rear elevation which increase the overall depth of the dwelling to 10.8 metres. The central gable projection would have a hipped roof form. The materials would be red brick, black featheredge board, red clay pantiles, stone arches and black framed windows.

- 3.1.7 The proposed cart lodge would be located 3.7 metres to the west of the dwelling. It would have a pitched roof with a ridge height of 4.8 metres and 2.2 metres to the eaves. It would have a depth of 7.4 metres and a width of 6.5 metres. This is of a similar scale, size and appearance to the previously approved cart lodge.
- 3.1.8 For the approved scheme (22/01012/FUL), permitted development rights were removed '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, separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume), dormer windows or other form of addition shall be constructed within the site without planning permission having first been obtained from the local planning authority'.
- 3.1.9 The current application proposes a further outbuilding situated 14 metres to the north east of the dwelling, forwards of the front elevation for the dwelling. The submitted covering letter refers to the health issues of the applicant and states, '*a managed exercise programme with the use of hydrotherapy can help considerably. The proposed outbuilding will hold exercise equipment, a hydrotherapy unit, W.C. plant room and garden store*'. However, Officers note that the submitted floor plan for the outbuilding does not appear to indicate a hydrotherapy unit.
- 3.1.10 The proposed outbuilding would have a hipped roof on the front southern elevation with a ridge height of 3.9 metres and 2.3 metres to the eaves. A pitched roof front porch/canopy is proposed with a width of 3.3 metres and a depth of 1.1 metres. On the rear northern elevation, a flat roof projection is proposed. The proposed outbuilding would have a width of 10.8 metres and a depth of 8.9 metres. The front elevation would have bifold doors. A single door is proposed on the side east and west elevations.

3.2 Conclusion

- 3.2.1 The proposed development, as a result of the design, layout and appearance would result in a prominent form of development that would have an unacceptable effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. It would be distinctly at odds with the unassuming presence of the existing buildings on site and that of the approved scheme. Therefore, the proposal conflicts with the National Planning Policy Framework (NPPF) (2023), Policy S1, D1 and H4 of the Local Development Plan (LDP) and the Maldon District Design Guide (MDDG) (2017).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2023 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision making

- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF (2021) require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF” and apply a number of key principles in policy and decision making set out in the Policy.
- 5.1.3 The application site is situated outside of the defined development boundary for Purleigh and therefore policies of rural constraint apply.
- 5.1.4 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes as detailed in the policy. The proposal put forward does not fall within one of the exceptions listed in Policy S8 and would therefore represent a departure from the LDP.
- 5.1.5 The previous application (22/01012/FUL) was recommended for refusal by Officers with the reasons for refusal stating,
1. *The application site is located outside the defined development boundary of Purleigh and within the countryside where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by*

the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. If developed, the proposed development would fail to protect and enhance the character and appearance of the rural area and the built form would have an urbanising effect resulting in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. The proposed development, as a result of the intended residential use would result in the domestication of the countryside to an unacceptable degree to the detriment of the character and appearance of the area. Furthermore, if developed, the site would be disconnected from the existing settlement and by reason of its location and access, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, D2 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2018).

2. *The proposed development, as a result of the design, siting, and location of the proposed dwellings and the spread of built form at the site on a partially open parcel of land, would result in an incongruous, new development that would have an unacceptable urbanising effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. The poor sustainability credential as defined by the Framework would significantly outweigh the benefits of the proposal when assessed against the approved policies of the Local Development Plan and the National Planning Policy Framework as a whole. The proposal would therefore fail to meet the requirements of policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan and the core planning principles and guidance as contained within the National Planning Policy Framework.*

- 5.1.6 However, the Officers recommendation for refusal was overturned by the Planning Committee. The Minutes of the Planning Meeting (8 February 2023) stated,

'A debate ensued around the merits of this application as opposed to the previous submission. Members felt that the applicant had changed the application in line with Planning Officers' recommendations and the reduction of scale and the new design enhanced the local context. Councillor S White proposed that the application be approved contrary to the Officer's recommendation due to its reduced size, change in design and given it concurred with policies S1, S8, D1 and H4. This was seconded by Councillor J V Keyes. It was further noted that this area was no longer predominantly rural and was a sustainable location. There being no further discussion the Chairman put Councillor White's proposal to approve the application, contrary to the Officer's recommendation, with conditions delegated to Officers, to the Committee and this was agreed.'

- 5.1.7 Given that the application was approved, the principle of residential development at the site has been established. Therefore, in assessing the current application the main considerations relate to design, layout and appearance and the impact on the wider countryside setting.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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. 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”.

- 5.2.2 This principle has been reflected in the LDP. The basis of policy D1 of the 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.
- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.4 In addition, policy H4 requires all development to be design led and to seek to optimise the use of land having regard amongst 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.
- 5.2.5 The proposed dwelling would be situated in the centre of the plot, approximately 15 metres from the northern boundary, 14 metres from the southern boundary and 25 metres from the eastern boundary. The position of the dwelling has moved further south (approximately 3 metres) from that of previously approved scheme (22/01012/FUL) creating an enlarged gravel forecourt to the front/north of the proposed dwelling. There are no concerns raised by Officers regarding the proposed positioning of the dwelling, particularly given its previous position within the plot (in the approved scheme) and given the relationship with the surrounding area, neighbouring properties, and the proposed boundary treatment.
- 5.2.6 The approved scheme (22/01012/FUL) proposed a modest single storey dwelling with a hipped roof and a central projecting gable. The material proposed was a clad weatherboard on a red brick plinth. The fenestration proposed was simple and unobtrusive. Notwithstanding, the Officer recommendation to refuse the previous scheme, it is acknowledged that the design and appearance of the approved dwelling is compatible with the rural setting and would have the appearance of an agricultural/rural outbuilding blending in with the countryside setting.

- 5.2.7 The revised scheme proposes a dwelling of a far more ornate appearance/design which is wholly inappropriate to a rural setting. The proposed dwelling would have a height of 6.4 metres this is an increase of 1.5 metres from the approved scheme. This would inevitably increase the prominence of the dwelling in the wider countryside setting. It is noted that there are existing buildings on the site, however, these are low rise buildings of a utilitarian appearance (3.9 metres overall height to the ridge). As concluded by the Planning Inspector in the dismissed appeal (APP/X1545/W/20/3260927), *'the existing buildings are not prominent within the public realm and their scale and appearance generally ensure that the buildings have a discreet presence. As a consequence, in my judgement, the existing buildings are unassuming and subservient to existing established development, as well as the countryside beyond'*.
- 5.2.8 On the submitted proposal, the proposed 3 protruding gables on the front northern and rear southern elevations appear overly dominant and detract from the previously modest and unassuming appearance of the approved scheme. Although the footprint of the proposed dwelling has marginally increased from the approved scheme, there is concern that cumulatively, the increased ridge height and 6 protruding gables increase the bulky appearance and mass of the dwelling to an unacceptable degree. It is considered that this would cause detrimental visual harm to the rural area and would be distinctly at odds with the unassuming presence of the existing buildings onsite and that of the approved scheme.
- 5.2.9 There is concern regarding the proposed fenestration for the dwelling, particularly the rear (southern elevation) and the glazed gable within a rural countryside setting. Policy S1 of the LDP states that the countryside should be protected, including its natural beauty, tranquillity and distinctiveness and it is essential that any new development does not cause harm to these features of the landscape and rural environment. In the dark skies the glazed gable would result in light 'spill' on the southern elevation increasing its prominence in the wider area including glimpses from Chelmsford Road.
- 5.2.10 The materials proposed are considered compatible with the countryside setting and therefore no concerns are raised in this regard.
- 5.2.11 The proposed cart lodge would be of a similar size/scale and appearance to the previously approved cart lodge. Officers raise no concerns regarding this part of the proposal.
- 5.2.12 The proposed outbuilding would introduce further built form into the countryside sprawling eastwards of the site. There is no clear and convincing justification for the size of the outbuilding proposed. The supporting letter suggests it would accommodate a hydrotherapy unit although this is not shown on the floor plan. In considering the dismissed appeal (APP/X1545/W/20/3260927) the Planning Inspector raised concern that, *'the proposal would have the effect of appearing to extend the presence of built form into the open countryside. This would be to the detriment of the pattern of development in the immediate surroundings and would cause demonstrable visual harm to the rural landscape beyond'*. There is concern that the proposed outbuilding would further extend the built form on the site, sprawling further into the open countryside. Therefore, the benefits of the approved scheme, in terms of consolidating the built form, when considering the existing former kennel buildings/structures which sprawl the site, would have been lost.
- 5.2.13 During the application Officers have sought amendments to the proposed scheme to address the above concerns raised. However, revised plans have not been submitted or forthcoming.

5.2.14 The proposed development, as a result of the design, layout and appearance would result in a prominent form of development that would have an unacceptable effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. It would be distinctly at odds with the unassuming presence of the existing buildings onsite and that of the approved scheme.

5.2.15 The proposal conflicts with the NPPF, Policy S1, D1 and H4 of the LDP and the MDDG (2017).

5.3 Impact on Residential Amenity

5.3.1 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, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section c07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

5.3.2 The land to the south west of the application site benefits from permission to construct two detached dwellings. These dwellings were allowed on appeal under references APP/X/1545/W/18/3201224 (2no.detached dwellings with attached garage with first floor accommodation above) and APP/X/1545/W/18/3214188 (2no.detached dwellinghouses with detached single storey cartlodges).

5.3.3 The proposed dwelling would sit 15 metres from the shared boundary (to west) with the northern dwelling and over 50 metres from this property itself. Due to this substantial degree of separation, it is not considered that the proposed dwelling would result in an overbearing impact on this neighbouring property or that it would result in an unacceptable loss of light to these neighbouring occupiers. Furthermore, the proposal is a single storey dwelling and therefore, there are no concerns in relation to a loss of privacy to this neighbouring property.

5.3.4 Therefore, it is not considered that the development would represent and unneighbourly form of development or give arise to overlooking or overshadowing. The proposal is in accordance with Policy D1 of the LDP and the NPPF.

5.4 Access, Parking and Highway Safety

5.4.1 Policy T2 of the LDP 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 LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards.

5.4.2 The NPPF refers in paragraph 110 (b) to, 'ensuring safe and suitable access to the site can be achieved for all users'.

5.4.3 The proposed development would utilise the existing access to the site from Spar Lane.

5.4.4 In the approved scheme (22/01012/FUL) there were no concerns raised regarding this access. The Committee report stated, 'It is considered that the intensification of the access and roadway by the proposed development would not result in a detrimental impact on highway safety of the free flow of traffic and is therefore in accordance with NPPF and LDP'.

5.4.5 The proposal is in accordance with Policy D1 of the LDP and the NPPF.

5.5 Private Amenity Space and Landscaping/Trees

Private Amenity Space

5.5.1 Policy D1 of the LDP requires all development to provide sufficient and usable private amenity space. The MDDG (2017) advises a suitable garden size for each type of dwellinghouse, namely 100sqm of private amenity space for dwellings with three or more bedrooms, 50sqm for smaller dwellings and 25sqm for flats.

5.5.2 The application proposes a 2-bedroom dwelling. There is adequate amenity space proposed to exceed the requirement for at least 50sqm of private amenity space.

5.5.3 The proposal accords with Policy D1 of the LDP and the MDDG (2017).

Landscaping

5.5.4 The Block Plan proposes a post and wire fencing along the southern and eastern boundary of the site with a new mixed thorn hedging to be placed field side. It further indicates that any existing hedging that is dead along the boundaries will be replaced the following growing season. It proposes that the existing track is to remain in a gravelled finish.

5.5.5 The boundary treatment and planting proposed is similar to that of the approved scheme (22/01012/FUL). Therefore, no concerns are raised in this regard.

5.5.6 A landscaping condition requiring further detail to be provided could be imposed should the application be approved.

Trees

5.5.7 The NPPF states in paragraph 174, 'planning decisions should contribute to and enhance the natural and local environment by, recognising the intrinsic character and beauty of the countryside and the wider benefits including, benefits of trees'.

5.5.8 The application is supported by an 'Arboricultural Report and Arboricultural Implications Assessment' (prepared by Moore Partners LTD, dated February 2020). The report concluded that, '*the proposal does not require the removal of any trees*' however, it is noted that the report relates to the previous approved scheme (22/01012/FUL). The report identifies that the site comprises of 8 individual trees, 3 groups of trees which could be impacted by this development. 2 trees are Category B trees (moderate quality), 5 trees and 3 groups are Category C trees (low quality) and 1 individual tree is a Category U (poor condition).

5.5.9 The Council's Tree Consultant has reviewed the application and raised concern that 'an issue is raised due to the timing of the tree inspection, dated as 6th February 2020, which is 3.5 years ago. Generally, a tree inspection is valid for a period of 1 year. This is due to the trees being living organisms which grow and adapt to their surroundings and climatic conditions. As such, it is not possible to make an informed decision regarding the suitability of this development and its impact on the trees onsite in their current state. The Tree Constraints and Protection Plan is also outdated.'

5.5.10 A condition could be imposed should the application be approved, requiring a Tree Constraints and Protection Plan to be submitted and approved in writing by the Local

Planning Authority prior to commencement of works to ensure that trees and roots are protected during construction.

5.6 Ecology and Recreational Zone of Influence (ZOI) Essex Coast RAMs.

- 5.6.1 The NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.6.2 Policy N2 of the LDP states that, 'where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified the proposal would not normally be permitted. If any protected species and / or priority habitats/species or significant local wildlife are found onsite or their habitat maybe affected by the proposed development the proposal must make provision to mitigate any negative biodiversity impacts it may create'.
- 5.6.3 A Preliminary Ecological Appraisal (PEA) Incorporating Bat Survey Inspection (prepared by T4 Ecology Ltd, May 2022) has been submitted as supporting documentation with the application.
- 5.6.4 The summary of the report states, 'It is possible that bats would utilise the tree line/hedge on the northern perimeter of the site for foraging/commuting activities. This would be retained, with opportunities for new and additional planting as part of the proposal. As such, bat behaviours would not be adversely affected. However, given the possibility of foraging/commuting along the northern boundary, whilst no surveys are necessary given proposed retention, it is advised that a bat considerate lighting scheme be employed during the demolition, construction and completed phase such that bat behaviours can continue.'
- 5.6.5 The report concludes that, 'the proposal can proceed without adverse impacts upon legally protected/priority species and habitats provided specific mitigatory guidance and enhancement recommendations identified'.
- 5.6.6 The Ecology Specialist (Place Services) has been consulted and reviewed the PEA report. The specialist is satisfied that there is sufficient ecological information available for the determination of the application which provides certainty for the LPA of the likely impacts on designated sites, Protected and Priority species and habitats and, with appropriate mitigation measures secured the development can be made acceptable.
- 5.6.7 The Ecology Specialist has raised no objection to the proposal subject to the mitigation measures identified in the PEA being secured by a condition of any consent. The reasonable biodiversity enhancement measures should also be outlined within a Biodiversity Enhancement Strategy and secured by a condition of any consent. The Ecology Specialist notes that the PEA highlights that, '*it is highly likely bats could be foraging/commuting within and around the site.*' Therefore, it is recommended that a condition requiring a wildlife sensitive lighting design be imposed.
- 5.6.8 The proposal accords with the NPPF and Policy N2 of the LDP subject to imposition of conditions should the application be granted.

5.7 Recreational Zone of Influence (ZOI) of Essex Coast RAMs

- 5.7.1 Paragraph 170 of the NPPF states, 'Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity'.
- 5.7.2 Policy S1 of the LDP seeks to conserve and enhance the natural environment by providing protection and increasing biodiversity and geodiversity and effective management of the District's green infrastructure network.
- 5.7.3 In terms of off-site impacts, Natural England (NE) has advised that this development falls within the 'Zone of Influence' (ZOI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.4 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 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 'ZOI' of these sites cover the whole of the Maldon District.
- 5.7.5 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 on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (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.
- 5.7.6 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.7 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 does 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 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 and has currently been set at £ 156.76 per dwelling.

- 5.7.8 To accord with NE's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

Is the development within the ZOI for the Essex Coast RAMS with respect to the previously listed sites? Yes

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

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

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

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

- 5.7.9 Summary of Appropriate Assessment – as a competent authority, the LPA 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.
- 5.7.10 Based on this and taking into account NE's advice, mitigation, in the form of a financial contribution of £156.76 is necessary. Therefore, subject to securing the necessary mitigation through a Section 106 (S106) no concerns are raised. A draft s106 unilateral undertaking has been submitted and a payment has been made to secure the s106 to cover the checking and monitoring fee.
- 5.7.11 Therefore, subject to satisfactory checks, it is considered that mitigation has been secured in accordance with policies S1, D1, N1 and N2 of the LDP and guidance contained in the NPPF.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
62/00097/MAR	Demolish existing – construct shop/café	Refused
62/00347/MAR	3 detached bungalows	Refused
63/00543/MAR	Outline- Kenneling for dogs	Approved
63/00543/1/MAR	Details – Kenneling for dogs	Approved
64/00539/MAR	Demolish existing – erect new dwelling	Refused
70/00396/MAR	Caravan – Expired 31.12.1971	Approved
78/00960/MAL	Site Caravan	Refused
85/00322/MAL	2 Bungalows	Refused
85/00824/MAL	Replacement Kennels Agricultural condition	Approved
85/00824/A/MAL	Amended Plans	Approved
85/00824/B/MAL	Relocation of Kennel building	Approved
20/00444/FUL	New two storey dwelling and cartlodge	Refused

Application Number	Description	Decision
22/01012/FUL	Proposed single storey dwelling and cart lodge replacing existing outbuildings	Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council.	Recommend grant of planning permission. The proposed development is sustainable, complies with planning legislation and does not conflict with policies contained within the LDP and guidance contained within the NPPF.	Noted.

7.2 **Statutory Consultees and Other Organisations**

Name of External Consultee	Comment	Officer Response
Essex County Highways	No objection subject to condition relating to unbound material within 6 metres of highway boundary.	Noted.
Tree Consultant	Objection. The Tree Constraints and Protection Plan is outdated. An updated Tree Assessment and Arboricultural Impact Assessment is required.	Noted.
Ecology Specialist	No objection subject to securing a proportionate financial contribution towards Essex Coast RAMs and biodiversity mitigation and enhancement measures.	Noted.

7.3 **Internal Consultees.**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to land contamination and drainage.	Noted.

7.4 Representations received from Interested Parties.

- 7.4.1 Two letters of support have been received in relation to the proposed development raising the following matters:

Support Comment	Officer Response
Proposed application improves the aesthetics of the previously proposed dwelling and provides appropriate use of land.	Noted.
The design is an improvement of previously scheme approved and can only be good for Rudley Green.	Noted.

8. PROPOSED REASON FOR REFUSAL

- 1 The proposed development, as a result of the design, layout and appearance would result in a prominent form of development that would have an unacceptable effect by way of visual intrusion and an unacceptable encroachment into the rural landscape setting. The proposal would therefore be contrary to the requirements of policies S1, D1 and H4 of the approved Maldon District Local Development Plan and the core planning principles and guidance as contained within the national planning policy framework.