



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 NOVEMBER 2023**

Application Number	23/00145/OUT
Location	Land at Bellsgate, Maldon Road, Latchingdon, CM3 6LF
Proposal	Outline planning permission with all matters reserved for the erection of a detached dwelling
Applicant	Mr Fred Dash
Agent	Mr Paul Harris
Target Decision Date	30.10.2023
Case Officer	Tim Marsh
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Proposal is outside the settlement boundary and recommended for approval

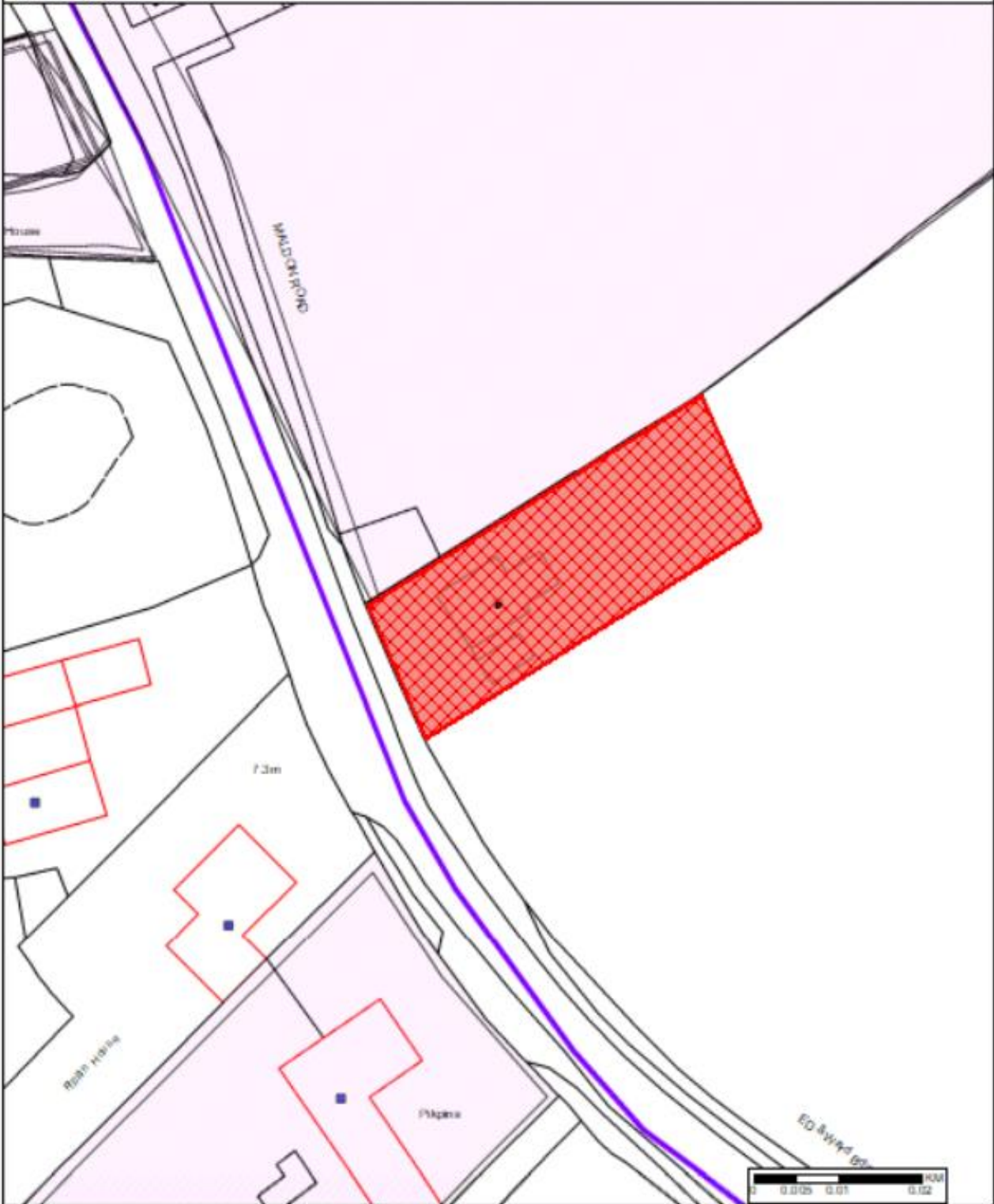
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see below.

Land at Bellsgate, Maldon Road, Latchingdon
23/00145/OUT



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South Eastern Area
	Date:	24/10/2023
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

- 3.1.1 The application site is the remains of a dwelling and its curtilage and is located on the eastern side of Maldon Road, outside of the settlement boundary of Latchingdon. The area to the north, east and south of the site is characterised by open agricultural fields. The area to the west, across Maldon Road, is characterised by a range of dwelling types and a mix of commercial and industrial sites.

Proposal

- 3.1.2 The application seeks outline planning permission for the erection of a detached dwelling. All matters are reserved.
- 3.1.3 The applicant has identified that this application is to consider the principle of the development only. The considerations of access, scale, appearance, layout and landscaping would form subsequent reserved matters applications. Nevertheless, all material planning considerations are relevant where applicable to this application.
- 3.1.4 An indicative block plan shows the proposed dwelling to be at the same position within the site as the remains of the former dwelling. A Design and Access Statement has been submitted with the application which refers to the use of the land being that which previously had a detached dwelling. The proposal would utilise the existing driveway access from Maldon Road.

3.2 Conclusion

- 3.2.1 Although the site is outside of the defined settlement boundary for Latchingdon and the Council is now able to demonstrate a Five-Year Housing Land Supply (5YHLS), the site is the remains of a dwelling and the recently lapsed, outline planning permission for a dwelling granted under application 19/01214/OUT carry considerable weight in the determination of this application. No material harm has been identified and in the interest of making consistent and therefore reasonable decisions, the proposal is considered to be acceptable, and the application is recommended for conditional approval accordingly.

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) 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
- 55-58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 119-125 Making effective use of land

- 126-136 Achieving well-designed places
- 104-113 Promoting sustainable transport
- 174 – 188 Conserving and enhancing the natural environment

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
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Vehicle Parking Standards (VPS)
- 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, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the approved Local Development Plan (LDP).
- 5.1.2 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 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. These specified purposes do not include new build general residential properties but does allow (m) development which complies with other policies of the LDP.

Five Year Housing Land Supply

- 5.1.4 As per Paragraph 74 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District is expected to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old”. To this end, Maldon District Council (MDC) prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development

monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March.

- 5.1.5 Following a review into the suitability of the 5YHLS methodology through its 5YHLS Working Group established in August 2022, the Council has confirmed that the official 5YHLS for the District of Maldon now stands at 6.35 years, updating the previous official position for 2021 / 22 of 3.66 years. This means that the Council's presumption in favour of sustainable development position against paragraph 11 (d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. The Council is therefore now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the NPPF, and the LDP), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure.
- 5.1.6 The application site lies outside the defined settlement boundary of Latchingdon. However, Policy S1 refers, at 3), to promoting the effective use of land and prioritising development on previously developed land. Policy S8 seeks to protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Policy S8 also states that outside the defined settlement boundaries planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a number of criteria. One such criterion, e), is the re-use of a redundant or disused building that would lead to an enhancement to the immediate setting (in accordance with Policies E4 and D3).
- 5.1.7 Policy E4 is concerned with rural employment generation and accordingly is not relevant in this case which is for a dwelling. Policy D3 is concerned with heritage assets which are not affected in this case.
- 5.1.8 Given that the site is outside a settlement boundary and does not meet any criterion for being acceptable with regard to Policy S8, in broad terms the proposal does not accord with the policy. However, the thrust of Policy S8 is to protect the character of the countryside and the impact of the proposal in this case would have a very limited impact to the character of the countryside.
- 5.1.9 Furthermore, the planning history of the site indicates that the principle of a dwelling at the site has been considered acceptable. Outline planning permission, 19/01214/OUT, although now lapsed, was granted in March 2020. This is considered to carry considerable weight in this particular case. However, it is noted that permission included conditions that repeat the requirements for reserved matters or are superfluous to an outline planning permission, such as removal of Permitted Development (PD) which could be imposed at Reserved Matters stage if deemed necessary.
- 5.1.10 The previous application for a dwelling at the site had an officers' recommendation for refusal based on its location outside a defined settlement boundary and consequent adverse impact to the character of the area. A second recommended reason for refusal was the absence of a Recreational disturbance Avoidance Mitigation Strategy (RAMS) Unilateral Undertaking (UU), an absence of a legal agreement to address the Essex Coast RAMS. However, a RAMS UU was

subsequently received and outline planning permission was granted subject to conditions.

5.1.11 It is considered that in the interest of making consistent and therefore reasonable decisions, the principle of development is acceptable in this case.

5.1.12 Although the Council is now able to demonstrate a 5YHLS (see paragraph 5.1.5 above), given the LPA's decision for the proposal previously and in the absence of any material harm being identified (see assessment below), it is considered that there would not be any reason to justify a different conclusion being reached regarding the acceptability of the principle of the development proposed. Furthermore, an ability to demonstrate a 5YHLS is not a cap on any further development rather the proposal accords with the NPPF in ensuring delivery of a sufficient supply of homes.

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, livable, 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.

5.2.2 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”.

5.2.3 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.

5.2.4 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).

- 5.2.5 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.
- 5.2.6 Whilst the NPPF states that planning decisions should avoid the development of isolated homes in the countryside, the site is some 400m as the crow flies from a central point of the settlement of Latchingdon and furthermore the paragraph advising against isolated homes in the countryside (paragraph 80) provides an exception (at c) whereby the development would re-use redundant or disused buildings and enhance its immediate setting. The site could not be said to be in the open countryside by virtue of the significant degree of development on the opposite side of this part of Maldon Road. There is a marked difference between each side of Maldon Road at this locality. The application site, being on the eastern side of Maldon Road, is surrounded by open land on three sides. However, the site itself appears as a residential plot, albeit one which has been abandoned to date. In terms of the appearance of the proposal, the change would be one of the remains of a dwelling to an inhabited dwelling and as such the impact on the character of the rural land in which the site is set would be limited. The replacement of what appears as the ruins of a burnt-out dwelling with a new dwelling is considered an enhancement to the immediate setting.
- 5.2.7 With regard to the form of the land, the site and the land surrounding it are generally level. The site is not at a particularly prominent position within the landscape being set to the side of a busy road used by fast moving traffic.
- 5.2.8 It is considered that subject to a suitable design being approved at reserved matters stage, the development, would not result in harm to the character and appearance of the existing site and surrounding locality so as to conflict with policies D1 and H4 of the LDP.
- 5.2.9 One of the conditions previously imposed was that the development shall not exceed 7 m in height overall. Another condition was that the eaves shall not exceed 3.5 m in height and any first-floor accommodation shall only be located within the roof. In the interest of consistency, it is considered that such conditions should be applied to the current application.

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, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 Neighbouring residential properties are set on the far side of Maldon Road. Given this arrangement and the distance from any neighbouring property, it is considered that the dwelling would not represent an unneighbourly form of development and would be in compliance with Policy D1 of the LDP with regard to the residential amenity of occupiers of neighbouring properties.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 The adopted VPS sets out that a dwelling with three or more bedrooms should provide space to park three cars.
- 5.4.3 The application does not state how many bedrooms the dwelling will include. However, the maximum level of parking required by the adopted parking standards is a minimum of three parking spaces for a four plus bedroom dwelling, measuring 2.9 m wide and 5.5 m deep. Whilst the plans are indicative, it is considered that three parking spaces of these dimensions could be provided at the site with sufficient space to access and egress the site.
- 5.4.4 There are no alterations proposed to the existing access of the site.
- 5.4.5 The Highways Authority has also been consulted on the application and raised no objections.
- 5.4.6 Therefore, it is considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District VPS.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG (2017) advises a suitable garden size for each type of dwellinghouse, namely 100 sqm private amenity space for dwellings with three or more bedrooms, 50 sqm for smaller dwellings and 25 sqm for flats.
- 5.5.2 The site has an area of some 840 sqm. Given the size of the site and its regular shape it is considered that a design for a dwelling could be easily made as a reserved matter which would provide an adequate private amenity area.

5.6 Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.6.1 The Committee report for the previous application, 19/01214/OUT, stated that the proposal had been assessed as a new dwelling and not as a replacement dwelling (paragraph 5.1.9 refers). A RAMS UU was provided prior to outline planning permission for the previous application being granted.
- 5.6.2 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS.
- 5.6.3 The development of a dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed (below) 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 ZOI for the Essex Coast RAMS with respect to the previously listed sites? Yes (Blackwater Estuary Special Protection Area (SPA) and Dengie SPA)

Does the planning application fall within the specified development types? Yes (new 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 – as a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution or UU to secure payment has been received.

- 5.6.4 Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse impact on the integrity of the European sites from recreational disturbance, when considered in combination with other development. NE does not need to be consulted on this Appropriate Assessment.
- 5.6.5 A flat rate tariff of £156.76 per new dwelling is currently the appropriate fee as the contribution to mitigate the impact of a new residential property with regard to the Coastal RAMS. A completed UU has been completed in relation to this planning application.
- 5.6.6 As a UU has been submitted as part of the application process, accordingly the appropriate mitigation has been secured. The proposal is in accordance with Policies S1, D1, N1 and N2 of the Local Plan and Government advice contained in the NPPF.

6. ANY RELEVANT SITE HISTORY

The relevant site history is set out below:

- **19/01214/OUT.** – Proposed detached dwelling. Approved 02.03.2020

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	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection subject to conditions regarding an area for the reception of building materials, no unbound material for first 6m of driveway into site, re-establish visibility splays, cycle parking provision and provision of a Residential Travel Information Pack.	Noted

8 PROPOSED CONDITIONS

- 1 The development shall be carried out in accordance with plans and particulars relating to the appearance, landscaping, layout, access 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 hereby permitted shall be carried out in accordance with the following plan and document:
 - 23A 2019 – Location and site plan
 - Design & access statementREASON: To ensure that the development is carried out in accordance with the details as approved.
- 5 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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 under body washing facilitiesREASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Local Development Plan.

- 6 No works above ground level shall take place until details of the surface water drainage scheme and 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 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 Maldon District Local Development Plan.
- 7 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.
- 8 The development shall not exceed 7 metres in height overall.
REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 9 The eaves shall not exceed 3.5 metres in height and any first-floor accommodation shall only be located within the roof.
REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 10 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 that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy T2.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interest of highway safety.
- 12 Any gate provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy T2.
- 13 The existing visibility splays must be re-established by facing back the existing hedge adjacent to the footway, back to the highway boundary and shall be maintained at all times.
REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2.
- 14 Prior to the occupation of any part of the development hereby permitted details of the number, location and design of bicycle parking facilities/powerful 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 appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy S1, 13) and Policy T1 of the Local Plan.

- 15 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy S1, 13) and Policy T1 of the Local Plan.