



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**10 JANUARY 2024**

<b>Application Number</b>	<b>23/00894/FUL</b>
<b>Location</b>	Land adjacent Oaklands, Kelvedon Road, Great Totham.
<b>Proposal</b>	Erection of four dwellinghouses and associated garages and alterations and extension of the existing access and provision of parking spaces to Pippins.
<b>Applicant</b>	Mr S Harding
<b>Agent</b>	Mr Mark Jackson
<b>Target Decision Date</b>	17 January 2024 (EOT agreed)
<b>Case Officer</b>	Lisa Greenwood
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from Local Development Plan

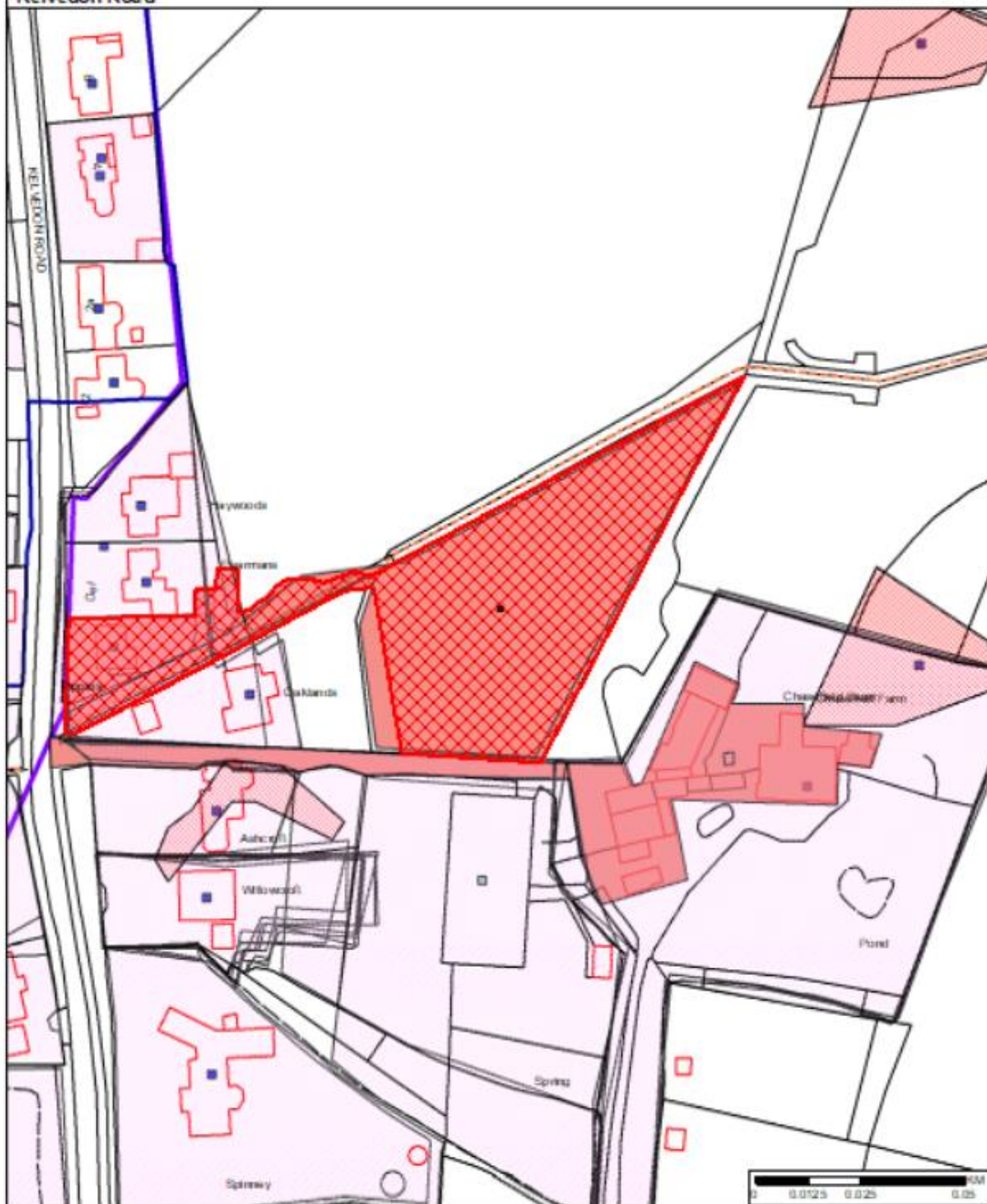
**1.     RECOMMENDATION**

**APPROVE** for the reasons as detailed in Section 8.

**2.     SITE MAP**

Please see below.

# Land adjacent to Oaklands Kelvedon Road



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Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Great Totham

Date: 11/12/2023

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1 Site Description**

- 3.1.1 The application site is located on the eastern side of Kelvedon Road and is outside a defined settlement boundary, but within approximately 10 metres of the settlement boundary for Wickham Bishops and approximately 200 metres of the settlement boundary for Great Totham (as the crow flies). The site is set behind a detached residential dwelling, 'Oaklands', and includes a section of associated garden land, a garage associated with the residential dwelling location to the north, 'Pippins', and a parcel of grassland bordered by trees and hedgerow is located to the rear. The site is roughly triangular in shape and measures 0.43 hectares in area. 'Oaklands' loosely follows the pattern of development with the residential development to the south, 'Ashcroft', 'Willowgrove' and 'Spinney'.
- 3.1.2 'Oaklands' and 'Pippins' received planning permission on appeal in September 2014 (appeal reference APP/X1545/A/14/2219199). This followed the refusal of planning application reference 13/00710/OUT. Since this decision, planning permission has been granted for a revised scheme at the same site for the erection of four dwellings (planning reference 15/00600/FUL). At the time, the Council were unable to demonstrate a 5-year housing land supply (5YHLS).
- 3.1.3 With regard to the application site which lies eastwards of Oaklands (to its east), planning permission was granted on appeal for the erection of four dwellings and associated garages and alterations and extension of the existing access in March 2023. The appeal was made following the non-determination of planning application reference 22/00646/FUL.
- 3.1.4 The site is neighboured to the north by open grassland and to the east by open grassland and outbuildings associated with Chasefield Farm. To the south of the site is a menage and equestrian land, also associated with Chasefield Farm. Public footpath no.4 runs to the north of the site. Access to the site is to the east, along Kelvedon Road. The character at the site is rural.

#### **3.2 The Proposal**

- 3.2.1 Planning permission is sought for the erection of four dwelling houses and associated garages and alterations and extension of the existing access and provision of parking spaces to 'Pippins'. The proposal also includes the conversion of the garage associated with 'Pippins' to an office / motorcycle / cycle store. It is also the intention to divert Public Footpath 4, Great Totham) onto a new 2m public footway on the northern side of the site access linking to the public footpath north of the development site. The application is similar to the application 22/00646/FUL, proposing alterations to the access layout.
- 3.2.2 Plots 1 and 2 are Handed and would have a maximum depth of 14.4 metres, a maximum width of 12.591metres, and a maximum height of 8.873 metres (approximately 4.65 metres to the eaves).
- 3.2.3 At ground floor level, Plots 1 and 2 would provide for an entrance hall, living room, study, WC, cupboard, utility room, kitchen / dining / family area. At first floor level, Plots 1 and 2 would provide for four bedrooms, two en-suite bathrooms, a dressing area, a bathroom and an airing cupboard.

- 3.2.4 Plots 3 and 4 are semi-detached and would have a maximum depth of 11.24 metres, a maximum width of 17.025 metres, and a maximum height of 8.991 metres (approximately 5 metres to the eaves).
- 3.2.5 At ground floor level, Plots 3 and 4 would provide for an entrance hall with cupboard, a kitchen and breakfast area, a WC, and a living / dining area. At first floor level, Plots 3 and 4 would provide for three bedrooms, an en-suite, a bathroom and an airing cupboard.
- 3.2.6 The walls would be finished with brickwork, vertical cladding and render. The roof would be finished with clay plain tiles.
- 3.2.7 Each plot would be served with a garage. Plots 1 and 2 would be served by 'Garage Type 1', whereas Plots 3 and 4 would be served by 'Garage Type 2'. 'Garage Type 1' proposes to provide for two parking spaces and would measure 7.317 metres in depth, 6.31 metres in width, with a maximum height of 4.963 metres. Internally, the garages would measure 6.8 metres in depth and 5.88 metres in width. Two additional parking spaces are proposed in front of the garages. 'Garage Type 2' proposes to provide for one parking space and would measure 7.317 metres in depth, 3.273 metres in width, with a maximum height of 3.894 metres. Internally, the garages would measure approximately 6.8 metres in depth and 2.4 metres in width. One additional parking space is proposed in front of the garages.
- 3.2.8 Bin stores to serve each individual dwelling would be located adjacent to the garages.
- 3.2.9 Each plot would also be served with an area of private amenity space. An indicative landscaping plan is submitted to support the proposal. Existing trees to the application site boundary will be retained. A slight adjustment is proposed to the existing close boarded fences to 'Pippins' and 'Oaklands'.
- 3.2.10 The proposal seeks to upgrade the existing access to a 5.5 metre wide bell mouth junction with a 2 metre wide footway on the northern side of the site. This access would also serve the adjacent dwellings of 'Pippins' and 'Oaklands'.
- 3.2.11 It is also proposed to convert the garage associated with 'Pippins' to an office / motorcycle / cycle store and construct two new parking spaces measuring 5.5 metres in depth and 2.9 metres in width east of the former garage. The internal layout of the garage would remain unchanged however, the garage door opening would be blocked up and a new door proposed for motorcycle entry. A door and half height window would also be introduced at the rear elevation.
- 3.2.12 The development would require the diversion of the existing Public Footpath 4 (Great Totham) onto a new 2 metre public footway on the northern side of the site, linking to the Public Footpath north of the development site.

### **3.3 Conclusion**

- 3.3.1 The site was recently granted planning permission on appeal for four dwellings (appeal reference APP/X1545/W/22/3305970). This is a material consideration of significant weight. In addition, this is a similar scheme in terms of dwelling numbers and general layout. Except for the minor changes to the access layout and the incorporation of the garage to Pippins, the substantive development is largely the same as approved in March 2023. Matters of the position of the site is outside of a defined settlement boundary was considered and found acceptable by the inspector due to its close proximity. Furthermore, the Inspector found no harm given the

eastward extension of built form given its location, existing landscaping and that it is not readily visible at Kelvedon Road and is only apparent from the public footpath. The site's present character appears as domestic garden land. The only harm found by the Inspector is that the proposal does not accord with the prevailing pattern of development, of which, in the planning balance, the Inspector afforded little weight due to the sustainability credentials of the proposal. It is therefore recommended that planning permission is granted.

#### **4. MAIN RELEVANT POLICIES**

##### **4.1 National Planning Policy Framework December 2023 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 11-14 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 60-81 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-130 Making effective use of land
- 124-125 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 180-188 Conserving and enhancing the natural environment
- 195-214 Conserving and enhancing the historic environment

##### **4.2 Maldon District Local Development Plan (2017)**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy D5 – Flood Risk and Coastal Management
- Policy N1 – Green Infrastructure Network
- Policy N2 – Natural Environment, Geodiversity and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure Services
- Policy I2 – Health and Wellbeing

##### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards (2018)

- Maldon District Design Guide (MDDG) (2017)
- Maldon District Local Housing Needs Assessment (LHNA) (2021)
- Great Totham Neighbourhood Development Plan (2022)

## **5. MAIN CONSIDERATIONS**

### **5.1 Background to the application**

- 5.1.1 The planning history for the site is a material consideration.
- 5.1.2 Turning firstly to ‘Oaklands’ and ‘Pippins’, as stated, ‘Oaklands’ and ‘Pippins’ received planning permission on appeal in September 2014 (appeal reference APP/X1545/A/14/2219199). This follows the refusal of planning application reference 13/00710/OUT. Since this decision, planning permission for a revised scheme for the erection of four dwelling has been granted at the site (planning reference 15/00600/FUL).
- 5.1.3 Condition 9 of planning permission reference 15/00600/FUL restricts the use of the detached garage associated with Pippins for purposes ancillary and incidental to the use of the dwellinghouse to which it relates and not for any commercial or business purpose or as annexed accommodation.
- 5.1.4 Condition 10 of the same permission removed certain permitted development rights, and no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority (LPA).
- 5.1.5 With regard to the remainder of the application site, planning permission was granted on appeal for the erection of four dwellings and associated garages and alterations and extension of the existing access in March 2023 (appeal reference APP/X1545/W/22/3305970). This followed the non-determination of planning application reference 22/00646/FUL.
- 5.1.6 At the time of this appeal decision, the Council could not demonstrate a five-year housing land supply. The Inspector agreed with the previous Inspector and concluded that “the small amount of harm to the rural character and appearance of the area is outweighed by the sustainable credentials of the proposal and that the site is suitable for residential development.” The appeal was allowed, and this is a material consideration which is of significant weight.

### **5.2 Principle of Development**

- 5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the Development Plan (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).
- 5.2.2 Policy S1 of the LDP states that “*When considering development proposals the Council will take a positive 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.*”

- 5.2.3 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

- 5.2.4 As per Paragraph 76 of the NPPF, the Council as the 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 prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LPD 2014-2029’s plan monitoring period of 1 April to 31 March.
- 5.2.5 Following a review into the suitability of the 5 Year Housing Land Supply 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 2021/2022 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.
- 5.2.6 As stated, the planning history for the site is a material consideration. Both appeal decisions for the development of four dwellings including ‘Oaklands and Pippins’, and the most recent decision at the wider application site for the erection of four dwellings, found that any harm caused to the character and appearance of the rural area would be small, and this is outweighed by the sustainability credentials for the proposal and that the site is suitable for residential development.
- 5.2.7 Whilst it is acknowledged that the Council can now demonstrate a 5YHLS, whereas at the time of the Inspector’s decision in March 2023 it could not, as stated, this is not a ceiling for development and the findings of two Inspectors weighs heavily in favour of the development proposed. As the site is well related to the settlement boundaries of Wickham Bishops (by road) and Great Totham (by cycle path) and there is a pavement and commuter bus service that can be accessed safely within walking distance, this outweighs the small harm caused to the intrinsic character and beauty of the rural area. As only amendments to the access, detached garage, parking, and boundary treatments and landscaping are sought to the scheme allowed on appeal (application reference 22/00646/FUL), and the alignment of the Public Right of Way is very similar, the principle of development is found to be acceptable. The merits of the scheme are assessed below.

### 5.3 Housing Mix

- 5.3.1 The LHNA (2021) is an assessment of housing need for Maldon District as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest National Planning Policy Framework (2023) and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing 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.
- 5.3.2 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three-bed dwellings; specifically, 25-35% two-bedrooms, 40-50% three-bedrooms, and 15-25% for 4+ bedroom market dwellings.
- 5.3.3 The proposal seeks planning permission for the erection of two four-bedroom dwellings and two three bedroom dwellings. The proposal would therefore contribute two dwellings that meet the biggest requirement for housing mix in the District.

### 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 any local design standards or 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;
  - 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.

- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 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 lies outside of the defined settlement boundaries. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.4.7 The proposed development would be located to the rear of 'Oaklands' and would not be visible at Kelvedon Road. Plots 1 and 2 would be handed, with two forward facing two storey gable projections and one rear gable with a rear single storey flat roof projection with roof light and a small single storey projection with a lean-to roof. Although semi-detached, Plots 3 and 4 are of a similar design to Plots 1 and 2. The dwellings would be of a similar height to the existing properties located along this section of Kelvedon Road and in terms of scale, appearance and design, the dwellings would be appropriate for this location, given that gable roof forms and features are among the roof forms of the dwellings in the wider area. The proposal would therefore not appear out of keeping with the existing character of the area and would be appropriate in terms of height, scale and massing for the local context in accordance with Policy D1.
- 5.4.8 Each dwelling would be served by a large area of private amenity space, parking, and a bin store. The site would appear spacious, and the proposal would not render the site cramped or overdeveloped.
- 5.4.9 Whilst it is acknowledged that the development would be contrary to policy, against the grain of the existing development and would extend into the open countryside, this was found to be acceptable by the Inspector for the aforementioned appeal, reference APP/ X1545/W/22/3305970. Within this decision, the Inspector commented that *"the site intrudes into the countryside, but because of its location and the existing landscaping, this is not really apparent other than from the public footpath, and its present character is that of a domestic garden"*. The Inspector shared the view of the Inspector in 2014, and found the small amount of harm to character and appearance, and the associated conflicts with the local policy, did not outweigh the benefits of the scheme. The only harm identified was the fact that the site is "right-angled with Kelvedon Road".

- 5.4.10 Whilst it is acknowledged that the proposal would result in a slight increase to the volume of hardstanding proposed, when compared to the previous scheme, the increase would be marginal and related to the parking spaces to serve 'Pippins'. An initial landscaping scheme is proposed and if planning permission is forthcoming additional information can be secured in this regard via the imposition of a suitably worded condition to balance against any perceived harm.
- 5.4.11 For the reasons stated, the proposal is considered to be acceptable in this regard. Further information regarding the exact materials proposed can be secured via the imposition of a condition on any consent.

## **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 (2017).
- 5.5.2 The neighbours to that may be potentially impacted by the proposed development are 'Oaklands' to the south west, 'Pippins' to the west, 'Ashcroft' to the south west, and 'Chasefield Farm' to the east.
- 5.5.3 Owing to the proposed layout of the development, Plot 1 would be sited closest to 'Oaklands', 'Pippins', and 'Ashcroft'. Notwithstanding this, the dwelling proposed at Plot 1 would be separated from the boundary shared with 'Oaklands' by a garage and driveway and separated from the dwelling at 'Oaklands' by circa 30 metres. The dwelling at Plot 1 would also be separated from the neighbouring dwelling located at 'Pippins' by in excess of 50 metres, and from the dwelling located at 'Ashcroft' by in excess of 60 metres. There are no windows proposed at the first floor flank side elevation, fronting the boundary shared with 'Oaklands', and the first floor front and rear windows proposed would not afford direct overlooking of the aforementioned dwellings, or associated private amenity space. By virtue of the above, it is not considered that the proposed development would result in overlooking or a loss of daylight and sunlight to these neighbours, nor would the proposed development appear unduly overbearing.
- 5.5.4 With regard to any potential impact on the 'Chasefield Farm', the proposed dwellings would be separated from this development by in excess of 50 metres. Windows are proposed at the first floor rear elevations of all Plots however, this was not a material consideration for the Inspector when determining appeal reference APP/X1545/W/22/3305970, and no neighbour objections have been received. It is therefore not considered that the proposed development would result in overlooking or a loss of daylight and sunlight to these neighbours, nor would the proposed development appear unduly overbearing.
- 5.5.5 It is acknowledged that the proposal would introduce an extended access, and this would introduce vehicular movements to the rear of the site and increase comings and goings. Notwithstanding this, the proposal has been reviewed by the Council's Environmental Health Officer who raises no objection with regard to noise. Should planning permission be forthcoming, a Construction Method Statement would be required to be submitted to and approved in writing by the LPA prior to the commencement of development, to help to control nuisances during the construction phase.
- 5.5.6 For the reasons stated, the proposal is considered to be acceptable in this regard and accord with Policy D1.

## **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 In accordance with the Council's Vehicle Parking Standards Supplementary Planning Document (2018), dwellings with four or more bedrooms are required to provide for 3 parking spaces. Dwellings with three bedrooms are required to provide for 2 parking spaces. The preferred size of a car parking bay is 2.9m x 5.5m. Where parking spaces are provided in front of a garage, an additional 0.5 metres is required to allow the opening of a garage door. The minimum internal size of a garage, when contributing to the parking provision, is 3m x 7m.
- 5.6.3 Whilst it is acknowledged that the internal dimensions of the proposed garages do not meet the requirements of the Vehicle Parking Standards SPD, parking is available to the front of the garages. Cycle storage is also available within the garages proposed. This was not raised as a concern to the Inspector for appeal reference APP/X1545/W/22/3305970. Subject to the imposition of a condition on any forthcoming consent to ensure the parking spaces, means of access and vehicle turning area are constructed, surfaced, laid out and made available for use in accordance with the submitted plans, the proposal is considered to be acceptable in this regard.
- 5.6.4 The proposal has also been reviewed by the Highways Authority, who acknowledge that the proposal is similar to the previous application reference 22/00646/FUL. The proposal seeks to upgrade the existing access to a 5.5 metre wide bellmouth junction with a 2 metre wide footway on the northern side of the site. The proposal also includes the diversion of public footpath no.4 (Great Totham) to the proposed internal footway. An existing fence is to be re-positioned and the access will be provided with the required visibility splays in each direction. The off-street parking for 'Pippins' is being relocated to the rear of the dwelling and an associated dropped kerb access is included within the site layout. A private drive and off-street parking and turning are also included. From a highway and transportation perspective, the impact of the proposed development is considered to be acceptable, subject to the imposition of conditions on any forthcoming consent regarding the submission to and approval in writing by the LPA of a Construction Management Plan; the alteration of the existing access; the provision of visibility splays; the removal and reconstruction of the front fence for 'Pippins', surface treatment; an Order securing the diversion of the Public Right of Way; the construction of the internal road; cycle parking provision; and the provision, implementation and distribution of a Residential Travel Information Pack.
- 5.6.5 With regard to the loss of the garage associated with 'Pippins', it is acknowledged that Condition 9 of planning permission reference 15/00600/FUL restricts the use of the detached garage associated with Pippins for purposes ancillary and incidental to the use of the dwellinghouse to which it relates and not for any commercial or business purpose or as annexe accommodation. The proposal seeks to convert the garage into an office / motorcycle store. Although the garage door would be removed, this would be replaced with a door for motorcycles and the internal layout would not be altered. Two tandem parking spaces are proposed to the east of the garage and would measure 5.5 metres in depth and 2.9 metres in width. The LPA is therefore satisfied that the parking requirement for 'Pippins' would not be

compromised and the use of the garage would be ancillary and incidental to the use of the dwellinghouse and this can be secured via the imposition of a condition on any consent.

- 5.6.6 Taking into account the above, no objection is raised with regard to access, parking and highway safety.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms.
- 5.7.2 The proposal would provide for in excess of 100m<sup>2</sup> of private amenity space for each dwelling, and the proposal is therefore acceptable in this regard.
- 5.7.3 In terms of landscaping, a detailed soft landscaping scheme has not been submitted to support the proposal. Should planning permission be forthcoming, this could be secured via the imposition of a condition.

## **5.8 Flood Risk and Drainage**

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer who raises no objection. Should planning permission be forthcoming, conditions are recommended to be imposed on any consent to ensure a suitable foul drainage scheme and surface water drainage scheme and proposed.

## **5.9 Ecology and Impact on European Designated Sites**

- 5.9.1 Paragraph 180 of the NPPF (2023) 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.'
- 5.9.2 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.
- 5.9.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and / or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact 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.

Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.9.4 The proposal is supported by a Preliminary Ecological Appraisal (Hybrid Ecology Ltd, October 2023) (PEA). The PEA has been reviewed by the Council's Ecological Consultant who is satisfied that there is sufficient ecological information available for the determination of this application. The mitigation measures identified in the PEA should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly nesting birds and reptiles.
- 5.9.5 The Consultant also supports the proposed reasonable biodiversity enhancements of bird boxes, bat boxes, and native hedgerow planting, which have been recommended to secure net gains for biodiversity, as outlined in the NPPF. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. In addition, the PEA highlights that it is likely that bats could be foraging / commuting within and around the site and recommends that if external lighting is proposed, a sensitive lighting scheme is submitted to and approved in writing by the LPA.
- 5.9.6 It is also advised that the site falls within the evidenced recreational Zone of Influence (Zol) for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Given the residential element of the proposal, the LPA is required to prepare a project level Habitats Regulation Assessment (HRA) to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated site.
- 5.9.7 The development of 4no. dwellings falls below the scale at which bespoke advice is given from Natural England (NE). This has been confirmed in comments received by Natural England. To accord with NE's requirements and standard advice 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. 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 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 4no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 4no. dwellings

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

#### Summary of Appropriate Assessment

- 5.9.8 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast

RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.

- 5.9.9 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £156.76 (2023-2024 figure) and thus, the developer contribution should be calculated at this figure. As part of the previously aforementioned appeal, the applicant paid the full RAMS tariff. It is acknowledged that since this time, the tariff has increased. The applicant has therefore submitted payment for the increase and it is considered that this will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitat sites.

## **5.10 Other Matters**

### Tree Impact

- 5.10.1 The proposal is supported by an Arboricultural Impact Assessment (Hallwood Associates, 4 October 2023); a Tree Constraints Plan (Harwood Associates, 4 October 2023), a Tree Protection Plan (Harwood Associates, 4 October 2023), and a heads of terms summary for input into a final Arboricultural Method Statement (AMS) (Harwood Associates, 4 October 2023).
- 5.10.2 The proposal has been reviewed by the Council's Arboricultural Consultant, who advises that the Report has identified 4 individual trees, 2 groups of trees and 1 hedge within influencing distance of the proposal. Some trees are to be removed (Category C) to allow access. As these trees and a hedge are not protected, this has not been objected to. Pruning is also to be undertaken of T3, to allow for site access, which includes the removal of second and third order laterals and subordinate branches. Providing the works take place in accordance with BS8545:2014 'Tree: From nursery to independence in the landscape', this is not objected to.
- 5.10.3 The Tree Protection Plan demonstrates suitable tree protection fencing in accordance with BS5837:2012, to be used during the demolition and construction phases is suitably placed to allow all the retained trees to be suitably protected throughout all the stages of the development. However, there is an existing fence between this group of trees and the development and so it is unlikely that any negative impacts will occur. Tree protective fencing as specified should be installed, as required, in accordance with BS5387:2012.
- 5.10.4 The Consultant acknowledges that more details of working methods of mitigation are needed and a condition is required to be imposed on any forthcoming consent. The application is supported from an arboricultural perspective, providing a soft landscaping scheme regarding new planting and a detailed AMS are submitted and approved.

### Impact on nearby heritage assets

- 5.10.5 The proposal has been reviewed by the Council's Principal Conservation and Heritage Officer who has advised that nearby heritage assets to the north of the site include nos.12 and 14 Kelvedon Road (both of which are grade II listed), Great Ruffins (grade II\* listed), and the garden to Great Ruffins which should be regarded as a non-designated heritage asset for the purposes of the NPPF.

5.10.6 Due to the distance and intervening vegetation, there exists no visibility between the application site and the heritage assets. The Officer advises that the proposal would cause no harm to the setting or significance of the heritage assets and as such, the proposal poses no conflict with Policy D3 of the Maldon District Local Development Plan (2017), Chapter 16 of the NPPF, or the duty set out in section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. No heritage related objection is therefore raised and no conditions are recommended in this instance.

#### Pre-commencement conditions

5.10.7 Pursuant to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the LPA must obtain the written agreement of the applicant to the terms of any pre-commencement condition recommended before it can be imposed on any planning permission granted.

5.10.8 In this case, pre-commencement conditions are required with regard to a Construction Management Plan, AMS and tree protection methods.

5.10.9 It is acknowledged that a pre-commencement condition for the submission and approval in writing of a Construction Management Statement has been submitted to and approved in writing by the LPA (23/05081/DET) and some works have now commenced on site. The applicant is in the process of submitting additional information in this regard to overcome the requirement for this condition.

5.10.10 With regard to an AMS, works have not yet commenced on the access road or parking area to serve Pippins. Additional information in this regard is also being prepared by the applicant. If this is not received by the time the committee determines the applicant, a pre-commencement condition will still apply in this regard and agreement has been sought by the agent for the applicant and agreed on 18th December 2023.

#### Permitted development rights

5.10.11 Whilst it is acknowledged that certain permitted development rights were removed for the development of 'Oaklands' and 'Pippins', the Inspector for the appeal for the wider site and the development of four dwellings on the application site did not remove permitted development rights as part of this appeal decision. In this instance, it is considered reasonable that the permitted development rights remain intact for the proposed development. A condition would be imposed on any forthcoming consent to ensure the outbuilding associated with 'Pippins' remains ancillary and incidental to the enjoyment of the dwellinghouse.

## **6. ANY RELEVANT SITE HISTORY**

Reference	Proposal	Status
23/051952/DET	Compliance with conditions notification 22/00646/FUL allowed on appeal APP/X1545/W/22/3305970. Condition 3 – Soft landscaping; Condition 5 – Foul and surface water drainage schemes; Condition 14 – External lighting.	Pending consideration

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>
<b>23/05081/DET</b>	Compliance with conditions notification 22/00646/FUL allowed on appeal APP/X1545/W/22/3305970. Condition 12 – Construction Method Statement.	Condition cleared – 6 July 2023
<b>22/00994/FUL</b>	Revisions to the existing access, extension of the existing access and erection of four dwellinghouses and associated garages.	Declined to Determine – 20 October 2022
<b>APP/X1545/W/22/3305970</b>	Erection of four dwellinghouses and associated garages and alterations and extension of the existing access.	Appeal allowed – 27 March 2023.
<b>22/00646/FUL</b>	Erection of four dwellinghouses and associated garages and alterations and extension of the existing access.	Pending consideration.
<b>15/05165/DET</b>	Compliance with conditions notification FUL/MAL/15/00600 – Condition 3 – Samples, Condition 4 – Surface water and foul drainage scheme. Condition 5 – Tree protection. Condition 6 – Vegetation or dense scrub clearance. Condition 8 – Glazing. Condition 11 – Siting, height, design and materials of the treatment boundaries. Condition 14 – Drainage / ditch / watercourse. Condition 17 – Construction method statement. Condition 19 – Design, appearance and position of the detached garage.	Conditions cleared – 3 February 2016.
<b>15/00600/FUL</b>	Application for 4no. detached dwellings (follows approval on appeal against OUT/MAL/13/00710).	Approved – 22 July 2015.
<b>15/00315/FUL</b>	Application for 4no. detached dwellings (follows approval on appeal against OUT/MAL/13/00710).	Application withdrawn – 19 May 2015.
<b>APP/X1545/A/14/2219199</b>	Residential development of 4 detached dwellings.	Allowed – 23 September 2014.



Reference	Proposal	Status
13/00710/OUT	Residential development of 4 detached dwellings.	Refused – 4 March 2014.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	No comments received.	Noted.
Wickham Bishops Parish Council	The Parish Council has no comment to make.	Noted.

### 7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	At the time of writing, comments have not been received.	Noted.
Principal Conservation and Heritage Consultant	The proposal would cause no harm to the setting or significance of the heritage assets. As such, the proposal poses no conflict with Policy D3 of the Maldon LDP, Chapter 16 of the NPPF, or the duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Noted, and discussed at Paragraph 4.11.

### 7.3 External Consultees

Name of External Consultee	Comment	Officer Response
Essex County Council Highways Authority	From a highway and transportation perspective the impact of the proposal is acceptable, subject to the imposition of conditions regarding the submission and approval in writing to the LPA of a Construction Management Plan; the construction of the vehicular access; the provision of visibility splays; the removal of the front fence for 'Pippins', surface treatment; the division of	Noted, and discussed at Paragraph 4.6 of this report.

Name of External Consultee	Comment	Officer Response
	the right of way; the construction of the new access road and turning head; cycle parking; and the distribution of a Residential Travel Information Pack.	
Ecological Consultant	No objection, subject to securing a proportionate financial contribution towards Essex Coast RAMS and biodiversity mitigation and enhancement measures.	Noted, and discussed at Paragraph 4.9 of this report.
Arboricultural Consultant	The application is supported from an arboricultural perspective provided a soft landscaping scheme regarding the new planting being proposed and a detailed Arboricultural Method Statement can be submitted. These should be submitted as part of a dischargeable condition on any consent.	Noted, and discussed at Paragraph 4.10 of this report.

#### 7.4 Representations received from Interested Parties

7.4.1 No representations have been received from interested parties.

#### 8. **PROPOSED CONDITIONS**

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON** To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in accordance with the following approved plans: WB\_001 Rev PL1; WB\_002 Rev PL2; WB\_1003 Rev PL1; WB\_102 Rev PL1; WB\_004 Rev PL1; WB\_101 Rev PL1; WB\_003 Rev PL1; REDW-3475-116; WB\_103 Rev PL1; WB\_104 Rev PL1; WB\_1002 Rev PL1; WB\_1001 Rev PL1; HWA10753\_TCP; HWA10753\_TPP Rev B.  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- The detached outbuilding associated with 'Pippins' hereby permitted shall only be used for those purposes ancillary and incidental to the use of the dwellinghouse, 'Pippins', Kelvedon Road, Great Totham, for which it is associated, and not for commercial or business purposes or as annexe accommodation.  
**REASON** To protect the amenity of the occupants of neighbouring dwellings in accordance with Policy D1 of the Maldon District Local Development Plan (2017).
- No development works above slab level shall occur until details and samples of the materials to be used in the construction of the dwelling are to be submitted and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON** In the interest of the character and appearance of the area in accordance with Policy D1 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2023).

5. Prior to the commencement of the development the applicant shall submit in writing a Construction Management Plan to the Local Planning Authority for approval. Within the Construction Management Plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on site, instead being removed by licenced waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

From a highway and transportation perspective, the Construction Management Plan shall include:

- a. the parking of vehicles of site operatives and visitors,
- b. loading and unloading of plant and materials,
- c. storage of plant and materials used in constructing the development,
- d. wheel and underbody washing facilities.

**REASON** In the interest of protecting residential amenity and to ensure that on-street parking of vehicles in the adjoining streets does not occur and to ensure that loose

materials and spoil are not brought onto the highway in the interests of highway safety and in accordance with Policies D1, D2, D5 and T2 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2023).

6. 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 adequate provision is made for surface water drainage in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2023).

7. No development works above ground level shall occur until details of the foul 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.

REASON To ensure adequate provision is made for foul water drainage in accordance with Policies D1 and D5 of the Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework (2023).

8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, October 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

9. Prior to any works above ground level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the National Planning Policy Framework (2023) and s40 of the NERC Act 2006 (Priority habitats & species).

10. Prior to occupation, a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

11. Prior to the commencement of any works above ground level, full details of the provision and subsequent retention of the soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and / or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development 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, uprooted, 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 secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan (2017) and the Maldon District Design Guide (2017).

12. Prior to the commencement of development, the applicant shall submit in writing to the Local Planning Authority an Arboricultural Method Statement (including drainage service runs and construction hard surfaces) in accordance with the requirements of BS5837:2012 in relation to tree retention and protection for approval as follows:

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

**REASON** To ensure the protection of and continued well-being of trees in the interest of the amenity and environmental quality of the locality in accordance with Policies S1 and D1 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).

13. No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the Local Planning Authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

**REASON** To ensure the protection of and continued well being of trees and hedges in the interest of the amenity and environmental quality of the locality in accordance with Policies S1 and D1 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).

14. Prior to first occupation of the development the shared vehicular access shall be altered as shown in principle on planning drawing no. REDW-3475-116 and shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres for the first 6 metres into the site and shall be provided a 2 metre wide footway on the northern side of the access. The access shall be provided with kerbed radii and tactile crossings. Full layout details to be agreed with the Highway Authority.

**REASON** To ensure that vehicles can enter and leave the highway in a controlled manner and to make adequate provision for pedestrians in the interest of highway safety in the interest of highway safety in accordance with Policy T2 of the Maldon

- District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).
15. Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres, in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction 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 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).
  16. Prior to first occupation of the development and as shown in principle on planning drawing no. REDW-3475-116, the front fence for 'Pippins' shall be removed and re-constructed behind the highway boundary and visibility splay.  
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 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).
  17. 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 in accordance with Policy T2 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).
  18. Prior to first occupation of the development and as shown in principle on planning drawing no. REDW-3475-116, no development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.  
REASON To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).
  19. Prior to first occupation of the development and as shown in principle on planning drawing no. REDW-3475-116, the internal shared access road and continuation of the 2 metre footway (new route of public right of way) and provision of a turning head, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.  
REASON To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety and to ensure the continued safe passage of pedestrians on the public right of way in accordance with Policy T2 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).
  20. Prior to first occupation of the development, cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.  
REASON To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policies T1 and T2 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).
  21. 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 interest of reducing the need to travel by car and promoting sustainable development and transport in accordance with T1 and T2 of the Maldon District Local Development Plan (2017), and the policies and guidance contained in the National Planning Policy Framework (2023).

### **INFORMATIVES**

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath No. 4 (Great Totham) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

There shall be no discharge of surface water from the development onto the Highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)