



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
14 JANUARY 2025**

Application Number	24/00742/FUL
Location	Land Adjacent Eastholm, Latchingdon Road, Purleigh
Proposal	Erection of 1no. dwelling with associated landscaping and ancillary works
Applicant	Jacob
Agent	Blaine McMahon - SCENE Architects Ltd
Target Decision Date	21.01.2025
Case Officer	Fiona Bradley
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the local plan

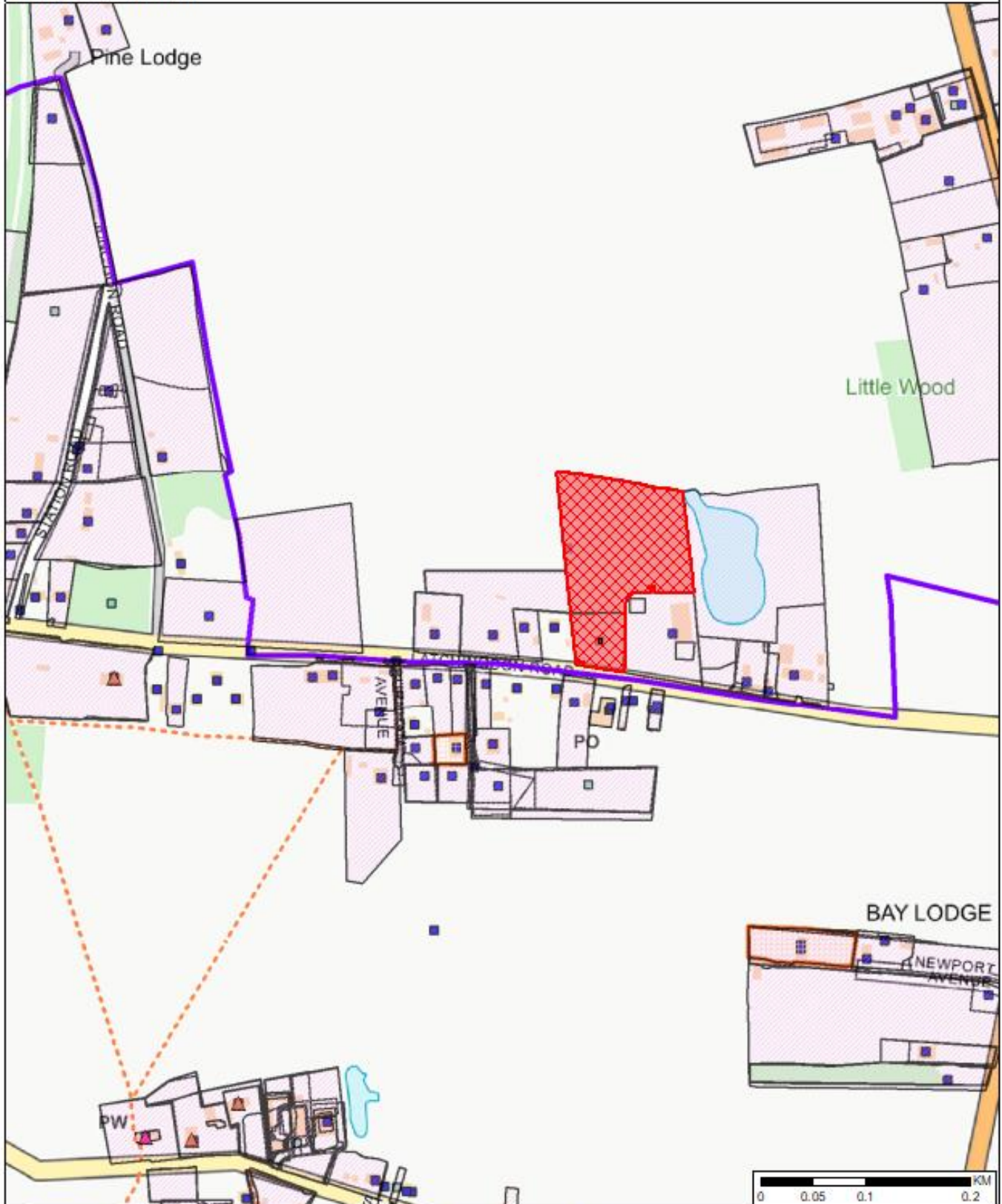
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

Land Adjacent Eastholm, Latchingdon Road, Purleigh
North Western Area



 <p>MALDON DISTRICT COUNCIL</p>	<p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	<p>Scale: 1:5,000</p>
	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: 14 January 2025</p>	<p>Date: 09/12/2024</p>
	<p>Date: 09/12/2024</p>	<p>MSA Number: 100018588</p>
	<p>www.maldon.gov.uk</p>	

3. **SUMMARY**

3.1 **Proposal / brief overview, including any relevant background information**

Site Description

- 3.1.1 The application site is located on the northern side of Latchingdon Road, outside of any defined settlement boundary, and is in open countryside. The site comprises an L-shaped parcel of land 1.62 hectares in area which is currently laid to grass. The site is open and undeveloped, with a boundary of mature hedgerow along the road frontage. Established trees and vegetation are also present along the east, west, and northern boundaries. A dropped kerb providing access to the site is located in the southwestern corner providing access from Latchingdon Road to the site.
- 3.1.2 This section of Latchingdon Road is characterised by ribbon development on both sides of the highway. To the south of the site, beyond the highway, is a convenience shop. To the west of the site is a residential dwelling, Eastholm, and to the east is the farmhouse and associated buildings of Pale Pitts Farm. To the south of the site and beyond the built development are agricultural fields. The character at the site is rural.
- 3.1.3 The site is within Flood Zone 1 and presents a low risk of flooding.

The Proposal

- 3.1.4 The proposal is for the erection of a 4 bedroom dwelling, with attached single garage, and associated landscaping and ancillary works. The majority of the dwelling is single storey in height, with an element on the eastern side being one and a half storey high, with a maximum height of 6.8m. The overall depth would be approximately 12m, with an overall width of approximately 21m.
- 3.1.5 The dwelling would be set back from the front boundary by between approximately 28.5 and 31.8m. It would be located 16.3m from the western boundary and 12.4m from the eastern boundary.
- 3.1.6 An area of private amenity space measuring 214.4sqm in area is proposed to the rear of the dwelling. The proposal seeks to upgrade the existing access approved under planning application reference 12/00030/FUL to provide access for the dwelling. Cycle parking would be provided within the attached garage together with space for one car. Three further car parking spaces and turning area is proposed to the front of the dwelling.
- 3.1.7 The proposed external finishing materials comprise white render and grey brickwork to the walls, aluminium windows and red clay tiles to the roof.

Background

- 3.1.8 The site is the subject of a recently dismissed appeal, APP/X1545/W/24/3347605 (decision dated 22 November 2024, attached in **APPENDIX 1**), for the erection of 2no. dwellings on the site. The Inspector considered the main issues were:
- i) whether the proposal would be in a suitable location having regard to planning policies and the accessibility of services and facilities, and
 - ii) the effect of the development on the character and appearance of the area.
- 3.1.9 Regarding the site's location, the Inspector concluded in para. 13 that *“although the location of the development outside of any settlement boundary would be contrary to*

Policy S8 of the LP, in the context of the rural district of Maldon, future occupiers would have reasonable access to day-to-day services and facilities, including public transport, without undue reliance on private cars for long distance journeys. Furthermore, any trips generated by two dwellings would be minimal”.

3.1.10 Regarding the character and appearance of the area, the Inspector concluded that *“although some sensitive infilling resulting in the loss of a small frontage gap would not erode the intrinsic character and beauty of the open countryside, the design and layout of the proposed scheme before me would urbanise the appearance of the site, contrary to Policies D1 and H4 of the LP”.*

3.2 Conclusion

3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. As a result of the changes to the National Planning Policy Framework (NPPF), the Council cannot now demonstrate a Five-Year Housing Land Supply (5YHLS) and as such the tilted balance at paragraph 11d is engaged. Notwithstanding, as set out above, no objection was raised by the Inspector regarding the site’s location given its access to services and facilities within the village and beyond. Given the recent timing of the appeal decision and as it was for a similar small scale residential development on the site, it is a material planning consideration which is given significant weight.

3.2.2 The design and siting of the dwelling is acceptable and comprises sensitive infilling of the existing gap.

3.2.3 The proposed development accords with the relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the NPPF in respect of sustainable development and good design. and as such is recommended for conditional approval.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision making
- 48-51 Determining applications
- 56 – 59 Planning conditions and obligations
- 82 – 84 Rural Housing
- 109 – 114 Promoting sustainable transport
- 124 -128 Making effective use of land
- 131 – 141 Achieving well designed places
- 161 – 169 Meeting the challenge of climate change, flooding and coastal change.
- 187 – 191 Conserving the natural environment

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

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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy
- Vehicle Parking Standards Supplementary Planning Document (SPD)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF” and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 “Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 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 dwellings but does allow (m) development which complies with other policies of the LDP.

- 5.1.5 The recent appeal decision is a material planning consideration which is given significant weight in this case. The Inspector found no conflict with Policies S1, S2, or S8 of the LDP. Furthermore, the Inspector found no conflict with the NPPF, which supports opportunities for rural villages to grow and thrive, especially where this will support local services and assist in maintaining the vitality of rural communities. As of 12 December 2024, the Council can no longer demonstrate a 5YHLS and as such the tilted balance at paragraph 11d of the NPPF is engaged. This is discussed below.

Five Year Housing Land Supply

- 5.1.6 On 12 December 2024 the Government published an amended version of the NPPF. Paragraph 231 of that framework covers any transition arrangements for the new version and states:

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

- 5.1.7 Paragraph 78 of the Framework states that, “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five 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 five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of “5% to ensure choice and competition in the market for land”.

- 5.1.8 Footnote 39 of Paragraph 78 states; “Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance”.

- 5.1.9 Maldon District Council had prepared and published a Five-Year Housing Land Availability Report on 28 May 2024 which set out the District had a 6.35 year supply of housing. The amended version of the NPPF makes it clear that the changes within it took effect on 12 December 2024 and there is no transitional period. This means that the Council must have regard to its content from that date alongside the revised National Standard Method for calculating the district’s Housing Target set out in NPPG. This alters the yearly housing target for the district from 276 to 569 homes per year. The Council must put a 5% buffer onto the 5YHLS. The overall effect of these changes means that the 5YHLS for Maldon District now stands at 2.70 years.

- 5.1.10 This means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance' is engaged which states:

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Footnote 8 states.

“This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

5.1.11 In summary, if the Development plan is more than five years old, and the council cannot demonstrate a 5YHLS, the balance tilts more in favour of approving development which is sustainable, makes efficient use of land, provides affordable housing and/or is well designed. However, planning policies in the local plan should not be treated as out of date just because they pre-date the new NPPF – such policies should be considered in light of their consistency with the revised Framework.

Housing Provision and Mix

5.1.12 The NPPF is clear that housing should be provided to meet an identified need.

5.1.13 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.

5.1.14 The LHNA is wholly compliant with the latest NPPF 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. The only significant change with the new NPPF is the emphasis on the provision of Social rented accommodation

5.1.15 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one bedrooms, 25-35% two bedrooms, 40-50% three bedrooms and 15-25% for 4+ bedroom market dwellings.

5.1.16 The proposal is for a 4-bedroom dwelling. Therefore, this would support the need for 4+ bedroom dwellings in the District, however, this would be nominal contribution given the scale of the proposal and would not contribute towards the District’s biggest requirement for three bedroom dwellings.

Sustainable Development

5.1.17 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development

does not change the statutory status of the development plan as the starting point for decision making. Furthermore, given that, as of 12 December 2024 the Council can no longer demonstrate a 5YHLS, the tilted balance (paragraph 5.1.6 above) is engaged. The implication is that the plan is therefore not delivering to its housing targets and in this respect, the most important policies for delivering housing is not in conformity with the NPPF nor, taken as a whole, consistent with the national thrust of delivering housing. Notwithstanding, what is relevant in para ii) of 11d states....' any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination." Paragraph 11d (ii) is relevant to the consideration of this application as set out in the following assessment.

Environmental Dimension

- 5.1.18 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.
- 5.1.19 Policy D2 of the same Plan seeks to reduce the need to travel, particularly by private vehicle, by encouraging sustainable modes of transport. Paragraph 105 of the NPPF acknowledges that "*development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*". This is supported by the update of the Government's Policy Paper, 'Strategic road network and the delivery of sustainable development' (Updated 23 December 2022), which is to be read in conjunction with the NPPF. Paragraph 12 of this paper asserts that "new development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable".
- 5.1.20 The application site is located approximately 600m from the settlement boundary of Cold Norton. Cold Norton is defined within the adopted LDP as a 'smaller village'. Notwithstanding this, the Inspector was satisfied that Cold Norton has a reasonable range of services and facilities. At para. 8 the Inspector states that "*The main built-up area of Cold Norton is a 10-minute walk from the site, along a footpath that runs adjacent to a fairly busy 40mph road. The path is of varying widths, in part due to poor maintenance, and is unlit. There is also no street lighting within the settlement boundary. However, facilities such as the pre-school and primary school would only usually be accessed within daylight hours, as would buses to secondary schools. The shop is directly opposite the appeal site and appears to have a flood light directed over the car park area to the front of it, and buses can stop outside the site.*" These facilities and services, together with bus services to Maldon and Chelmsford, were considered by the Inspector to provide reasonable access to day to day services without undue reliance of private cars. As the appeal decision is very recent and the circumstances of this application are almost identical, there is no reason to come to a different conclusion.

Social Dimension

- 5.1.21 The development would make a nominal contribution towards the supply of housing within the District as only a single dwelling is proposed.

Economic Dimension

- 5.1.22 The development would make a nominal contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

Summary of Principle of Development

- 5.1.23 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LDP, future occupiers would have reasonable access to day-to-day services and facilities, including public transport, and would not result in undue reliance on private cars for long distance journeys. Giving significant weight to the recent appeal decision, where the principle of development was accepted, and that paragraph 11d of the NPPF is invoked, no objection is raised as no adverse impacts have been found that would outweigh the benefits of this proposal.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 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. Furthermore, 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. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be 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 enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017) (MDDG).
- 5.2.4 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. 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.
- 5.2.5 The site comprises an area of grass and scrubland bound by high hedges to the front and side. It sits roughly in the centre of a row of frontage development consisting of seven dwellings and a barn. There is also a long row of dwellings and a shop on the opposite side of the road. The site's contribution to the rural character of the area is somewhat limited and is distinctly different to the larger fields, paddocks and wooded areas to the west of the site, between No.71 Latchingdon Road and The Brambles.
- 5.2.6 Except for the converted buildings between the site and Pale Pit Farm, and some in depth development on the southern side of Latchingdon Road, housing in the area generally consists of ribbon development set back behind parking and front gardens

in generous plots. Dwellings vary in terms of age, design and materials, and range in height from single to two-storey, with many having smaller detached outbuildings.

- 5.2.7 The proposed dwelling would be sited slightly further forward than those known as Eastholm and White Thorns, however this would not detract from the existing staggered building line with the siting being similar to that of Homestead and The Brambles. The proposed dwelling and associated hardstanding to the front would be sufficiently set back from the frontage to ensure the existing front boundary hedge could be retained, together with additional soft landscaping. The proposed development would not encroach any further into the countryside at the rear than existing built development and gardens surrounding the site. Subject to appropriate boundary treatment and landscaping that could be controlled by conditions, the gardens would not be visually prominent and accordingly some domestic paraphernalia within these would not result in any harm to the countryside.
- 5.2.8 Since the appeal decision, the agent has reduced the size of the proposed dwelling to better reflect the looser grain and more organic form and pattern of development in the surrounding area. Due to its siting and design, the dwelling would not appear as an incongruous form of development and would not urbanise the rural character and appearance of the area.
- 5.2.9 In summary, the proposal would not harm the character or appearance of the surrounding area in compliance with policies S1, S8, D1 and H4 of the approved LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section c07 of the MDDG. Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.3.2 The neighbours that may be potentially impacted by the proposed development are the neighbours to the west at Eastholm, and to the east at Pale Pitts Farm.
- 5.3.3 The farmhouse associated with Pale Pitts Farm is located in excess of 150 metres to the east of the site. Established trees and vegetation provide a boundary treatment separating the Farm and the application site. Owing to this, and the fact that various farm buildings are interspersed between the proposed dwelling and the farmhouse, it is not considered that the proposal would cause harm to the residential amenity of this neighbour.
- 5.3.4 With regard to the neighbour at Eastholm, the proposed dwelling would be sited in excess of 16 metres, from the western boundary with the neighbouring property, and approximately 28 metres from the dwelling itself. There are no windows in the eastern elevation of the dwelling and the two rooflights in the eastern roof slope (approximately 33 metres from Eastholm) are at a height which prevents any overlooking towards the neighbouring property. Due to the separation distance, the single storey nature of the main part of the dwelling and its orientation, the development would result in any overlooking or loss of privacy to the neighbouring occupants.
- 5.3.5 The Council's Environmental Health Officer has recommended a Construction Management Plan be secured by way of a condition to preserve the amenity of the area and avoid nuisances to neighbours during the construction period.

5.4 Living Conditions for Prospective Occupiers

- 5.4.1 The proposed dwelling have four bedrooms and complies with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.
- 5.4.2 The Council's Environmental Health Officer has advised that there is a building to the northeast of the application site, which is in separate ownership, and has permission as an agricultural store, tractor and machinery store and farm workshop. Permission was granted on appeal under 07/00357/FUL with no conditions restricting hours of use etc. Typically, it is not unusual for such a building to be used at unsocial hours such as early mornings, late evenings and weekends. The Council has not received any noise complaints relating to the use of the barn. Although the proposed dwellings are located closer to the building than Eastholm, the properties to the south are also relatively close. In light of this, and as no objection was raised in the previously refused applications, no objection is raised in this regard.
- 5.4.3 It is considered that the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 of the approved LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Policy D1 seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.2 The NPPF refers in paragraph 111 that, '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety*'.
- 5.5.3 The existing field access would be used to provide access to serve the dwelling. The Highway Authority has been consulted and raised no objection to the proposal.
- 5.5.4 The proposed garage provides parking for one car and is of a size that also provides sufficient space for cycle parking. The submitted layout plan proposes hardstanding to the front of the dwelling to provide a further three car parking spaces.
- 5.5.5 The Vehicle Parking Standards require the provision of three car parking spaces for four or more bedroomed dwellings. Therefore, adequate car parking provision is proposed to accord with the standards.
- 5.5.6 Sufficient manoeuvring space is provided on site to allow vehicles to turn on site.
- 5.5.7 It is noted that concerns have been raised in letters of representation regarding the impact of development on highway safety, it is noted that the access is existing and the development is for a single dwelling. In the absence of an objection from the Highway Authority a reason for refusal on highway safety grounds can not be justified.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 The proposal would provide 214sqm of private amenity space immediately adjacent to the rear of the proposed dwelling. The amount, location and design of the amenity space would achieve high quality private amenity space, in accordance with Policy D1 of the approved LDP and the MDDG SPD.

5.7 Flood Risk and Drainage

- 5.7.1 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 maximize opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.7.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.7.3 The proposal has been reviewed by the Council's Environmental Health Officer, who advises that details regarding surface water and foul water drainage would be required and could be imposed by way of conditions on any permission.
- 5.7.4 Whilst objectors have raised concerns regarding surface water drainage and flooding there are no grounds to justify a reason for refusal on this ground.
- 5.7.5 Subject to the above mentioned recommended conditions the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

5.8 Natural Environment and Biodiversity

- 5.8.1 Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity'.
- 5.8.2 Policy S1 of the LDP 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.
- 5.8.3 Policy N1 of the LDP 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. Policy N2 of the LDP 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.

Ecology

- 5.8.4 The application is supported by a Preliminary Ecological Appraisal (Arbtech, July 2023) and eDNA Survey Results (Arbtech, July 2023).
- 5.8.5 The Council's Ecology consultant, Place Services, has advised that the eDNA Survey Results provides confirmation that Great Crested Newts are likely absent from Pond P1. It is noted that P2 could not be accessed during the eDNA surveys. However, the eDNA Survey Results (Arbtech, July 2023) provides reasonable justification that Great Crested Newts would unlikely be affected by the proposals.
- 5.8.6 The consultant is satisfied that there is sufficient ecological information available for determination of this application providing certainty for the Local Planning Authority (LPA) of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The reasonable enhancement measures recommended in the submitted Preliminary Ecological Appraisal are supported. Conditions are therefore recommended to secure the measures in the submitted documents are carried out, to secure a biodiversity enhancement strategy and ensure a wildlife sensitive lighting scheme.

Impact on Designated Sites

- 5.8.7 The site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The LPA must therefore undertake an Habitat Regulation Assessment (HRA) and secure a proportionate financial contribution towards the Essex Coast RAMS.
- 5.8.8 The development will result in the net gain of 1 no. dwelling at the site. This falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and strategy 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 HRA Stage 1: Screening Assessment, are listed below:

Test 1 – the significance test

Is the development within the Zone of Influence (Zol) for the Essex Coat RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for 1no. dwellings, and therefore the net increase of dwellings at the site is 1no. dwellings.

Test 2 – The integrity test

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

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

- 5.8.9 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. Natural England does not need to re-consult on this Appropriate Assessment.

- 5.8.10 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 £163.86 (2024/25 figure) and thus, the developer contribution should be calculated at this figure.
- 5.8.11 The applicant has provided the relevant checking and monitoring fees, and a completed and signed unilateral undertaking to ensure that mitigation is secured.

Biodiversity Net Gain

- 5.8.12 Biodiversity net gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. Place Services has considered the submitted Biodiversity Net Gain Assessment (Arbtech, September 2024), Statutory Biodiversity Metric – Calculation Tool (September 2024) and the Baseline Habitat Condition Assessment (BHCA) (Arbtech, September 2024) and is satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool, should be submitted prior to commencement as part of the biodiversity gain condition. In addition, a Habitat Management and Monitoring Plan should be secured for all significant on-site enhancements (Other neutral grassland, Urban tree, native hedgerow). This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years.

Trees

- 5.8.13 The submitted Arboricultural Impact Assessment states that all trees will be retained and protected during construction, this is shown in the Tree Protection Plan (TPP). However, the TPP includes the layout of the previous proposal for two dwellings, not current proposals, therefore it is difficult to assess whether any tree Root Protection Areas will be encroached upon by the building footprint however, albeit any encroachment would likely be minor and could be suitably mitigated for with suitable tree and root protection methods. It is unclear whether the ground protection, pruning of the hedge or root pruning for foundation installation that is mentioned on the TPP would still be required for the proposed dwelling. Suitable tree protection methods, root protection methods and root pruning methods have been stated within the submitted Arboricultural Method Statement.
- 5.8.14 The Council's Arboricultural consultant supports the application provided an updated TPP showing the current design in relation to tree protection measures in accordance with BS5837:2012 is submitted and that further information regarding new tree planting in accordance with BS8545:2014 is provided. This information can be secured by way of conditions.

5.9 Other matters

- 5.9.1 Four pre-commencement conditions are recommended. In accordance with Government Regulations, the written agreement for these conditions was sought by officers and provided by the agent via email on 9 December 2024.

5.10 Planning Balance

- 5.10.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.10.2 Given the scale of development (one dwelling) limited benefits have been identified in relation to the social and economic objectives of sustainable development. The proposed development is of high quality design which would provide a positive environmental benefit which is given moderate weight. Although the development is outside of any settlement boundary, the site was considered by the Inspector to be in a sustainable location, where residents would not be heavily reliant on the use of private cars to access day to day services and facilities. This is a material consideration which is given significant weight.
- 5.10.3 The Council cannot now demonstrate a 5YHLS and paragraph 11d of the NPPF is engaged, Therefore, given the arguments set out above, including the recent appeal decision which found the site to be sustainably located, there are no adverse impacts of granting approval which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6. ANY RELEVANT SITE HISTORY

- **24/00235/FUL** – Erection of 2no. dwellings with associated landscaping and ancillary works. Dismissed at appeal, ref. APP/X1545/W/24/3347605 22/11/2024.
- **23/00021/FUL** - Erection of 2no. dwellings with associated landscaping and ancillary works. Refused, 09/11/2023.
- **12/00030/FUL** - Creation of a new vehicle crossing to provide access from Latchingdon Road to plots 5 and 7 for maintenance purposes. Granted, 15/05/2012.
- **08/00397/FUL** - Two chalet bungalows. Dismissed at appeal, ref. APP/X1545/A/08/2082893), 18/02/2009.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	The application site lies within a rural location outside of a defined settlement boundary where policies of restraint apply. The proposed development would be remote and disconnected from local services resulting in an increased need of private vehicle ownership. It would result in the loss of an open and	Noted. The principle of development is discussed in section 5.1 and impact on character and appearance of the area is discussed in section 5.2 of this report.

Name of Parish / Town Council	Comment	Officer Response
	<p>punctuated rural gap, appear as an incongruous form of development that is out of keeping and will erode the intrinsic character and beauty of the open countryside. The proposal is therefore contrary to Policies S1, S2, S8, D1, D2, H4, T1, T2, N1 and N2 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017), and the policies and guidance in the National Planning Policy Framework (2023).</p> <p>The development does not constitute infill, as there is far more road frontage remaining between this proposed development and the farm buildings to the east than the development will take up.</p>	
Cold Norton Parish Council (adjacent parish)	<p>It is outside the Development Boundary.</p> <p>Over development of site (D1 Design Quality & Built Environment & H4 Effective Use of Land)</p> <p>Ribbon development (S1 Sustainable Development & S2 Strategic Growth)</p> <p>Safety concerns as proposed entrance/exit opposite village shop already issues with speeding at this point (dangerous situation) (T2 Accessibility). This is technically a 40mph road, but this speed is not adhered to. Very narrow footway which has been damaged by lorries driving on footway.</p> <p>Surface water drainage issue already exists at this location.</p> <p>The local village primary school is already oversubscribed.</p>	<p>The principle of development is discussed in section 5.1 and impact on character and appearance of the area is discussed in section 5.2 of this report.</p> <p>In relation to highway safety, no objection was raised by the Highway Authority, as discussed in section 5.5.</p> <p>Surface water drainage is discussed in section 5.7 of this report.</p> <p>In relation to the school being oversubscribed, due to the small scale of the development no consultation is required with Essex County Council as Education Authority. Therefore a reason for refusal on this ground could not be justified.</p>

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions regarding: surface treatment; gates; cycle parking provision; Residential Travel Information Pack; storage of materials.	Noted and discussed in section 5.5 of this report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection.</p> <p>Notes the farm building to the northeast has planning permission for use as an agricultural store, for tractor and machinery and as farm workshop.</p> <p>Conditions are recommended regarding: construction management plan; surface water drainage; foul drainage; contamination.</p>	Noted, addressed in the report and conditions included in the recommendation.
Ecology	No objection subject to securing a financial contribution towards Essex Coast RAMS and biodiversity mitigation and enhancement measures.	Noted, addressed in the report and conditions included in the recommendation.
Trees	No objection subject to conditions regarding: an updated TPP showing the current design in relation to tree protection measures in accordance with BS5837:2012; and further information regarding new tree planting in accordance with BS8545:2014 is provided.	Noted, addressed in the report and conditions included in the recommendation.

7.4 Representations received from Interested Parties

- 7.4.1 The application was advertised by way of a site notice posted on 3 October 2024 (with expiry date for comments set at 24 October 2024). The site notice was affixed at eye level to the nearest telegraph pole located to the southwest of the application site, in front of Eastholm, in a prominent position within the street scene.
- 7.4.2 Following the receipt of amended plans, a further site notice was posted on 6 December 2024 (with expiry date for comments set at 20 December 2024).
- 7.4.3 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 26 September 2024 (with expiry date for comments set at 17 October 2024).
- 7.4.4 3 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concern that the larger area of land to the rear of the proposed dwelling may open the way for future residential development.	Any further development would require planning permission. The current proposals do not set a precedent for future development.
Development would consolidate ribbon development, loss of green space.	Noted, addressed in section 2 5.1 and 5.2 of the report.
Highway safety – site is in a 40 mile per hour zone, access to the site is opposite the shop, adds to congestion and amount of traffic.	Noted, addressed in section 5.5 of the report.
Drainage and flooding are an issue in the area.	Noted, addressed in section 5.7 of the report.
Harmful to character and appearance of the area, urbanising effect.	Noted, addressed in section 5.2 of the report.
The application submitted at the same time as the appeal for two dwellings on the site.	Noted, there is nothing preventing the applicant from submitting an application as an appeal is also running on the site.

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents as detailed on the decision notice.
REASON: To ensure the development is retained in accordance with the details as approved.
3. Prior to the commencement of the development hereby approved, full details of both the finished levels, above ordnance datum, of the ground floor of the proposed building and of the finished garden levels and hard and soft surfaces in relation to existing ground levels shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
REASON: To avoid the excessive raising or lowering of any ground levels and therefore any buildings within the site and to ensure that the development does not prejudice the appearance of the locality in accordance with policy D1

- of the Maldon District Local Development Plan. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.
- 4 The external materials and finishes shall be as indicated on the application form and Design and Access Statement (prepared by Scene, ref. LGDRD-SCN-XX-XX-RP-A-90_100-A3 Rev. PL01) and shall be permanently retained as such.

REASON: In the interest of local amenity and in accordance with Policy D1 of the Maldon District Approved Local Development Plan (2017).

- 5 No development above slab level shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

Soft landscape works

- a) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- b) 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.
- c) 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 commencement of the development unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, 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.

Hard landscape works

- d) Details of all hard surfacing materials.
- e) Details of all boundary treatments.

The hard landscape works shall be implemented in accordance with the approved details prior to first occupation.

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

- 6 Any contamination that is found during construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation

scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

REASON: To ensure any contamination found present on the land is remediated in the interests of the future users of this development as well as neighbouring land uses and the water environment in accordance with Policy D2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

7 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 as a minimum:

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

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

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and Policy D5 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

8 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 the adequate provision of foul water drainage in accordance with Policy D5 of the Maldon District Approved Local Development Plan (2017).

9 No development including any site clearance or groundworks of any kind shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall include:

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

REASON: In the interests of local residential amenity in accordance with Policy D1 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework. The Construction Management Plan is required prior to the commencement of development to ensure that the plan is adhered to from the outset of the construction phase.

- 10 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, July 2023) submitted with this application.

REASON: To conserve and enhance protected and Priority species, 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), in accordance with Policies N1 and N2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

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

The development 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, allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

- 12 Prior to the installation of any external lighting, a lighting design scheme for biodiversity 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 approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall 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), in accordance with Policies N1 and N2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

- 13 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- a) Tree retention protection plan
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 that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan (2017). The Tree Protection Plan is required prior to the commencement of development to ensure that the trees are protected from the outset of the construction phase.
- 14 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 Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.
- 15 During demolition and construction, areas for the purpose of the reception and storage of building materials shall be identified and made available within the site, clear of the highway.
REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the demolition and construction period in the interest of highway safety in accordance with Policy T2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.
- 16 Any gates 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 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.
- 17 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 Policies S1 and T2 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement of the dwellinghouse(s),

provision of any building within the curtilage of the dwellinghouse(s), or alteration of the dwellinghouse(s), as permitted by Classes A, AA, B and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

REASON: In order to ensure the character and appearance of this rural location is maintained and to ensure neighbouring residential amenity and in accordance with policy D1 of the Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

19 Prior to commencement and concurrent with submission of documents relating to the biodiversity gain condition, a Habitat Management and Monitoring Plan, must be submitted to the planning authority and approved in writing. The content of the Habitat Management and Monitoring Plan should include the following:

- a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow LPA to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990.

INFORMATIVES

1 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:

- a Biodiversity Gain Plan has been submitted to the planning authority; and
- the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

Application Plans

LGDRD-SCN-XX-XX-DR-A-01_002-A3 Rev P01
LGDRD-SCN-XX-XX-DR-A-01_001-A3 Rev P01
LGDRD-SCN-XX-XX-DR-A-01.001-A3 Rev P03
LGDRD-SCN-XX-XX-DR-A-01.004-A3 Rev P02
LGDRD-SCN-XX-XX-DR-A-01.005-A3 Rev P02
LGDRD-SCN-HT1-XX-DR-A-10.001-A3 Rev P02
LGDRD-SCN-XX-XX-DR-A-30.001-A3 Rev P02

APPENDIX

APPENDIX 1 – Appeal decision reference APP/X1545/W/24/3347605 dated 22 November 2024.