



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
18 JUNE 2025**

<b>Application Number</b>	<b>25/00186/OUT</b>
<b>Location</b>	Land At The Brambles, Latchingdon Road, Cold Norton
<b>Proposal</b>	Outline application with all matters reserved for the erection of 1 no dwelling
<b>Applicant</b>	Mr Wayne Stanley
<b>Agent</b>	Mr Mike Otter - GPO Designs Ltd
<b>Target Decision Date</b>	20.06.2025 (EoT – committee determination required)
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	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 overleaf.



### **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 0.15 hectares in area which is currently laid to grass. The site is open and undeveloped, with a boundary of low hedgerows along the road frontage. Established trees and vegetation are also present along the northern boundary. Access to the site is currently gained via the existing shared vehicular access from Latchingdon Road located in the southwestern corner of the site.
- 3.1.2 This section of Latchingdon Road is characterised by ribbon development on both sides of the highway. Approximately 100 metres to the east of the site, to the opposite side of Latchingdon Road, is a convenience shop. To the west of the site is the existing residential property at The Brambles, with substantial outbuilding to the rear. To the east lies the residential property known as Homestead, set approximately 22m from the site boundary. To the north and south of the site (beyond the built development south of the Road) 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 Outline planning permission with all matters reserved is sought for the erection of one dwelling. An indicative plan forms part of the application and illustrates how the site could be developed with a three-bedroom chalet bungalow dwelling with a gross external floorspace of approximately 207 sqm positioned centrally within the site to align with the existing residential property at The Brambles.
- 3.1.5 Indicative plans show that access to the property would be via an access point to the west of the site, shared with the existing dwelling. Parking for three cars would be provided on a front driveway to the south-eastern corner of the site.

#### **3.2 Conclusion**

- 3.2.1 The application site is located outside of a defined settlement boundary and is within the open countryside. However, as set out within this report, consideration must be given to the recent appeal decision relating to Land Adjacent to Eastholm (only 100 metres from the site), where the Inspector raised no objections regarding the site's location given its access to services and facilities within the village and beyond. Planning permission was subsequently granted by the North Western Area Planning Committee on 14 January 2025 on the same basis. Due to the recent timing of the appeal decision and subsequent planning permission, and the similar scale of residential development proposed, this is a material planning consideration which is given significant weight.
- 3.2.2 Whilst the application is for outline planning permission, the design and siting of the dwelling as shown on indicative plans would be considered acceptable and would comprise a sensitive infilling of the existing gap along this frontage. Again, based on indicative plans it is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity – subject to details being provided during reserved matters stage and/or by way of planning condition.

- 3.2.3 The proposed development accords with the relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and is recommended for 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
- 38 Decision making
- 47-50 Determining applications
- 54 – 58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157 – 175 Meeting the challenge of climate change, flooding and coastal change.
- 180 – 194 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
- S7 Prosperous Rural Communities
- 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
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- 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 (MDDG)
- 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.

#### **Five-Year Housing Land Supply (5YHLS)**

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should "monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies". As the LDP is more than five years old, paragraph 77 requires LPAs to "identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply". To this end, Maldon District Council prepares and publishes a Five- Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014- 2029's plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years' worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government's approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.

- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless, 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, 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'.

### Sustainable Development

- 5.1.9 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.

### *Environmental Dimension*

- 5.1.10 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.
- 5.1.11 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".
- 5.1.12 In this case, the application site is located approximately 500m from the settlement boundary of Cold Norton. Cold Norton is defined within the adopted LDP as a 'smaller village'.
- 5.1.13 A material planning consideration in this case is a recent appeal decision at Land Adjacent to Eastholm, located approximately 100m to the east of the application site (APP/X1545/W/24/3347605 dated 22 November 2024 - see **APPENDIX 1**). In determining that appeal, 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."*

- 5.1.14 Following on from the above appeal decision (which was dismissed on design grounds), planning permission was granted for a new dwelling at the Eastholm site by the North Western Area Planning Committee on 14 January 2025 (application ref 24/00742/FUL) in light of the Inspector's conclusion regarding the sustainable location of the site.
- 5.1.15 The facilities and services in the village and the shop in close proximity to the site, together with bus services to Maldon and Chelmsford, as referred to by the inspector are again of equal relevance to the application site in this case - as the appeal decision and subsequent planning permission are very recent and the circumstances of this application are almost identical, there is no reason to come to a different conclusion in terms of locational sustainability.

#### *Social Dimension*

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

#### *Economic Dimension*

- 5.1.17 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

- 5.1.18 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 and subsequent grant of planning permission at the nearby Land Adjacent Eastholm, Latchingdon Road where the principle of development was accepted (100 metres to the east of the site), no objection is raised.

## **5.2 Housing Provision and Mix**

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 5.2.2 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District.
- 5.2.3 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
- 5.2.4 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.

- 5.2.5 The indicative plans submitted as part of the application provide for a three-bedroom dwelling, which would assist in meeting this established need in the District - however this would be nominal contribution given that only a single dwelling is proposed.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 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.
- 5.3.2 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.
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.4 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.
- 5.3.5 The site comprises an area of grass and scrubland to the eastern side of an existing residential property, located at the western end of row of frontage development consisting of seven dwellings and a barn along the northern side of Latchingdon Road. There is also a long row of dwellings and a shop on the opposite side of the road. Given its position between existing dwellings, the site's contribution to the rural character of the area is somewhat limited in comparison to the wider surrounding agricultural landscape.
- 5.3.6 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.
- 5.3.7 Although the application is for outline permission, the submitted indicative drawings show a dwelling that is sited to the centre of the site, in alignment with the existing dwelling at The Brambles, with a similar overall footprint but constructed as a chalet-style bungalow with attic accommodation. The indicative design suggests that the dwelling and associated hardstanding to the front could be sufficiently set back from the frontage to ensure the existing front boundary hedge could be retained, together with additional soft landscaping and necessary parking. The proposed development would not result in any further encroachment into the countryside at the rear than existing built development and



associated gardens. Subject to appropriate boundary treatment and landscaping that could be controlled by conditions, a private garden would not be visually prominent nor result in any harm to the countryside.

- 5.3.8 It is noted that the scale of the proposal (albeit indicative) is similar to that of other properties along this side of Latchingdon Road, and notably of a similar height to that recently approved at Land Adjacent to Eastholm as referred to above.
- 5.3.9 Overall, based on the outline plans submitted, it is considered that the site would be able to accommodate a single dwelling of the style indicated, would not appear as an incongruous form of development and would not urbanise the rural character and appearance of the area.
- 5.3.10 In summary, subject to detailed consideration of the proposed design as part of reserved matters applications, 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.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section c07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.4.2 The neighbours that may be potentially impacted by the proposed development are the neighbours to the west at The Brambles, and to the east at Homestead.
- 5.4.3 To the western side, the indicative plans submitted with the application show a chalet style dwelling that is set away from the existing dwelling at The Brambles by 5.6 metres, with two small bathroom windows at first floor level to the side elevation. Given that The Brambles is in effect the “host” property in this case (in the ownership of the applicant), the separation distance proposed and the height of the proposed dwelling it is not considered that the creation of a dwelling at the site would result in any harm in residential amenity terms; and any minor issues relating to amenity could be resolved at reserved matters stage.
- 5.4.4 To the eastern side, the indicative dwelling would be set away from the boundary with Homestead by 2.5 metres – which itself is set away from the shared boundary by a further 22 metres. Given this substantial separation distance, and the potential for boundary treatments (also indicated on the submitted plans) it is not considered that the proposal would cause harm to the residential amenity of this neighbour.
- 5.4.5 Given the proximity of the site to the Brambles, and the shared nature of the site access, officers have recommended a Construction Management Plan be secured by way of a condition to preserve the amenity of the area and avoid nuisance to neighbours during the construction period.

#### **5.5 Living Conditions for Prospective Occupiers**

- 5.5.1 The indicative plans submitted with the outline application show a three-bedroom chalet style dwelling of approximately 207sqm which would comply 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.
- 5.5.2 It is considered that the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

## **5.6 Access, Parking and Highway Safety**

- 5.6.1 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.
- 5.6.2 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*'.
- 5.6.3 The existing vehicular access to the Brambles would be used to provide access to serve the new infill dwelling. The Highway Authority has been consulted and raised no objection to the proposal in terms of access, subject to appropriate conditions relating to surface treatments and provision of Travel Information Packs and travel vouchers prior to occupation.
- 5.6.4 The proposed indicative drawings show provision for the parking of three cars to the front driveway, which would accord with the Council's Vehicle Parking Standards for dwellings of four or more bedrooms. This would exceed the requirement of the initially proposed dwelling (shown indicatively as a three-bedroom dwelling). In any event it is considered that the site would be able to provide sufficient parking for a single dwelling irrespective of the number of bedrooms proposed in any final design.

## **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 SPD 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, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.7.2 Whilst the application is for outline planning permission, indicative plans demonstrate that the rear garden area as proposed is likely to far exceed the level of private amenity space provision required. It is considered that the site would be able to accommodate sufficient high quality private amenity space, in accordance with Policy D1 of the approved LDP and the MDDG SPD.

## **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 maximize 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 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.
- 5.8.4 Subject to the above mentioned recommended conditions the proposal accords with the NPPF and Policies D5 and S1 of the approved LDP.

## 5.9 Ecology and Biodiversity

- 5.9.1 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'.
- 5.9.2 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.
- 5.9.3 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*

- 5.9.4 The application is supported by a Preliminary Ecological Appraisal (PEA) (prepared by Skilled Ecology Consultancy Ltd, December 2024).
- 5.9.5 The Council's ecology consultant, Place Services, has reviewed the submitted information and is satisfied that there is sufficient ecological information available for determination of this application providing certainty for the 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*

- 5.9.6 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 a Habitat Regulation Assessment (HRA) and secure a proportionate financial contribution towards the Essex Coast RAMS.
- 5.9.7 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 (NE). 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:

#### HRA Stage 1: Screening Assessment – 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.

#### HRA Stage 2: Appropriate Assessment - Test 2 – The integrity test

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

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

#### Summary of Appropriate Assessment

- 5.9.8 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. NE does not need to re-consult on this Appropriate Assessment.
- 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 £169.45 (2025/26 figure) and thus, the developer contribution should be calculated at this figure.
- 5.9.10 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*

- 5.9.11 The application as submitted seeks permission for the construction of a self-build dwelling, which is exempt from Biodiversity Net Gain. Notwithstanding the exemption, as part of the submitted PEA the outline scheme proposes a number of ecological enhancements (bat boxes, bird boxes, appropriately selected plant species and soft landscaping design) to be incorporated into the design; these would be secured by way of planning condition as noted at paragraph 5.8.5 above.

#### *Trees*

- 5.9.12 The outline application documentation includes a tree survey of the sit, which confirms that very few trees exist at the site and that, based on the indicative plans submitted, any trees would not be adversely affected by the proposed development of a single dwelling to the centre of the site.
- 5.9.13 The Council's Arboricultural consultant supports the application subject to the submission of detailed tree protection plans, an arboricultural impact assessment and method statement. This information can be secured by way of planning condition.

### **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 positive benefits have been identified in relation to the social and economic objectives of sustainable development. Although the

development is outside of any settlement boundary, taking into account recent local decisions it is considered that the site lies 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. Other environmental impacts can be addressed by way of conditions. The recent appeal decision relating to Land Adjacent to Eastholm is a material consideration which is given significant weight.

5.10.3 Overall, the benefits of the development would outweigh the harm identified.

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

- 6.1 No relevant history relating to the application site. Reference is made to the recent planning permission granted in January 2025 for a single dwelling at nearby Land Adjacent Eastholm, Latchingdon Road, Purleigh (application ref 24/00742/FUL) and the associated preceding appeal decision (APP/X1545/W/24/3347605 (decision dated 22 November 2024)).

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

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

<b>Name of Parish Council</b>	<b>Comment</b>	<b>Officer Response</b>
Purleigh Parish Council	<p>The proposed development is located outside of a defined settlement boundary, is in open countryside and constitutes over development of the site without the removal of the existing dwelling.</p> <p>By virtue of the size of the proposed development and loss of garden space, the proposed dwelling is considered an incongruous form of development that is out of keeping with the existing street scene. 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, the Maldon District Design Guide (2017), and the policies and guidance within the National Planning Policy Framework (2023).</p>	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.

## 7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee	Comment	Officer Response
Highway Authority	No objection subject to conditions regarding surface treatment and provision of residential Travel Information Packs and travel vouchers.	Noted and discussed in section 5.5 of this report.

## 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions requiring submission of details relating to surface water and foul water drainage.	Noted, addressed in section 5.7 of 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 section 5.8 of the report and conditions included in the recommendation. Satisfactory unilateral undertaking has been submitted to secure RAMS contribution.
Trees	No objection subject to conditions requiring the submission of a tree survey, tree retention and protection plan, arboricultural impact assessment and method statement.	Noted, addressed in section 5.8 of the report and conditions included in the recommendation.

## 7.4 Representations received from Interested Parties

7.4.1 No representations have been received in response to the public consultation.

## 8. **PROPOSED CONDITIONS**

1. The development shall be carried out in accordance with plans and particulars relating to the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.  
**REASON:** The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
**REASON:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
4. The development hereby permitted shall be carried out in accordance with Brown & Cos site location plan.  
REASON: To ensure that the development is carried out in accordance with the details as approved
5. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.  
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
6. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no works above ground level shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - i. Proposed finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
  - vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.

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 hereby approved 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

7. If not first approved as part of any application for approval of reserved matters pursuant to condition 1 of this permission no development shall commence until satisfactory 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:

- Tree Protection Plan
- Arboricultural Impact Assessment
- Arboricultural Method Statement (including drainage service runs and construction of hard surfaces)

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: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

8. 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.

9. 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. This pack (including tickets) are to be provided by the Developer to the 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 T1 and T2 of the approved Maldon District Local Development Plan.

10. 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)

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with policy D2 of the Maldon District Local Development Plan (2017).

11. No development works shall occur above ground level until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To prevent environmental and amenity problems arising from flooding and in accordance with policy D2 of the Maldon District Local Development Plan (2017).



12. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Skilled Ecology Consultancy, December 2024) as submitted with the 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 LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (NERC Act 2006) (Priority habitats and species).
13. No works above ground level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been 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 LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats and species).

14. Prior to installation of any external lighting, a scheme for sensitive lighting 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, contour 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 LPA 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 and species).
15. No development shall take place, including any ground works or demolition, 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 provide for:
- 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.
- e. no waste materials should be burnt on site, instead being removed by licensed waste contractors.
- f. no dust emissions should leave the boundary of the site.
- g. consideration to restricting the duration of noisy activities and in locating them away from the periphery of the site.
- h. hours of works undertaken only 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: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interest of protecting residential amenity, 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).

#### **APPLICATION PLANS**

BRCM36HR\_SP2.0  
BRCM36HR\_EBP2.1  
BRCM36HR\_PBP2.2  
BRCM36HR\_DR1.1A  
BRCM36HR-DR1.1B  
BRCM36HR-DR1.1C  
BRCM36HR-DR1.1D

#### **APPENDIX 1**

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