

## MEMBERS' UPDATE

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

12 August 2016

Dear Councillor

### **SOUTH EASTERN AREA PLANNING COMMITTEE - MONDAY 15 AUGUST 2016**

Please find enclosed the Members' Update for the above meeting, detailing any further information received in relation to the following items of business since the agenda was printed.

6. **FUL/MAL/16/00445 - Land Adjacent Whispering Tree, Mayland Green, Mayland**  
(Pages 3 - 8)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

8. **FUL/MAL/16/00577 - Manor Farm, Old Heath Road, Southminster** (Pages 9 - 10)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

9. **HOUSE/MAL/16/00604 - Little Foxes, Summerhill, Althorne** (Pages 11 - 12)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)\*.

13. **Delegated Planning Applications** (Pages 13 - 18)

To receive and note a list of decisions on planning applications taken by the Director of Planning and Regulatory Services.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a circular blue ink stamp.

Chief Executive

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
15 AUGUST 2016**

**MEMBERS UPDATE**

**AGENDA ITEM 6**

<b>Application Number</b>	<b>FUL/MAL/16/00445</b>
<b>Location</b>	Land Adjacent Whispering Trees, Mayland Green, Mayland
<b>Proposal</b>	Construction of a one bedroom bungalow
<b>Applicant</b>	Miss Tessa Ford
<b>Agent</b>	Mr Matthew Letten - Spectrum Town Planning Consultants
<b>Target Decision Date</b>	12 September 2016
<b>Case Officer</b>	Kara Elliott
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Previous Committee Decision

**5.4 Access, Parking and Highway Safety**

- 5.4.3 Access is proposed to be taken from Mayland Green. It is considered that there is sufficient means to provide a safe access to the application site, subject to providing a dropped kerb and visibility splays. Furthermore, the Highway Authority has not objected to the scheme. The scheme is therefore considered to accord with adopted policies T2 and T8 and policy T2 of the emerging Local Development Plan.

**5.6 Flood Risk**

- 5.6.1 The site lies within Flood Zones 1, 2 and 3. 3 being the highest risk flood zone. The proposal is for one dwelling. The site, measuring approximately 0.1 hectare comprises an area of land associated with the donor property, Whispering Trees.
- 5.6.2 New dwellings and residential uses are considered as being more vulnerable based on the Flood Risk Vulnerability Classification and requires the Exception Test to be applied in addition to the Sequential Test, as confirmed by the Environment Agency.
- 5.6.3 In accordance with the National Planning Policy Framework (which supersedes yet embodies the previous principles of flood risk set out in Planning Policy Statement 25: Development and Flood Risk), the application should pass both the sequential and exceptional tests as set out by the guidance.
- 5.6.4 The Sequential Test seeks to steer new development to areas at the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably

available appropriate sites in an area with a lower risk. The availability of such land, in accordance with the NPPF should be provided in the minimum of a “5 year land supply”. The Council can now demonstrate a five year housing land supply since publication of the latest report in July 2015 and therefore this site is not needed for development at this current time, as the LDP allocates strategic sites for development on areas within the lowest probability of flooding and therefore these sites are available for development. The LDP allocated sites were Sequentially Tested during the LDP preparation.

- 5.6.5 Whilst the site is occupied by a single dwelling (Whispering Trees), the proposal seeks to intensify the site by doubling the number of residential units within the former curtilage of the host dwelling. On this basis an objection to the development is raised in respect of the failure of the Sequential Test and the as a result of intensification of the site for residential purposes.
- 5.6.6 For these reasons the site is considered to fail the Sequential Test. Paragraph 102 of the NPPF sets out that if it is not possible, or consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. In this instance, it is considered that it is possible and consistent with wider sustainability objectives for residential development to be located in zones with a lower probability of flooding and the proposal is considered to fail the Sequential Test.
- 5.6.7 In respect of the Exception Test, paragraph 102 sets out that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.
- 5.6.8 A site-specific flood risk assessment has been submitted to accompany the planning application. However, due to the inclusion of plans for a previous application and a statement within the assessment which states residents should occupy the first floor for refuge, it is evident that the flood risk assessment was for the previous application. The flood risk assessment does not consider why the development cannot be located elsewhere. As stated above, the Council can demonstrate five years’ worth of housing land supply since publication of the latest report in July 2015 and therefore this site is not needed for residential development at this current time. Furthermore, there are no sustainability benefits in terms of bringing an existing site back into use as the land is not a site which is empty of a use. Therefore there are no wider sustainability benefits to the community resulting from the development that outweigh the harmful flood risk.
- 5.6.9 The site-specific flood risk assessment sets out that the finish floor level of the ground floor will be set at 5.88AOD, with safe refuge in first floor. However, there is no first floor. The proposed residential use is considered as being more vulnerable based on the Flood Risk Vulnerability Classification and it is not considered that the proposed development will be safe for its lifetime taking account of the vulnerability of its users and the lack of a refuge area.

- 5.6.10 The proposed development is not considered to satisfy the Exception Test as the wider sustainability benefits to the community are not considered to outweigh the flood risk and because it is not considered that that the proposed development will be safe for its lifetime taking account of the vulnerability of its users and the lack of safe refuge is not considered to be a sufficient arrangement. Furthermore, the Council can demonstrate a five year housing land supply and this site is not needed for residential development at this current time as the LDP allocates strategic sites for development on areas within the lowest probability of flooding.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	<p>Object. Reasons:</p> <ul style="list-style-type: none"> <li>- <i>Inclusion of the brook as amenity space is contrived;</i></li> <li>- <i>Such a property would detract from the architecturally designed Whispering Trees property</i></li> <li>- <i>The building would cause over development of the site</i></li> <li>- <i>There would be possible overshadowing of the light to Whispering Trees</i></li> </ul>	Noted

### **7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highways	No objection, subject to conditions	Section 5.4
Environment Agency	No objection. However, the consultation response highlights matters for the Council's consideration outside the remit of the Environment Agency i.e. Sequential and Exceptions test.	Section 5.6

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	<i>Noted</i>
Emergency Planner	As the conversion lies within flood zone 3 I would need to see a flood water evacuation plan for the site before I could make comment in relation to Emergency Planning.	Section 5.6

### 7.4 Representations received from Interested Parties

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- T A Mullay, 7 Mayland Green;
- Ann & Robert Rogers, Cedar House, 2 Nipsells Chase;
- Paul Rutter, 6 Mayland Green;

Objection Comment	Officer Response
<p>Encroaching onto land not under ownership; plot is of such a small size which would mean an overdevelopment; located much too close to the neighbouring building (Whispering Trees);</p> <p>Not in keeping with the aims for the development of the village and would not in any way enhance the street scene;</p> <p>flood risk due to the close proximity of Mayland Brook and access to the brook for maintenance purposes could be impeded;</p> <p>Narrow road may cause issues with large vehicles;</p> <p>would lead to more street parking;</p> <p>concerns with foul drainage;</p> <p>this residence is extremely small and cramped and certainly does not appear to be fit for purpose as a permanent dwelling;</p> <p>Flood risk concerns;</p> <p>Boundary fence taken down to appear spacious;</p> <p>Fears if granted, a second floor would be added later on.</p>	<ul style="list-style-type: none"> <li>- Material considerations discussed within main body of report.</li> <li>- Ownership issues resolved and correct Ownership Certificates have been served.</li> </ul>

7.4.2 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Owen Finnegan, 2 Whitefield Court, Mayland Green

Comment	Officer Response
No objection	Noted

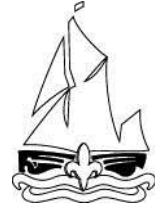
## 8. **REASONS FOR REFUSAL**

### **Additional reason for refusal;**

2. The proposed development is located within Flood Zone 3 which seeks to direct and intensify residential development, classified as “more vulnerable” as per the Flood Risk Vulnerability Classification, in an area with a high probability of flooding contrary to paragraphs 101 and 102 of the National Planning Policy Framework and the aspirations of the Maldon District Replacement Local Plan and submitted Maldon District Local Development Plan. Furthermore, the proposal is considered to fail both the Sequential Test and the Exception Test given that the Council can demonstrate a five year housing land supply on sites which have been subject of Sequential Testing; the wider sustainability benefits to the community do not outweigh the flood risk posed and because it is not considered that that the proposed development will be safe for its lifetime taking account of the vulnerability of its users and the absence of a flood evacuation plan and safe refuge.

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DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
15 AUGUST 2016**

**MEMBERS UPDATE**

**AGENDA ITEM 8**

<b>Application Number</b>	<b>FUL/MAL/16/00577</b>
<b>Location</b>	Manor Farm, Old Heath Road
<b>Proposal</b>	Revised orientation of farm worker's dwelling and use of roof void incorporating rear dormer (Revision of FUL/MAL/10/00702, 13 October 2010)
<b>Applicant</b>	Mr Russell Forde - Smart Planning
<b>Agent</b>	N/A
<b>Target Decision Date</b>	19.08.2016
<b>Case Officer</b>	Kara Elliott
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**7.4 Representations received from Interested Parties**

**Correction:** The following persons were incorrectly listed as objectors to the application;

- Mr Richard Anderson, Roseville, 2 Scalby Road, Southminster;
- Mr Stuart Pankhurst, Appleby, Old Heath Road, Althorne;

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Mrs D Howman, St Margarets, Old Heath Road, Southminster;
- Mr Mark Howman, St Margarets Old Heath Road Southminster
- Mrs Penny Gilchrist, 3 West View, Scarborough Road, Southminster;
- Mrs Michelle Bott, 2 West View, Scarborough Road, Southminster;
- Mr L & Mrs C Swallow, 3 Old Heath Road, Southminster

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Would not make a contribution to addressing the housing shortfall in the district sufficient to outweigh the harm arising from the</li> </ul>	Material Considerations are discussed within the officer's report. Many objections raised deal with the principle of the dwelling. However, as stated

Objection Comment	Officer Response
<p>construction of a new dwelling on this rural site;</p> <ul style="list-style-type: none"> <li>• By consenting to such an application it would set an undesirable precedent to encourage other similar proposals that would result in an unsustainable impact and further erosion of the rural character of the district;</li> <li>• - The NPPF states that new isolated homes in the countryside should be avoided and additionally, the application provides no evidence or support for its own proposal description with regard to paragraph 55 regarding farm working.</li> <li>• There is no proposal for a sustainable drainage solution;</li> <li>• Building is not representative of farm workers dwelling;</li> <li>• There is no farming activity at this site and has not been for some time;</li> <li>• No eggs sold at the gate for some time now;</li> <li>• Some time ago a new entrance was made in the hedge for a second gateway;</li> <li>• Recent police investigations and digging in the location of the proposed dwelling indicate footings are likely not present or at least are of insufficient substance to meet the requirements of planning;</li> <li>• Very worrying as there are plenty of neighbouring plots that could follow suit;</li> <li>• The proposal would have a harmful effect on the character and appearance of the countryside and would be in conflict with current planning policy that seeks to protect the countryside for its own sake;</li> </ul>	<p>within previous sections of the report a lawful development certificate was granted for the dwelling which confirmed that the foundations represent commencement of development granted under 10/00702/FUL</p>



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to  
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15 AUGUST 2016**

**MEMBERS UPDATE**

**AGENDA ITEM 9**

<b>Application Number</b>	<b>HOUSE/MAL/16/00604</b>
<b>Location</b>	Little Foxes Summerhill Althorne
<b>Proposal</b>	Two storey rear extension, internal remodelling and insertion of obscured windows to existing first floor side elevations.
<b>Applicant</b>	Mr & Mrs East
<b>Agent</b>	Mr Daniel Cross - FRONT Architecture Ltd
<b>Target Decision Date</b>	21.07.2016 EOT 19.08.2016
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Director of Planning and Regulatory Services Call In

**6 SITE HISTORY**

**Typographical error**

It is noted that application reference 04/00275/FUL for a two storey rear extension was refused on 27/05/2004 however; limited planning weight will be given to this decision as the policies used to determine this application have been superseded.

**7.2.1 Letters of Objection**

For clarification purposes, the letter summarised within the officer report, included content from a letter an agent (acting on behalf of the neighbours) provided in 2004.

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CIRCULATED BEFORE  
THE MEETING

**Town and Country Planning Act 1990**  
**Monthly List Of Delegated Planning Decisions**  
**Committee Date 15 August 2016**



**AGR/MAL/16/00257      Asheldham**  
Steel portal framed barn  
Meadow View Rushes Lane Asheldham Essex  
Mr T Anderson

**PRIOR APPROVAL IS NOT REQUIRED**

Dated : 08/08/2016

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**DEMPA/MAL/16/00742      Bradwell-on-Sea**  
Prior notification of the proposed demolition of buildings located within the  
Ponds and Vaults Complex at the Bradwell site.  
Bradwell Power Station Ponds And Vault Complex Downhall Beach Bradwell-  
On-Sea Essex  
Magnox Limited

**REFUSE**

Dated : 29/07/2016

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**LDP/MAL/16/00585      Burnham North**  
Claim for lawful development certificate for the proposed erection of a single  
storey detached domestic garage with garden storage to the rear  
Oak House 4 Mangapp Chase Burnham-On-Crouch Essex  
Mr P Roberts

**REFUSE**

Dated : 18/07/2016

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**TELPN/MAL/16/00674      Burnham North**  
replace the existing 3 antennas with 6 antennas on a new head frame.  
British Telecom Telephone Exchange St Marys Road Burnham-On-Crouch  
Arqiva

**PRIOR APPROVAL IS NOT REQUIRED**

Dated : 25/07/2016

**NMA/MAL/16/00746      Burnham North**

Application for non-material amendment following grant of planning permission  
FUL/MAL/14/00775 (Proposed installation of a 5.0 mw solar farm and  
associated development)

Land East Of Burnham Wick Farm Wick Road Burnham-On-Crouch Essex  
Mr Leuen Spencer - Burnham Wick Solar Limited

**APPROVE**

Dated : 20/07/2016

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**LDP/MAL/16/00145      Burnham South**

Claim for Lawful Development Certificate: Create a rear dormer, removal of  
existing front face and side cheek, reconstructing new timber framed walls

3 Brickwall Close Burnham-On-Crouch Essex CM0 8HB  
Mr David Howes

**REFUSE**

Dated : 20/07/2016

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**FUL/MAL/16/00288      Burnham South**

Change of use to Class B8 storage

Petticrows Boatyard The Quay Burnham-On-Crouch Essex  
Rynel Foundation

**APPROVE**

Dated : 21/07/2016

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**HOUSE/MAL/16/00659      Burnham South**

Proposed front first floor extension

10 Ramblers Way Burnham-On-Crouch Essex CM0 8LR  
Ms K Mardle

**APPROVE**

Dated : 08/08/2016

**HOUSE/MAL/16/00515 Latchingdon**

Ground and first floor extensions and internal alterations  
The Beeches Rectory Lane Latchingdon Essex  
Mr & Mrs Stuart Wiseman

**APPROVE**

Dated : 27/07/2016

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**HOUSE/MAL/16/00617 Latchingdon**

Erection of garage and cart lodge (previously permitted FUL/MAL/99/0064 and extended now expired)  
Tyle Hall Lower Burnham Road Latchingdon Essex  
Mr A Miller

**APPROVE**

Dated : 08/08/2016

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**FUL/MAL/16/00091 Mayland**

Demolition of an existing bungalow and to be replaced with a 3 bed detached house  
Miranda Esplanade Mayland Essex  
Mr David Westbrook

**APPROVE**

Dated : 21/07/2016

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**HOUSE/MAL/16/00641 Mayland**

Construction of a new first floor rear extension with internal alterations.  
8 Promenade Mayland Essex CM3 6AR  
Mr Ricky Nunn

**APPROVE**

Dated : 27/07/2016

**HOUSE/MAL/16/00494 Southminster**

Extend dropped kerb to span full width of driveway.  
13 Steeple Road Southminster Essex CM0 7BD  
Mr & Mrs Williams

**APPROVE**

Dated : 03/08/2016

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**HOUSE/MAL/16/00624 Southminster**

Clad the exterior with feather edge, pre-painted weatherboard.  
6 Station Road Southminster Essex CM0 7EW  
Mr Andrew Redman

**APPROVE**

Dated : 20/07/2016

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**HOUSE/MAL/16/00806 Southminster**

Demolition of existing rear conservatory and new rear single storey rear extension and alterations  
46 Coombe Road Southminster Essex CM0 7AH  
Ms Lorelle Lovell

Dated : 20/07/2016

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**LDP/MAL/16/00236 Tillingham**

Claim for Lawful Development Certificate for proposed development of three bay garage  
The Bungalow Hicks Green Marsh Road Tillingham  
Mr Raymond Cruse

**APPROVE**

Dated : 26/07/2016



**LBC/MAL/16/00558      Tillingham**

Replace dormer casement windows like for like. Replace conservatory roof and window frames like for like.

11 The Square Tillingham Essex CM0 7SU

Mr Peter Willson

**GRANT LISTED BUILDING CONSENT**

Dated : 08/08/2016

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**TCA/MAL/16/00574      Tillingham**

T1 & T3 Silver Birch - Remove. T2 & T4 Hawthorn Bushes - Remove. T6 Silver Birch & T5 & T7 Unknown - reduce in height by 1.5m, thin by 1m and crown lift by 2m.

42 South Street Tillingham Essex CM0 7TH

Mr Jason King

**ALLOWED TO PROCEED**

Dated : 25/07/2016

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**TCA/MAL/16/00722      Tillingham**

Conifer (T1) fell because tree has become too large for surroundings and too close to property due to lack of previous maintenance.

Peel House Vicarage Lane Tillingham Essex

**ALLOWED TO PROCEED**

Dated : 01/08/2016

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