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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

05 August 2016

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 15 AUGUST 2016 at 7.30 pm.**

in the Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Fiona Marshall', enclosed within a large, loopy circular flourish.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor R P F Dewick

VICE-CHAIRMAN

Councillor A S Fluker

COUNCILLORS

Mrs B F Acevedo
B S Beale MBE
R G Boyce MBE, CC
Mrs P A Channer, CC
Mrs H E Elliott
P G L Elliott
M W Helm
R Pratt
N R Pudney

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AGENDA

SOUTH EASTERN AREA PLANNING COMMITTEE

MONDAY 15 AUGUST 2016

1. Chairman's notices (please see overleaf)
2. Apologies for absence
3. To confirm the Minutes of the meeting of the Committee held on 18 July 2016, (copy enclosed). (Pages 7 - 22)

4. **Disclosure of Interests**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 - 10 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Members' Briefing**

To receive an Officer led presentation.

6. **FUL/MAL/16/00445 - Land Adjacent Whispering Tree, Mayland Green, Mayland**
(Pages 23 - 30)

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

7. **FUL/MAL/16/00498 - Brook Farm, Marsh Road, Burnham-on-Crouch** (Pages 31 - 38)

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 39 - 48)

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 49 - 56)

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

10. **MLA/MAL/16/00630 - 1-3 Fairman Close and 13-36 Woodside, Southminster**
(Pages 57 - 60)

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

11. **ADV/MAL/16/00723 - East End Road, Bradwell-on-Sea** (Pages 61 - 68)

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

12. **Other Area Planning and Related Matters** (Pages 69 - 72)

To consider the report of the Director of Planning and Regulatory Services on the following matters:

- (i) Appeals Lodged
- (ii) Appeal Decisions

13. **Delegated Planning Applications**

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

14. Any other items of business that the Chairman of the Committee decides are urgent

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 6 – 11.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Fire

In event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) and Technical Guidance
 - Planning Practice Guidance (PPG)
 - Planning policy for traveler sites
 - Planning practice guidance for renewable and low carbon energy
 - Relevant government circulars
- ii) Essex County Council
 - Essex Design Guide 1997
- iii) Maldon District Council
 - Submission Local Development Plan (April 2014) (as amended)
 - Five Year Housing Land Supply Statement 2014/15
 - Planning Policy Advice Note v.4 (October 2015)
 - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
 - Infrastructure Phasing Plan (January 2015)
 - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014

- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- Accessibility to Buildings SPD – December 2006
- Children’s Play Spaces SPD – March 2006
- Sadd’s Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
18 JULY 2016**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE, CC, M W Helm, R Pratt and N R Pudney

254. CHAIRMAN'S NOTICES (PLEASE SEE PAGE 5)

The Chairman drew attention to the list of notices published on the back of the agenda.

255. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer CC, Mrs H E Elliott and P G L Elliott.

256. MINUTES OF THE LAST MEETING

RESOLVED:

- (i) that the Minutes of the South Eastern Area Planning Committee held on 20 June 2016, be received.

Minute 7 – Declarations of Interest

Councillor R P F Dewick advised that his declaration of interest should read "... due to a previous business relationship..." instead of "... due to a business relationship".

Councillors Mrs B F Acevedo and R Pratt declared that they both had a non-pecuniary interest in relation to Agenda Item 7 – FUL/MAL/16/00246 – Pixies Folly, 14 Mountview Crescent, St. Lawrence as they both lived close to the application site.

RESOLVED:

- (ii) that subject to the above amendments, the Minutes of the South Eastern Area Planning Committee held on 20 June 2016 be approved and confirmed.

257. DISCLOSURE OF INTEREST

Councillor Mrs B F Acevedo declared an interest in Agenda Item 12 – HOUSE/MAL/16/00605 – Lynhurst, 271 Esplanade, Mayland as she knew some of the family, but did not know the Applicant.

Councillor B S Beale MBE declared a non-pecuniary interest in Agenda Item 5 – OUT/MAL/16/00105 – Glebe Meadow, Adjacent King George’s Field Pavilion, Station Road, Southminster – as he was a member of Southminster Parish Council.

Councillor A S Fluker declared in the interests of openness and transparency that:

- In relation to Agenda Item 5 – OUT/MAL/16/00105 – Glebe Meadow, Adjacent King George’s Field Pavilion, Station Road, Southminster - he knew some of the Objectors.
- In relation to Agenda Item 7 – FUL/MAL/16/00413 – Land West of Bridgemans Green, Latchingdon - he knew the Agent.

258. FUL/MAL/16/00105 - GLEBE MEADOW ADJACENT KING GEORGES FIELD PAVILLION, STATION ROAD, SOUTHMINSTER

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

Application Number	OUT/MAL/16/00105
Location	Glebe Meadow Adjacent King Georges Field Pavilion Station Road Southminster Essex
Proposal	Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular from Vicarage Court
Applicant	Chelmsford Diocesan Board Of Finance
Agent	Mrs Hayley Morley - Strutt And Parker
Target Decision Date	4 July 2016
Case Officer	Emily Hall, TEL: 01621 875744
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major Application Departure from the Local Plan 2005 Member Call In

Further to the Officer’s presentation of the report, Mr Michael Dodds, an Objector, of 17 Vicarage Meadow, Burnham Road, Southminster addressed the Committee.

Councillor B S Beale MBE, a Ward Member, was in favour of the application being approved as the land had been open for development for many years and was within the village boundary. He mentioned that the Parish Council had no objections to this application. Furthermore, the Highways Authority was satisfied with the application, provided a condition for the provision of a scheme for on-site car parking was met.

In response to concerns raised by Members the Interim Development Management and Enforcement Manager advised that on an application such as this the Highways Authority would give consideration to access and the impact on the surrounding road network.

Concerns were also raised regarding rural allocations. As Maldon District Council did not have an agreed rural allocation policy at this stage, Members considered reference to it was premature in relation to this application. Members also had concerns regarding possible flooding as the application site was on the edge of a gravel pit and the sewage system could be put under additional stress.

Members highlighted that in the report Officers had expressed concerns regarding the layout of the site and Officers advised that applications for outline planning permission always provided limited indicative information. If Members were minded to grant this application, concerns regarding layout would be dealt with by way of an informative.

At this point in the meeting Councillor R G Boyce CC, MBE declared an interest as he is a social landlord and the Chairman of an Almshouse Trust. He also agreed with concerns raised regarding emerging policies of the Council and the fact that Inspectors had not, as yet, given any weight to these.

Councillor A S Fluker proposed that this application be refused contrary to the Officer's recommendation due to the concerns set out above. This proposal was duly seconded.

Councillor M W Helm also declared an interest as he was a member of an Almshouse Trust.

Members put forward reasons for refusal of this application, should it be refused on a vote.

RESOLVED that this application be **REFUSED** for the following reasons:

- 1 The site is in a sensitive rural location outside of the defined settlement boundary for Southminster where policies of restraint apply. The proposal by reason of the quantum of development, and its encroachment of built form into the undeveloped rural landscape, would result in a form of development which would have an unacceptably intrusive urbanising effect upon the site adversely affecting the intrinsic character and beauty of the countryside. As such the proposal does not represent sustainable development and the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme contrary to policies S2, H1, CC6 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee

which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant/Agent. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

259. OUT/MAL/16/00159 - 100 RIVERTON DRIVE, ST LAWRENCE

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	OUT/MAL/16/00159
Location	100 Riverton Drive St Lawrence Essex CM0 7NG
Proposal	Outline planning application for the demolition of the existing dwelling, garage and static caravan and the erection of 2/3 bedroom bungalow.
Applicant	Mr Andrew Bullock
Agent	
Target Decision Date	22.07.2016
Case Officer	Emily Hall, TEL: 01621 875744
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Mr Andrew Bullock, the Applicant, addressed the Committee.

Members debated this application and, in particular, the risks regarding flooding and how they could be overcome. They were of the opinion that a more robust flood risk assessment would need to be provided. The Interim Development Management and Enforcement Manager advised Members that Officers had concerns regarding the dominance of the site, the limited amenity site and the lack of available car parking as the proposal was for a large dwelling. It was possible that a smaller dwelling on the site could be provided that would be acceptable.

Councillor M W Helm, a Ward Member, was of the opinion that as there was an existing dwelling on the site, then this proposal would be acceptable as any flood risk would be already in existence. The Parish Council were in support of the application and both the Environment Agency and Environmental Health Department had no objections. Councillor Helm then proposed approval of this application contrary to the Officers' recommendation. This proposal was duly seconded and upon a vote the motion failed.

Following discussions with regards to the layout and scale of the dwelling shown on the indicative block plan, it was requested that an informative be added to the decision notice to formalise the concerns raised.

RESOLVED that this application be **REFUSED** for the following reason:

- 1 The submitted Flood Risk Assessment (FRA) is inadequate; failing to a suitable basis for assessment to be made of the flood risks arising from the proposed development. In addition, the proposed development is not in accordance with the recommendations of the FRA and will increase flood risk at the site. On this basis, the application fails to comply with CON5 of the Maldon District Replacement Local Plan, Policy D5 of the submitted Local Plan and the National Planning Policy Framework.

INFORMATIVE:

- 1 The layout shown on the indicative block plan would result in a form of development which would appear at odds with development in the immediate locality, resulting in a cramped form of development, which would fail to meet the requirements of private amenity space, and off street car parking as contained within the Essex Design Guide and the Maldon Vehicle Parking Standards.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

**260. OUT/MAL/16/00413 - LAND WEST OF BRIDGEMANS GREEN,
LATCHINGDON**

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/16/00413
Location	Land West Of Bridgemans Green Latchingdon Essex
Proposal	Removal of Condition 5 on approved planning permission OUT/MAL/15/00396 (Erect 52 detached, semi-detached and terraced dwellings and flats, lay out parking, amenity areas, estate roads, footpaths and landscaping) Affordable housing quota
Applicant	Mr David Steedman - Moat Homes Ltd
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	18 July 2016
Case Officer	Rebecca Greasley, TEL: 01621 875805
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Major Application Parish Trigger Departure from the Local Plan

Following the Officer's presentation of the report, Mr David Steedman of Moat Homes Ltd, the Applicant, addressed the Committee.

Councillor R G Boyce MBE, CC, a Ward Member, mentioned that the public speaker had identified a problem with social landlords becoming speculative developers. He was of the opinion that the Parish Council's comments had been misunderstood and what they actually wanted from this application was the provision of more rented housing. The Interim Development Management and Enforcement Manager advised that the negotiation of the amount of affordable rented property was usually delegated to Officers, to include the Housing Officer.

Members were concerned about the lack of information regarding affordable housing and expressed difficulties with coming to a decision on this application when they did not know the details of the proposal before them.

Councillor B S Beale MBE proposed that this application be deferred pending more information regarding affordable housing being forthcoming. This was duly seconded and, upon a vote, the motion failed.

Following this, Councillor R G Boyce MBE, CC, a Ward Member, proposed refusal of the application contrary to the Officers' recommendation. This was duly seconded.

RESOLVED that this application be **REFUSED** for the following reasons:

- 1 The proposal would result in a housing mix which would fail to accord with the SHMA. As such, the proposal would fail to provide a sustainable, mixed community as contained within policy S1 and H2 of the submitted Local Plan and guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee

which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant/Agent. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

261. HOUSE/MAL/16/00419 - 24 NEW MOOR CRESCENT, SOUTHMINSTER

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	HOUSE/MAL/16/00419
Location	24 New Moor Crescent Southminster Essex CM0 7DJ
Proposal	Proposed two storey extension to the front of the house with a single storey extension to the side
Applicant	Mr & Mrs Lloyd
Agent	Mr George Traer-Clark - Traer Clark Architect Limited
Target Decision Date	13.06.2016 EOT 20.07.2016
Case Officer	Nicola Ward, TEL: 01621 875864
Parish	Southminster

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission, unless otherwise agreed in writing by the local planning authority.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

262. HOUSE/MAL/16/00474 - EDISSWOOD, BURNHAM ROAD, ALTHORNE

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	HOUSE/MAL/16/00474
Location	Edisswood Burnham Road Althorne Essex
Proposal	Two storey side extension.
Applicant	Mr Terrence Dobson
Agent	Mr Colin Southgate
Target Decision Date	13.06.2016 EOT 20.07.2016
Case Officer	Nicola Ward, TEL: 01621 875864
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Parish Trigger

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission, unless otherwise agreed in writing by the local planning authority.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

263. FUL/MAL/16/00579 - STEEPLE HALL FARM, CANNEY ROAD, STEEPLE

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	FUL/MAL/16/00579
Location	Steeple Hall Farm Canney Road Steeple Essex
Proposal	Erection of grain drying and storage facility and associated access and turning area
Applicant	Mr A Lott - Wallasea Farms Ltd
Agent	Kate Jennings - Whirledge & Nott
Target Decision Date	22.07.2016
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Mr Zane Cohen, an Objector of Cherry Tree Lode, Canney Road, Steeple and Kate Jennings, the Agent, addressed the Committee.

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the Local Planning Authority.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

264. FUL/MAL/16/00591 - LAND BETWEEN THE CHASE AND LITTLE GUNTERS, MANGAPP CHASE, BURNHAM-ON-CROUCH

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00591
Location	Land Between The Chase And Little Gunters Mangapp Chase Burnham-On-Crouch Essex
Proposal	Residential development for 4 detached houses with garaging
Applicant	Mr B Penny - Benjamin James Developments Ltd
Agent	Mr Mark Jackson
Target Decision Date	20 July 2016
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In

RESOLVED that this application be **REFUSED** for the following reason:

- 1 The proposed development of four dwellings within the application site results in an urbanised streetscene effect, out of character with other residential development in the immediate locality which consists of large dwellings set in expansive plots, to the detriment of the rural character and appearance of the area in conflict with policies BE1 and CC6 of the adopted Local Plan, emerging policies D1, H4 and S8 of the Local Development Plan as submitted and the guidance and provisions contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

265. HOUSE/MAL/16/00605 - LYNHURST, 271 ESPLANADE, MAYLAND

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received.

Application Number	HOUSE/MAL/16/00605
Location	Lynhurst 271 Esplanade Mayland Essex
Proposal	Convert existing single storey bungalow into chalet style house to address reason for refusal (re-submission)
Applicant	Mr George Hull
Agent	
Target Decision Date	13 July 2016
Case Officer	Nicola Ward, TEL: 01621 875864
Parish	MAYLAND
Reason for Referral to the Committee / Council	Parish Trigger

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission, unless otherwise agreed in writing by the local planning authority.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.

266. FUL/MAL/16/00610 - CORNER COTTAGE, 30 GREEN LANE, BURNHAM-ON-CROUCH

The Committee considered the report of the Director of Planning and Regulatory Services and determined the following planning application, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

Application Number	FUL/MAL/16/00610
Location	Corner Cottage 30 Green Lane Burnham-On-Crouch Essex
Proposal	Amendment to previously approved application Ref FUL/MAL/14/00222. To include habitable rooms within roof space with the addition of 3 No. dormers to front elevation and roof light windows to rear. Additional chimney serving Lounge. Rear window changed to door. Amendment to drive and garage arrangement.
Applicant	Mr David Morris - Belmor Construction
Agent	Mr Neil Warder - In-site Design
Target Decision Date	26 July 2016
Case Officer	Kara Elliott, TEL: 01621 875860
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 12 June 2017.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which form part of this permission, unless otherwise agreed in writing by the local planning authority.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development, including the materials to be used in any hard surfacing, 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.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 5 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. 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 first 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 that 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.
- 6 No development shall commence until details of the materials and construction specifications to be used for the driveways and footpaths within the site have been submitted to and approved in writing by the local planning authority. Such details shall ensure that a permeable surface treatment is provided to prevent compaction and allow water penetration of the sub-soil.
 - 7 The garages and car parking spaces hereby approved shall permanently be retained for the parking of private motor vehicles solely for the benefit of the occupants of the dwelling hereby approved and their visitors and for no other purpose unless otherwise agreed in writing by the local planning authority.
 - 8 Prior to the commencement of the development 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.
 - 9 In the event that potential contamination (such as unknown infill or buried waste) is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance on investigation into the potential presence of contaminated land and where remediation is necessary a remediation and validation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.
 - 10 Prior to the commencement of the development 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.
 - 11 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details to be submitted to and approved in writing by the Local Planning Authority.
 - 12 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
 - 13 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.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

267. OTHER AREA PLANNING AND RELATED MATTERS

The Committee considered the report of the Director of Planning and Regulatory Services and Members' Update on the following matters:

(i) Appeals Lodged:

It was noted that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 17/06/2016

Application Number: LDP/MAL/16/00263 (APP/X1545/X/16/3151073)

Site: Lermoos, 32 Wembley Avenue, Mayland

Proposal: Proposed mobile home to be used as additional accommodation to the existing dwelling

Appeal by: Mr C Parker

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 11/07/2016

Application Number: OUT/MAL/15/00978 (APP/X1545/W/16/3146160)

Site: Land Rear Of Charwood Stoney Hills Burnham-On-Crouch

Proposal: Outline planning permission for a proposed development of 4no. two bedroom bungalows.

Appeal by: Mrs D Grady

Appeal against: Refusal

Appeal procedure requested: Written Representations

(ii) Appeal Decisions:

It was noted that the following appeal decisions had been received from the Planning Inspectorate:

OUT/MAL/15/00722 (Appeal Ref: APP/X1545/W/16/3143606)

Proposal: Outline application for construction of two 3 bedroom and two 2 bedroom bungalows.

Address: Land At Brook Lane - Brook Lane - Asheldham

APPEAL DISMISSED – 5 July 2016

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

FUL/MAL/15/00755 (Appeal Ref: APP/X1545/W/16/3148231)

Proposal: Proposed construction of two, three bedroom bungalows.

Address: Land Adjacent 1 Pitt Cottages - Hall Road - Asheldham

APPEAL ALLOWED – 6 July 2016

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

OUT/MAL/15/00972 (Appeal Ref: APP/X1545/W/16/3146480)

Proposal: Two storey four bedroom dwelling

Address: Land West Of High House - Green Lane - Burnham On Crouch

APPEAL DISMISSED – 6 July 2016

DECISION LEVEL: Delegated

OUT/MAL/15/01048 (Appeal Ref: APP/X1545/W/16/3143492)

Proposal: 4. No new dwellings

Address: Land North East of Cobbins Chase - Burnham On Crouch

APPEAL DISMISSED & COSTS ALLOWED – 7 July 2016

DECISION LEVEL: Delegated

HOUSE/MAL/16/00014 (Appeal Ref: APP/X1545/D/16/3146541)

Proposal: Demolition of existing outbuilding and erection of an ancillary annexe

Address: 4 Maldon Road - Burnham On Crouch

APPEAL ALLOWED – 17 June 2016

DECISION LEVEL: Delegated

FUL/MAL/15/01046 (Appeal Ref: APP/X1545/W/16/3142883)

Proposal: Application for the erection of a four bedroom detached dwelling, revised application following refusal FUL/MAL/14/01216

Address: Land South West Of High House, Green Lane, Burnham-On-Crouch

APPEAL ALLOWED – 30 June 2016

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

**14/00181/CU (Appeal Refs: APP/X1545/C/15/3130168,
APP/X1545/C/15/3130171, APP/X1545/C/15/3130184 &
APP/X1545/C/15/3130195)**

Address: AA Dog Rescue - Oldfield Lodge - Burnham Road - Latchingdon

Appeal against enforcement notice: 14/00181/01 - Without planning permission the material change of use of the Land from mixed agricultural and equestrian to mixed equestrian, retail and use as dog rescue.

**THE APPEALS ARE DISMISSED AND THE ENFORCEMENT NOTICE
AS CORRECTED AND VARIED IS UPHELD**

8 July 2016

OUT/MAL/15/00083 (Appeal Ref: APP/X1545/W/15/3140800)

Proposal: Outline application for eight houses with the matters of access and layout for determination

Address: Land West Of Firth View - Steeple Road - Mayland

APPEAL DISMISSED & COSTS REFUSED – 8 July 2016

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

FUL/MAL/15/01348 (Appeal Ref: APP/X1545/W/16/3144107)

Proposal: Retention of 3 static caravans (2 of which are to be occupied as residential) and retention of temporary storage of 3 touring caravans and 2 heavy goods vehicles - limited to six months

Address: Springfield Nurseries - Steeple Road - Latchingdon

APPEAL DISMISSED – 13 July 2016

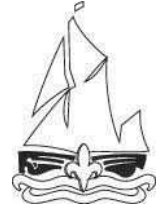
DECISION LEVEL: Delegated

268. DELEGATED PLANNING APPLICATIONS

The Committee received and noted the list of decisions on planning applications taken by the Director of Planning and Regulatory Services under delegated powers, circulated prior to the meeting for the period 17 June – 15 July 2016.

There being no further items of business the Chairman closed the meeting at 9.20 pm

R P F DEWICK
CHAIRMAN



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

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

Application Number	FUL/MAL/16/00445
Location	Land Adjacent Whispering Trees, Mayland Green, Mayland
Proposal	Construction of a one bedroom bungalow
Applicant	Miss Tessa Ford
Agent	Mr Matthew Letten - Spectrum Town Planning Consultants
Target Decision Date	12.09.2016
Case Officer	Kara Elliott
Parish	MAYLAND
Reason for Referral to the Committee / Council	Previous Committee Decision

1. RECOMMENDATION

REFUSE for the reason as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Land Adjacent Whispering Trees, Mayland Green, Mayland



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 16/00445/FUL

Date: 03/08/2016

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought to construct a detached single storey dwelling, together with associated parking and landscaping.
- 3.1.2 The site, measuring approximately 0.1 hectare, is located on the south corner of the junction of Mayland Green with Nipsells Chase. It comprises an area of land associated with the donor property Whispering Trees and is within the settlement boundary of Mayland. The site is irregular in shape and there is a brook running through the site close to its rear boundary. It is currently in use for open storage and is occupied by dilapidated sheds, equipment and a shipping container.
- 3.1.2 The application site has an extensive history of refused and withdrawn applications for planning permission for a dwelling on the application site. The most recent application was refused and dismissed at appeal in 15 February 2016 for a two storey dwelling.
- 3.1.3 The proposed dwelling measures 57m², is 10m wide and has a maximum length of 7m. It is single storey and measures 4.3m to its highest point. The design is a hipped roof, brick construction bungalow with a simple arrangement of fenestration limited to the front and rear elevations.
- 3.1.4 The dwelling would have a usable and private amenity space of approximately 66sqm to the rear. Two parking spaces are proposed for the dwelling to the east of the proposed dwelling.
- 3.1.3 A distance of 1m would be provided between the flank of the proposed dwelling and the new common boundary with Whispering Trees. Whispering Trees is an irregular, modern dwelling sited immediately to the south west in Mayland Green. The garden of this property has extensive tree coverage. In the immediate locality there is a wide range of dwelling types sited within the settlement limits of Mayland. To the south, on the opposite side of Steeple Road, is open countryside.
- 3.1.4 Approximately two thirds of the site falls within Flood Zone 3.

3.2 Conclusion

- 3.2.1 The proposed dwelling, by reason of its design, scale, bulk and siting would represent a contrived development within this small, irregular shaped plot out of character with the prevailing pattern of development within the area and the street scene and would therefore be detrimental to the visual amenity of the street scene and the surrounding area, as well as the spacious setting of Whispering Trees. As such the proposal is contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submission Local Development Plan, and Government guidance contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 11, 12, 13, 14, 30, 34, 49, 56, 64, 69, 100, 101, 103

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 - Development Boundaries and New Development
- H1 - Location of New Housing
- BE1 - Design of New Development and Landscaping
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 - Sustainable Development
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change and Environmental Impact of New Development
- D5 - Flood Risk and coastal management
- H2 - Housing Mix
- H4 - Effective Use of Land
- N2 - Natural Environment and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 This application site is located within the settlement of Mayland and represents land associated with the donor property, Whispering Trees. Whilst the principle of development is acceptable within the settlement boundary of Mayland, this is subject to subsequent material considerations.

- 5.1.2 It is also relevant to note here that the definition of previously developed land in the NPPF does not include garden land and so there is no automatic assumption that development will be acceptable and other material considerations must be fully examined.

5.2 Design and Impact on the Character of the Area

- 5.2.1 Previous applications have been refused at the application site on the basis of unacceptable design and impact on the character and appearance of the area. The most recent application for a two storey dwelling of a similar appearance to that of the host dwelling was dismissed at appeal. This current application seeks to address the issues as part of this submission. Within the previous appeal decision, the Inspector considered that the dwelling (larger than that of the proposed development) would, *“...reduce the spaciousness which contributes positively to the setting of Whispering Trees and the junction as a whole.”* Whilst the proposed development is reduced in bulk, scale and height when compared to the dismissed appeal, the proposed development, due to the exceptionally small size of the site (0.1Ha) is still considered to dominate the site and reduce the spaciousness of the setting of Whispering Trees.
- 5.2.2 The single storey dwelling proposed lacks architectural merit and would compete with the design quality and individuality of the adjacent dwelling, which itself is unique in its setting. This would be exacerbated by the proximity of the proposed dwelling to Whispering Trees, at only 2m from its flank elevation. This dwelling currently sits comfortably on a large, well landscaped plot. Its spacious setting forms part of the character of that dwelling and this proposal would considerably detract from that as a result of its siting and the narrow, irregular shape of the plot. The proposal would create a cramped and contrived appearance to both this and the adjacent plot and this would not be considered to sufficiently overcome the previous reasons for refusal. This was a concern at the time of the recently dismissed appeal.
- 5.2.3 Whilst the NPPF advises that local planning authorities should not impose taste it is considered that part of the local distinctiveness of this area is the existing dwelling on its spacious and well landscaped plot, which departs from the traditional design and form of development in the wider area. The presence of a single storey bungalow of no architectural merit in such close proximity to the adjacent dwelling, this local distinctiveness would be compromised.
- 5.2.4 On this basis the proposal is not considered to comply with local policies BE1 of D1 or the NPPF guidance in respect of good design principles.

5.3 Impact on Residential Amenity

- 5.3.1 To the rear of the application site are two dwellings in Mayland Green. There would be a distance of approximately 19m between the rear elevation of the closest dwelling in Mayland Green and the rear elevation of the proposed dwelling. It is therefore considered there is a reasonable distance between the dwellings to reduce the possibility of overlooking and loss of privacy to existing occupiers. Furthermore, existing boundary treatment (fencing and trees) provides further screening to prevent overlooking and loss of privacy.

- 5.3.2 In terms of Whispering Trees, there is a distance of only 2m between the existing and proposed dwelling. There are no windows proposed to the side elevation facing the adjacent dwelling. However, the position of the donor property in relation to the proposed dwelling is likely result in loss of light and overshadowing to the rear amenity space. This would reduce the amenity value of the site.

5.4 Access, Parking and Highway Safety

- 5.4.1 Two parking spaces are shown on the plans for the dwelling. No vehicle turning area is shown on site meaning that vehicles would have little option but to reverse onto or off of the public highway to enter and leave the site. Given the position of the dwelling in the highway and its relationship to the surrounding residential area, this is not considered to be of concern. Parking provision would accord with the adopted Vehicle Parking Standards SPD and policy T8 of the local plan.
- 5.4.2 Further assessment of the acceptability of the highway safety of the proposed development will be provided within the member's update following a consultation response from Essex Highways.

5.5 Private Amenity Space and Landscaping

- 5.5.1 The submitted plans demonstrate that the proposed development would provide over 200m² of amenity space over the whole site. This includes two front garden areas and areas behind the brook that runs through the site that are not considered to represent private amenity space. The land to the brook is sloped steeply on both sides and does not offer a useable, or safe, amenity space for the dwelling. Fencing would need to be provided to the brook in the interest of safety of future occupiers and this would further reduce the space available. A maintenance strip may also be required by the water board.
- 5.5.2 When taking into account the actual, usable private amenity space available to the rear of the dwelling, an area of approximately 66sqm (approx.) is available. This is considered to exceed the minimum standards required by the adopted Essex Design Guide of 50sqm for a one or two bedroom dwelling.
- 5.5.3 In terms of landscaping, new landscaping could be provided on site and dealt with through condition. Existing trees on site are considered to add to the amenity value of the area and so should be retained and protected as part of the development. This could also be conditioned to any positive decision

5.6 Flood Risk

- 5.6.1 The site is located partially within Flood Zones 3 and 2 with the highest associated risk of flooding. New dwellings and residential uses are considered to have high vulnerability as defined in the National Planning Practice Guidance (NPPG) and previously in the technical guidance to the NPPF.
- 5.6.2 The NPPG identifies that the Sequential Test aims to steer new development to areas with the lowest probability of flooding, with the aim to steer development towards Flood Zone 1. LPAs are required to take into account the vulnerability of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only

when there is no reasonably available land within Flood Zone 1 or 2 that sites can be considered in Flood Zone 3, taking into account the vulnerability of the land use and applying the exceptions tests (where required).

- 5.6.3 In addition the Exceptions Test is also applicable and is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. This is a two part test requiring evidence to be submitted to show that the benefits of the development would outweigh the risk of flooding and that the development will be safe for its lifetime. This aspect of the test requires the submission of a Flood Risk Assessment (FRA).
- 5.6.4 A flood risk assessment has been submitted with the application which has been submitted to the Environment Agency and the Council's Emergency Planner for consideration. Further assessment of the acceptability of the proposed development in relation to flood risk will be updated via the member's update.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/10/00774** - Construct two storey residential dwelling to side of main house within its own boundary. **Refused** 12 November 2010.
- **FUL/MAL/11/00445** – Construct two storey residential dwelling to side of main house within its own boundary. **Withdrawn** 08 August 2011.
- **FUL/MAL/11/00721** - Construct two storey residential dwelling to side of main house within its own boundary. **Withdrawn** 24 January 2012.
- **FUL/MAL/12/00616** – Construct new two storey residential dwelling to side of main house and the creation of its own curtilage. **Refused** 05 October 2012.
- **FUL/MAL/13/00254** – Construct two storey residential dwelling to side of main house within its own boundary. **Refused** 5 August 2013.
- **FUL/MAL/15/00256** - Construction of a detached two storey dwelling, together with associated parking and landscaping. **Refused** 06.07.2015.
Appeal Dismissed 15.02.2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland	Not received at time of writing.	<i>To follow within Members' Update.</i>

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	Not received at time of writing.	<i>To follow within Members' Update.</i>
Environment Agency	Not received at time of writing.	<i>To follow within Members' Update.</i>

7.3 Representations received from Interested Parties

7.3.1 None received at time of writing.

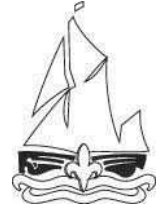
8. **REASON FOR REFUSAL**

- 1 The proposed dwelling, by reason of its design, scale, bulk and siting would represent a contrived development within this small, irregular shaped plot out of character with the prevailing pattern of development within the area and the street scene. The development would, due to the design and siting, visually conflict with Whispering Trees and its spacious setting. Therefore, the proposed development would be detrimental to the visual amenity of the street scene and the surrounding area, as well as the spacious setting of Whispering Trees. As such the proposal is contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the submission Local Development Plan, and Government guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm. The Local Planning Authority considers that options for development of the site for residential accommodation has been exhausted and therefore would not welcome future applications for a revised development.



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

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

Application Number	FUL/MAL/16/00498
Location	Brook Farm, Marsh Road, Burnham-On-Crouch
Proposal	Enlarge mini lagoon/pit 21m x 6m. Install reedbed treatment system 75m(mean) x 50m(mean)
Applicant	Mr Allman Fowler - Fowler Bros. (Latchingdon) Ltd
Agent	Mr John Bailey
Target Decision Date	18 August 2016
Case Officer	Hilary Baldwin
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application

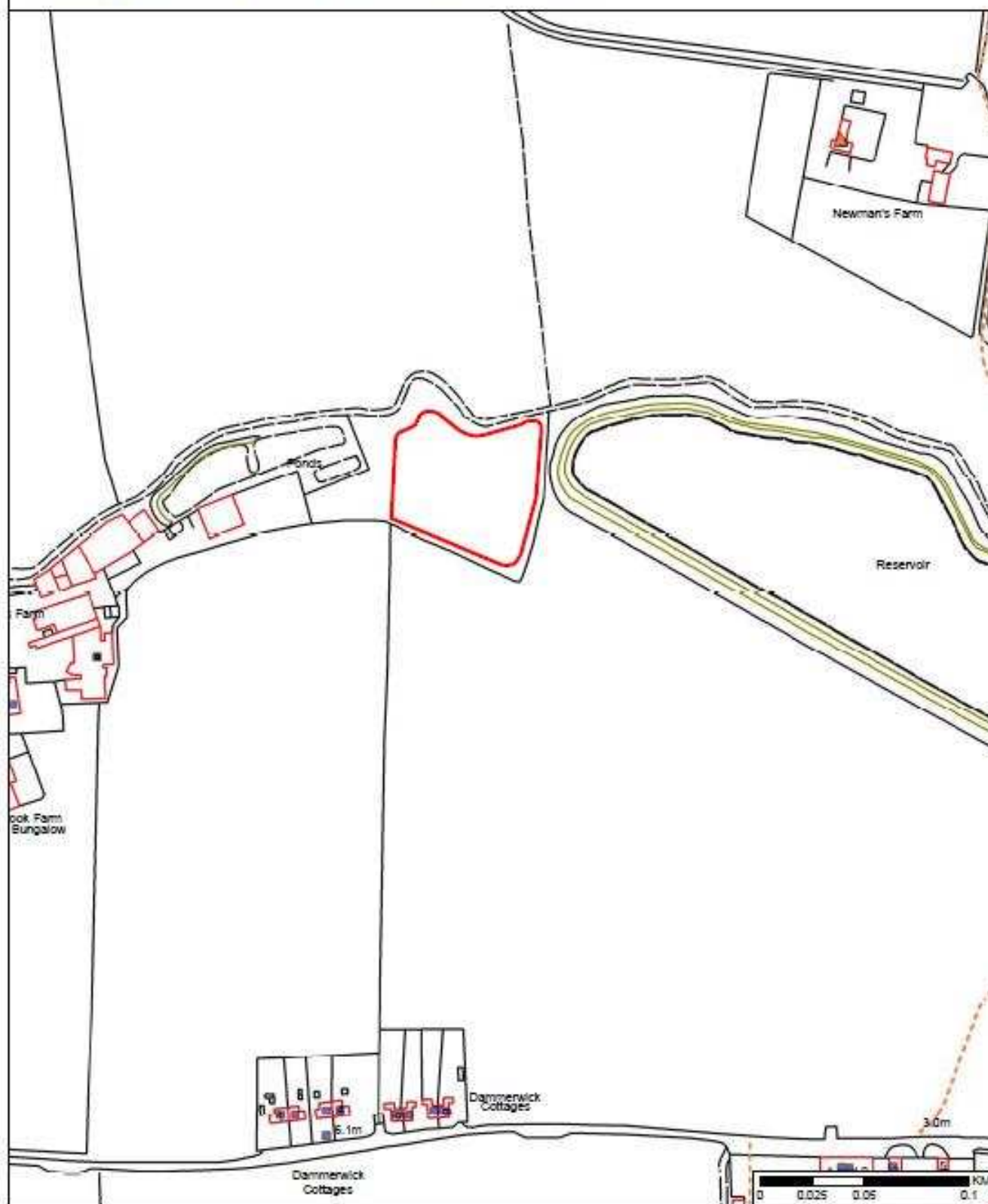
1. RECOMMENDATION

APPROVE subject to the conditions as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.

Brook Farm, Marsh Road, Burnham-On-Crouch



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Maldon District Council 100018588 2014



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 16/00498/FUL

Date: 03/08/2016

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site lies on a parcel of land laid to grass to the east of Brook Farm which comprises an abattoir and farm shop. There are three existing lagoons which act as drainage for waste fluid and wash down water from the site and which are south of a small natural brook.
- 3.1.2 The site is within a rural agricultural area with the nearest non-associated dwellings to the south at a distance of 250m and with the settlement boundary of Burnham on Crouch approximately 1km to the south west of the site. The site lies within the designated Coastal Zone.
- 3.1.3 The proposal seeks planning permission for the enlargement of an existing mini lagoon and a reed bed treatment system.
- 3.1.4 The existing mini lagoon would be doubled in size to its southern side. The proposed extension would measure 21m by 6m.
- 3.1.5 The proposed reed bed would be roughly rectangular in shape and lie to the east of the existing and proposed lagoons. With overall measurements of approximately 70m by 70m and 1m high banks at a width of 3m, the reed bed would comprise a heavy clay base with 175m gravel. The reeds would be expected to mature to a height of 2m.
- 3.1.6 The reed bed would be set a minimum of 10m from the banks of the brook to the north.

3.2 Conclusion

- 3.2.1 The use of the site as an abattoir and farm shop is already established as are the existing lagoons. Policies E6 and E7 of the adopted local plan and emerging policy E1 of the Local Development Plan supports the protection of employment sites and any development proposal to modernize or redevelopment such sites would be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment that meets the current needs of local businesses in the District. The proposal is considered acceptable and in accordance with the adopted and emerging policies, the National Planning Policy Framework and the National Planning Practice Guidance

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14, 17, 21 and 28

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development outside Development Boundaries
- BE1 Design of New Development and Landscaping

- CON5 Pollution Prevention
- CC5 Protection of Wildlife at Risk on Development Site
- CC6 Landscape Protection
- CC11 The Coastal Zone
- E6 Protection of Existing Employment Uses
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- E1 Employment
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal relates to the enlargement of an existing waste water lagoon and a new reed bed on land to the east of the existing abattoir and the Brook Farm complex which includes a farm shop. The location of the proposed reed bed is within existing agricultural land and the proposed works would not significantly change the established use of the land in associated within the existing use and therefore the principle of development is considered acceptable. This is however subject to other considerations which are examined below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy BE1 of the adopted local plan and D1 of the submission LDP aim to ensure that new development is of a good design, suitable for its surrounding and reflective of development within the locality. These policies, in addition to policies CC6 and CC11 and emerging policies D1 and N2 aim to ensure that the rural environment is protected from inappropriate development and subsequent harm. Policy CC11 aims to ensure that only appropriate uses are provided within the coastal zone such as this.

- 5.2.2 There is an existing lagoon on the site which would be doubled in size by doubling its width only. However, the existing lagoon with level landscaped top and steep descending sides is not obtrusive and can only be viewed from a short distance. The creation of a reed bed, once established would not appear out of keeping or visually harmful to the landscape character and appearance of the wider area as a whole. There are limited public views from the site which is bounded by agricultural fields and the banks of a reservoir to the east.
- 5.2.3 Whilst the works would result in some variation to the site gradient, particularly with the formation of the 1m boundary earth bund to the reed bed; this would be grassed and seen against the backdrop of the reeds and existing undulating landscape.
- 5.2.4 It is therefore considered that the proposed works would be acceptable in terms of design, scale and impact upon the locality and in accordance with adopted and emerging policies and the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 Residential amenity should be protected from harm caused by new development in accordance with policies BE1 and CC6 of the local plan and policy D1 of the emerging LDP.
- 5.3.2 The nearest non-associated residential properties are located approximately 250m to the south of the site and can be viewed across level agricultural land. Given this distance and the nature of the development it is not considered that the proposal would have an adverse impact or cause demonstrable harm to the visual amenity of the existing occupiers of these residential properties. As such the proposal would accord with the aforementioned policies.

5.4 Access, Parking and Highway Safety

- 5.4.1 The proposed facilities would only extend existing waste and wash down water facilities to the east of the site and would not comprise any extension to existing employment or business capacity per se and no additional parking or vehicle facilities would be required in this instance.
- 5.4.2 The proposal is therefore considered to accord with the policy requirements of policies T2 and T8 of the adopted Maldon District Replacement Local Plan and emerging policies D1 and T2 of the submitted Local Development Plan.

5.5 Other Material Considerations

- 5.5.1 The Council's Environmental Health Service has been consulted and there is no objection to the scheme subject to the submission of a maintenance regime for the lagoon and reed bed. A Management and Maintenance Plan has been submitted and is considered suitable and a condition to ensure the management and maintenance is carried out in accordance with this document can be appended to any grant of permission. This condition is commensurate with the previous application which has now lapsed (referenced earlier in this report). A further condition for the only effluent to be discharged to the lagoon to be restricted to be from the site is also considered

appropriate and necessary to ensure the development operates within the parameters it is designed for.

- 5.5.2 As the proposal lies within Flood Zone 3, the Environment Agency has been consulted. There is no objection to the scheme subject to appropriate Environmental Permits being issued. Such permits fall within the legislative remit of the EA and an informative can be appended to any grant of permission advising the applicant to this effect.
- 5.5.3 The EA has commented on the biodiversity of the site and have advised that surveys in relation to protected species are undertaken by a qualified specialist prior to works commencing. As such, the Council's Coast and Countryside Officer has been consulted. An Ecological Scoping Survey has been submitted and subject to the works being carried out in accordance with the recommendations within that report there is no objection to the scheme.

6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/06/00355** – Enlargement of mini lagoon and installation of reedbed to treat washing water. Approved 30 May 2006.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Burnham Town Council	Support	No comment to make

7.1 **External Consultees (*summarised*)**

Name of Internal Consultee	Comment	Officer Response
Environment Agency	No Objection No objection contingent on appropriate Environmental Permits. The lagoon and reed bed are located a minimum of 10m from the brook to the north. Biodiversity and habitat is appropriately assessed. The site lies within Flood Zone 3, however, it is classed as "Less Vulnerable" therefore there is no objection to the location of the proposed scheme.	The comments are noted and addressed within Section 5.5 of the report
Natural England	No Comment	No comment to make

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection subject to a condition relating to use of facility for effluent from site only. Maintenance regime to be in accordance with submitted plan	The comments are noted and have been addressed within section 5.5 of the report

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation received.

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 complete accordance with the approved drawings specifically referenced on this decision notice
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby approved shall be managed and maintained in accordance with the terms and specifications contained within the Management and Maintenance Plan dated July 2016 which is attached to and forms part of this permission. The development shall be maintained in accordance with the approved details.
REASON: To prevent undue contamination of the site and to ensure the incorporation of an appropriate maintenance regime in accordance policy CON6 of the adopted Maldon District Replacement Local Plan and emerging policy D2 of the submitted Local Development Plan.
- 4 The development hereby approved shall only be used for liquid effluent from the slaughterhouse, yard and roofs within the site.
REASON: To prevent undue contamination of the site in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan and emerging policy D2 of the submitted Local Development Plan.
- 5 The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Report which is attached to and forms part of this permission.
REASON: To ensure the conservation interests identified in the report are satisfactorily protected in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan and emerging policy N2 of the submitted Local Development Plan.

INFORMATIVE

- 1 The applicant is advised that separate Environmental Permits may be required for works in within 8metres from the river and for the storing, treating and spreading waste water to land.

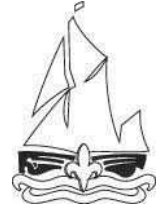
Further guidance can be found on the Environment Agency website at:
<https://www.gov.uk/government/publications/developments-requiring-planning-permission-and-environmental-permits>

We advise that the applicant contact them on 03708 506 506 to discuss the potential permitting requirements.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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

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

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

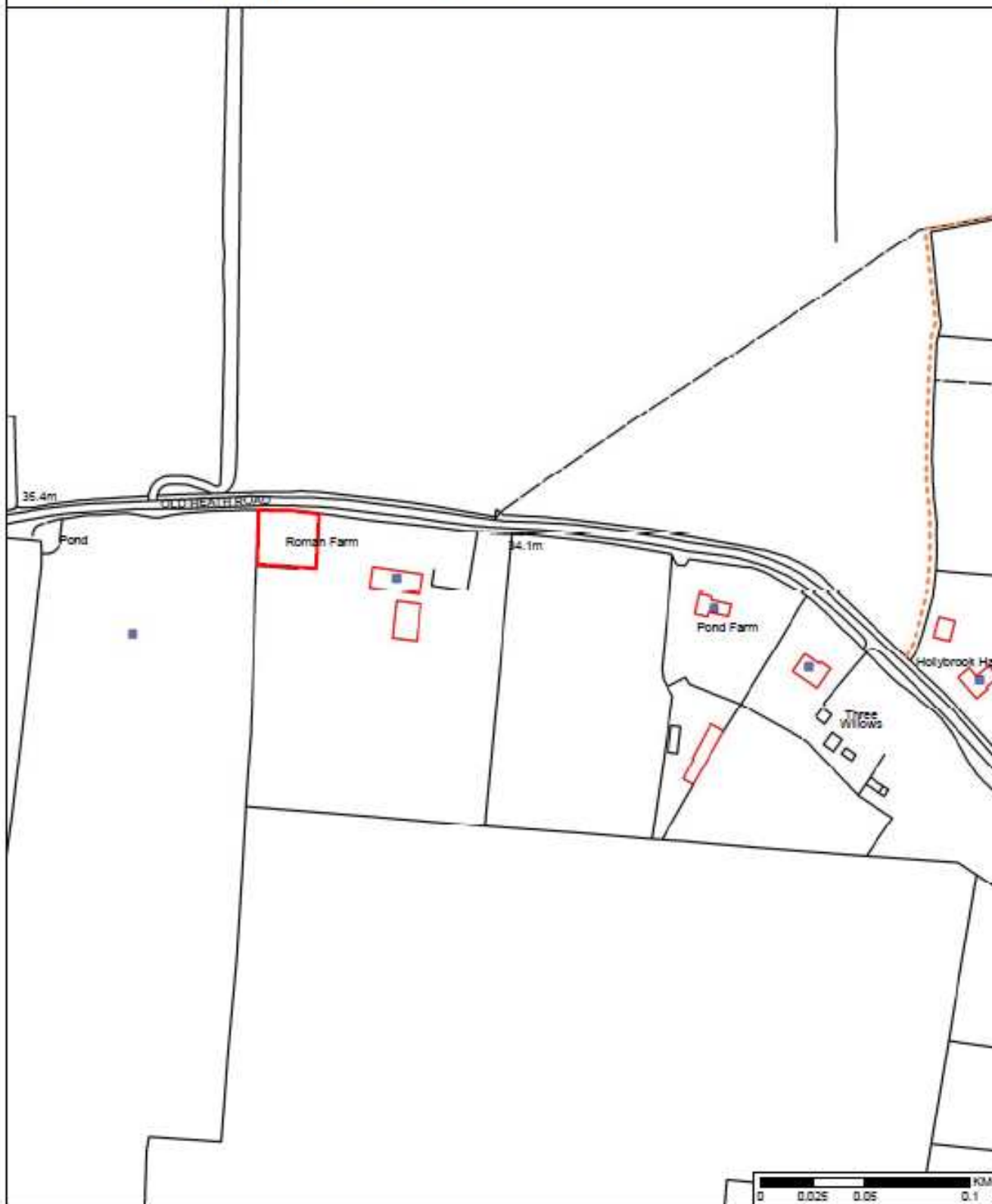
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Manor Farm, Old Heath Road, Southminster



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Maldon District Council 100018588 2014.



www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 16/00577/FUL

Date: 03/08/2016

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is beyond the defined settlement boundary for Southminster. Access is off Old Heath Road to the north. The surrounding area consists of open agricultural land. A structure is located next to the application site which does not form part of this application.
- 3.1.2 The nearest dwellings are at Appleby (170 metres from the western boundary of the site) and at Pond Farm (90 metres from the eastern boundary of the site).
- 3.1.3 A lawful development certificate was recently granted which confirms that on the balance of probability the works for development which was granted permission under application reference 10/00702/FUL (Proposed farm workers dwelling), on the land outlined in red on the submitted plan, commenced before the 13th of October 2013 in compliance with Condition 1 of the above permission.
- 3.1.4 The application seeks planning permission for the revised orientation of the farm works dwelling which has been confirmed has formally begun construction through the recent issuing of a lawful development certificate. In addition, a rear dormer is proposed to the rear elevation incorporating first floor accommodation as well as 2 no. large triangular windows to the first floor flank elevations.
- 3.1.5 Due to the extant permission that has been partially implemented it is considered that the development is partially retrospective in nature.

3.2 Conclusion

- 3.2.1 The farm workers dwelling granted planning permission under application no. 10/00702/FUL was confirmed to have commenced development earlier this year. This application to revise the orientation of the dwelling and to include a dormer window to the rear and two large first floor triangular windows to the flank elevations is not considered to result in a dwelling which would have a detrimental impact upon the character and appearance of the locality nor would it result in any new material considerations which would render it to incompatible with the criteria for agricultural workers dwellings as per policy CC14 of the adopted Local Plan.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 55, 56, 64

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- **S2** Development outside Development Boundaries
- **H1** Location of New Housing
- **CC6** Landscape Protection

- **CC14** Agricultural Workers Dwellings
- **H1** Location of New Housing
- **T2** Transport Infrastructure in New Developments
- **T8** Parking Standards
- **CON5** Pollution Prevention

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- **S1** Sustainable Development
- **S8** Settlement Boundaries and the Countryside
- **D1** Design Quality and Built Environment
- **H2** Housing Mix
- **H4** Effective Use of Land
- **H7** Agricultural and Essential Workers Dwellings
- **N2** Natural Environment and Biodiversity
- **T1** Sustainable Transport
- **T2** Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 A lawful development certificate was recently granted which confirms that on the balance of probability the works for development which was granted permission under application reference 10/00702/FUL (Proposed farm workers dwelling), on the land outlined in red on the submitted plan, commenced before the 13th of October 2013 in compliance with Condition 1 of the above permission.

5.1.2 Therefore, the principle of the dwelling has been confirmed. The acceptability of the proposed development relies on its compliance with policy CC14 (Agricultural Workers Dwellings) of the adopted Local Plan.

5.1.3 Policy CC14 states that dwellings which are to be occupied by agricultural workers, will only be permitted if all of the following criteria are met;

1. Evidence is submitted with the application demonstrating that there is a functional need for a dwelling or additional dwelling to be located on the holding; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**
2. The need relates to a full-time worker, or one who is primarily employed in agriculture, and their dependents; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**

3. The size of the dwelling is appropriate to the functional need for it. **Due to the increase in habitable accommodation within the dwelling as a result of the proposed dormer and first floor accommodation this criterion is considered appropriate to assess. The submitted application does not contain any justification for the additional accommodation as a result of the development which would provide a four bedroom dwelling as opposed to the two bedroom dwelling approved. Whilst there is no proof demonstrating a functional need for this level of accommodation, the first floor accommodation through conversion of the roof void could be undertaken without the requirement of planning permission once the extant permission has been constructed and occupied. Therefore, on balance it is considered that no objection is raised and this policy criterion is met.**
4. Where a new building is proposed, there are no extant planning permissions for agricultural dwellings, nor are there buildings or dwellings on the holding capable of being converted or altered to provide suitable residential accommodation; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**
5. Evidence is submitted showing that preceding the date of the application no dwelling or building capable of being converted to a dwelling has been sold away from the holding and that no relevant occupancy condition has been removed from a dwelling on the holding; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**
6. Evidence is submitted showing that there is a functional need and that the viability of the enterprise can support the additional accommodation; **this criterion has been assessed and considered compliant as part of the previous application 10/00702/FUL and therefore there is no requirement to revisit this point.**

5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy BE1 of the adopted Local Plan states that development proposals will only be permitted if they are compatible with their surroundings in terms of layout, scale/bulk/height and visual impact.
- 5.2.2 The 2010 application considered that the site in general is well screened by landscaping throughout the year and therefore the dwelling would not necessarily be visually intrusive on the locality. In addition it was considered the design of dwelling is simple and modest, without imposing upon the local area. The orientation of the property and the insertion of a dormer to the rear elevation as well as the two triangular windows to the flank elevations are not considered to result in a dwelling which would have a detrimental impact upon the character and appearance of the locality.

5.3 Impact on Residential Amenity

- 5.3.1 The application site is located within a rural location in which there are no surrounding properties. Therefore, the proposed development would result in a detrimental impact upon the occupiers of neighbouring dwellings.

5.4 Access, Parking and Highway Safety

- 5.4.1 The existing access onto the highway would be utilised. No objection has been received from the highway authority on the grounds of highway. Sufficient parking space would be provided for vehicles within the application site.

6. ANY RELEVANT SITE HISTORY

- **10/00702/FUL** - Proposed farm workers dwelling - APPROVED (13.10.2010).
- **16/00052/LDE** - Continued construction of farm worker's dwelling originally granted planning permission under FUL/MAL/10/00702, commenced prior to expiry date. GRANTED 16.03.2016.
- **16/00301/FUL** - Revised orientation of farm worker's dwelling and use of roof void to provide bedroom accommodation incorporating rear dormer (revision of FUL/MAL/10/00702) – REFUSED 16.05.2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Objects. <i>Comments; "From the information provided the Parish Council could not be certain that the minimal foundation work from the previous application was being utilized with the reorientation of this proposed dwelling. Therefore the Parish Council has considered this application as a new proposed dwelling; As such the application is outside the village boundary and represents an overdevelopment of a mainly rural area."</i>	Objection noted however a lawful development certificate was granted for the dwelling which confirmed that the foundations represent commencement of development granted under 10/00702/FUL

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No Objection	Noted

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:

- Mr Richard Anderson, Roseville, 2 Scalby Road, Southminster;
- Mrs D Howman, St Margarets, Old Heath Road, Southminster;
- Mrs Penny Gilchrist, 3 West View, Scarborough Road, Southminster;
- Mr Stuart Pankhurst, Appleby, Old Heath Road, Althorne;
- Mrs Michelle Bott, 2 West View, Scarborough Road, Southminster;
- Mr L & Mrs C Swallow, 3 Old Heath Road, Southminster

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Would not make a contribution to addressing the housing shortfall in the district sufficient to outweigh the harm arising from the construction of a new dwelling on this rural site; • 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; • - 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. • There is no proposal for a 	<p>Material Considerations are discussed within the officer's report. Many objections raised deal with the principle of the dwelling. However, as stated 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>

Objection Comment	Officer Response
<ul style="list-style-type: none"> • sustainable drainage solution; • Building is not representative of farm workers dwelling; • There is no farming activity at this site and has not been for some time; • No eggs sold at the gate for some time now; • Some time ago a new entrance was made in the hedge for a second gateway; • 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; • Very worrying as there are plenty of neighbouring plots that could follow suit; • 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; 	

8. **PROPOSED CONDITIONS**

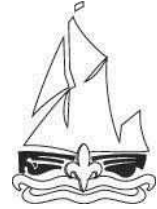
- 1 The development hereby permitted shall be carried out in complete accordance with the approved plans which are attached to and form part of this permission and the submitted detailed specifications unless otherwise agreed in writing by the local planning authority.
REASON: In order to ensure that the development is carried out in accordance with the approved details.
- 2 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application unless otherwise agreed in writing by the local planning authority.
REASON: To ensure that the development corresponds with the appearance of the existing property in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
- 3 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined within the Town & Country Planning Act 1990 (as amended) or in forestry, or a widower of such a person, and to any resident dependants.
REASON: The local planning authority would not be prepared to permit the erection of a dwelling on this site unconnected with the use of the land or

- neighbouring land for agricultural purposes in accordance with policies CC14 and CC16 of the adopted Maldon District Replacement Local Plan.
- 4 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
REASON: To protect the amenities of the occupants of neighbouring dwellings and to ensure adequate private amenity space is available in accordance with policies BE1 and CC14 of the adopted Maldon District Replacement Local Plan.
- 5 The dwelling hereby permitted shall only be used in connection with the agricultural land edged red on the approved plan and shall not be separated from that holding.
REASON: The local planning authority would not be prepared to permit the erection of a dwelling on this site unconnected with the use of the land or neighbouring land for agricultural purposes in accordance with policies CC14 and CC16 of the adopted Maldon District Replacement Local Plan.
- 6 The residential curtilage associated with the dwelling hereby permitted shall only relate to the land hatched blue as shown on the attached site plan and shall be used only for purposes incidental to the residential enjoyment of the dwelling to which this permission relates. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no buildings, swimming pools, or other structures shall be constructed nor any hardstanding be laid on the garden area without express planning permission having been granted by the local planning authority.
REASON: In the interest of local amenity in accordance with policies S2, BE1, CC6 and CC14 of the adopted Maldon District Replacement Local Plan.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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

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

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

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



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Malden District Council 100018588 2014

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee 16/0604/HOUSE
Date:	03/08/2016
MSA Number:	100018588

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the west side of Summer Hill, within the development boundary of Althorne. A detached two storey property currently occupies the site. The existing dwelling is a similar scale and design to those within the immediate vicinity although the individual design varies. Open fields lie to the rear of the site with a public footpath running north. This site is one of three with detached garages located on the site frontage.
- 3.1.2 Planning permission is sought for a two storey rear extension, internal remodelling and insertion of obscured windows to existing first floor side elevation. The proposed extension will project from the rear elevation by a maximum of 3 metres; will be around 10.7 metres wide, a maximum of 5 metres to the eaves and 8 metres to the ridge. Materials are to match the existing dwelling.
- 3.1.3 The proposal would provide an enlarged kitchen and dining area at ground floor level and an additional bedroom and bathroom at first floor level.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its scale and design would not harm the appearance or character of the dwelling and the locality or have an overbearing impact on the amenity of the neighbouring residents. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies BE1, BE6 and T8 of the RLP and T2, D1 and H4 of the LDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 56
- 58
- 59

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 - Design of New Development and Landscaping.
- BE6 – Extensions to dwellings
- T8 - Vehicle Parking Standards.

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 - Design Quality and Built Environment.

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Car Parking Standards
- Essex Design Guide
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE6 of the RLP and H4 of the emerging LDP. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 The application site is located in a residential setting which features a mixture of architectural styles and dwellings of varying sizes. It is proposed to erect a two storey extension to the rear of the existing dwelling and remodel the internal layout, to create an enlarged kitchen and dining area at ground floor level and an additional bedroom and bathroom at first floor level.
- 5.2.3 The design of the proposed extension is of some architectural merit as it would reference the style and visual cues of the existing dwelling with the extension comprising of two gable ended pitched roofs, it should also be noted that the extension would be set down from the ridge. The overall design, including the scale, bulk, height of the ridge and the proportions of the extension are considered to be in keeping with the existing dwelling. In addition to this the proposed extension is located to the rear of the property therefore, would have a limited impact on the character and appearance of the streetscene. It is noted that there is a public footpath that runs to the west of the site; however, due to the existing screening between Upper Chase and 'Half Way House' it is not considered the proposed extension would be highly visible. As such, the proposal by reason of its siting, scale and bulk is considered to be acceptable.
- 5.2.4 All materials would match those used on the dwelling ensuring that it harmonises with the general character and appearance of the existing dwelling.
- 5.2.5 The proposed development is therefore, considered acceptable in terms of scale, bulk and height would not result in a detrimental visual impact on the main dwelling or on the character and appearance of the area, in accordance with the stipulations of adopted policies BE1 and BE6 of the RLP and Policies D1 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The proposed extension is around 1m away from the boundaries of the neighbouring properties to the north and south. 'Tree House' projects 2.8m past the rear of 'Little Foxes' at present. The proposed extension would project slightly further than the rear of 'The Tree House' and no further than the rear conservatory of 'Half Moon House'.
- 5.3.3 'Tree House' which is the neighbouring property to the north of 'Little Foxes', has two windows in its flank elevation, one of which serves a utility room and one of which serves the dining area within the kitchen. Concerns have been raised over the loss of light to the flank windows. The utility room is not a habitable room; loss of light to this area carries limited weight. The window to the kitchen's dining area would be affected by the proposed extension. However, this window is not the only source of light to the kitchen and the reduction in light to this area of the room and the borrowed light it provides to the hallway is not considered to represent a sufficient reason for refusal.
- 5.3.4 'Half Moon House', which is the neighbouring property the south of 'Little Foxes' has a conservatory to the rear of the property. The proposed extension would extend no further than the conservatory and there are no principle windows in its flank elevation. Therefore, the loss of light and overlooking would be minimal. It should be noted no letter of representation has been received by the occupiers of this property.
- 5.3.5 No windows are proposed within either side elevations, of the proposed extension, at first floor level. Therefore, it is not considered that the proposed development would result in significant overlooking to the neighbouring properties. In addition the applicants have proposed to change the existing windows on the north and south elevations to obscure glass.
- 5.3.6 The 45° daylight assessment has been undertaken it passes the assessment in plan view. Therefore, the impact on the level of light received on the closest ground floor window on the front elevations of the adjoining properties will not be significant to such a degree as to results in a demonstrable impact on the amenity of the adjacent dwelling.
- 5.3.7 It is considered that any concerns regarding overshadowing, overlooking and undue reduction of light are not considered to result in any demonstrable harm to the neighbouring occupiers and is, therefore, in compliance with Policy BE1 of the RLP and Policy D1 of the emerging LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The adopted Maldon District Vehicle Parking Standards SPD sets out that a dwelling with four or more bedrooms such as this; the standard is a maximum of three spaces. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.
- 5.4.2 The proposed development will result in the creation of an additional bedroom, resulting in a five bedroom dwelling.
- 5.4.3 The site currently provides for at least three spaces and therefore, satisfies the Council's adopted standards. The proposed development will not have a detrimental impact on the provision of vehicle parking on the site and is, therefore, in accordance with the stipulations of Policy T8 of the RLP.

5.5 Private Amenity Space and Landscaping

- 5.5.1 The Essex Design Guide advises a suitable garden size is commonly recognised as 100m². The proposed development will result in the creation of an additional bedroom, resulting in a five bedroom dwelling.
- 5.5.2 The existing garden on the site satisfies the standard contained within the Essex Design Guide, and whilst the proposed development will result in a loss of some of the garden the remaining garden will be in excess of the standard and therefore, there is no objection to the proposal in relation to amenity space.

6. SITE HISTORY

- It is noted that application reference 04/00275/FUL for a two storey rear extension was refused on 27/05/2004 however; no planning weight will be given to this decision as the policies used to determine this application have been superseded.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Althorne	Support	Noted

7.2 Representations received from Interested Parties

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

- Mr Douglas Channer - The Tree House Summerhill Althorne Essex

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Loss of light to neighbouring properties • Out of keeping with adjacent dwellings • Would appear incongruous, discordant and obtrusive • Visible from adjacent public footpath • Loss of amenity in relation to overlooking • Does not accord with local policies in relation to impact on neighbors, loss of light and overlooking 	Addressed within sections 5.2 and 5.3 of the report.

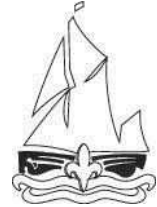
8. **PROPOSED CONDITIONS**

- 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) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: In order to ensure that the development is carried out in accordance with the approved details.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.
REASON: To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan.
- 4 Prior to the first occupation of the extension hereby permitted, the existing first floor windows in the northern and southern elevation shall be glazed with opaque glass as per drawing reference: 200 Rev P2 and shall be retained as such thereafter.
REASON: To protect the amenity and character of the neighboring occupiers in accordance with BE1 of the adopted Maldon District Replacement Local Plan

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee which took the decision to grant planning permission as the proposal has been considered acceptable.



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

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

Application Number	MLA/MAL/16/00630
Location	1-3 Fairman Close and 12-36 (even) Woodside, Southminster
Proposal	Application for a modification to the existing Section 106 Legal Agreement (executed under planning application OUT/MAL/96/00655).
Applicant	Colne Housing Society
Agent	Devonshires Solicitors
Target Decision Date	5th August 2016 (EOT to 22 nd August 2016)
Case Officer	Joy Thomas TEL : 01621 875879
Parish	Southminster
Reason for Referral to the Committee/Council	In accordance with Area Planning Committee Terms of Reference

1. RECOMMENDATION


APPROVE subject to the applicant entering into a Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

2. SITE MAP

Please see overleaf.

1-3 Fairman Close & 12-36 (even) Woodside, Southminster



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 16/00630/MLA
	Date:	04/08/2016
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 A request has been received to modify the original legal agreement dated 22nd April 1997 which was entered into in respect of the planning application (OUT/MAL/96/00655) for proposed development comprising housing (including affordable housing 1.3 acres) business park public open space and associated highway works. The reason for this modification is that the clause relating to mortgagee exclusion (in respect of the Affordable Housing provision) is no longer considered acceptable by the lenders. Mortgagee in Possession clauses are a fundamental element of S106 agreements and the proposed revision is consistent with other agreements. The Colne Housing Society, who are responsible for the affordable units therefore now require a modification to the agreement by adding an appropriate clause.

3.2 Conclusion

- 3.2.1 A Deed of Variation has been drafted. Given the need for this amendment due to the requirements of mortgagees, it is considered that the wording proposed in the Deed of Variation is acceptable, and the Strategic Housing Manager agrees that this amendment is needed and acceptable.

4. MAIN CONSIDERATIONS

4.1 Principle of Development

- 4.1.1 The ‘principle of development’ on this site has already been established and the site has now been developed accordingly.
- 4.1.2 This application has been made to vary the S106 legal agreement for this site as the owners of the affordable housing (Colne Housing Society) are looking to secure the affordable housing against loan finance in order to continue developing affordable housing and other properties.

4.2 Other Material Considerations

- 4.2.1 This amendment is necessary as, due to the passage of time since the original S106 agreement was signed in 1997, the lack of a clause which addresses this issue is no longer considered acceptable by prospective lenders. Therefore the amendments contained in the draft Deed of Variation are suggested in order to ensure that a lender, should they take possession of a property, can sell the property free of the affordable housing restrictions.
- 4.2.2 The original S106 does not contain a mortgagee exclusion clause and whilst the position relating to the affordable housing is not fundamentally changing, the amendment contained in the draft Deed of Variation addresses the concerns of prospective mortgagees.

- 4.2.3 For future reference, the clause which requires amendment, now appears in new S106 agreements in this updated format and therefore future agreements should not require this change.

5. **ANY RELEVANT SITE HISTORY**

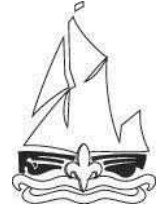
- **OUT/MAL/96/00655** – Proposed development comprising housing (including affordable housing 1.3 acres) business park public open space and associated highway works. Approved subject to S106. 24/04/97.
- **FUL/MAL/06/00886** – Construction of estate roadway and 24 dwellings. Allowed on appeal 27/02/07.

6. **DEED OF VARIATION**

The proposed change to the S106 Agreement dated 22 April 1997 is as follows:

Add New Clause 6

The provisions in this Agreement shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) or any persons or bodies deriving title through such mortgagee or chargee or Receiver.



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

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

Application Number	ADV/MAL/16/00723
Location	East End Road, Bradwell-on-Sea
Proposal	Advertisement Consent for Visitor information / interpretation point
Applicant	Mr Jack Ellum - Maldon District Council
Target Decision Date	22.08.2016
Case Officer	Kara Elliott
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Applicant is Maldon District Council

1. RECOMMENDATION

GRANT:

Advertisement:

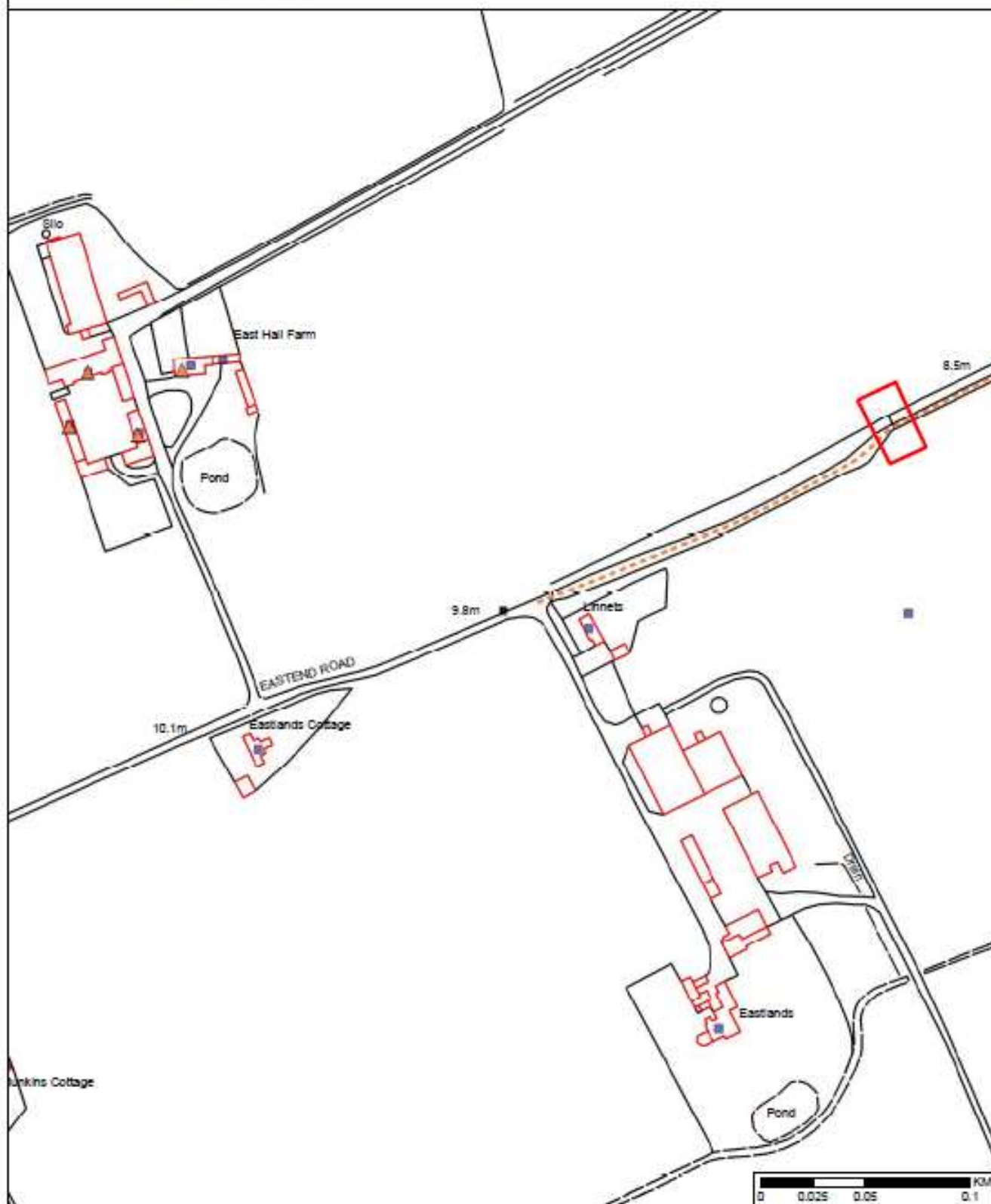
- 1 x Non-Illuminated Visitor Information Sign

Subject to the conditions and reasons set out in Section 8 of this report.

2. SITE MAP

Please see overleaf.

East End Road, Bradwell - On - Sea



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 16/00723/ADV

Date: 03/08/2016

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located at the end of East End Road which leads to the Chapel of St Peter-on-the-Wall. The proposed advertisement would be located close to the existing timber entrance gates to the track leading to the chapel, within an informal car parking area.
- 3.1.2 The application is brought to the South East Area Planning Committee for consideration as the applicant is Maldon District Council.

3.2 Conclusion

- 3.2.1 The proposed advertisement consisting of a non-illuminated visitor information/interpretation point is not considered to result in any public safety issues, be visually obtrusive, nor cause harm to the setting of the nearby listed building, in compliance with policies BE9 and BE11 of the adopted Maldon District Replacement Local Plan and submitted policies D6 and D3 of the Local Development Plan as well as the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 67, 68

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE9 Advertisements
- BE10 Display of advertisements remote from the site being advertised

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D3 Conservation and Heritage Assets
- D6 Advertisements

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Advertisements are controlled with reference to their effect on amenity and public safety only in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
- 5.1.2 The NPPF and National Planning Policy Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of a built and natural environment and on public safety.
- 5.1.3 The main policies when assessing this proposal is policy BE9 and BE10 of the adopted Maldon District Replacement Local Plan. Policy BE9 stipulates that consent will only be given to signs that respect the interest of public safety and amenity. The requirements of these policies are as follows;

BE9 - Advertisements

- (a) Advertisements will only be permitted if they are well designed and located so as not to detract from the area in which they are situated;
- (b) Proliferation of signs advertising a single site or enterprise will not be permitted;
- (c) Signs and advertisements should relate to the scale and character of the building in which they are located;
- (d) Consent for signs to be illuminated will be considered in relation to the visual impact and functional need. Such advertisements will not be permitted in residential area.

BE10 - Display of advertisements remote from the site being advertised

The display of advertisements on sites that are remote from the location of the business being advertised will not be permitted unless the District Council is satisfied that:

- 1. The need overrides any detriment to amenity; and
- 2. The siting and design of the sign adequately reduces any harm to the amenity of the area.

- 5.1.4 Due to the application site being located close to Listed Buildings, including the Grade 1 Listed Chapel, it is necessary to consider policy BE11 of the RLP which states that;
 - 1. Consent will only be given to signs using materials appropriate to the building, location of the building and use of the building. Where applied lettering or symbols are used the lettering or symbols shall have a three-dimensional quality;
 - 2. Internally illuminated signs will not be permitted.
- 5.1.5 Paragraph 67 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisements should be efficient, effective and simple in operation.

- 5.1.6 The principle of displaying the proposed advertisement is considered to be acceptable. The application is assessed against material planning considerations, including the previously mentioned policies and guidance, in detail in the following sections of this report.

5.2 Public Safety

- 5.2.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians.
- 5.2.2 The vital consideration in assessing an advertisement's impact is whether the advertisement, or the location proposed for display is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
- 5.2.3 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired an application may be refused.
- 5.2.4 It is considered that the design of the non-illuminated advert proposed is of a nature which is simple, clear and legible and is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety. Furthermore, the proposed advertisement is to be sited in a remote location with very little vehicle movements.
- 5.2.5 The positioning of the advertisement, which will be visible from the highway, is not considered to result in the confusion or delay of traffic to the detriment of highway safety. The Highways Authority has also been consulted and raises no objection to the proposed advert.

5.3 Impact on Character & Appearance of the Area/Conservation Area and Setting of Listed Building

- 5.3.1 Policy BE10 of the RLP states that free-standing advertisements not attached to a building will only be permitted if the District Council is satisfied that it does not harm the appearance of the area.
- 5.3.2 In assessing the impacts of visual amenity, the Local Planning Authority must assess the visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the Local Planning Authority must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the area.
- 5.3.3 With regard to the character of the area, the application site is located within an area of flat, low-lying drained marshland behind the sea wall is at the tip of the Dengie Peninsula where it juts out into the Blackwater Estuary. The area includes the ancient St Peter-on-the-Wall Saxon church. It is a remote landscape, with access for vehicles limited to one B-road; and access to the sea wall only on foot. The specific location

of the proposed advisement is at a remote location on a private track which leads visitors to the historic Chapel of St Peter-on-the-Wall.

5.3.5 The proposed advertisement consisting of an information board measuring a total of 1.5 metres high and approximately 2 metres wide is considered to be sympathetic to the character of the area and would not include harmful illumination in this location. The proposed advertisement is not considered to result in the loss of visual amenity and is not visually intrusive.

5.3.6 Furthermore, the proposed advertisement is not considered to detract from the setting of the important heritage asset of the Grade 1 Listed Chapel nor to nearby residential Grade II Listed buildings. No harm will be caused to the setting or significance of any heritage assets. Furthermore, the content of the display board will positively promote the heritage of the area.

5.3.7 Due to its appropriate location next to the access gate, its use as a visitor aid and its small scale, it is considered that the proposed advertisement would not detract from the character and appearance of the area and is in compliance with policies BE9 and BE10 of the adopted Maldon District Replacement Local Plan and submitted policies D6 and D3 of the Local Development Plan as well as the National Planning Policy Framework.

6. ANY RELEVANT SITE HISTORY

6.1 None.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Bradwell-on-Sea Parish Council	Supports	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Supports	Noted

7.4 Representations received from Interested Parties

7.4.1 None received

8. PROPOSED CONDITIONS/REASONS FOR REFUSAL

GRANT:

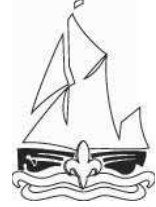
Advertisements;

- 1 x Non-Illuminated Visitor Information Sign

Subject to the following conditions:

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3 No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASONS: 1 - 6: These conditions are imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.



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

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

OTHER AREA PLANNING AND RELATED MATTERS

ITEM 1 APPEALS LODGED

ITEM 2 APPEAL DECISIONS

ITEM 1 APPEALS LODGED

Notification has been received from the Planning Inspectorate of the following appeals lodged.

Appeal Start Date: 21/07/2016

Application Number: OUT/MAL/15/00255 (APP/X1545/W/16/3153653)

Site: Land North Of Willow Grange Cold Norton Road Latchingdon

Proposal: Outline planning permission for the erection of 58 detached, semi detached and terraced dwellings, early years day care nursery, amenity areas, estate road and new access

Appeal by: Mr & Mrs B Butterworth

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 28/07/2016

Enforcement Notice Reference Number: ENF/15/00195/BC/02

Appeal Reference Numbers: APP/X1545/C/16/3154006 & APP/X1545/C/16/3154007

Site: Austral Lodge - Burnham Road - Althorne

Alleged Breach of Planning Control: Without planning permission the unauthorised siting of a horsebox on the land

Appeal by: Mr C Foster & Mrs V Foster

Grounds of Appeal: (c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development") (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

Appeal procedure requested: Written Representations

ITEM 2 APPEAL DECISIONS

Notification has been received from the Planning Inspectorate of the following appeal decisions.

FUL/MAL/15/00573 (Appeal Ref: APP/X1545/W/16/3146670)

Proposal: Variation of conditions 3 & 4 of planning application FUL/MAL/09/01061 relating to register of owners/occupiers of holiday accommodation and duration of occupancy.

Address: CC Leisure Parks - Eastland Meadows Country Park - East End Road - Bradwell On Sea

APPEAL ALLOWED – 15 July 2016

DECISION LEVEL: Delegated

Appeal A

FUL/MAL/15/00108 (Appeal Ref: APP/X1545/W/15/3134072)

Proposal: Erection of one dwelling

Address: Land Opposite Linden Lea - Stoney Hills - Burnham On Crouch

APPEAL ALLOWED & COSTS ALLOWED – 22 July 2016

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

Appeal B

FUL/MAL/15/00402 (Appeal Ref: APP/X1545/W/15/3134076)

Proposal: Erection of one dwelling

Address: Land Opposite Monksfield - Stoney Hills - Burnham On Crouch

APPEAL ALLOWED & COSTS ALLOWED – 22 July 2016

DECISION LEVEL: Committee (overturned Officer recommendation to approve)

Appeal C

OUT/MAL/15/00420 (Appeal Ref: APP/X1545/W/15/3134078)

Proposal: Outline application for one dwelling including determination of access

Address: Land Opposite Linden Lea - Stoney Hills - Burnham On Crouch

APPEAL ALLOWED & COSTS ALLOWED – 22 July 2016

DECISION LEVEL: Committee (overturned Officer recommendation to approve)

OUT/MAL/14/00613 (Appeal Ref: APP/X1545/W/15/3132936)

Proposal: Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.

Address: Theedhams Farm Steeple Road Southminster Essex

APPEAL ALLOWED – 01 August 2016

DECISION LEVEL: Committee overturn (officer recommendation to approve)

