

# Unrestricted Document Pack

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Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

10 October 2017

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 18 OCTOBER 2017 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fiona Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor B E Harker

VICE-CHAIRMAN

Councillor S J Savage

COUNCILLORS

Miss A M Beale  
A T Cain  
I E Dobson  
Mrs B D Harker  
M S Heard  
Miss M R Lewis  
M R Pearlman  
Mrs N G F Shaughnessy  
Rev. A E J Shrimpton

*Ex-officio non-voting Members: Councillor Mrs P A Channer, CC*

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**AGENDA**  
**CENTRAL AREA PLANNING COMMITTEE**  
**WEDNESDAY 18 OCTOBER 2017**

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1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 20 September 2017, (copy enclosed).

4. **Disclosure of Interest**

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 6-8 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. **FUL/MAL/17/000593 - Osea Road Camp Site, Goldhanger Road, Heybridge, Essex** (Pages 15 - 24)

To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated).

6. **Other Area and Planning Related Matters** (Pages 25 - 26)

To consider the report of the Chief Executive on the following matters:

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

7. **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 the planning application under Agenda Item No. 5.
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](http://www.maldon.gov.uk/committees)

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

**NOTICES**

**Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

**Fire**

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

**Closed-Circuit Television (CCTV)**

Meetings held in the Council Chamber are monitored and recorded by CCTV.

## **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 Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)\*

\* Note the referendum was held on 20 July 2017 and was in favour of the Plan, but the Plan will be made by Maldon District Council in September 2017. In the meantime it is treated as being in effect.

### **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
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

## 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 traveller sites
  - Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the Report)
  
- ii) Essex County Council
  - Essex Design Guide 1997
  - Essex and Southend on Sea Replacement Waste Local Plan
  
- iii) Maldon District Council
  - Five Year Housing Land Supply Statement 2015 / 16
  - Planning Policy Advice Note (version 4) - October 2015
  - Planning Policy Advice Note (version 5) - May 2016
  - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
  - Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
  - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
  - South Maldon Garden Suburb Strategic Masterplan Framework - 2014
  - Vehicle Parking Standards Supplementary Planning Document (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
  - Woodham Walter Village Design Statement – 2017
  - Various Conservation Area Appraisals

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  
CENTRAL AREA PLANNING COMMITTEE  
20 SEPTEMBER 2017**

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**PRESENT**

Chairman	Councillor B E Harker
Vice-Chairman	Councillor S J Savage
Councillors	Miss A M Beale, A T Cain, I E Dobson, Mrs B D Harker, M S Heard, Miss M R Lewis, M R Pearlman and Mrs N G F Shaughnessy

**448. CHAIRMAN'S NOTICES**

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

**449. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs P A Channer CC.

**450. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 23 August 2017 be received.

**Minute No. 303 – Apologies for Absence**

Councillor A T Cain explained he had sent a block apology for the meetings he had missed due to holiday and that his apology had not been noted for the meeting of 23 August 2017.

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 23 August 2017 be confirmed.

**451. DISCLOSURE OF INTEREST**

Councillor B E Harker declared a personal and prejudicial interest in Item 6 - HOUSE/MAL/17/00643 – 8 St Pauls Mews, Heybridge. He informed the committee

that he would vacate the chair for this item, and that Councillor S J Savage would be in the chair for this item.

Councillor M R Pearlman declared a non-pecuniary interest in Item 5 – FUL/MAL/17/00428 – Flat at 11-14 The Kings Head Centre, 38 High Street, Maldon and Item 7 – FUL/MAL/1700798 – 16 High Street, Maldon.

Councillor S J Savage declared a non-pecuniary interest in Item 5 - FUL/MAL/17/00428 – Flat at 11-14 The Kings Head Centre, 38 High Street, Maldon, as the owner had invited him to a Carnival meeting, and Item 7 – FUL/MAL/1700798 – 16 High Street, Maldon, as he was a member of the same club that some of the involved parties attend and attended the site visit.

Councillor M S Heard declared a non-pecuniary interest in Item 7 - FUL/MAL/1700798 – 16 High Street, Maldon, as he knew the applicant.

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

**452. FUL/MAL/17/00428 - FLAT AT 11-14 THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON**

<b>Application Number</b>	<b>FUL/MAL/17/00428</b>
<b>Location</b>	Flat At 11 - 14 The Kings Head Centre, 38 High Street, Maldon
<b>Proposal</b>	Change of use from office to 1 bedroom flat
<b>Applicant</b>	Mr. James Mann - James Mann Ltd
<b>Agent</b>	-
<b>Target Decision Date</b>	17 August 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

It was noted from the Members’ Update that this application had been withdrawn by the applicant.

At this point in the meeting Councillor B E Harker vacated the chair and the Chamber for Item 6 – HOUSE/MAL/17/00643 8 St Paul’s Mews, Heybridge, in accordance with his earlier declaration of interest.

IN THE CHAIR : COUNCILLOR S J SAVAGE

**453. HOUSE/MAL/17/00643 - 8 ST. PAUL'S MEWS, HEYBRIDGE, MALDON**

<b>Application Number</b>	<b>HOUSE/MAL/17/00643</b>
<b>Location</b>	8 St. Paul's Mews, Heybridge, Essex, CM9 4QZ
<b>Proposal</b>	Proposed side facing roof windows
<b>Applicant</b>	Gormer & Ms Macmaster
<b>Agent</b>	Mr David Jones - Alun Design Consultancy
<b>Target Decision Date</b>	24.08.2017
<b>Case Officer</b>	Mahsa Kavyani, TEL: 01621 875744
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer's presentation of the report, Elaine Hammans, an objector and Mark Gormer, the applicant, addressed the Committee.

Some discussion followed between Members about how they themselves would not feel comfortable living in the neighbouring property and it was suggested that the officers work with the applicant to alter the application to suit their needs but not to overlook their neighbours.

A proposal to refuse this application, contrary to Officers recommendation, was made in the name of Councillor Miss A M Beale and this was seconded by Councillor Miss M R Lewis. Upon a vote being taken this was agreed.

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

- 1 The proposed development would constitute unneighbourly development due to the proposed rooflights causing overlooking and a loss of privacy within the neighbouring property. The proposal is therefore contrary to policy D1 of the Maldon District Local Development Plan.

Councillor S J Savage vacated the chair. Councillor B E Harker returned to the Chamber and chair for the remainder of the meeting.

IN THE CHAIR : COUNCILLOR B E HARKER

**454. FUL/MAL/17/00798 - 16 HIGH STREET, MALDON, ESSEX CM9 5PJ**

<b>Application Number</b>	<b>FUL/MAL/17/00798</b>
<b>Location</b>	16 High Street, Maldon, Essex
<b>Proposal</b>	Change of use and conversion of ground floor to create a 1 No. Live / Work One Bedroom Unit. Change of use and conversion of first floor to create two studio flats.
<b>Applicant</b>	Mr Salisbury
<b>Agent</b>	Ashley Robinson
<b>Target Decision Date</b>	25.09.2017
<b>Case Officer</b>	Kathryn Mathews, TEL: 01621 875805
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Some discussion followed the Officer's presentation as to whether or not Members felt that the town centre was losing more retail space.

A proposal in the name of Councillor M R Pearlman was made to approve the officer's recommendation; this was seconded by Councillor A T Cain and agreed.

**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 The retail floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the retail use.
- 4 The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the retail floorspace of that unit, a widow or widower of such a person, or surviving civil partner or any resident dependants.
- 5 Notwithstanding the submitted details, the roof of the new porch hereby permitted shall be covered using natural slate only. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 6 The boundary treatment proposed shall be constructed prior to the occupation of any of the residential units hereby permitted and retained as such thereafter.
- 7 All new doors and window shall be in timber with a painted finish and shall be retained as such thereafter.

**455. FUL/MAL/17/00865 - HAPPY DAYS CARAVAN PARK, GOLDHANGER ROAD, HEYBRIDGE, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/00865</b>
<b>Location</b>	Happy Days Caravan Park, Goldhanger Road, Heybridge, Essex
<b>Proposal</b>	Vary condition 2 on approved application F/MAL/514/93 (Retention of consent ref: MAB/111/60 without compliance with condition 1 to allow) Vary condition of planning permission to extend the permitted holiday season to 11.5 months
<b>Applicant</b>	Mr & Mrs Peter Norburne - Happy Days Caravan Park
<b>Agent</b>	N/A
<b>Target Decision Date</b>	29.09.2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

It was suggested by a Member that if the Committee refused the application that they could be making some families homeless and then it would be the Council's responsibility to home these people.

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

1. No caravans shall be occupied between 15 February and 1 March in any calendar year.
2. The caravans hereby permitted shall be occupied for holiday purposes only.
3. No caravans shall be used as a person's sole or main place of residence. The owners / operators shall maintain an up to date register of the names of all owners / occupiers of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority for inspection.
4. The measures contained within the Flood Warning and Evacuation Plan (as prepared by Happy Days Caravan Park Document C dated July 2017) shall be fully implemented and in place prior to the permission being implemented. The measures contained within Flood Warning and Evacuation Plan shall be applicable as such thereafter.

**456. OTHER AREA PLANNING AND RELATED MATTERS**

The Committee received and noted the report of the Chief Executive on the following matters:

**(i) Appeals Lodged**

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

Appeal Start Date: 31/08/2017  
**Application Number: HOUSE/MAL/17/00422 (APP/X1545/D/17/3179597)**  
Site: 35 Victoria Road, Maldon, Essex, CM9 5HE  
Proposal: Proposed loft conversion with rear dormer and internal alterations (amended scheme)  
Appeal by: Mr Justin Lloyd  
Appeal against: Refusal  
Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 14/09/2017  
**Application Number: FUL/MAL/16/01335 (APP/X1545/W/17/3180915)**  
Site: Land Adjacent 7 Granger Avenue Maldon  
Proposal: Three bed dwelling  
Appeal by: Mr B Marshall  
Appeal against: Refusal  
Appeal procedure requested: Written Representations

Appeal Start Date: 14/09/2017  
**Application Number: HOUSE/MAL/17/00532 (APP/X1545/D/17/3182411)**  
Site: 24 Scraley Road Heybridge  
Proposal: Proposed part two storey and part first floor front extensions with associated alterations  
Appeal by: Mr and Mrs Mark Hockton  
Appeal against: Refusal  
Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 18/09/2017  
**Application Number: HOUSE/MAL/17/00153 (APP/X1545/D/17/3179755)**  
Site: The Lake House, 33 Battle Rise, Heybridge, Essex, CM9 4PF  
Proposal: Proposed alterations to existing window openings to front elevation and replacement of existing windows with new patio doors.  
Appeal by: Mr and Mrs Dean Curtis  
Appeal against: Refusal  
Appeal procedure requested: Householder Appeals Service (HAS)

## **(ii) Appeal Decisions**

It was noted that the following Appeal Decisions had been received from the Planning Inspectorate:

**HOUSE/MAL/17/00087 (Appeal Ref: APP/X1545/D/17/3177175)**  
Proposal: New garage to front elevation adjoining the existing semi-detached house, maintaining rear access through new rear door garage.  
Address: 39 Orchard Road - Maldon  
**APPEAL DISMISSED – 7 September 2017**  
DECISION LEVEL: Delegated

**457. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

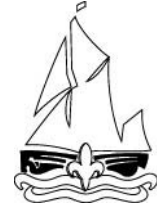
**458. ENFORCEMENT UPDATE**

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Various cases were discussed in detail and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

There being no further items of business the Chairman closed the meeting at 8.40 pm.

B E HARKER  
CHAIRMAN

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**REPORT of  
CHIEF EXECUTIVE**

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to  
**CENTRAL AREA PLANNING COMMITTEE**  
**18 OCTOBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00593</b>
<b>Location</b>	Osea Road Camp Site Goldhanger Road Heybridge Essex
<b>Proposal</b>	Change of use of inner field from touring caravans 1st April - 30th September to static caravans 1st March - 31st November in line with current static caravan timings
<b>Applicant</b>	Mr Chris Powdrill
<b>Agent</b>	-
<b>Target Decision Date</b>	25 September 2017
<b>Case Officer</b>	Kathryn Mathews, TEL: 01621 875805
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

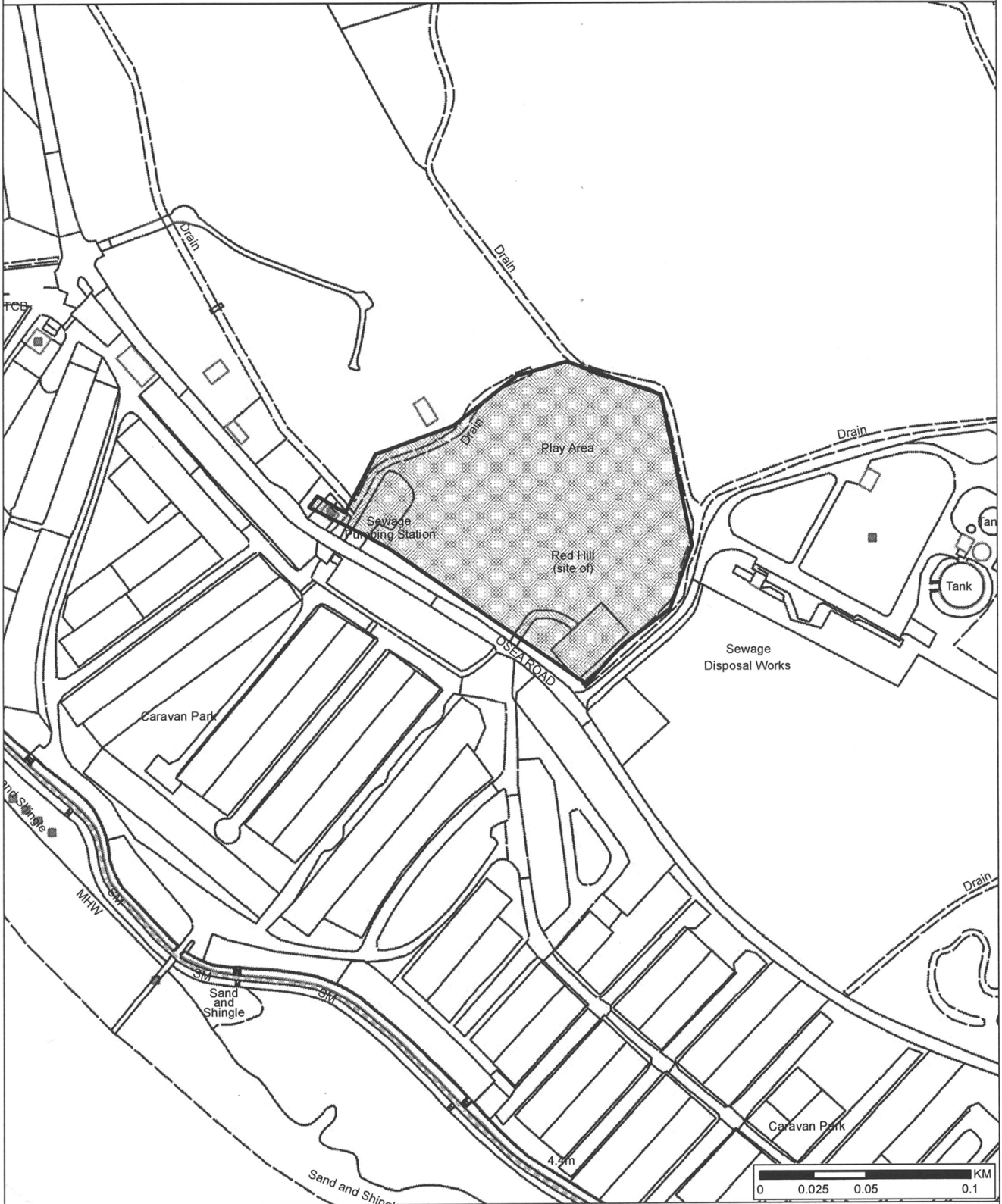
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

**Osea Road Camp Site, Goldhanger Road, Heybridge**  
**FUL/MAL/17/00593**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee
	Date:	05/10/2017
	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 north-eastern side of Osea Road adjacent to a sewage treatment works to the north-east. The application site extends to 1.48ha in area.
- 3.1.2 The proposal is described as ‘Change of use of inner field from touring caravans 1 April - 30 September to static caravans 1 March - 31 November in line with current static caravan timings’.
- 3.1.3 The wider Osea Leisure Park site is outside the defined settlement boundary. It consists of static caravans occupied for holiday purposes and a small number of timber lodges used for the same purpose. All static caravans and lodges are located to the west side of Osea Road.
- 3.1.4 The whole site is within Flood Zone 3a and is also within the ‘cordon sanitaire’ surrounding the nearby sewage pumping station. Access is taken off Goldhanger Road (the B1026) to the north and via a private road (Osea Road). The road passes by the grounds of the leisure park providing vehicular access to Osea Island.
- 3.1.5 This application relates to a field on the opposite side of the access road to the main leisure park complex. Currently the field is rough grassland with a small amount of play equipment surrounded by boundary hedgerows and a bund along the southern boundary of the site.
- 3.1.6 The new caravans would be 12.7m in length x 5m in width and 4m in height. The 20 caravans would be arranged around the edge of the field, 6m apart, and around a circular access which would enclose an area of trees, water and seating. External lighting in the form of bollards forms part of the proposal.
- 3.1.7 As part of the application, the applicant makes the following statements:
- the field accommodates up to 45 touring pitches. The proposal is for up to 20 permanent static caravans along with planting, water features and seating areas to encourage wildlife and ‘increase the standard of the area’.
  - the proposal would result in a significant reduction in traffic on Osea Road, decreasing pollution and noise.
  - in terms of flood risk, the flood risk would be no different to the current development and there would be no need to change the evacuation plan.
  - the proposed caravans would start approximately 20m from the existing static caravans on the main Osea Leisure Park.

#### **3.2 Conclusion**

- 3.2.1 Having assessed the proposal, it is considered that the proposed development would be unacceptable. The proposal would be located in an unsustainable location and would cause harm to the character and appearance of the area. There is also insufficient information available to conclude that the proposal passes the Exceptions Test and so be acceptable from the flood risk perspective. In the absence of any

demonstrated benefits to outweigh this harm, the proposal is contrary to the relevant Policies of the Approved Local Development Plan and it is recommended that planning permission is refused.

#### **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:**

- Core Planning Principles
- Section 3 Supporting a Prosperous Rural Economy
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 11 Conserving and Enhancing the Natural Environment

##### **4.2 Maldon District Approved Local Development Plan 2017:**

- Policy S1 – Sustainable Development
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and the Built Environment
- Policy D5 – Flood Risk and Coastal Management
- Policy E5 – Tourism
- Policy N2 – Natural Environment, Geodiversity and Biodiversity
- Policy T2 – Accessibility
- Policy H4 – Effective Use of Land

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

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

#### **5. MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact on the character and appearance of the area, the impact of the development on the natural environment / biodiversity, highways / parking considerations and drainage / flooding. There are no existing residents close enough to the site to be adversely affected by the development proposed.

##### **5.2 Principle of Development**

5.2.1 The application site is located outside the defined development boundaries of Heybridge and within the countryside. The proposal would be contrary to the Council's spatial strategy of focusing new development within settlement boundaries.

The application site forms part of a larger site which was granted planning permission in 2011 for seasonal use for touring and camping use including tepees and garden arks. Planning permission was granted for this development on the basis that the use was to diversify the types of holiday accommodation offered at the holiday park and as the structures required were temporary in nature and were to be removed when not in use / for the closed season. The approved plans do not show any accommodation on the land the subject of this application (the land was shown to be a play area). Furthermore, condition 2 requires development to be undertaken in accordance with the approved plans and condition 7 prevents the use of the site for static caravans.

5.2.2 Policy S7 supports tourism within the District but subject to other Policies within the Local Development Plan (LDP), including Policy E5 and N2.

5.2.3 With reference to the criteria of Policy E5:

- there is no identified need for the type of use proposed within the LDP. The applicant has not put forward any economic or tourism based case for the current proposal in terms of its scale, location or and unmet need for fixed caravans within the District. It is considered that the provision of tourist accommodation should be provided for through a systematic and robust process that highlights type and location of need rather than through ad-hoc and un-evidenced planning applications.
- there are not good connections with other tourist destinations, the green infrastructure network and local services. The occupiers of the mobile homes would be highly dependent on car travel to undertake their journeys. The proposal would, therefore, also fail to accord with Policy S1, which seeks to direct development within settlement boundaries.
- there would be a significant detrimental impact on the character and appearance of the area (see below).
- it has been demonstrated that an adverse impact on the natural environment would be avoided wherever possible and that suitable mitigation could be put in place if an adverse impact were to occur (see below).

5.2.4 If planning permission were to be granted, conditions could be imposed as recommended by the Environmental Health Officer to avoid the site being used for residential purposes or temporary accommodation other than holiday use.

### 5.3 **Impact on the Character and Appearance**

5.3.1 The application site is currently, predominately a field within the rural, coastal environment of the District which contains a dispersed pattern of development. Whilst the current application site formed part of a larger site with planning permission for use by touring caravans etc. (reference FUL/MAL/11/00111), this part of the site was proposed as grassland with a small play area. Even if this part of the site were to be in use for touring caravans, the current proposal is materially different in nature and extent as the proposed mobile homes and the associated works would be permanently on site. Also, rather than being in use only in summer (when the visual impact is reduced by foliage) the structures would be on site all year around, thereby, having a substantial visual impact.

- 5.3.2 On the basis of the above, the static mobile homes would have a materially greater visual impact on the site and its surroundings as a result of their size, bulk and light colour. It is therefore considered that the proposal would be visually incongruous and cause material harm to the character and appearance of the area.
- 5.3.3 Therefore, the proposal is considered to be unacceptable and contrary to Policies D1, E5 and S8 of the Maldon District Approved Local Development Plan.
- 5.3.4 If planning permission were to be granted, conditions could be imposed as recommended by the Environmental Health Officer relating to lighting.

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

- 5.4.1 Access to the proposed development would be via an existing accessway located across adjoining land which was also subject to the 2011 planning permission (FUL/MAL/11/00111). There would be sufficient space within the site to accommodate parking for the occupiers of the proposed mobile homes. The Highways Officer raises no objection to the proposal. As a result of the nature and scale of the development proposed and the proposed use of an existing vehicular access, it is considered that the proposal does not raise highway safety concerns. The proposal is, therefore, compliant with Policies T2 and D1 of the Maldon District Approved Local Development Plan.

#### 5.5 **Flooding / Drainage**

- 5.5.1 The Environment Agency has advised that the site is located within flood zone 3a (high probability of flooding) and that the proposed use is classified as a 'more vulnerable' development than that which exists. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

##### 5.5.2 Sequential Test

- 5.5.2.1 The aim of this test is to steer new development to areas with the lowest probability of flooding (para 101 of NPPF). It is the responsibility of the applicant to provide evidence that there are no available sites within an area of lower probability of flooding as part of the sequential test. It's important to note that this requirement does not only relate to land in the applicants control or available to the applicant.

- 5.5.2.2 There has been no submission as part of the application that demonstrates that there are no available sites appropriate for the proposed development in areas with a lower probability of flooding and would be acceptable from the flood risk perspective. contrary to Policy D5 of the Maldon District Approved Local Development Plan.

##### 5.5.3 Exceptions Test

- 5.5.3.1 The Exceptions Test is set in paragraph 102 of the NPPF, 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. The Test essentially requires that the development will provide wider sustainability benefits to the community that

outweigh flood risk, and that it is will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. As the Sequential Test has not been passed it is not necessary to undertake the Exceptions Test. However, for the sake of completeness, the proposal will also be assessed against the Exceptions Test.

- 5.5.4 In terms of wider sustainability benefits to the community, as stated above, the applicant has not put forward any economic or tourism based case for the current proposal. Therefore, there is insufficient information available to be able to afford this matter anymore than very limited weight.
- 5.5.5 The application is accompanied by a document entitled 'Mitigating Factors with respect to Flood Risk Assessment' but not a site specific flood risk assessment. However, based on the Environment Agency's advice, it is considered that the proposal would not increase flood risk elsewhere and also be safe for the lifetime of the proposal but provided that the hold the line Shoreline Management Plan (SMP) policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- 5.5.6 In terms of residual risk, the document submitted does not explore the risk of a breach of the defences and the Maldon Strategic Flood Risk Assessment (SFRA) does not cover this area. The Environment Agency suggests that the applicant could be asked to provide a breach assessment for the development site in their FRA in order for a more informed decision on flood risk to be made.
- 5.5.7 A topographic survey to GPS levels in mAOD has not been provided so it is not possible to compare flood levels to site levels to determine any depth of flooding. These were submitted in 2011 and do not appear to be supportive. The Environment Agency suggests that a worst-case scenario during the 0.5% (1 in 200) annual probability including climate change breach flood event is 5.07mAOD. The Agency advises that a Flood Warning and Evacuation Plan is necessary to ensure the safety of the development in the absence of safe access in the event of a breach flood.
- 5.5.8 In summary, the submitted FRA is not considered to be satisfactory, failing to demonstrate that the proposed development would be safe for occupants. Therefore, the development is contrary to guidance and advice contained in the National Planning Policy Framework and the National Planning Practice Guide as well as policy D5 of the Maldon District Submission Local Development Plan.
- 5.5.9 An FRA accompanied the 2011 planning application. Touring caravans, which could be moved to safe / dry ground, were considered to be low risk and, therefore, the application was supported. The static caravans proposed would be at greater risk than the approved tourers (according to the 2011 FRA), especially as the Environment Agency has required that they are fixed to the ground.
- 5.5.10 The Community Safety Officer recommends a condition that a suitable flood water evacuation plan is developed for the site and communicated to staff and customer.
- 5.5.11 A consultation response has not been received from the Sustainable Urban Drainage Systems (SUDS). The Environment Agency recommend that the static caravans are fixed to the ground which would require concrete bases resulting in a minor increase

in surface water run-off but surface water and foul drainage details could be required by condition, if necessary.

## 5.6 Natural Environment

- 5.6.1 Natural England originally objected to the proposal on the basis that the proposal would have an adverse impact on the integrity of the Blackwater Special Protection Area (SPA) and Ramsar as well as damage or destroy the interest features for which the Blackwater Site of Special Scientific Interest (SSSI) has been notified. However, their objection was subsequently withdrawn on the basis of additional information provided to them by the applicant. On the basis of their most recent consultation response, it is concluded that the proposal will not have an adverse effect on the integrity of the Blackwater Special Protection Area and Ramsar or damage or destroy the interest features for which the Blackwater SSSI has been notified, in compliance with Policy N2 and Policy D1 of the Maldon District Approved Local Development Plan.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/11/00111** – Change of use of land to accommodate a camping and touring park. Approved.

The current application site forms part of the application site the subject of the above planning permission. That application stated that 4.5ha would be utilised for touring caravans, tent pitches, self-catering tents, tepees and GardenARKS (cabin style eco-driven accommodation), for seasonal use, with the remaining 1 hectare being returned to grazing rare breed cattle. This hectare would be southeast part of the site closest to the Sewage Treatment Works and is the land the subject of the current application.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Heybridge Parish Council	Recommends that planning permission is granted.	Noted.

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Highways	No objection.	Noted.
Essex and Suffolk Water	No objection.	Noted.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Natural England	Initially objected on the basis that the proposal will have an adverse effect on the integrity of the Blackwater Special Protection Area and Ramsar as well as damage or destroy the interest features for which the Blackwater SSSI has been notified. However, this objection has since been withdrawn following the receipt of further information from the applicant.	See 'Natural Environment' section above.
Environment Agency	Raises no objection provided that the Shoreline Management Plan is taken forward (but which is dependent on future funding), the proposal passes the Sequential and Exception Tests, the proposal will be safe for its lifetime and conditions are imposed.	See 'Flooding / Drainage' section above.
SUDS	No reply at the time of writing report.	
Anglian Water Authority	No reply at time of writing report.	

### 7.3 Internal Consultees (*summarised*)

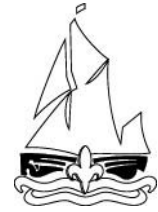
<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Community Safety Officer	Recommends condition that a suitable flood water evacuation plan is developed for the site and communicated to staff and customers.	Noted.
Environmental Health	No objection, subject to conditions regarding lighting and to avoid the site being used for residential purposes or temporary accommodation other than holiday use.	Noted.
Countryside and Coast Officer	Objects as caravans would be an intrusion into this flat, open marshland landscape due to their light colouring and any intensification of this use should be resisted.	Refer to 'Impact on the Character and Appearance'.

7.4 **Representations received from Interested Parties** (*summarised*)

7.4.1 No letters of representation have been received.

**8. PROPOSED REASONS FOR REFUSAL**

- 1 The application site is remote from community facilities, in a countryside location. No justification or evidence has been provided as part of the application to demonstrate the need for the additional tourist accommodation within the Heybridge area, contrary to policies S1 and E5 of the Maldon District Approved Local Development Plan.
- 2 The development would be located within a countryside location and would cause harm to the character and appearance of the open, flat, coastal, low lying landscape within which the site is location. As a result, the proposal would be a visually incongruous and cause material harm to the intrinsic beauty, character and appearance of the area, contrary to Policies S1, S7, S8, D1 and E5 of the Maldon District Approved Local Development Plan.
- 3 There is insufficient information available to conclude that the proposal passes the Sequential Test or the Exceptions Test and would be acceptable from the flood risk perspective, contrary to Policy D5 of the Maldon District Approved Local Development Plan.



**REPORT of  
CHIEF EXECUTIVE**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
18 OCTOBER 2017**

**OTHER AREA PLANNING AND RELATED MATTERS**

**ITEM 1      APPEALS LODGED**

**ITEM 2      APPEAL DECISIONS**

Please see overleaf.

## **ITEM 1      APPEALS LODGED**

Notification has been received from the Planning Inspectorate that the following appeal has been lodged:

Appeal Start Date: 21/09/2017  
**Application Number: HOUSE/MAL/17/00421 (APP/X1545/D/17/3179335)**  
Site: 46 Hunt Avenue - Heybridge  
Proposal: Enlargement of 2 storey side extension  
Appeal by: Mrs Louise Barrell  
Appeal against: Refusal  
Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 21/09/2017  
**Application Number: HOUSE/MAL/17/00347 (APP/X1545/D/17/3179596)**  
Site: 2 New Rose Cottages - London Road - Maldon  
Proposal: Two storey side and single storey rear extension to existing dwelling  
Appeal by: Mr Nicholas Higham  
Appeal against: Refusal  
Appeal procedure requested: Householder Appeal Service (HAS)

## **ITEM 2      APPEAL DECISIONS**

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

**HOUSE/MAL/17/00422 (Appeal Ref: APP/X1545/D/17/3179597)**  
Proposal: Proposed loft conversion with rear dormer and internal alterations (amended scheme)  
Address: 35 Victoria Road - Maldon  
**APPEAL DISMISSED – 25 September 2017**  
DECISION LEVEL: Delegated

**ADV/MAL/16/01400 (Appeal Ref: APP/X1545/H/17/3172268)**  
Proposal: 1 x Free-standing internally illuminated totem sign at the site entrance. 2 x Internally illuminated projecting gable 'bubble' signs above the store entrance. 1 x Poster display board (Re-located). 3 x Directional signs.  
Address: Lidl, 2 Station Road, Maldon, Essex, CM9 4LQ  
Decision Level: Delegated  
**APPEAL DISMISSED – 27 September 2017**