

# Unrestricted Document Pack

APOLOGIES Committee Services  
Tel. 01621 875791 / 876232

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

16 January 2018

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 24 JANUARY 2018 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*

THIS PAGE IS INTENTIONALLY BLANK



**AGENDA**  
**CENTRAL AREA PLANNING COMMITTEE**  
**WEDNESDAY 24 JANUARY 2018**

---

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 22)

To confirm the Minutes of the meeting of the Committee held on 13 December 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/17/00827 - Maldon And District Sea Cadets, Land Adjacent Council Depot, Park Drive, Maldon, Essex, CM9 5UR** (Pages 23 - 30)

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

6. **6 HOUSE/MAL/17/01237 -125 Holloway Road, Heybridge, Essex CM9 4SW** (Pages 31 - 38)

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

7. **FUL/MAL/17/01277- 37 and 39 Wariwck Drive, Maldon, Essex, CM9 6BP** (Pages 39 - 44)

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

8. **OUT/MAL/17/01287 - Land Rear Of 156 Goldhanger Road, Heybridge, Essex** (Pages 45 - 58)

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

9. **FUL/MAL/17/01355 - Maldon District Council, Council Offices, Princes Road, Maldon** (Pages 59 - 64)

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

10. **ADV/MAL/17/01378 - Former Brooks Bros Site, The Causeway, Maldon, Essex** (Pages 65 - 72)

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

11. **FUL/MAL/17/01393 - Land Rear of 47 Spital Road, Maldon, Essex** (Pages 73 - 84)

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

12. **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. 5 - 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](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 being 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)

### **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
- 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 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2015
- 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 (as amended)
- The Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 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 Traveler Sites
- Planning practice guidance for renewable and low carbon energy
- Relevant government circulars

### ii) Essex County Council

- Essex Design Guide 1997 (Note: Superseded by Maldon Design Guide)
- Essex and Southend-on-Sea Replacement Waste Local Plan 2017

### iii) Maldon District Council

- Five Year Housing Land Supply Statement 2016 / 17
- Maldon Design Guide - 2017
- Central Maldon and Heybridge Masterplan - 2017
- 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 - 2006
- Wickham Bishops Village Design Statement – 2010
- Althorne Village Design Statement – 2015
- 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.

This page is intentionally left blank



**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
13 DECEMBER 2017**

---

**PRESENT**

Chairman	Councillor B E Harker
Vice-Chairman	Councillor S J Savage
Councillors	I E Dobson, Mrs B D Harker, M S Heard, Miss M R Lewis and Rev. A E J Shrimpton

**676. CHAIRMAN'S NOTICES**

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

**677. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss A M Beale, A T Cain, Mrs P A Channer, CC, M R Pearlman and Mrs N G F Shaughnessy.

**678. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 15 November 2017 be received.

**Minute No. 576 – Disclosure of Interest**

Councillor I E Dobson advised that his declaration relation to Agenda Item 6 – HOUSE/MAL/17/01101 37 Fambridge Road, Maldon and not as detailed in the Minutes. This was noted.

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 15 November 2017 be confirmed.

**679. DISCLOSURE OF INTEREST**

Councillor Miss M R Lewis declared a non-pecuniary interest in Agenda Item 6 – FUL/MAL/17/01161 Workshop Former Hunters Garage, The Square, Heybridge as she

knew the applicant. Councillors Mrs B D Harker, B E Harker and M S Heard advised that this declaration also applied to them.

**680. FUL/MAL/17/00666 - JD CLASSICS (HOLDINGS) LIMITED, UNIT 4, GALLIFORD ROAD INDUSTRIAL ESTATE, GALLIFORD ROAD, MALDON**

<b>Application Number</b>	<b>FUL/MAL/17/00666</b>
<b>Location</b>	JD Classics (Holdings) Limited, Unit 4, Galliford Road Industrial Estate, Galliford Road, Maldon
<b>Proposal</b>	Erection of 3No. individual extensions to the rear and side of the existing building.
<b>Applicant</b>	Mr. D. T. Hood - JD Classics
<b>Agent</b>	Ms. Andrea Savill - Athena Architectural Services
<b>Target Decision Date</b>	18 December 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>	Major Application

Councillor Rev. A E J Shrimpton, a Ward Member, advised that he had no objection to this application and proposed that it be approved as per Officers' recommendation.

In response to questions, the Group Manager - Planning Services advised that the site currently had existing lawful use and if minded to remove specific actions they were currently able to do the Council would have to give specific reason as to why this development changed that and why it was removing them.

**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 accord with that shown on drawing reference, 001 Rev A, 002 Rev B, 003 Rev B, 004 Rev B, 005, 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A, 010 Rev A, 011 Rev A, which are specifically referenced on the decision notice and form part of this permission.
3. The development hereby approved shall be constructed of materials and finish as stated within the application.
4. The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained in perpetuity.
5. A scheme for the provision and implementation of flood proofing and management measures, which shall include details of the retracting roller shutter doors and their maintenance and testing regime shall be submitted to and agreed in writing with the local planning authority. The agreed scheme and shall be implemented prior to the first beneficial use of the development hereby approved and retained in perpetuity.
6. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Tree survey detailing works required

- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement. (Including drainage service runs and construction of hard surfaces).

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

**681. FUL/MAL/17/01161 - WORKSHOP FORMER HUNTERS GARAGE, THE SQUARE, HEYBRIDGE**

<b>Application Number</b>	<b>FUL/MAL/17/01161</b>
<b>Location</b>	Workshop Former Hunters Garage, The Square, Heybridge, Essex
<b>Proposal</b>	Erection of 9 No. dwellings and two commercial units (Class A2) and layout parking to rear.
<b>Applicant</b>	Salmar Properties Ltd
<b>Agent</b>	Mr Phillip McIntosh - Melville Dunbar Associates
<b>Target Decision Date</b>	07.12.2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>HEYBRIDGE WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

The Members' Update highlighted a typographical error in the report and advised that additional information had been received from the Applicant.

The Development Control Officer advised that since publication of the report and Members' Update Environmental Health had submitted further comments explaining that they had assessed all points and their objection still stood. The Officer provided the Committee with further information in respect of this.

Following the Officers' presentation, the Agent, Mr McIntosh addressed the Committee.

Councillor I E Dobson, a Ward Member, advised how he had spoken to local residents who like the Parish Council were in support of the development. He felt that it would extend the street scene and commented on the work undertaken by Officers and the Applicant. Councillor Dobson proposed that the application be approved, contrary to Officers' recommendations. This proposal was duly seconded.

In response to a number of questions, the Group Manager - Planning Services advised the Committee that:

- public support on its own was not a reason to grant planning permission, weight had to be given to planning merits and case law.
- if Members were mindful to approve the application he would recommend the addition of B1 (office) use which would fit well beneath residential development, in addition the A2 use requested as part of the application. He also advised that conditions regarding noise and disturbance should be applied with the actual wording delegated to the Chief Executive in discussion with the Chairman.
- with regards to the shared amenity space (which he outlined) it was necessary to assess whether there was any demonstrable harm, taking into account that the proposed development would not be for family accommodation.
- the shortfall in car parking spaces had been taken into account and it was not felt that this demonstrated demonstrable harm.

The Chairman then put the Officers' recommendation of refusal to the Committee and upon a vote being taken this was declared lost. Prior to a vote on approval being taken the Group Manager - Planning Services outlined a number of suggested conditions to be applied should approval be granted. The Chairman then put the proposal of approval in the name of Councillor Dobson to the Committee and upon a vote being taken this was agreed with the conditions as advised by the Officer.

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

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 1515-PL001, 1515 PL08, 1515 PL09, 1515-PL101 Rev A, 1515-PL102 Rev A, 1515-PL103 Rev A, 1515-PL104 Rev A, 1515-PL105 Rev A, 1515-PL106 and 1515-PL107.  
REASON: For the avoidance of doubt as to the extent of this permission.
- 3 No development shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.  
REASON: To ensure that the external materials to be used in the development are acceptable in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 4 No 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, 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.

REASON: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

- 5 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be 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

REASON: To ensure the boundary treatments are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

- 6 The development shall not be occupied until such time as the existing accesses or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 7 The development shall not be occupied until such time as the car parking and turning area has been provided in accord with the details shown in Drawing Numbered 1515-PL101. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 8 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

REASON: To promote the use of sustainable means of transport in accordance with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 9 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and under body washing facilities
- REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 10 Prior to the occupation of any of the proposed dwellings the footway alongside Anchor Lane shall be provided at 2.0 metre in width and being provided entirely at the Applicant / Developer's expense as shown in drawing numbered 1515-PL101 including new kerbing, hard surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making appropriate connections to the existing footway, to the specifications of the Highway Authority.
- REASON: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 11 Prior to the first occupation of any of the proposed dwellings the Applicant / developer shall provide a new bus stop northbound, adjacent to the proposed development site (in the vicinity of and opposite the Heybridge Industrial Estate, The Causeway, Heybridge, the precise location to be agreed with the Highway Authority) including the provision of level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing, road markings and any accommodation works to the footway and carriageway channel being provided entirely at the Applicant / Developer's expense to the specifications of the Highway Authority.
- REASON: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy T2 of the Maldon District Local Development Plan and Guidance contained in the National Planning Policy Framework.
- 12 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
- REASON: To protect the site which is of archaeological interest in accordance with Policy D3 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework
- 13 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance

with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise trial-trenching of the proposed development area followed by full excavation if archaeological potential is identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON: To protect the site which is of archaeological interest in accordance with Policy D3 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework

- 15 Prior to first use of the units at ground floor and residential flats at first and second floor hereby permitted, signs shall be displayed within the building, which comprehensively describe the site evacuation procedures in the event of a flood. The signage shall thereafter be retained.

REASON: To ensure that all users of the development are aware that the site is at risk of flooding in accordance with Policy D5 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework and Planning Practice Guidance.

- 16 No development shall commence until a completed Flood Evacuation Management Plan (FEMP) shall have been submitted to and approved in writing by the local planning authority. The approved FEMP shall be implemented in conjunction with the development.

REASON: To ensure that all users of the development are aware that the site is at risk of flooding in accordance with Policy D5 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework and Planning Practice Guidance.

- 17 The development permitted by this planning permission shall be carried out in complete accordance with the approved Flood Risk Assessment (FRA) undertaken by Evans Rivers and Coastal Limited referenced 1744/RE/01-17/01 dated January 2017.

REASON: To reduce the risk of flooding to the proposed development in accordance with Policy D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework and National Practice Guidance

- 18 The premises at ground floor level shall not be used for any purpose other than Professional and Financial Services purposes within Class A2 and light industrial workshop purposes within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To protect the residential amenity of the future occupiers of the building at first and second floor level and existing occupiers to the north and west of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 19 The use of the premises at ground floor level hereby permitted shall only be undertaken between 07:30 hours and 20:00 hours on weekdays; between 08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and public holidays.

REASON: To protect the residential amenity of the future occupiers of the building at first and second floor level and existing occupiers to the north and west of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

20 Deliveries to and collections from the premises hereby approved shall only be undertaken between 07:30 hours and 20:00 hours on weekdays; between 08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and public holidays.

REASON: To protect the residential amenity of the future occupiers of the building at first and second floor level and existing occupiers to the north and west of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

21 Prior to the first occupation of the building hereby permitted, the first floor windows on the west elevation serving the bathroom in Flat 2, Flat 3 and Flat 4 as shown on Drawing No: 1515-PL 102 and the second floor windows serving the bathroom in Flat 7, Flat 8 and Flat 9 as shown on Drawing No: 1515-PL 103 shall be glazed with opaque glass and be retained as such thereafter.

REASON: To protect the residential amenity of the future occupiers of the building at first and second floor level and existing occupiers to the north and west of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

22 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - Human health,
  - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems
  - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

23 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

24 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

25 Prior to commencement of the development no works shall take place until a detailed Sustainable urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide submitted to and approved in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

- Discharge rates/location
- Storage volumes

- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground.

If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water.

Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority. REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

26 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.

- REASON: To ensure that there is adequate foul drainage scheme to serve the development in accordance with Policy D2 of the Maldon District Local Development Plan.
- 27 Prior to first occupation of the development details of external illumination of the site shall be submitted and approved by the Local Planning Authority. The external illumination approved shall be retained as such thereafter  
REASON: To protect the visual amenity of the area and to prevent light pollution in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.
- 28 The premises use hereby permitted shall not commence unless and until the building has been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be retained as such thereafter.  
REASON: To protect the amenity of the future occupiers of the site from noise and disturbance in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.
- 29 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building within the parking court as shown on Drawing No: 1515-PL101 dated 29.06.2017.  
REASON: To ensure adequate car parking spaces and turning area is available for the future occupier of the site in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.
- 30 The refuse storage / bin area shall be carried out in complete accordance with Drawing No: 1515-PL101 dated 29.06.2017 and shall be retained as such thereafter.  
REASON: To ensure appropriate refuse storage / bin area is available for the future occupier of the site in accordance with Policy D1 of the Maldon District Local Development Plan.
- 31 Prior to commencement a scheme shall be submitted for approval to the local planning authority providing details of how the proposed dwellings shall be protected from noise to ensure that:
- i) internal ambient the noise levels within habitable rooms shall not exceed the guideline values in BS8233:2014 Table 4 and
  - ii) external amenity noise levels shall not exceed 55 dB LAeq,T, as indicated in BS8233:2014 paragraph 7.7.3.2.

The scheme will include details of the alternative means of ventilation required to meet these criteria and any contributory noise from these means of ventilation.

Prior to occupation a noise validation survey will be undertaken to verify that the ambient internal and external noise levels to ensure that they meet the predicted criteria. This validation survey shall also include any internal noise created by the alternative means of ventilation.

REASON: To protect the amenity of the future occupiers of the site from noise and disturbance in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

## INFORMATIVES

### 1 Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### 2 Environment Agency

The Applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Langford Ditch is designated a 'main river'.

Application forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Anyone carrying out these activities without a permit where one is required is breaking the law.

### 3 Environmental Health Services

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

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

**682. 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.

**683. 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 8.35 pm.

B E HARKER  
CHAIRMAN

This page is intentionally left blank



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

---

to  
**CENTRAL AREA PLANNING COMMITTEE  
24 JANUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/00827</b>
<b>Location</b>	Maldon And District Sea Cadets Land Adjacent Council Depot Park Drive Maldon
<b>Proposal</b>	Retrospective - Erection of one single-storey building to accommodate two classrooms and one storage area.
<b>Applicant</b>	Mrs Tracey Temme - Maldon & District Sea Cadets
<b>Agent</b>	Ronald Cross Architectural & Planning Services
<b>Target Decision Date</b>	12.01.2017 Extension of Time: 26.01.2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

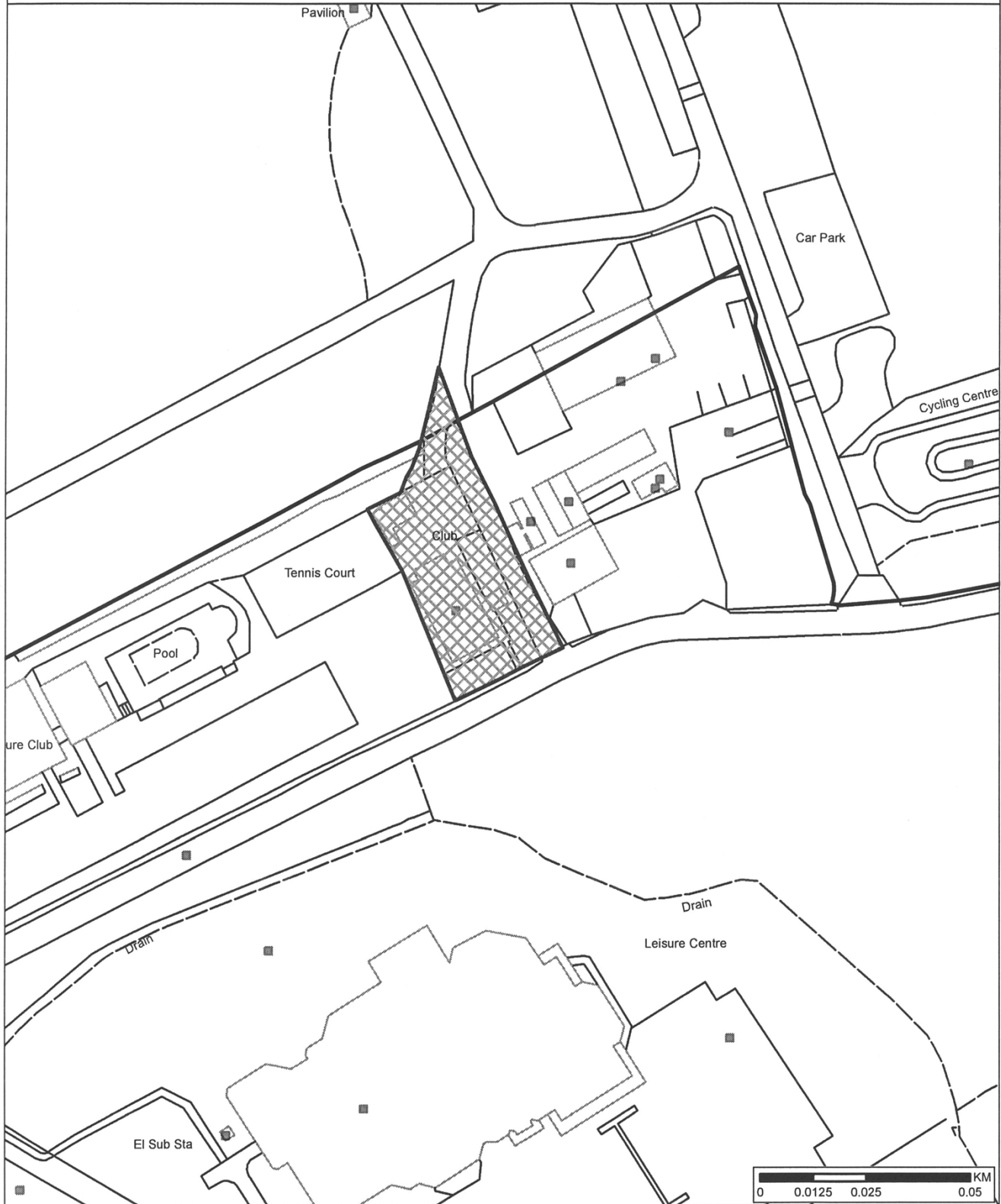
1. **RECOMMENDATION**


**APPROVE** subject to conditions as details in Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

**Maldon And District Sea Cadets - Land Adjacent Council Depot - Park Drive**  
**Maldon FUL/MAL/17/00827**



 <p><b>Copyright</b>                  For reference purposes only.                  No further copies may be made.                  This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.                  Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.                  Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Area Committee
	Date:	12/01/2018
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

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

3.1.1. Planning permission is sought for the erection of a single-storey building to be used for two classrooms and a storage area in association with the established use of the site. The development appears to be at an advanced stage. Therefore, the application is retrospective in nature. The building measures 3.6m wide by 14.4m deep. It has a mono-pitched roof with a shallow slope and a maximum height of 2.7m. The external materials to be used will match the main building on site. The building is located between 0.5m and 2.5m away from the eastern boundary fence of the site.

3.1.2. The application site lies to the east of Park Drive, within the development boundary for Maldon and Heybridge. The site also lies within the leisure quarter as identified in the Local Development Plan (LDP) and is part of the Promenade Park, a historic park. To the east of the site is the Council's depot, while to the south, behind a densely vegetated area is Blackwater Leisure Centre. To the north lies Promenade Park and to the west there are other buildings associated with recreational uses. Access to the site is taken off Park Drive and via two smaller roads leading to the car parks in the Promenade. Part of the site lies within a flood zone and the land used to be a landfill.

#### **3.2. Conclusion**

3.2.1. It is considered that the development would be acceptable and would not result in any detrimental harm upon the character and appearance of the area, the residential amenity of neighbouring occupiers or highway safety. Moreover, the use of the development is not considered vulnerable to flooding nor it is considered that there would be harm from land contamination, subject to an appropriately worded condition. Therefore, the proposal is in line with policies S1, S5, D1, D2, D5 and T2 of the LDP as well as the guidance provided within the National Planning Policy Framework (NPPF).

### **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:**

- 7-8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design
- 196-197 Determining applications

#### **4.2. Maldon District Local Development Plan approved by the Secretary of State:**

- S1 Sustainable Development
- S5 The Maldon and Heybridge Central Area
- D1 Design Quality and Built Environment

- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E3 Community Services and Facilities
- T2 Accessibility
- I1 Infrastructure and Services

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

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Car Parking Standards
- Maldon District Council Design Guide SPD

## **5. MAIN CONSIDERATIONS**

### **5.1. Principle of Development**

- 5.1.1. The application is for the provision of facilities in association with the existing use of the site. The site lies within the Leisure Quarter of the Maldon and Heybridge Central Area, and the existing use is in line with the aims of policy S5 of the LDP. Furthermore, policy E3 of the LDP states that the Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. The proposed development would provide a community facility. Therefore, the principle for a proposal of this nature is acceptable. Other material planning considerations are discussed in the following sections of the report.

### **5.2. Design and Impact on the Character of the Area**

- 5.2.1. The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that: *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 5.2.3. This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -

- a. Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b. Height, size, scale, form, massing, and proportion;
  - c. Landscape setting, townscape setting and skylines;
  - d. Layout, orientation, and density;
  - e. Historic environment particularly in relation to designated and non-designated heritage assets;
  - f. Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g. Energy and resource efficiency.
- 5.2.4. The site is part of a historic park, which is considered to be a heritage asset. Policy D3 of the LDP states that development which affects a heritage asset would be required to preserve or enhance its special character, appearance, setting (including its streetscape and landscape value) and any features and fabric of architectural or historic interest.
- 5.2.5. The building is of a rudimentary and functional appearance which is of limited architectural merit. However, the setting around this part of the park is characterised by the utilitarian style of the buildings which occupy it. As such it is considered that the impact on the character of the heritage asset is neutral. With regard to the scale/bulk and height of the proposal, the size of the building is considered to appear compatible within the context of the site and subservient to the main building. The use of materials to match the main building is considered appropriate. The impact to adjacent trees is not considered to be detrimental. Hence, the proposal and its impact in the surrounding area would be in line with the relevant stipulations of policies S1, D1 and D3 of the LDP.

### **5.3. Impact on Residential Amenity**

- 5.3.1. The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight, and sunlight.
- 5.3.2. The building is located away from any residential properties. Therefore, any impact would negligible in line with the relevant stipulations of policy D1 of the LDP.

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

- 5.4.1. Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.4.2. The proposal has not altered the access or parking arrangements on site. Nevertheless, the development when in use would attract a higher number of visitors on site. Although the parking provision on site is limited; approximately four cars can park and manoeuvre on site, and the required total provision of ten spaces (one space per 22m<sup>2</sup> of assembly or leisure use plus one space per 150m<sup>2</sup> of storage use) cannot be met on site, the area is central, with good connections to public transport and off-street provision of parking. In this instance, the requirement for on-site parking provision could be waived. As the requirements for parking on site have not been altered either, the development is in line with policies D1 and T2 of the LDP and the guidance contained within the NPPF.

## **5.5. Infrastructure and Community Facilities**

- 5.5.1. The Council will work to maintain and improve infrastructure provision in the District by ensuring that existing infrastructure and services are protected and/or improved to meet the existing and future needs of the District. Moreover, the Council seeks to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. It is considered that the building meets these objectives and therefore the development is considered acceptable and in line with policies E3 and I1 of the LDP.

## **5.6. Flood risk**

- 5.6.1. The development will not include any sleeping accommodation and will be used in relation to water-based recreation. Thus, it is considered to be a water compatible development in line with the national guidance contained in the Planning Policy Guidance (PPG). The surface water will be drained with a soak away. Moreover, it should be noted that the area around the building and where the building is now located, is covered by hard surfaces which appear to be permeable. It is not considered that the development would significantly increase the risk of flooding elsewhere. As such, the proposal is acceptable in terms of policy D5 of the LDP.

## **5.7. Land Contamination**

- 5.7.1. The site was part of a historic landfill site. Policy D2 of the LDP states that, where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. It should be noted that the use proposed for the building is already taking place within the site. Planning permission was granted in 2009 for the main building on site. The application is supported by a soil sample analysis certificate dated 27 January 2011. Nevertheless, this analysis is unclear whether it is site specific or what the outcomes are in relation to the risk on human health from land contamination. A condition to require more details about the land contamination and to identify any necessary mitigation measures would be in line with policy D2 and would meet the six tests of the national guidance.

## **5.8. Other Material Considerations**

- 5.8.1. Sustainability – On the basis of the previous analysis it is considered that the development is sustainable in line with policy S1 of the LDP and the presumption contained in the NPPF.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00347**– Erection of seven 3m modules of Integra Buildings Ltd, structure with in situ foyer extension to form classrooms and headquarters building, stationing of 12m container to form equipment and workshop unit and erection of 6m high flag pole. WITHDRAWN [22.05.2009].
- **FUL/MAL/09/00567** – Erection of seven 3m. modular buildings with insitu foyer extension to form classrooms and headquarters building; stationing of 12m. container to form equipment store and erection of up to 6m. high flag pole with associated access into site and security boundary fences. APPROVED [19.11.2009]
- **DET/MAL/11/05019** – Compliance with condition 3 of FUL/MAL/09/00567. CONDITION CLEARED.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support.	Noted.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority	No comment – The development is minor and therefore highly unlikely to have an impact to flooding.	Noted.
Environment Agency	No comment – Historic landfill information was passed to the Council in 2007.	Noted.
Highways Authority	No objection.	

### 7.3. Internal Consultees (*summarised*)

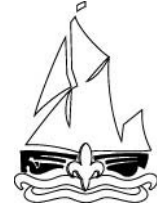
Name of Internal Consultee	Comment	Officer Response
Environmental Health	Object – Further information on land contamination should be submitted before permission is granted.	See section 5.7 of the report.
Conservation Officer	No objection.	Noted.

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

7.4.1. No letters or representations were received for this application.

### 8. PROPOSED CONDITIONS

1. Within six months of the date of this decision, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), together with, if any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development, shall have been submitted in writing to the local planning authority for approval. Where identified as being necessary in the approved assessment/report, the site shall be remediated in accordance with the approved measures and timescale and a verification report demonstrating the effectiveness of the remediation carried out shall be submitted in writing to the local planning authority for approval within 14 days of the report being completed.  
REASON: To ensure that public health is protected from land contamination in line with policy D2 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.
2. The building hereby permitted shall only be used for the accommodation of classrooms in association with lessons for recreational activities or for storage purposes in association with the lessons and/or the recreational activities taking place on site.  
REASON: To protect the character of the area and in the interest of minimizing the exposure of vulnerable uses to flood risk in line with policies D1 and D5 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.
3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building on site.  
REASON: To protect the character and appearance of the area in line with policy D1 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.



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

---

to  
**CENTRAL AREA PLANNING COMMITTEE  
24 JANUARY 2018**

<b>Application Number</b>	<b>HOUSE/MAL/17/01237</b>
<b>Location</b>	125 Holloway Road Heybridge Essex CM9 4SW
<b>Proposal</b>	Detached garage with pitched roof
<b>Applicant</b>	Mr Billy Clarke
<b>Agent</b>	Mr Alan Ellis
<b>Target Decision Date</b>	18 January 2018
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>HEYBRIDGE WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

**APPROVE** subject to conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**125 Holloway Road**  
**Heybridge HOUSE/MAL/17/01237**



**Copyright**  
 For reference purposes only.  
 No further copies may be made.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Maldon District Council 100018588 2014



[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Central Area Committee
Date:	12/01/2018
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1. Planning permission is sought for a single-storey, dual-pitched roof outbuilding to be used as a garage and for other purposes incidental to the enjoyment of the dwellinghouse. The development is at an advanced stage of construction and is already in use. Therefore, the application is retrospective in nature. The outbuilding measures 4.6m wide by 11.3m deep. Its height to the eaves is 2.25m and the overall height is 4m. The materials used in its construction are red brick for the walls, slate tiles for the roof and brown uPVC for the fenestration and the guttering. The building is located 0.4m away from the boundary fence with the neighbouring property to the north-west and 12m to the south-west of the rear elevation of the main dwellinghouse on site.
- 3.1.2. The application site lies to the south-west of Holloway Road, within the development boundary for Maldon and Heybridge. The area is urban in nature comprised predominantly of detached and semi-detached dwellinghouses. The use of outbuildings and garages is common in this area. Across the road, there are currently agricultural fields, but the area is one of the strategic sites for development as identified within the LDP. Part of the site also lies within flood zone 2.

#### **3.2. Conclusion**

- 3.2.1. It is considered that the development has not resulted in any detrimental harm upon the character and appearance of the area, the residential amenity of neighbouring occupiers, the highway safety or the provision of amenity space on site. Moreover, the use of the development is not considered vulnerable to flooding nor it is expected that the development to increase flooding elsewhere. Therefore, the proposal is in line with policies S1, D1, D5 and T2 of the Local Development Plan as well as the guidance provided 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:**

- 7-8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design
- 196-197 Determining applications

#### **4.2. Maldon District Local Development Plan approved by the Secretary of State:**

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management

- H4 Effective Use of Land
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Car Parking Standards
- Maldon District Council Design Guide SPD

### **5. MAIN CONSIDERATIONS**

#### **5.1. Principle of Development**

5.1.1. The application is for the provision of facilities in association with an existing dwellinghouse on site. The principle of a proposal of this nature is acceptable in line with policies S1, H4 and D1 of the LDP. Other material planning considerations are discussed in the following sections of the report.

#### **5.2. Design and Impact on the Character of the Area**

5.2.1. The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.2.2. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that: *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.*

5.2.3. This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing, and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

5.2.4. Policy H4 of the LDP states that development which includes the addition to a building must:

1) Maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area;

2) Be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and

3) Not involve the loss of any important landscape, heritage features or ecology interests.

5.2.5. The building is of a typical design and scale; yet, it is of limited architectural merit. The development is located to the rear of the dwellinghouse, the main building on site. Glimpses of the development from public vistas and the adjacent highway are visible. Nevertheless, the development is read as a subservient building located between residential properties. This does not conflict with the character and appearance of the residential area. The use of materials and the appearance of the building do not appear out of keeping within the local context. Overall, the impact of the development upon the character and appearance of the area is considered acceptable. The proposal is in line with the relevant stipulations of policies S1, D1 and H4 of the LDP.

### **5.3. Impact on Residential Amenity**

5.3.1. The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight, and sunlight.

5.3.2. The building is located in very close proximity to the boundary of the site, approximately 10m away from the neighbouring dwellinghouse. Despite this proximity, it is not considered that the building has a detrimental overbearing impact upon the amenity of the neighbouring occupiers. As the eaves height of the building measures 2.25m and the pitch of the roof slopes away from the boundary coupled with the distance from the dwelling and the extent of the neighbouring garden, it is considered that the impact from the development is minimal.

5.3.3. In terms of overlooking, although there is a window on the north gable of the building, this is only for the provision of light as there is no upper floor within the building. As such there is no overlooking resulting from this window. However, because an upper floor could be created in the future, to control and to avoid any potential impact to the amenity of neighbouring occupiers from this, an appropriately worded condition to prevent the creation of an upper floor would meet the six tests. Similarly, the roof lights on the eastern roof slope are not considered to cause any detrimental harm in terms of overlooking. Other openings are located at ground floor level where any impact to neighbouring properties is not demonstrable.

5.3.4. Regarding any overshadowing effect, the 45° rule has been applied; there was no overshadowing to any of the windows of the neighbouring property to the north. Any

impact to other neighbouring properties is significantly less than the impact caused to the property immediately to the north of the building. Limiting the use of the building only to those purposes incidental to the enjoyment of the dwellinghouse is considered to safeguard the amenity of the neighbouring occupiers from any potential harm from other uses. Hence, subject to conditions, the development is in line with the stipulations of policy D1 of the LDP and the NPPF.

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

- 5.4.1. Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2. The proposal has not altered the access or parking arrangements on site. The development has resulted in the replacement of an old and unusable garage with one usable by modern day cars. As the requirements for parking on site have not been altered either, the development is in line with policies D1 and T2 of the LDP and the guidance contained within the NPPF.

#### **5.5. Private Amenity Space and Landscaping**

- 5.5.1. Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure, and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2. The development, albeit it has reduced the available amenity space on site, has not resulted in the reduction of the amenity space below the required standard. Therefore, the proposal is acceptable and in line with policy D1 of the LDP as well as the NPPF

#### **5.6. Other Material Considerations**

- 5.6.1. Flood risk – the development will not be used to accommodate habitable space and as such its use is not considered to be a vulnerable use. Moreover, the surface water will be drained with a soak away, thus not significantly increasing the risk of flooding elsewhere. A condition to limit the use of the building to purposes incidental to the use of the dwellinghouse is considered to meet the six tests of the national guidance. Moreover, a condition for the development to be completed in line with the mitigation measures proposed within the Flood Risk Assessment is considered to meet the tests. Therefore, subject to conditions, the proposal is considered acceptable in terms of policy D5 of the LDP and national guidance contained in the NPPF.

6. **ANY RELEVANT SITE HISTORY**

- **14/00191/HOUSE** – Proposed replacement roof incorporating new first floor accommodation. Side and rear extension, internal alterations and dropped kerb – APPROVED [12.05.2014]

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	No comment	Noted

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Lead Local Flood Authority	No comment – The development is too minor	Noted

7.3. **Internal Consultees** (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No comment or objection	Noted

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

7.4.1. Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Mr. & Mrs. Longman, Hei Jays, 131 Holloway Road, Heybridge, Essex

<b>Supporting Comment</b>	<b>Officer Response</b>
The proposal is ok	Noted

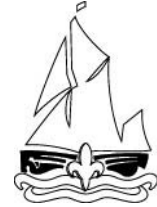
8. **PROPOSED CONDITIONS**

1. The development hereby approved shall be single storey only and no additional floor shall ever be created above ground floor.  
**REASON:** To protect the residential amenity of neighbouring occupiers in line with policy D1 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.
2. The building hereby permitted shall only be used for those purposes incidental to the use of the dwellinghouse to which it relates and not for any commercial or business purpose or as annex accommodation.  
**REASON:** To protect the residential amenity of neighbouring occupiers and in the interest of minimizing the exposure of vulnerable uses to flood risk in line

with policies D1 and D5 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.

3. The development shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment for this application received by the Council on 23 November 2017.

REASON: In the interest of mitigation against flood risk in line with policy D5 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.



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

---

to  
**CENTRAL AREA PLANNING COMMITTEE  
24 JANUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01277</b>
<b>Location</b>	37 & 39 Warwick Drive Maldon Essex CM9 6BP
<b>Proposal</b>	Widening of communal path and erection of new store
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	None
<b>Target Decision Date</b>	16.01.2018 (Extension of Time 26.01.2018)
<b>Case Officer</b>	Devan Lawson, TEL: 01621 875845
<b>Parish</b>	<b>MALDON SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**1. RECOMMENDATION**

**APPROVE** subject to conditions set out in section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**37 & 39 Warwick Drive**  
**Maldon FUL/MAL/17/01277**



**Copyright**

For reference purposes only.  
 No further copies may be made.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Maldon District Council 100018588 2014



[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Central Area Committee
Date:	12/01/2018
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 northwestern side of Warwick Drive, within the settlement boundary of Maldon. The site is occupied by an end of terrace property which has been split into two flats.
- 3.1.2 Planning permission is sought to widen the communal path, which provides access to the rear gardens of flats Nos 37 and 39, by 0.2m. The widening of the path will provide improved wheelchair access to the property and the rear garden.
- 3.1.3 It is also proposed to construct a store in the rear garden of No. 39. The store will be situated in the rear garden and will be 1.2 metres in height, 1.2 metres in depth and 1.8 metres in width. It will be constructed of timber, with a flat felt roof.
- 3.1.4 Planning permission is required for the proposed development as the property comprises flats and therefore, has no permitted development rights.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development, by reason of its scale, bulk and siting would not harm the appearance or character of the application site or the surrounding area. In addition, the proposed development does not detrimentally impact on the car parking provision or private rear amenity space on site. It is therefore considered that the proposed development is in accordance with policies D1, D3 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:**

- 14 – Preservation in favour of Sustainable Development
- 17 - Core planning Principals
- 56 -58 – Requiring good design

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

- S1 – Sustainable Development
- D1 - Design Quality and Built Environment
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

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

- Maldon District Design Guide

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- Choose an item.

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of altering residential accommodation to provide facilities in association with the use of the site is considered acceptable, in compliance D1 of the LDP. Other material planning considerations are discussed below.

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

- 5.2.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of policy D1 of the LDP ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.2 The proposed widening of the communal path which provides access to the rear gardens of Nos 37 and 39 Warwick Drive is considered to have minimal impact on the character and appearance of the area due to its limited scale. Although the proposal will increase the level of hard standing on site, there is sufficient greenspace to the front of the site and next to the path. Therefore, it is not considered there would be an urbanising affect resulting from the development and so there would be no material harm to the application site, nor the surrounding area in accordance with the LDP.
- 5.2.3 The proposed store is of a typical design, style and materials for a residential garden store. Furthermore, given that it would be located in the rear garden and would be screened from the streetscene by a 1.8metre fence, there are no views of the development available from within the public realm. Therefore, it is considered that the proposal is acceptable and is in accordance with polices S1, D1 and H4 of the Local Development Plan.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The proposed path is situated within communal land to provide access to the rear gardens of Nos 37 and 39 Warwick Drive. It is not considered that the minimal widening of the path will have any detrimental impact on the amenity of either occupier as it will provide improved access for both residents.

5.3.3 Furthermore, due to the nature of the store room, its minimal size, location and lack of any windows, it is not considered the development will result in any loss of privacy and will not have an overbearing impact on any neighbours. Therefore, the proposal is in accordance with policy D1 of the Local Development Plan.

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

5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas, including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The proposed development does not include the addition of any extra bedrooms and does not alter the car parking provision on site. Therefore, as the proposal does not result in an increase in bedroom space and the site is within a town centre location where a relaxation of car parking is considered acceptable, there is no objection to the proposal in terms of car parking.

5.4.3 The proposal will involve the widening of the pathway which will result in improved and safer access for wheelchair users to the rear garden. Therefore, it is considered that the proposal is in accordance with Policy D1 of the Local Development Plan.

#### **5.5 Private Amenity Space and Landscaping**

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 50sq.m. of private amenity space for dwellings with two bedrooms.

5.5.2 The existing private amenity space on the site is within the recommended standard contained within the Essex Design Guide. The proposed development will result in a minor loss of both the rear private amenity space and that to the front. However, the garden will remain in excess of 50sq m and so there is no objection in terms of amenity space. Furthermore, the benefit gained from the improved wheelchair access to the site, is considered to outweigh the harm caused by the minor loss of amenity space.

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

6.1 17/00754/FUL – approved. Remove existing steep ramp, construct new level platform to receive terry steplift 500 wheelchair lifting platform. Widen front entrance door. To allow wheelchair access for disabled tenant.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 Statutory Consultees**

<b>Name of Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	No response	Noted

**7.2 Other Interested Parties**

7.2.1 No letters of representation were received at the time of writing this 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 approved drawing: Block Plan, SK4, Proposed elevations.  
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.  
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.



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

---

to  
**CENTRAL AREA PLANNING COMMITTEE  
24 JANUARY 2018**

<b>Application Number</b>	<b>OUT/MAL/17/01287</b>
<b>Location</b>	Land Rear Of 156 Goldhanger Road Heybridge Essex
<b>Proposal</b>	Two detached dwellings
<b>Applicant</b>	Mr J King
<b>Agent</b>	Stanfords - Peter Le Grys
<b>Target Decision Date</b>	3 January 2018
<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

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land Rear Of 156 Goldhanger Road**  
**Heybridge OUT/MAL/17/01287**



 <b>MALDON DISTRICT COUNCIL</b> For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014	<b>Copyright</b>	Scale:	1:1,250
		Organisation:	Maldon District Council
		Department:	Planning Services
		Comments:	Central Area Committee
		Date:	12/01/2018
		MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>			

### **3. SUMMARY**

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

- 3.1.1 The application site relates to a piece of land, formally a garden, located to the north and rear of 156 Goldhanger Road. The site measures approximately 13 metres deep x 31 metres in length and is laid to grass. There is a close boarded timber fence on the northern boundary of the site (shared with 1 Coopers Avenue) of approximately 1.8 metre in height. To the western boundary of the site (shared with No. 154 Goldhanger Road), there is also a close boarded timber fence of approximately 1.6 metres in height.
- 3.1.2 The application site lies within the defined settlement boundary of Heybridge and is on a corner plot with Goldhanger Road to the south and Coopers Avenue to the east. Residential properties in the locality are predominately two-storeys in height. Existing residential dwellings along Coopers Avenue are with gabled roofs, and are either constructed with red or buff facing brickwork. Most of the dwellings have brown interlocking roof tiles. Existing residential properties fronting onto Goldhanger are varied in terms of design, appearance, size, scale, bulk and height.
- 3.1.3 The application site is located within fluvial and tidal Flood Zone 3a as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding.
- 3.1.4 The application is a resubmission following a recent refusal of an outline planning application (OUT/MAL/17/00680) for the erection of two pairs of semi-detached dwellings. The two reasons for refusal are listed below:-

*'The application site is located in Flood Zone 3 which has the highest risk of flooding. The Council can demonstrate a Five Year Housing Land Supply and as such residential development should be directed to areas of low risk of flooding. Furthermore, the submitted Flood Risk Assessment is unsatisfactory as it fails to demonstrate that the proposed development would be safe for prospective occupiers of the site. Therefore, the development would be contrary to Government guidance and advice contained in the National Planning Policy Framework, the National Planning Practice Guide, and policy D5 of the Maldon District Local Development Plan.'*

*'The provision of two pairs of semi-detached dwellings on this site, would introduce a cramped and contrived form of development which is out of keeping and fails to reflect the prevailing pattern of development in the immediate locality. The development proposal would therefore be contrary to policies S1, D1 and H4 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.'*

- 3.1.5 The current application seeks to address the reasons for refusal above.

#### **3.2 Conclusion**

- 3.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development at Paragraph 14 and sets out the three strands of sustainable

development at Paragraph 7. It is noted that the future occupiers of the dwellings would contribute to the local economy. The size of the dwellings would also contribute to the Housing Need for smaller units in the District. In this regard the proposal would contribute to the economic and social roles of sustainability. However, the proposal would fail to accord with the environmental element of sustainable development which seeks to protect and enhance the built and natural environment. Further conflict with the environmental roles would be the provision of dwellings in an area of flood risk which would not provide a high quality living environment.

- 3.2.2 Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable. The proposal is not considered to comply with this requirement and it is therefore not a sustainable development as required by the NPPF for the reasons as set out in the report, contrary to the requirements in the Maldon District Local Development Plan (MDLDP), Government guidance contained within the NPPF and the 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:**

- 7, 8, 9, 14, 17, 49, 50, 53, 56, 57, 60, 61, 64, 100, 101, 102, 103

##### **4.2 Maldon District Local Development Plan approved by the Secretary of State on 21 July 2017**

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

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

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

##### **5.1 Principle of Development**

- 5.1.1 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 5.1.2 There are three dimensions to sustainable development as defined in the NPPF. They are the economic, social and environmental roles. The Local Development Plan (LDP) through the preamble to Policy S1 reiterates the requirements of the NPPF.

- 5.1.3 The application site is located within the defined settlement boundary of Heybridge as defined by the LDP. Policy S8 is the strategic policy that would apply to this site, allowing development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the district's landscape. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed in the report below. These material considerations would include the impact on the character and appearance of the area, impact on the amenity of the neighbouring residential properties, and if the development would put the future occupiers at risk of flooding.

## **5.2 Council's Current Position - Five Year Housing Land Supply**

- 5.2.1 In September 2017, the Council published its latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2016/2017 September 2017.
- 5.2.2 Since the submission of the outline planning application it has been announced that the LDP has been approved by the Secretary of State. As such, the LDP is now a part of the Development Plan and the policies contained within are material consideration when determining all development proposals in the Maldon District.

## **5.3 Housing Need**

- 5.3.1 The proposal would provide two x two bed new dwellings. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. In this instance, the proposed dwellings would therefore assist in meeting the housing shortfall need as set out in the SHMA and Policy H2 of the LDP. The provision of two x two bed dwellings would contribute to the identified housing need and would be a material consideration in favour of the proposal. However, the small quantum of development proposed would limit the benefits of the scheme.

## **5.4 Flood Risk**

- 5.4.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.4.2 The application site lies in the fluvial and tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. New dwellings and residential uses are classified as more vulnerable as defined in the National Planning Practice Guidance (NPPG) and previously in the technical guidance to the NPPF, therefore to comply with the NPPG

and NPPF, the application would require to pass the Sequential and Exception Tests. The requirement to apply the Sequential Test is set out in Paragraph 101 of the NPPF work. The Exception Test is set out in paragraph 102 and should be completed before the application is determined.

- 5.4.2 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. Local Planning Authorities (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).
- 5.4.3 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).
- 5.4.4 In terms of the Sequential Test, as part of the FRA dated June 2017 (updated in August 2017) prepared by Flood Smart Pro Geo Smart Information Ltd), the Applicant has stated that the site is located in a Flood Zone 3. On Page 20 of the FRA, the Applicant has highlighted that an Exception Test is required once a Sequential Test has been passed. For this site to pass the Sequential Test it must be demonstrated that there are no alternative reasonably available sites at lower risk of flooding within Maldon and Heybridge. For a site to be considered to be reasonably available it must be 'deliverable' and 'developable' as defined by the NPPF (2012). No information has been submitted as part of the application submission to show that there are no alternative reasonably available sites at lower risk of flooding within Maldon and Heybridge. Also, the report does not make it clear why the Sequential Test has applied to Maldon and Heybridge only and not to the District as a whole as there are built up areas elsewhere which are not vulnerable to flooding and the Council does not have any specific policy directing development safely or specifically to these areas.
- 5.4.5 Outline planning permission seeks to construct two x two-storey dwellings with accommodation at first floor level. As part of the submission mitigation measures have been discussed to ensure damage to properties would be minimised in the event of flood risk.
- 5.4.6 In the above officer report, the Council can now demonstrate a five year housing land supply. As such, the Council should only be encouraging further development on suitable sites. The details provided in the application are not considered to sufficiently demonstrate that there are no alternative suitable sites in the area which fall outside of fluvial and tidal Flood Zone 3a. The Council's view is taken that there are sites available in the district as a whole where land falls outside of the highest risk Flood Zone and where permission could be obtained. Whilst it is acknowledge that the proposal seeks to construct two dwellings and not four dwellings as mentioned in

the FRA within the settlement of Heybridge, it is considered that the Applicant has failed to meet the requirements of the Sequential Test.

- 5.4.7 There are two parts to the Exception Test and there is no need to deal with this specifically as the site has clearly failed the Sequential test. Notwithstanding this, the first part of the Exception Test requires the Council to be satisfied that the development provides wider sustainability benefits to the community that would outweigh flood risk. In this instance, and as noted above, the Council can demonstrate a five year housing land supply, and the benefits of the scheme in this instance are not considered to outweigh the harm of increased risk of flooding.
- 5.4.8 The second part of the Exception Test requires the submission of an FRA which demonstrates the development will be safe for its lifetime, without increasing flood risk elsewhere, and will reduce the overall flood risk where possible.
- 5.4.9 In terms of Tidal Flooding, the modelled tidal flood level at the Site during the 1 in 200 year including climate change event is approximately 5.07 m Above Ordnance Datum (AOD). Based on the lowest ground level at the Site of 3.05mAOD, the flood depths are likely to be up to 2.02m. The 1 in 200 year breach and 1 in 1,000 year breach flood levels are 5.50 and 5.85 mAOD respectively.
- 5.4.10 With Fluvial Flooding, the modelled flood level at the Site would be approximately 3.28 mAOD. Flood depths during this event could be up to 0.23m.
- 5.4.11 In order to afford a level of protection against flooding, the FRA has recommended that the minimum finished first floor level required should be 5.85 mAOD which would be exactly the same as the 0.1% (1 in 1000) annual probability breach flood level of 5.85mAOD and therefore there should be dry refuge in this extreme breach event. The Environment Agency has advised that a 300mm freeboard above the flood levels should be applied to the floor levels to take account of any inaccuracies in the flood level modelling should the application be approved to ensure that the proposed refuge would be sufficiently safe in a breach flood event.
- 5.4.12 In light of the above, it is important to recap that the proposal would lie in tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as being more vulnerable to flooding. The proposal for the construction of two dwellings would conflict with the NPPG and NPPF. Further, the Council can demonstrate a five year housing land supply, and on this basis, the benefits of the proposal in this instance are not considered to outweigh the harm of increased flooding as a result of the development.
- 5.4.13 The Environment Agency has considered the submitted FRA and has raised no objection to the FRA. However, it does remind the Council that the Sequential and Exception Tests should be completed prior to the determination of the application. It is important to note that the Sequential and Exception Tests are assessments that the Council are required to undertake and not for the Environment Agency.
- 5.4.14 The above is further supported by the most recent appeal decision at the Blackwater Marina, The Esplanade, Maylandsea, Essex (appeal reference: APP/X1545/W/17/3166607 dated 29 June 2017) where the Planning Inspector states that development proposals should be steered away from areas at the highest risk of

flooding. As it stands, no details has been submitted to show that there are no reasonably available sites appropriate for the proposal in areas with a lower probability of flooding in the District and therefore the proposal would fail to satisfy the Sequential Test, contrary to policy D5 of the LDP, the NPPF and the NPPG.

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

- 5.5.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.
- 5.5.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.5.3 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if all the criteria (1, 2, 3 and 4) are met.
- 5.5.4 As part of the application submission, an illustrative Site Plan (Revision 1A dated 01.09.2017) has been submitted to show the layout of the development proposal. The Site Plan shows that each dwelling would be approximately 5.9 metres deep x 9.9 metres wide. Between Plot 1 and Plot 2, four off-street parking spaces are provided, two for each property. No elevational drawings have been submitted to show how the dwellings would relate to existing dwellings at Coopers Avenue when viewed in the street scene however it has been hinted in the Planning Statement (Paragraphs 5.2 and 5.4) that the houses would be two-storeys in height with reference to *'first floor windows'* and *'landing windows'*.
- 5.5.5 In terms of the height, size, scale, form, massing and proportion, the dwellings would be consistent with the existing dwellings along Coopers Avenue and Ramsey Close in accordance with policy D1 of the LDP.
- 5.5.6 With regard to the actual layout of the development within the plot, it is noted that the two dwellings would be positioned between 1.5 metre and 2.9 metre from the footway whereas in the previous application OUT/MAL/17/00680, it was noted that the dwellings were positioned closer to the footway (between 1 metre and 2.1 metres). The Council at the time had concerns regarding the number of dwellings proposed within the plot which would have resulted in a cramped and contrived form of development with inadequate private amenity space to the rear of each property. While the number of dwellings have been reduced from four to two with 57m<sup>2</sup> private amenity space for each property, it is important to note that the proposed floor area of each dwelling is approximately 60m<sup>2</sup> which is not too dissimilar to the previous

outline application: OUT/MAL/17/00680 where the two pairs of semi-detached dwellings, Plots 1 and 2 and Plots 3 and 4, were measured at 64m<sup>2</sup> each. Even though there has been a slight reduction by 4m<sup>2</sup>, it is considered that the built form of development would still be cramped within the plot and when viewed in the street scene.

- 5.5.7 The Council acknowledges that the plans submitted are indicative at this stage, but having considered the shallow nature of the plot, any proposal for two dwellings would inevitably appear cramped. As such, it is not considered that this has been adequately addressed in this resubmission.
- 5.5.8 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide (MDDG) which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.5.9 As such, this document considers layout and density a key factor in the delivery of new development. Section C12 states that new development should respond to the existing pattern of development within a settlement taking cues from existing patterns of plot subdivision and the relationship between the built and non-built form. Effective use of land includes local density appropriate to the location and must respond to and enhance the character of the existing settlement. Section C14, also states that form and massing have a significant contribution to the character of the area.
- 5.5.10 The pattern of development in this location is that of a uniform pattern of development with residential properties fronting directly onto the road frontage with rear gardens measuring between 80m<sup>2</sup> and 100m<sup>2</sup>. The area to the north of Goldhanger Road was built as comprehensive development in accordance with the Essex Design Guide (EDG). Although it is acknowledged that the site has been separated from the rear garden of No. 156 Goldhanger Road as mentioned in the report above, it does not follow that its future use for residential development is satisfactory in this location.
- 5.5.11 Having considered the development proposal by introducing two dwellings onto the plot which has a similar floor area to the two pairs of semi-detached properties as previously refused under OUT/MAL/17/00680 and the physical constraints of the plot, it is considered that the development would harm the character of the area thus would fail to accord with policy D1 of the LDP. Notwithstanding No. 2A Cooper Avenue which was given planning consent in 2012 (planning reference: FUL/MAL/12/00648 dated 11 October 2012), it is considered that the indicative layout of the two dwellings within the physical constraints of the plot would mean that the grain of development would appear dense and out of keeping with the prevailing pattern of development when viewed at a wider context. Therefore it is considered that the development proposal would be contrary to the aims and criterion of the MDDG.

## **5.6 Impact on Residential Amenity**

- 5.6.1 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland / infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.
- 5.6.2 The application site is located to the north of dwellings within Goldhanger Road and adjacent to dwellings in Coopers Avenue. No illustrative elevational drawings have been submitted with this outline planning application although it has been explained in Paragraph 5.5.4 of the report that the dwellings would be two-storeys in height.
- 5.6.3 Having considered the position of the dwellings within the small plot and the close proximity between the proposed dwellings with existing residential properties to the west of the site where existing residential properties currently enjoy and benefit from some privacy, it is considered that the proposal would have the potential to cause overlooking of the private rear amenity space of adjacent neighbouring occupiers. While it is noted that the planning application is outline application with all matters reserved and the positioning of window openings to minimise impact on neighbouring amenity can be considered at a later stage, it is considered that due to the close proximity of the proposed dwellings, and the potential positioning of any window openings, particularly at first floor level, the development could result in actual and perceived overlooking of the neighbouring dwellings along Goldhanger Road and Coopers Avenue. This would result in an unneighbourly relationship which would result in a loss of privacy to the occupiers of the neighbouring property to the detriment of their residential amenities, contrary to policies D1 and H4 of the LDP. However, to overcome overlooking and loss of privacy to existing residential properties surrounding the site, the internal floor layout of the dwellings could be designed to prevent loss of amenity to neighbouring residential properties at the reserved matters stage. Further, to protect the amenity of neighbouring residential properties, an informative could be imposed at the outline application stage regarding window openings should the application be approved so that the Applicant is fully aware that such concerns needs to be addressed at the reserved matters stage.

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

- 5.7.1 The Council's adopted Vehicle Parking Standards (VPS) state that for two bedroom houses a maximum of two car parking spaces, measuring 4.8 metres x 2.4 metres (minimum) should be provided.
- 5.7.2 Based on the illustrative Site Plan submitted, it appears that two, off-street parking spaces would be provided to the south side of Plot 1 and north side of Plot 2. The dimension of each parking space measuring approximately 3 metres x 5.5 metres is considered acceptable and meets policy requirement contained in T2 of the LDP and the VPS. The Highway Authority has raised no objection to the proposal subject to conditions and informative to be imposed should the application be approved.
- 5.7.3 Letters of representation received has raised concerns regarding the submission of a Construction Method Statement. This requirement can be dealt with by planning conditions should the application be approved.

## 5.8 Private Amenity Space and Landscaping

- 5.8.1 The proposal would provide two x two bed dwellings. The EDG advises that dwellings containing two bedrooms should provide between 50-75sqm of private amenity space. The Planning Statement submitted states that each dwelling would have approximately 57m<sup>2</sup> of private amenity space. In this respect, the proposal would meet this requirement contained in the EDG. While the private amenity spaces meet policy requirement, it is considered that the size of the garden, by reason of its shape and depth, would be wholly out of keeping with the prevailing pattern of development in the locality. As such, the proposal would fail to accord with Policy D1 and H4 of the LDP.
- 5.8.2 No detail of landscaping has been submitted as this will be considered at the reserved matters stage should the application be approved.

## 6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/17/00680** - Outline planning permission for 2 No. pairs of semi-detached dwellings. Refused: 8 August 2017.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Support the outline application but withhold any comments until the final application detail has been submitted	Noted

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency (EA)	No objection to proposal subject to conditions. Also, it is the Council's responsibility to ensure that the Sequential and Exception Test is completed before the application is determined	Noted in report.
Emergency Planner	As the development is sited within flood zone 3, it is advised that a condition be imposed for a flood water evacuation	Noted in report.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	plan should the application be approved.	
Essex County Council (ECC) Highways	No objection subject to conditions and informative to be imposed should the application be approved.	Noted in report.

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Services (EHS)	No objection subject to conditions and informative to be imposed should the application be approved	Noted in report

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

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:

- Ben White 154 Goldhanger Road Heybridge Essex
- Bob Gear 14 Ramsey Close Heybridge Maldon
- Jacqueline & James Campbell 154 Goldhanger Road Heybridge Essex
- Mrs Sheila Ellis 5 Coopers Avenue Heybridge Maldon

<b>Objection Comment</b>	<b>Officer Response</b>
Cramped form of appearance.	Noted in the report
The latest plans are of close resemblance to the previous application refused .	
Parking spaces are inadequate in dimension.	
No construction method statement has been submitted.	
Soft landscaping has been removed and impacting on nesting birds, squirrels and bats.	
The development would result in increase in surface water.	
Sewerage system is insufficient.	
The site is in Flood Zone 3.	
Properties proposed seems large.	
Overlooking and loss of privacy to the occupiers at 154 Goldhanger Road.	
Inadequate number of parking spaces.	
The development would cause difficulties for buses getting through Coopers	

<b>Objection Comment</b>	<b>Officer Response</b>
Avenue.	

7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

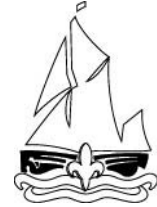
- Mr John Francis Beachway 156 Goldhanger Road Heybridge

<b>Supporting Comment</b>	<b>Officer Response</b>
Proper use of empty land proving two bedrooms and two parking spaces for two modest starter / retirement homes	Noted.

## 8. **REASONS FOR REFUSAL**

- 1 The application site is located in Flood Zone 3a which has a high probability of flooding. The Council can demonstrate a Five Year Housing Land Supply and as such residential development should be directed to areas of low risk of flooding. Furthermore, the submitted Flood Risk Assessment is unsatisfactory as it has failed to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework (NPPF). The Exception Test is set out in paragraph 102 thus fails to demonstrate that the proposed development would be safe for prospective occupiers of the site. Therefore, the development would be contrary to Government guidance and advice contained in the NPPF, the NPPG, and policy D5 of the Maldon District Local Development Plan (MDLDP).
- 2 The provision of two detached dwellings on this site, would introduce a cramped and contrived form of development which is out of keeping and fails to reflect the prevailing pattern of development in the immediate locality. The development proposal would therefore be contrary to policies S1, D1 and H4 of the MDLDP, and Government advice contained in the NPPF.

This page is intentionally left blank



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

---

to  
**CENTRAL AREA PLANNING COMMITTEE  
24 JANUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01355</b>
<b>Location</b>	Maldon District Council Council Offices Princes Road Maldon
<b>Proposal</b>	Installation of security container.
<b>Applicant</b>	Mr David Lester - Essex Police
<b>Agent</b>	N/A
<b>Target Decision Date</b>	1 February 2018
<b>Case Officer</b>	Louise Staplehurst, TEL: 01621 875706
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Maldon District Council - Council Offices - Princes Road**  
**Maldon FUL/MAL/17/01355**



 <p><b>Copyright</b>                  For reference purposes only.                  No further copies may be made.                  This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright.                  Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.                  Maldon District Council 100018588 2014</p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Area Committee
	Date:	12/01/2018
	MSA Number:	100018588

### **3. SUMMARY**

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

3.1.1 The application site is located east of Princes Road. The site lies within the settlement boundary of Maldon, within the Maldon Central Area.

3.1.2 The site includes the Maldon District Council Offices which are shared with Essex Police, car parking areas and amenity space. The properties to the north, east and south of the site are primarily in residential use and to the west is a playing field and amenity space.

3.1.3 Adjacent to the east boundary of the site is an area of hardstanding that measures approximately 3.4 metres by 3.5 metres. This area of hardstanding is located under the crown of an oak tree that is the subject of a provisional Tree Preservation Order (TPO 14/17).

3.1.4 The proposal seeks planning permission for the installation of a steel security container on the existing area of hardstanding that would measure 3 metres tall, 2.5 metres wide and 3.1 metres deep.

#### **3.2 Conclusion**

3.2.1 The proposed storage container would be visible from within the public domain and have an impact on the character and appearance of the site. However, due to its small scale and relatively discreet positioning, it is considered that the proposal would not cause sufficient harm to warrant the refusal of the application. However, due to its form and materials, it is considered that the building should only be supported on a temporary basis and not as a permanent addition to the site. The proposed development will not result in a harmful impact on neighbouring occupiers, will not impact on car park provision and would be able to be provided without harmfully impacting on the adjacent tree which is the subject of a provisional Tree Preservation Order. The proposal is therefore considered to be in accordance with the policies of the Local Development Plan and the 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:**

- 56-68 Requiring Good Design

#### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- S1 Sustainable Development
- S5 The Maldon And Heybridge Central Area
- D1 Design Quality and Built Environment
- E3 Community Services and Facilities
- N1 Green Infrastructure

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

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 Essex Police are considered to be a community service in terms of policy E3 of the Maldon District Local Development Plan and therefore the principle of undertaking works to aid such services within the defined settlement boundary of Maldon is considered to be in compliance with the policies of the Maldon District Local Development Plan subject to the following detailed considerations.

#### **5.2 Design and impact on the character and appearance of the area**

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.

5.2.2 The proposal involves the installation a security container in the eastern side of the car park, located on an existing concrete hardstanding. The proposed steel container will measure 3 metres high, 2.5 metres wide and 3.1 metres deep.

5.2.3 The container will be visible from the public domain from within the car park, and it is therefore inevitable that the structure will have an impact on the visual amenity of the area. However, the siting of the proposed structure along the eastern boundary of the site where it would be partially shielded by trees and viewed against a backdrop of fencing and landscaping means that it will not become a prominent addition to the site or the area in general. Moreover, it is considered that the structure would not be of a size that would cause material harm and the limited impact of the building would be partially mitigated by its discreet positioning.

5.2.4 However, it is considered that the materials and form of the container are not of the highest quality and would not be in-keeping with any nearby structures, thereby not being harmonious with the character and appearance of the site and the surrounding area. It is however understood that there is an operational requirement for the building that is to be met through the structure. On balance, it is considered that it is appropriate to grant planning permission for a limited period to enable the use of the site to become established and provide the applicant with the opportunity to provide a structure of enhanced materials and form in due course.

5.2.5 From this basis, subject to the stated condition, it is considered that the proposal can be found to be acceptable.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas. There are residential dwellings located to the east of the proposed site.
- 5.3.2 The top of the container would be visible over the fence of the neighbouring dwellings however it will not impact in the way of overshadowing or loss of privacy. The proposal is not considered to have an adverse impact on residential amenity and therefore the proposal is in accordance with Policy D1 of the LDP and is considered acceptable in this respect.

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

- 5.4.1 The container will not result in the loss of any car parking and will not affect the means of accessing the site.

### **5.5 Other Material Considerations**

- 5.6.1 A provisional Tree Protection Order has been served on the Oak tree adjacent to the proposed storage container. The container will be located on an existing concrete hardstanding so the roots of the Oak tree will not be damaged. However, a condition should be included on any permission to ensure that details of tree protection during the installation of the storage container are submitted and agreed.

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

- FUL/MAL/16/01513 - Installation of external lighting to newly formed car park. Approved.
- FUL/MAL/16/00235 - Demolition of existing prefabricated office building, and redevelopment of land for car parking. Approved.
- FUL/MAL/15/01378 - Demolition of existing prefabricated office building and redevelopment of land for car parking. Formation of new vehicle access for America Street. Withdrawn.

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

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

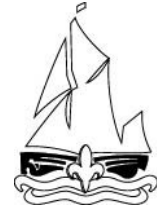
<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Recommend refusal as the proposal would be detrimental to the aesthetic value of the existing building and constitutes an unneighbourly form of development, contrary to Policy D1 of the LDP.	See section 5.2

## 7.2 Representations received from Interested Parties

7.2.1 No letters of representation have been received at the time of writing this 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 and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings and information in the application form.  
REASON: To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
3. The container shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 28<sup>th</sup> February 2021.  
REASON: The materials and form of the container are not considered to be of sufficient design quality to support the long-term retention of the structure. In accordance with policy D1 of the Maldon District Local Development Plan.
4. No works shall take place until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority to clarify the means of protecting the tree during the installation of the container hereby approved.  
REASON: In order to protect the Oak tree that is located immediately adjacent to the proposed structure, in accordance with policies D1 and N1 of the Maldon District Local Development Plan.
5. The use of the container hereby permitted shall only be used for storage purposes only, ancillary and incidental to the operations of Essex Police.  
REASON: In order to ensure the appropriate use of the site in accordance with policy D1 of the Maldon District Local Development Plan.



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

---

to  
**CENTRAL AREA PLANNING COMMITTEE  
24 JANUARY 2018**

<b>Application Number</b>	<b>ADV/MAL/17/01378</b>
<b>Location</b>	Former Brooks Bros Site The Causeway Maldon Essex
<b>Proposal</b>	Promotional material to encourage tourism and business within the District and announce the creation of the Blackwater Retail Park
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	Mr Jack Ellum - Maldon District Council
<b>Target Decision Date</b>	31 January 2018
<b>Case Officer</b>	Anne Cook, TEL: 01621 875822
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Application is made by a member of staff on behalf of the Council

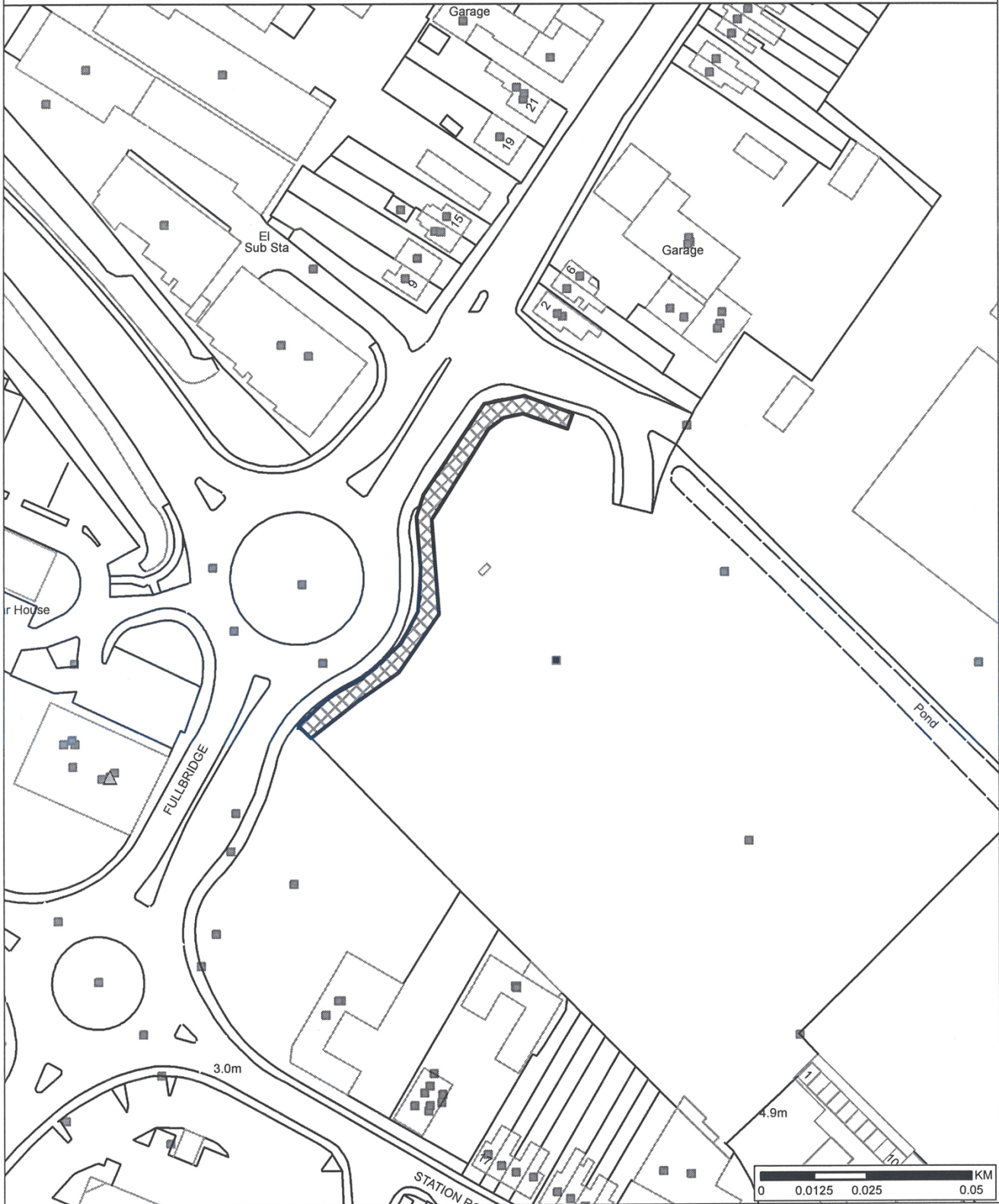
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Former Brooks Bros Site - The Causeway**  
**Maldon ADV/MAL/17/01378**



 <p><b>Copyright</b>                  For reference purposes only.                  No further copies may be made.                  This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.                  Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.                  Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Area Committee
	Date:	15/01/2018
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the east of the roundabout junction with The Causeway, Maldon and the A414, and is the former Brooks Bros Site. The application site and surrounding area is designated as employment land. The site on which it is proposed to place the promotional material benefits from an extant planning permission to provide a foodstore, non-food retail units and a hotel. Development has started on site by way of ground levelling in preparation for slab laying.
- 3.1.2 Advertisement consent is sought for the placing of promotional material (“Sense of Place”) on the perimeter hoarding of the site adjacent to the highway. Advertising consent is sought for the entire length of boundary in this location which measures 130m in length and 3m in height.
- 3.1.3 The Maldon District “Sense of Place” Branding is proposed to be installed which is designed to positively promote the Maldon District as a great place to live, work and enjoy and allows businesses to celebrate being part of the Maldon District. The “Sense of Place” branding is supported by local businesses, the District Council and partnership organisations and is available for use by local businesses, stakeholders and groups based in the Maldon District.
- 3.1.4 Planning permission is sought for 1 year only. The reason for this is that the hoarding is a temporary feature and construction on site is programmed to finish within 12 months.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed advertisements would not harm the character and appearance of the area or the site and would respect the interest of public safety. Therefore, the proposed advertisement is in accordance with policy D6 of the approved Local Development Plan and 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:**

- 67 & 68

#### **4.2 Approved Maldon District Local Development Plan 2014 – 2029:**

- D6 – Advertisements

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

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

#### **4.4 Maldon District Design Guide**

### **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 policy when assessing this proposal is Policy D6 of the Approved Maldon District Local Development Plan 2014 – 2029. The requirements of this policy are as follows:
- (a) The design, materials and location of the advertisement respects the scale and character of the ... surrounding area, and other advertisements within the area;
  - (b) Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;
  - (c) Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;
  - (d) Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.
- 5.1.4 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.
- 5.1.5 The principle of displaying an advertisement on hoardings at the site is considered to be acceptable. The application is assessed against material planning considerations, including the previously mentioned policies and guidance, and is discussed in detail in the following sections of this report.
- #### **5.2 Public and Highway 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 advertisements, 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 whilst the overall size of the advert is quite extensive and is somewhat detailed, due to its siting and relationship with the highway it is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety.
- 5.2.5 The positioning of the advertisement, which is visible from the highway, is not considered to result in the confusion or delay of passing traffic to the detriment of highway safety. The Highways Authority has also been consulted and raised no objection to the proposal.
- 5.2.6 The proposed advert is non-illuminated and therefore poses no threat to safety by way of glare, dazzle or distraction.

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

- 5.3.1 Advertisement consent is sought for the placing of promotional material (“Sense of Place”) on the perimeter of the site adjacent to the highway. Advertising consent is sought for the entire length of boundary in this location which measures 130m in length and 3m in height. It is not proposed at this time to place the promotional material along its full length. However, it is intended that this application will provide for future proposals should opportunities arise.
- 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 The proposed promotional material would be located on a hoarding that has been erected on the boundary of the site and would be at the back of the footway adjacent to the highway.
- 5.3.4 The proposed promotional material is considered to be appropriate for the area and would be viewed in context with the location of the site, which is seen as a ‘gateway’ into the town, and the surrounding area which is designated as employment land.
- 5.3.5 Therefore, due to the majority of surrounding land being designated employment land, the proposal is not considered to result in demonstrable harm to the character or appearance of the area nor be visually intrusive or to detrimentally affect the appearance of the proposed retail park, in accordance with policy D6 of the Approved LDP and guidance contained within the NPPF.
- 5.3.6 Hoardings in themselves do not require planning permission while development is ongoing. The option therefore exists for blank hoarding to be erected, as has occurred. The proposal would therefore create visual interest that would be an enhancement in comparison to the fallback position. It is also relevant to note that the hoarding and

vinyl wrap would be temporary for a period of 1 year and therefore the visual impact would be of limited duration.

## 5.4 Other Considerations

- 5.4.1 The Economic Development Team support the application and their comments can be found in section 7.3 of the report (Internal consultees). The Maldon District Design Guide (SPD) (adopted by Council on 21 December 2017) states that the “Sense of Place” is a vision which articulates an identity that businesses can ‘buy into’ to promote their businesses within the district.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00861** - Hybrid application (part full/part outline) comprising demolition of existing buildings and redevelopment of site to provide foodstore, non-food retail units incorporating flexible A1/A3 component, together with hotel; access, servicing, vehicle and cycle parking, hard and soft landscaping and associated works . Full consent is sought for the retail element; outline consent for the hotel. APPROVED subject to S106 - 01.12.2014.
- **FUL/MAL/15/00880** - Removal of conditions 5, 6 & 7 on approved application FUL/MAL/14/00861 (Hybrid application (part full/part outline) comprising demolition of existing buildings and redevelopment of site to provide foodstore, non-food retail units incorporating flexible A1/A3 component, together with hotel; access, servicing, vehicle and cycle parking, hard and soft landscaping and associated works . Full consent is sought for the retail element; outline consent for the hotel) Reason: To cater for the requirements of a new food anchor & attendant revisions to scheme design; also for consistency between conditions. APPROVED subject to S106 - 06.11.2015.
- **ADV/MAL/16/00646**– Proposed Advertisement Consent for 3No. Internally illuminated 3D COSTA letters fascia signs and vinyl graphics to all elevations – APPROVED – 15.09.2016.
- **ADV/MAL/16/00974** - Totem sign at entrance to proposed retail park – APPROVED – 06.10.2016.
- Pursuant to the granting of planning permission a number of conditions have been discharged.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support	The comments of the Town Council are noted.

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Highways	No objection	The comments of the Highway Authority are Noted

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Economic Development	The hoardings at the Aquila site will allow them to show that they have adopted the Maldon District Sense of Place branding and principles and are therefore participating in the renewal of business in Maldon. It will also encourage other local businesses to join in and participate in local supportive projects, such as the newly formed Causeway Business Forum. The highly visible hoardings will also demonstrate to visitors that Maldon District businesses, supported by Maldon District Council (MDC), are investing in providing the kind of support and locations that will appeal to existing businesses in expansion or investors from outside the district.	Noted

## 7.4 Representations received from Interested Parties

A letter was received objecting to the application from the following and the reasons for objection are summarised as set out in the table below:

- Judy Lea on behalf of The Maldon Society, 12 The Courtyard, Spital Road, Maldon

<b>Objection Comment</b>	<b>Officer Response</b>
The promotional material is vague.	See section 5.4.1 of the report
Assumed expenditure by the Council.	The developer and the Communication Department of MDC is working in

Objection Comment	Officer Response
	partnership in relation to this proposal. However, the Local Planning authority must reach its decision objectively and independently, regardless of who the applicant may be.
Expenditure would be more effectively spent on additional park and ride facilities	Does not fall to be considered under this application

**8. PROPOSED CONDITIONS**

1. The express consent hereby granted shall be for a period of 1 year 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  
**CENTRAL AREA PLANNING COMMITTEE  
24 JANUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01393</b>
<b>Location</b>	Land Rear Of 47 Spital Road Maldon Essex
<b>Proposal</b>	Proposed 2 bedroom bungalow
<b>Applicant</b>	Mrs Anita Church
<b>Agent</b>	Lawrence Planning Limited - Derek Lawrence
<b>Target Decision Date</b>	12 February 2018
<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>	Councillor / Member of Staff

**1. RECOMMENDATION**


**REFUSE** subject to the reasons as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Land Rear Of 47 Spital Road**  
**Maldon FUL/MAL/17/01393**



 <p><b>Copyright</b>                  For reference purposes only.                  No further copies may be made.                  This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.                  Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.                  Maldon District Council 100018588 2014</p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Area Committee
	Date:	12/01/2018
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site was formerly part of the amenity space associated with No. 47 Spital Road. The application site is an irregular shape and is accessed by Greenways Chase which also serves Bramleys, a detached dwelling to the south of the site, and a number of garages relating to properties fronting onto Spital Road. The access road is approximately 120m in length with a 90 degree turn half way along. The access is narrower towards Spital Road and opens up in width past the 90 degree turn.
- 3.1.2 The site currently contains a detached garage, general storage, and an area of land that has been separated from No.47 Spital Road by planting and fencing.
- 3.1.3 Planning permission is sought for the erection of a single storey dwelling. The development would be served by the existing access serving Bramleys and the garages/ storage buildings to the rear of dwellings fronting Spital Road.
- 3.1.4 The dwelling would be 10.9m in depth (max) and 10.0m in width. It would contain two bedrooms, a study, kitchen and lounge. A garden space measuring 84m<sup>2</sup> would be provided to the rear of the site. The bungalow would have a maximum height of 6.2m to the ridge and 2.3m to the eaves.

#### **3.2 Conclusion**

- 3.2.1 The erection of a dwelling within the application site, albeit single-storey and relatively modest in size, would be materially at odds with the prevailing pattern of development within the vicinity. The awkward configuration of the site and its poor visual and physical relationship to other properties nearby would result in a contrived form of development that would not complement the positive qualities of the locality, but would significantly detract from its surroundings. This is consistent with an appeal which was dismissed at St Peters Avenue, 140 metres from the application site (APP/X1545/W/15/3010680).
- 3.2.2 Therefore, the proposed erection of a dwelling on the site would be unacceptably harmful to the character and appearance of the area. It would be contrary to approved Policies D1 and H4 which seek to protect local character and appearance and it would also not meet the aims of paragraph 17 of the NPPF, to achieve high quality design and take account of the different roles and character of different areas.

### **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, 49 and 59

#### **4.2 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
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 The proposal is for a new dwelling inside the settlement boundary of Maldon as defined by the approved Local Development Plan and is therefore considered to accord with policy in principle. Nonetheless, there must be compliance with other policies in the Plan and the National Planning Policy Framework, which seeks to ensure that new residential development, does not take place at the expense of other material planning considerations.
- 5.1.3 The planning history of the site and planning appeal decisions on sites within the local area are pertinent in the assessment of this current application. These are discussed in the next section of this report.

#### **5.2 Relevant Planning History**

There have been three preceding applications submitted to the Local Planning Authority for very similar development of this site. The first, dating from 2013 was refused on the following grounds;

*The proposal would result in an unacceptable form of backland development which would have insufficient vehicle turning space, poor and unsuitable servicing for fire and emergency service vehicles, insufficient room for suitable refuse storage and collection facilities and an access which is excessive in length. The proposal is therefore contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Pre submission Local Development Plan, adopted guidance contained in the Essex Design Guide, and principles contained in the National Planning Policy Framework.*

- 5.2.1 The two subsequent applications, submitted in 2014 and 2016, both of which proposed very similar developments were withdrawn prior to the Local Planning Authority issuing a decision.
- 5.2.2 The current application represents the same development as that submitted in 2016 and has been supported by additional written information within the planning statement which states that in the applicant's opinion, the submission is policy compliant. For clarity, this relates to the vehicle and public access to the site.
- 5.2.3 Since the submission and assessment of the previous proposals the Council is now in receipt of the approved Local Development Plan (LDP) and as such the current proposal must now be assessed against the approved policies of the LDP which was approved by the Secretary of State on 21st July 2017 and subsequent to the first three proposals.

### **5.3 Housing Need**

- 5.3.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.3.2 Policy H2 of the LDP and its preamble, which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.3.3 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would result in 1, two bed dwelling being created. However, the proposal is considered to make a very limited contribution to the housing supply/ addressing the housing stock imbalance in the district and therefore be given minimal weight as a material consideration when determining this application.

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

- 5.4.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.
- 5.4.2 Approved policy D1 also states that development must respect and enhance the character and local context and make a positive contribution in terms of:
- Architectural style, including materials, design features and innovative design
  - Scale, height, massing and proportion
  - Landscape setting
  - Historic environment particularly in relation to designated assets and:
  - The natural environment

- 5.4.3 Planning permission is sought for the erection of a single storey dwelling. The development would be served by the existing access serving Bramleys and the garages/ storage buildings to the rear of dwellings fronting Spital Road. The dwelling would be 10.9m in depth (max) and 10.0m in width. The bungalow would have a maximum height of 6.2m to the ridge and 2.3m to the eaves.
- 5.4.4 The application site is currently occupied by a garage at the southern end and the remainder of the site is relatively unkempt, there are large conifer trees at the northern boundary of the site.
- 5.4.5 The application site is located within a predominantly residential area and was at one time part of the garden of No. 47 Spital Road, which is a chalet style dwelling fronting Spital Road. With some exceptions, there is a strongly linear pattern of development within the immediate locality, with most properties fronting the highway and set back a largely uniform distance from it. The fairly regular layout and generally consistent pattern of built form contribute to the locality's pleasant suburban appearance.
- 5.4.6 The application site is situated to the rear of No. 47 Spital Road and accessed by a long private drive currently used by Brambles, a detached dwelling to the south of the site. As a result, the erection of a dwelling within the application site, even if single-storey and relatively modest in size, would be materially at odds with the prevailing pattern of development within the vicinity. The awkward configuration of the site and its poor visual and physical relationship to other properties nearby would result in a contrived form of development that would not complement the positive qualities of the locality, but would significantly detract from its surroundings, this is consistent with an appeal which was dismissed at St Peters Avenue, 140 metres from the application site (APP/X1545/W/15/3010680).
- 5.4.7 Therefore, the proposed erection of a dwelling on the site would be unacceptably harmful to the character and appearance of the area contrary to approved policies D1 and H4 which seek to protect local character and appearance. Furthermore, it would also not meet the aims of paragraph 17 of the NPPF, to achieve high quality design and take account of the different roles and character of different areas.
- 5.4.8 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide, (MDDG), which is an adopted Supplementary Planning Document and which is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.4.9 As such, this document considers layout and density a key factor in the delivery of new development. Section C12 states that new development should respond to the existing pattern of development within a settlement taking cues from existing patterns of plot subdivision and the relationship between the built and non-built form. Effective use of land includes local density appropriate to the location and must respond to and enhance the character of the existing settlement. Section C14, also states that form and massing have a significant contribution to the character of the area.

- 5.4.10 As previously stated, the pattern of development in this location is that of a uniform pattern of development fronting onto Spital Road with gardens extending down to the access way serving the dwelling known as Bramleys to the rear. Although it is acknowledged that the site has been separated from the rear garden of No 47 Spital Road for use as a garage and storage area in relation to that property, it does not follow that its future use for residential development is satisfactory.
- 5.4.11 Furthermore, it is noted that similar small single storey developments are located within the vicinity of the site within Greenways and Orchard Close. However, these properties are directly served by formal vehicle access and footways and provide a pleasing layout for communities of residents in these dwellings.
- 5.4.12 This isolated property does not follow the grain of local development and is therefore considered contrary to the aims and criterion of this Supplementary Planning Document.

## **5.5 Effect on amenity of neighbouring occupiers**

- 5.5.1 The application site is located in a predominantly residential setting in Maldon and the application site is surrounded by dwellings.
- 5.5.2 The proposed dwelling would be single storey in nature and measure 10.9m in depth (max) and 10.0m in width. The proposed dwelling would be located 23 metres from the rear elevation of No. 47 Spital Road. Given that the dwelling is single storey in nature it is considered unlikely to result in overlooking. In addition, given the distance from the proposed dwelling to neighbouring dwellings the proposal is not considered unneighbourly or to the detriment of the amenities of neighbouring occupiers.
- 5.5.3 However, the proposed turning area as shown on the plan projects forward to the main entrance and front door of Bramleys. This arrangement is considered to result in potential conflict between the separate residential occupiers and result in an unneighbourly form of development. Furthermore, it is contrary to the conditions appended to the original grant of permission for the dwelling known as Bramleys. This is discussed in more detail in the following section of this report.
- 5.5.4 Therefore, the proposed development whilst not resulting in demonstrable impact upon the amenity of neighbouring occupiers within Spital Road, is considered to result in an unneighbourly form of development to occupiers of Bramleys. Therefore the proposal is considered contrary to the stipulations policy D1 of the LDP.

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

- 5.6.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising two/three bedrooms or more require a maximum of 2 spaces. Such provision could be accommodated within the site.
- 5.6.2 Access to the site would be taken from Greenways Chase which is an un-adopted road connecting to Spital Road. The access road is approximately 120m in length with a

90 degree turn half way along. The access is narrower towards Spital Road and opens up in width past the 90 degree turn. The access road currently serves Bramleys which is a detached dwelling to the south of the application site. Whilst there are some concerns about the adequacy of the highway the Highways Authority have been consulted and raised no objection to the proposal on highways safety grounds, there are no new material considerations would alter this position. However, it is relevant to note that the highway authority has no remit to control private tracks and access driveways and therefore comment accordingly.

- 5.6.3 The location and block plans identify an area to the south of the dwelling for the parking of two vehicles associated with the dwelling. The parking spaces identified measure 4.8m by 2.5m which satisfies the minimum bay size of 4.8m x 2.4m as set out in the Maldon District Vehicle Parking Standards SPD. For a dwelling with two bedrooms the SPD requires the provision of a maximum of two spaces, the proposal satisfies this requirement. Therefore, there is no objection to the proposal in relation to car parking provision as shown.
- 5.6.4 Two parking spaces are shown on the plans and the red line area of the site includes the required turning area of vehicles from the parking bays. This is a key difference from previous proposals.
- 5.6.5 The application site is located to the north of the existing dwelling Bramleys; both the original planning application at Bramleys in 2002 and the 2003 amendment application included part of the current application site in the red line area. The conditions of both the 2002 and 2003 planning applications specifically require that the access and turning space serving Bramleys remains clear at all times. Allowing the proposed development would result in the parking of vehicles within the space which should remain clear as per the conditions of the planning consents. The current proposal would therefore directly conflict with the earlier planning permissions and results in parking and servicing difficulties for both the existing and proposed developments.
- 5.6.6 In addition to this, and as highlighted in the assessment of the previous submission, the first part of the access off Spital Road is very narrow, measuring a maximum of 4m wide between boundary fences and walls. Although this is sufficient for a single vehicle, it is evident that two vehicles would not be able to pass each other along this road. As such vehicles could potentially be required to reverse onto Spital Road – a main and busy route through the town. There is not sufficient room along this part of the access for a vehicle passing bay to be provided.
- 5.6.7 Furthermore, the length of the access would not enable quick access for fire rescue or emergency services, and bin storage would need to be provided close to Spital Road. The Essex Design Guide (EDG) confirms that bin storage should be 25m from the highway. If this were to be provided the width of the access would decrease and make it less suitable for use. Furthermore, driveways of over 45m would necessitate use of it by fire tenders and so details should be provided within the application to show that this can take. In this instance, no formal documentation has been submitted to evidence that emergency and service vehicles would be capable of accessing the site via this route and be able to turn within the site as required by the current adopted Building Regulations.

- 5.6.8 It is acknowledged that the existing dwelling was granted planning permission and building regulation approval in 2003. However, since that time it is noted that the Building Regulations Part B has been amended in 2006, 2010 and 2013. Whilst there is no record of concern in relation to this element in the original applications for Bramelys for both planning and building regulations, the Council must take a precautionary approach to protect the safety of potential future residents.
- 5.6.9 It is noted that the submission has been supported by photographic evidence of a lorry within the site. However, this is not considered to be of sufficient gravitas or documentary evidence to overcome previous concerns in relation to this element of the proposal in relation to service and emergency vehicles.
- 5.6.10 The proposal is therefore considered contrary to adopted policies D1, T1 and T2 as the conflicting use of the proposed vehicle turning area would result in difficulties in providing adequate parking for the existing and proposed dwelling and it has not been demonstrated that the turning area and access road is suitable for all vehicles.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 The Essex Design Guide requires that two bedroom dwellings have a minimum of 50m<sup>2</sup> of private garden space rising to 100m<sup>2</sup> for larger dwellings. Such a provision would be met in this instance.
- 5.7.2 The application site already comprises some mature boundary treatment. A condition for their protection and retention, is considered necessary and reasonable and can be imposed upon any grant of permission.
- 5.7.3 In this respect the scheme is considered to accord with policies D1 and H4 of the LDP.

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

- **FUL/MAL/13/01092** – Erection of a single storey dwelling.  
Refused 27 February 2014
- **FUL/MAL/14/00592** – Erection of a single storey house  
Withdrawn
- **FUL/MAL/16/01230** – Proposed new 3 bedroom bungalow  
Withdrawn

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No comment received at the time of writing this report	Any response will be reported by way of the Members Update

### 7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No comment received at the time of writing this report	Any response will be reported by way of the Members Update

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection.	The comments of the Highway Authority are Noted

### Representations received from Interested Parties

7.3.1 At the time of writing this report, no letters of representation had been received.

## 8. REASONS FOR REFUSAL

**REFUSE:** for the following reasons;

1. The proposal would result in an unacceptable form of back-land development which would be materially at odds with the prevailing pattern of development within the vicinity. The awkward configuration of the site and its poor visual and physical relationship to other properties nearby would result in a contrived form of development that would not complement the positive qualities of the locality. The proposal is therefore contrary to the criterion of approved policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide (2017) and the guidance and provision as contained within the National Planning Policy Framework.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the site benefits from adequate vehicle turning space or is suitable for servicing for fire and emergency service vehicles, or that there is sufficient room for suitable refuse storage and collection facilities.

Furthermore, the proposed turning area would result in an unneighbourly form of development. The proposal is therefore contrary to policies D1, T1 and T2 of the Maldon District Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

This page is intentionally left blank