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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

12 May 2017

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 22 MAY 2017 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

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

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor R P F Dewick

VICE-CHAIRMAN

Councillor A S Fluker

COUNCILLORS

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

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

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AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
MONDAY 22 MAY 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 20)

To confirm the Minutes of the meeting of the Committee held on 10 April 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. **FULMAL1600299 - Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon** (Pages 21 - 76)

6. **FULMAL1700281 - Land West of High House, Green Lane, Burnham-on-Crouch** (Pages 77 - 90)

7. **Other Area Planning and Related Matters** (Pages 91 - 94)

8. **Nomination of Members to the Local Highways Panel**

To nominate two Members to represent the South Eastern Area Planning Committee on the Local Highways Panel, as requested by the Council at its meeting on 11 May 2017.

9. **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 - 6.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES

Fire

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

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

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

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

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



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
10 APRIL 2017**

PRESENT

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

1164. CHAIRMAN'S NOTICES

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

1165. APOLOGIES FOR ABSENCE

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

1166. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 13 March 2017 be received.

Minute No. 1100 – Enforcement Update

Members requested that, as previously agreed, a matrix be provided to each meeting showing live enforcement cases, how many had been dealt with and how many new cases had come in. The Group Manager for Planning Services would follow this up with the Enforcement Team.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 13 March 2017 be confirmed.

1167. DISCLOSURE OF INTEREST

Councillor N R Pudney declared that, in relation to Agenda item 6 - OUT/MAL/17/00103 – Land Rear of Charwood, Stoney Hills, Burnham-on-Crouch,

Essex, his in-laws lived at Stoney Hills, although not close to the application site. He also declared that he knew the Agent.

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

Agenda item 5 - OUT/MAL/17/00044 – Land Adjacent 21 Cripplegate, Southminster, Essex – he knew the Applicant and the Agent;

Agenda item 6 - OUT/MAL/17/00103 – Land Rear of Charwood, Stoney Hills, Burnham-on-Crouch, Essex – he knew the Agent and some of the Objectors; and

Agenda item 7 - FUL/MAL/17/00136 – Land Adjacent Crouch Hall, Fambridge Road, Althorne, Essex – he knew the Agent and some of the Objectors.

The Committee considered the reports of the Interim Head of Planning Services and determined the following planning applications, having taken into account all representations and consultation replies received, including those detailed on the Members' Update circulated at the meeting.

1168. OUT/MAL/17/00044 - LAND ADJACENT 21 CRIPPLEGATE, SOUTHMINSTER

Application Number	OUT/MAL/17/00044
Location	Land Adjacent 21 Cripplegate Southminster Essex
Proposal	Proposed new single storey dwelling
Applicant	Mr Duncan Kay
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	21 March 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

Following the Officer's presentation of the report, Mr A Cussen, the Agent, addressed the Committee.

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

1. Detail of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

2. Prior to the construction of the dwelling hereby approved details and samples of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
3. No development or demolition / conversion of any kind shall take place within the site until the applicant, their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist 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 agreed programme of works.
4. 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.
5. The development shall be single storey only comprising of one floor of accommodation.
6. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
7. The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stocksize, 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, 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.
8. Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved

in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.

9. No development shall commence until details of existing ground levels and proposed finished ground, and its relation to the adjoining land, and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

1169. OUT/MAL/17/00103 - LAND REAR OF CHARWOOD, STONEY HILLS, BURNHAM-ON-CROUCH

Application Number	OUT/MAL/17/00103
Location	Land Rear Of Charwood Stoney Hills Burnham-On-Crouch Essex
Proposal	Proposed development of two bungalows
Applicant	Mrs Doris Grady
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	30 March 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Parish Trigger Departure from the Local Plan 2005

Following the Officer's presentation of the report, Mrs R Jennings, an Objector, of 21 Mill Road, Burnham-on-Crouch and Mr A Cussen, the Agent, both addressed the Committee.

Councillor N R Pudney, a Ward Member, commented that Burnham Town Council had objected to this application being approved and that he was in agreement with them.

Members were of the opinion that the entire area of Stoney Hills was becoming very urbanised and inaccessible as the road was inadequate to cope with the increase in traffic. Concern about the road access was raised together with the difficulties caused by cars parking on the side of the road.

The Group Manager for Planning Services reminded Members that planning permission had been granted for four dwellings nearby on appeal, as the inspector had found that they would not have an impact on the area. If Members were minded to refuse this application, then it would be necessary to show that providing the two dwellings in this application would result in demonstrable harm to the area. In relation to the comments on highways safety, the scheme being considered was for two relatively small dwellings and demonstrable harm in relation to highways safety would have to be shown if this scheme was refused.

Members questioned how other small country roads could be protected from becoming urbanised in future in a similar way to the developments at Stoney Hills. They considered that if a developer had originally submitted an application for an entire development at Stoney Hills then it would probably have been refused. However, as applications for one or two dwellings were being considered each time, permission was being granted. In response to this, the Group Manager for Planning Services advised that

each application was determined on its own merits and each scheme must be fully assessed, particularly in areas where there is some pressure on development. There were some difficulties in determining what was acceptable due, in part, to inconsistencies of decisions by inspectors.

Members voted to accept the Officers' recommendation to approve this application. However, Councillor N R Pudney requested that his objection to the approval of this application be recorded.

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

1. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

- The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
2. Prior to the construction of the dwellings hereby approved details and samples of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 3. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
 4. No development shall commence until full details of the works and measures to retain the public footpath in the western part of the application site have been submitted to and approved by the Local Planning Authority. The scheme so approved shall be implemented in accordance with an agreed timetable and at no time shall public access along the footpath be prevented.
 5. The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include 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, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
6. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
 7. No development shall commence until details of existing ground levels and proposed finished ground, and its relation to the adjoining land, and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 8. The development shall be single storey only comprising of one floor of accommodation.
 9. Notwithstanding the details submitted with this application, no development shall commence 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) appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

10. Where identified as necessary in accordance with the requirements of condition 9 no development shall commence, other than that required to carry out remediation, 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 must be given two weeks written notification of commencement of the remediation scheme work

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, and is subject to the approval in writing of the Local Planning Authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

11. Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.

1170. FUL/MAL/17/00136 - LAND ADJACENT CROUCH HALL, FAMBRIDGE ROAD, ALTHORNE

Application Number	FUL/MAL/17/00136
Location	Land Adjacent Crouch Hall Fambridge Road Althorne Essex
Proposal	Provision of lifetimes home bungalow
Applicant	Mr M Bass
Agent	Mr Geoffrey Clark - Clark Partnership
Target Decision Date	6 April 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, during which attention was drawn to the Members' Update, Mrs L Collins of Gilder Lodge, Fambridge Road, Althorne and Councillor P Burgess of Althorne Parish Council both addressed the Committee.

Councillor R G Boyce MBE, CC, a Ward Member, was in agreement with the Objectors and the Officers' recommendation to refuse this application. He was in favour of protecting an important view for the community. He commented that if this had been an application for an agricultural dwelling, then it would have had some merit.

The Group Manager for Planning Services advised that the Committee must consider the application before it and that, even if this had been for an agricultural dwelling, he would still have had some concerns. The site was not sustainable in relation to the National Planning Policy Framework (NPPF) and this was a material consideration. Members must consider previous appeal decisions and there was no information before the Committee that outweighed other appeal decisions in relation to sustainability in this area.

Members raised questions on the consistency of Officers' recommendations as the previous applications before this Committee seemed similar in nature and had been recommended for approval, whereas this application was recommended for refusal. By way of clarity the Group Manager for Planning Services advised that this was recommended for refusal as the site was an agricultural field, it was outside of the settlement boundary and there was a hard break in the built form. If Members were minded to approve this application then they would need to give reasons as to why it was sustainable.

Members voted on this application with the Chairman using his casting vote to agree the Officers' recommendation. Councillors A S Fluker and M W Helm requested that their votes against the recommendation to refuse this application be recorded.

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

1. Policy S2 seeks to provide control over new buildings in rural areas beyond defined settlement boundaries and to ensure that new residential developments are in appropriate locations. The proposal is therefore contrary policy S2 of the Maldon District Replacement Local Plan as the site lies within a rural area outside of a settlement boundary and is remote from services and facilities needed for everyday living. The development, by way of its intrusive nature into the rural landscape would have detrimental impact upon the landscape character and result in an urban residential development. The development is therefore considered contrary to policies S2, BE1, CC6, CC7 and CC11 of the adopted Local Plan, emerging policies D1, H4 and S8 of the Local Development Plan as submitted and the guidance and provision contained within the National Planning Policy Framework.
2. The proposed development is located next to the settlement boundary but in a rural location outside of a development boundary and within a Coastal Zone. By reason of its siting, introduction of built form into this open site and the associated residential curtilage and paraphernalia the development would result in an urbanising effect by extending residential built form into the countryside. The proposal would therefore have an adverse impact and be detrimental to the character and appearance of the special character and appearance of the Coastal Zone, contrary to adopted policies BE1, CC6, CC7 and CC11 of the Maldon District Replacement Local Plan, D1 of the submitted Local Development Plan and Government guidance contained within the National Planning Policy Framework.

1171. FUL/MAL/17/00138 - 33 PRINCES AVENUE, MAYLAND

Application Number	FUL/MAL/17/00138
Location	33 Princes Avenue Mayland Essex CM3 6BA
Proposal	Replace existing dilapidated bungalow with a pair of semi-detached chalets
Applicant	Mr & Mrs Davis
Agent	Planman
Target Decision Date	6 April 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	MAYLAND
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Mr C Davis, the Applicant, addressed the Committee.

Members discussed this application and had concerns that the site would be very cramped in relation to the overall street scene which consisted of a number of bungalows. The Group Manager for Planning Services advised that the plans provided for a metre on either side of the proposed buildings which was similar to a lot of the other properties. Also, there were other semi-detached properties on the road and not just bungalows.

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 shall be carried out in accordance with the following approved plans and documents: Drawing Nos CD01, CD04, Sheet 3 of 3, and CD03.
3. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
5. No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme within 3 months following the first occupation of the development hereby permitted and retained and maintained as such thereafter.
6. The development shall not be commenced / first occupied unless and until the vehicular access as shown on the plan attached to and forming part of this permission has been constructed, surfaced and made available for use and shall be provided with a dropped kerb vehicular crossing of the footway / highway verge. The access shall be retained as such at all times thereafter.

7. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
8. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no window or other form of opening shall be formed in the side gable walls of the at first floor level of the dwellings hereby permitted without planning permission having been obtained from the Local Planning Authority.
9. No development shall commence until details of existing ground levels and proposed finished ground, and its relation to the adjoining land, and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
10. Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.

1172. OTHER AREA AND PLANNING RELATED MATTERS

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

(i) Appeals Lodged:

Appeal Start Date: 10.3.17

Application Number: FUL/MAL/16/00673 (APP/X1545/W/16/3166974)

Site: Tea Room, Sailing Club Clubhouse (East Of) The Quay, Burnham-On-Crouch

Proposal: Change of use of tea room and storage area to dwellinghouse

Appeal by: James Cumming

Appeal against: Refusal

Appeal procedure requested: Written Representation

Appeal Start Date: 17/03/2017

Application Number: FUL/MAL/16/00763 (APP/X1545/W/17/3168862)

Site: Land Adjacent Springfields - Steeple Road - Latchingdon

Proposal: Proposed construction of a chalet style dwelling with attached garage

Appeal by: Mr Wayne & Ms C Farmer

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 17 March 2017
Application Number: FUL/MAL/16/00445 (APP/X1545/W/17/3168271)
Site: Land Adjacent Whispering Trees, Mayland Green, Mayland
Proposal: Construction of a one bedroom bungalow
Appeal by: Mr Wayne Stone
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 17/03/2016
Application Number: OUT/MAL/16/00107 (APP/X1545/W/16/3160971)
Site: Land East Of Brook Lane Brook Lane Asheldham
Proposal: Construction of four 2 bedroom bungalows
Appeal by: Mr David Hall
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 17/03/2017
Application Number: OUT/MAL/16/01182 (APP/X1545/W/17/3169919)
Site: Land Adjacent The Old Forge And Thornley Cottage, Burnham Road, Althorne, Essex
Proposal: Construction of 2 bedroom detached residential bungalow (Resubmission)
Appeal by: Mr Ryan Thame
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 22/03/2017
Application Number: OUT/MAL/16/00302 (APP/X1545/W/17/3169969)
Site: Land South Of New Moor Farm And East Of, North End, Southminster, Essex
Proposal: Residential Development of up to 120 dwellings with associated infrastructure, open spaces and landscaping and community land with access reserved.
Appeal by: Gladman Developments Ltd
Appeal against: Refusal
Appeal procedure requested: Public Inquiry

Appeal Start Date: 21 March 2017
Application Number: OUT/MAL/16/00105 (APP/X1545/W/17/3167607)
Site: Glebe Meadow Adjacent King Georges Field Pavilion, Station Road, Southminster
Proposal: Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular access from Vicarage Court
Appeal by: Mr John Ball
Appeal against: Refusal
Appeal procedure requested: Hearing

Appeal Start Date: 27/03/2017

Application Number: HOUSE/MAL/16/01403 (APP/X1545/W/17/3170414)

Site: Yeomans 12 Mill Road Mayland

Proposal: Change of use of existing detached barn/store for residential use as an annexe.

Appeal by: Mr & Mrs T Fisher

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 05/04/2017

Application Number: HOUSE/MAL/16/01091 (APP/X1545/D/17/3170920)

Site: Gwalia, Burnham Road, Althorne

Proposal: Front porch, rear garden room and first floor extensions and internal alterations to existing residence.

Appeal by: Mr & Mrs Lee Foster

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 05/04/2017

Application Number: FUL/MAL/16/00814 (APP/X1545/W/17/3166607)

Site: Blackwater Marina, Esplanade, Mayland

Proposal: Residential development (four detached houses)

Appeal by: Mr Ian Wilson

Appeal against: Refusal

Appeal procedure requested: Informal Hearing

In relation to Application Number: OUT/MAL/16/00107

(APP/X1545/W/16/3160971) Members requested that the Council include in their evidence the importance of protecting the view from Brook Lane across to the nearby ancient monument. The Group Manager for Planning Services advised that the original decision would be attached to the appeal documentation, so that the inspector was made aware of the previous decision.

Members requested that Essex Highways be asked to provide comments on sites where roads exit on to the highway.

(ii) Appeal Decisions:

OUT/MAL/16/00167 (Appeal Ref: APP/X1545/W/16/3153793)

Proposal: Outline planning application for residential development of 37No. two, three and four bed units, access roads and public open space

Address: Land South Of Rose Drive - Southminster

APPEAL DISMISSED – 16 March 2017

DECISION LEVEL: Delegated

1173. DELEGATED PLANNING APPLICATIONS

The Committee received and noted the list of decisions on planning applications taken by the Interim Head of Planning Services under delegated powers, circulated prior to the meeting for the period 10 March – 6 April 2017.

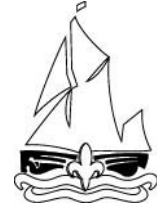
1174. ANY OTHER ITEMS OF BUSINESS

This being the last meeting of the South Eastern Area Planning Committee for the current municipal year, the Chairman thanked Officers for their work and Councillor R G Boyce MBE, CC thanked the Chairman for his work.

There being no further items of business the Chairman closed the meeting at 8.26 pm

R P F DEWICK
CHAIRMAN

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**REPORT of
CHIEF EXECUTIVE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
22 MAY 2017**

Application Number	FUL/MAL/16/00299
Location	Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon
Proposal	Full application for (1) the development of 41 homes, amenity space and a revised vehicular access from the Burnham Road, and (2) a new village hall and associated infrastructure, (no change is proposed to the existing village hall access
Applicant	Latchingdon South Ltd
Agent	Mr David Barker – Evolution Town Planning LLP
Target Decision Date	15 December 2016
Case Officer	Joy Thomas, TEL: 01621 875879
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Amendment to Officer Report on a major application

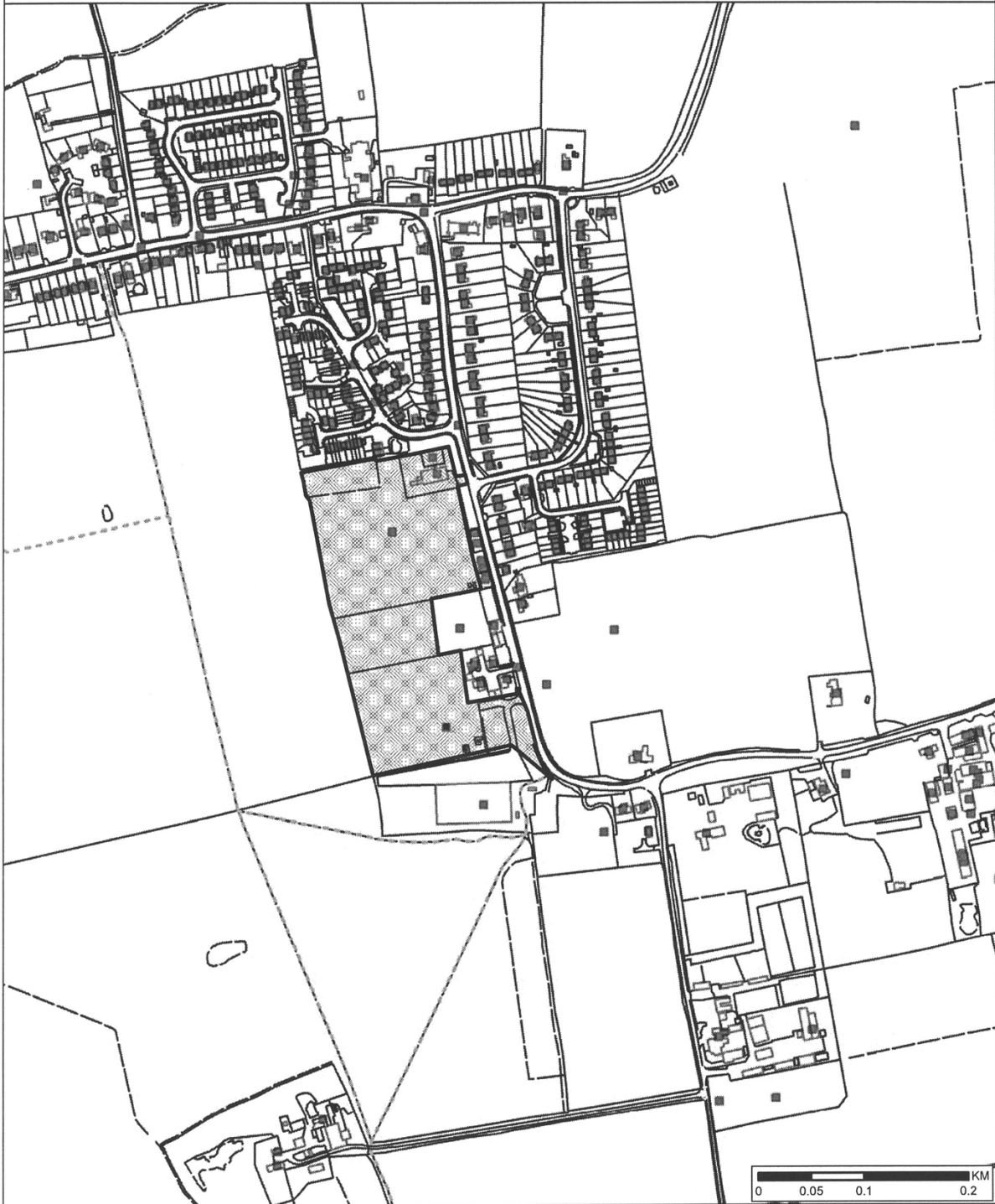
1. RECOMMENDATION


That Members agree that the Heads of Terms as reported in the Officer Report on 5 December 2016 be amended to exclude reference to the Early Years & Childcare contribution and to read “Education contribution toward secondary school transport based on the ECC standard formula”.

2. SITE MAP

Please see overleaf.

Land North Of Latchingdon Bowls Club, Burnham Road, Latchingdon
FUL/MAL/16/00299



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 16/00299/FUL
	Date:	11/05/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application for the development of 41 homes, amenity space and a new village hall was approved at the South Eastern Area Planning Committee on 5 December 2016, subject to the completion of a S106 Legal Agreement. Following this, a draft S106 Legal Agreement was received at the end of March 2017. Included in the S106 Legal Agreement was the requirement for the owners to pay the education contribution, which was defined as “the Early Years Contribution and Secondary School Transport Contribution”.
- 3.1.2 The Minutes of the South Eastern Area Planning Committee meeting indicate that the contribution for Early Years and Childcare of £46,214 would be payable, as well as £31,024.50 for secondary school transport. However, on further investigation, whilst checking the draft S106 Legal Agreement, it has come to light that the consultation response for this application from ECC re: education states, in relation to Early Years and Childcare that “as there are sufficient places available a developer’s contribution towards new childcare places will not be required for this application at this point in time”.
- 3.1.3 It would appear that the reference in the officer’s committee report for this application had erroneously referred to the previous application (FUL/MAL/15/00093) when ECC had requested a contribution of £46,214 for Early Years and Childcare as well as a contribution for secondary school transport of £31,024.50. However, this request by ECC was made in May 2015 and the situation has changed since then and the ECC response to the current application is quoted in 3.1.2 above.
- 3.1.4 In respect of the request for a contribution towards secondary school transport, no figure was given in the ECC response for the current application although reference was made to the “standard formula section 106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development”. The figure would not be the same as for the 2015 application as the house sizes are different.
- 3.1.5 Taking into account the above information, the Heads of Terms referred to in the officer report and the Minutes relating to this application are therefore required to be corrected.

3.2 Conclusion

- 3.2.1 It should be noted that the Heads of Terms quoted in paragraph 8 of the officer report to the South Eastern Area Planning Committee on 5 December 2016 relating to this application should be amended in respect of the education requirements to read:

Education contribution toward secondary school transport based on the ECC standard formula.

Accordingly this is what will then be included within the draft S106 Legal Agreement.

4. BACKGROUND PAPERS

- 4.1 Report to South Eastern Area Planning Committee on 5 December 2016 (Agenda item 6).
- 4.2 Consultation response from Essex County Council (education) re application FUL/MAL/16/00299.
- 4.3 Minutes of South Eastern Area Planning Committee 5 December 2016.



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

**To
SOUTH EASTERN AREA PLANNING COMMITTEE
5 DECEMBER 2016**

Application Number	FUL/MAL/16/00299
Location	Land North Of Latchingdon Bowls Club Burnham Road Latchingdon Essex
Proposal	Full planning application for (1) the development of 41 homes, amenity space and a revised vehicular access from the Burnham Road, and (2) a new village hall and associated infrastructure, (no change is proposed to the existing village hall access)
Applicant	Latchingdon South Ltd
Agent	Mr David Barker - Evolution Town Planning LLP
Target Decision Date	15 December 2016
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Major Application Departure from the Local Plan 2005

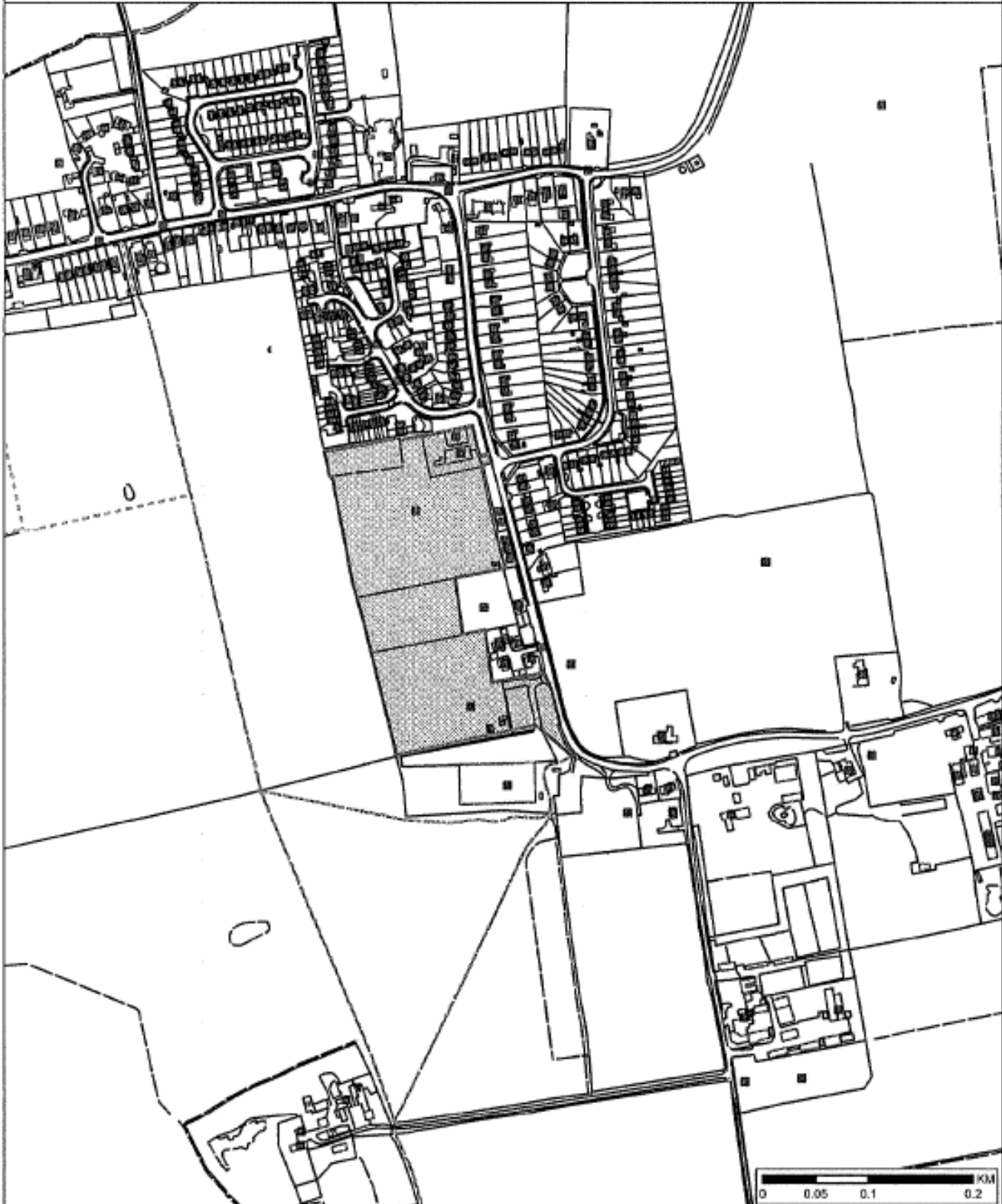
1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.

Land North Of Latchingdon Bowls Club, Burnham Road, Latchingdon
FUL/MAL/16/00299



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 Maldon District Council 100918588 2014



MALDON DISTRICT
 COUNCIL

www.maldon.gov.uk

Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 16/00299/FUL

Date: 22/11/2016

MSA Number: 100018588

3. SUMMARY

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

- 3.1.1 The application relates to an area of land of approximately 3.78 hectares located to the west side of Burnham Road. The site is occupied by Latchingdon Village Hall with a children's play area to the north side of the building and a car parking area to the south. To the south of the car parking area is an area laid to grass, comprising of two football pitches, a playing field known as the 'King George's Playing Field' and is demarcated by a line of trees to the southern boundary of the field.
- 3.1.2 Beyond the line of trees, to the south of King George's Playing Field is a smaller playing field which was formally an allotment site. Further south is vacant parcel of land, formally agricultural land, which is laid to grass. In Paragraph 2.1 of the Applicant's Design & Access Statement dated March 2016, it states that the land has not been in agricultural use for a number of decades and as such does not have any agricultural land grading. To the south of the application site is the Jacks Centre Bowls Club and a large car parking area used by members of the club.
- 3.1.3 To the east of the application site, there is an allotment, restaurant/small bed and breakfast with associated customer parking (Crouch Valley Lodge), a residential development of four new houses (planning reference: FUL/MAL/13/01049) and is now known as Crouch Vale Court and two pairs of two-storey detached properties which was allowed on appeal in 2014 (reference: APP/X1545/A/2224882 dated 15 December 2014). To the western boundary of the site is a line of established trees and hedgerow and beyond this is open countryside.
- 3.1.4 The gradient of the site is relatively flat. In the adopted local plan Proposals Map Inset 11, the site an area of land which is designated as formal public open space under Policy REC1 of the adopted local plan.
- 3.1.5 The application seeks full planning permission for the residential development of 41 houses, amenity space and a revised vehicular access from the Burnham Road. Details have also been submitted for the new village hall and associated infrastructure. The planning application is a resubmission and was previously refused for the following reason(s):-

'Policies S2 and H1 of the adopted Maldon District Replacement Local Plan seeks to provide control over new buildings in rural areas beyond defined settlement boundaries and to ensure that new residential developments are in appropriate locations. The proposal is therefore contrary policies S2 and H1 of the Maldon District Replacement Local Plan as the site lies within a rural area outside of the defined settlement boundary of Latchingdon. Furthermore, the Council now has a Housing Land Supply of in excess of 5 years as required by Paragraph 47 of the NPPF which gives added weight to the aforementioned policies. In addition, the development proposal, by way of its intrusive nature into the rural landscape would have detrimental impact upon the landscape character and result in an urban residential development. The development is therefore contrary to policies BE1 and CC6 of the adopted Local Plan, policies S2, D1, H4 and S8 of the Maldon District Pre-Submission Local Development Plan as submitted and the guidance and provision contained within the National Planning Policy Framework. It is considered

that the benefits provided within this scheme would not outweigh the demonstrable harm and the adverse impact that would result from the development proposal’.

3.1.6 The current planning application seeks to address the above reason for refusal by submitting the following details:

3.1.7 Full Planning Application for the 41 Dwellings

3.1.7.1 The type of houses would be a combination of 1, 2, 3 and 4 bedroom units. This would be in the form of detached and semi-detached dwellings, terraced dwellings, apartments and bungalows. 25 of the 41 dwellings would be open Market Houses along with 16 Affordable Houses (8 Social Rented Houses and 8 Intermediate Houses).

3.1.7.2 The development would be formed by the following mix of units:-

House Type	Height	Bedrooms per Unit	Plot Numbers	Market / Affordable
AH3	Two storey	3	1, 3	Affordable
AB2 (Bungalow)	Single storey	4	31, 32, 33, 34	Affordable
AF2 (Apartment)	Coach house (first floor)	1	6	Affordable
AH2i (Semi-Detached)	Two storey	2	9, 12	Affordable
AF1 (Apartment)	Two storey	1	4, 5, 7, 8	Affordable
2B (Bungalow)	Single storey	2	35	Market
AH2 (Terraced)	Two storey	2	2, 10, 11	Affordable
4B (Detached)	Two storey	4	21, 30	Market
3A (Semi-Detached)	Two storey	3	14, 18, 20, 15, 19	Market
3B (Bungalow)	Single storey	3	36, 41	Market
4A (Detached)	Two storey	4	22, 24, 29, 38, 40, 23, 37, 39	Market
3C (Detached)	Two storey	3	28, 29	Market
3Ai (Semi-Detached)	Two storey	3	16, 17	Market
3D (Detached)	Two storey	3	25, 26	Market
3Di (Semi-Detached)	Two storey	3	13	Market
TOTAL UNITS			41	

3.1.7.3 House Type AH3

House Type AH3 is a two-storey gable end dwelling attached onto House Type AH2 (Plots 1, 3 Terraced/Semi-Detached) located near the entrance and to the east of the site. The dwellings would measure approximately 9.7 metres deep, 5.2 metres wide with a ridge height of 8.7 metres. Each dwelling will have a kitchen/dining room, living room, W.C at ground floor. Three bedrooms and a family bathroom are proposed at first floor level.

Each dwelling will have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 1	210 square metres
Plot 3	100 square metres

3.1.7.4 House Type AB2 (Bungalow)

House Type AB2 is a bungalow with a hipped roof (Plots 31, 32, 33, 34). These bungalows will be positioned to the north western corner of the site. Each bungalow will measure approximately 8.9 metres deep, 7.5 metres wide with a ridge height of 5.1 metres. Each property will comprise of a kitchen, dining/living room, two bedrooms and a family bathroom.

Each dwelling will have the following size private amenity space:

Plot No.	Private Amenity Space
Plot 31	130 square metres
Plot 32	110 square metres
Plot 33	110 square metres
Plot 34	105 square metres

3.1.7.5 House Type AF2 (Coach house)

House Type AF2 (Plot 6) is a coach house and is between Plots 4, 5, 7, 8. The coach house comprise of one bedroom and an open plan kitchen, living room and a bathroom. Plot 6 benefits from a communal amenity area shared with Plots 4, 5, 7, 8. Beneath the coach house is an access point to a communal parking area for eight vehicles.

3.1.7.6 House Type AH2i (Semi-Detached)

House Type AH2i (Plots 9 and 12) is a semi-detached property measuring approximately 8.9 metres deep, 5.2 metres wide with a ridge height of 8.7 metres.

Each dwelling will have a living room, kitchen/dining room and a W.C at ground floor with two bedrooms and a family bathroom at first floor level. Plots 9 and 12 are attached by House Type AH2 (Plots 10 and 11).

Each dwelling will have the following size private amenity space:

Plot No.	Private Amenity Space
Plot 9	60 square metres
Plot 12	65 square metres

3.1.7.7 House Type AF1 (Apartment)

House Type AF1 (Plots 4, 5, 7, 8) flanks onto the east and west elevation of the coach house. Each apartment measures approximately 8.9 metres deep, 6.9 metres wide with a ridge height of 8.4 metres and comprise of a bedroom, open plan kitchen / living room and bathroom.

Plots 4, 5, 7, 8 benefits from a communal amenity area shared with Plot 6. Beneath the coach house is an access point to a communal parking area for eight vehicles.

3.1.7.8 House Type 2B

House Type 2B (Plot 35) is a detached bungalow located to the south of Plot 34. It measures approximately 10.3 metres wide, 8.3 metres deep with a ridge height of 5.7 metres and comprise of two bedrooms, living room, kitchen and a bathroom. The private amenity space associated with this property measures approximately 90 square metres.

3.1.7.9 House Type AH2 (Terraced)

House Type AH2 (Plots 2, 10 and 11) is a two-storey, semi-detached property. Plot 2 is located between Plots 1 and 3 (House Type AH3) whilst Plot 10 and 11 are attached to Plots 9 and 12 (House Type AH2i). Plot 2 measures 8.9 metres deep, 5.1 metres wide with a ridge height of 8.4 metres. Plots 10 and 11 measures 8.9 metres deep, 5.2 metres wide with a ridge height of 8.4 metres. the private amenity spaces ranges between 45 and 50 square metres.

3.1.7.10 House Type 4B (Detached)

House Type 4B (Plots 21, 30) is a L-shaped, two-storey detached property (The dwellings would have a width of 10.3 metres and a depth between 4.8 metres when measured at it shallowest point and 12 metres at is deepest point. The dwellings would be approximately 8.4 metres in height to ridge level. Each dwelling would comprise of a dining room, study, living room, kitchen/breakfast area, utility room and a W.C. Four bedrooms (one with an en-suite) and a family room are proposed at first floor level. Private amenity space ranges between 180 and 190 square metres.

3.1.7.11 House Type 4A (Detached)

House Type 4A (Plots 22, 24, 29, 38, 40, 23, 37, 39) is a two-storey detached dwelling house with a small gable projection to the rear. These House Types are centrally located and to the western corner of the site. Each house measures 8 metres wide, between 7.5 and 8.5 metres in depth and 8.5 metres to ridge level. Each dwelling would comprise of a kitchen/breakfast area, dining room, a study, living room and a W.C at ground floor. At first floor, four bedrooms (one with en-suite) and a family bathroom are proposed.

Each dwelling will have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 22	180 square metres
Plot 24	95 square metres
Plot 29	145 square metres
Plot 38	120 square metres
Plot 40	95 square metres
Plot 23	95 square metres
Plot 37	90 square metres

Plot No.	Private Amenity Space
Plot 39	98 square metres

3.1.7.12 House Type 3B (Bungalow)

House Type 3B is a detached bungalow (Plots 36 and 41). The bungalow measures approximately 10 metres wide with a depth of 10.8 metres and a height of 5.6 metres to ridge level. Each bungalow will have three bedrooms, a living/dining room, kitchen and a family bathroom. Both Plots 36 and 41 will be positioned to the western corner of the site.

Each dwelling will have the following size private amenity space:

Plot No.	Private Amenity Space
Plot 36	100 square metres
Plot 41	110 square metres

3.1.7.13 House Type 4A

House Type 4A is a two-storey, detached dwelling house with a small gable projection on the rear elevation (Plots 1, 13, 14, 15, 23, 24, 25, 34 and 36). The dwelling measures approximately 8.1 metres wide, 8.5 metres deep with a height of 8.5 metres to ridge level. At ground floor, a kitchen/dining area, living room, study and a W.C is proposed. Four bedrooms (one with en-suite) and a family bathroom are proposed at first floor level. One House Type 4A (Plot 1) is proposed to the south of the access/egress point whilst Plots 13, 14, 15, 23, 24, 25, 34 and 36 are positioned fairly central within the application site.

Each dwelling will have the following size private amenity space:

Plot No.	Private Amenity Space
Plot 1	160 square metres
Plot 13	132 square metres
Plot 14	117 square metres
Plot 15	148 square metres
Plot 23	185 square metres
Plot 24	109 square metres
Plot 25	115 square metres
Plot 34	109 square metres
Plot 36	90 square metres

3.1.7.14 House Type 3A

House Type 3A is a two-storey, semi-detached dwelling house (Plots 14, 18, 20, 15, 19) Each dwelling measures approximately 9 metres deep, 5.2 metres wide with a ridge height of 8.4 metres and will comprise of living/dining area, kitchen and a W.C at ground floor and three bedrooms (one with an en-suite) and a family bathroom at first floor level. These house types are located to the centrally within the site and to the rear of the residential development of four new houses at Crouch Vale Court.

The private amenity spaces for House Type 3A ranges between 95 and 110 square metres.

3.1.7.15 House Type 3Ai (Semi-Detached)

House Type 3Ai (Plots 16, 17) is a semi-detached dwelling. Each dwelling measures approximately 9 metres deep, 5.2 metres wide with a ridge height of 8.6 metres and will comprise of living/dining area, kitchen and a W.C at ground floor and three bedrooms (one with an en-suite) and a family bathroom at first floor level. These house types are located to the rear of the residential development of four new houses at Crouch Vale Court. The private amenity spaces for House Type 3A ranges between 210 and 270 square metres.

3.1.7.16 House Type 3C (Semi-detached)

House Type 3C (Plots 27, 28) is a two-storey, semi-detached dwelling house located to the north eastern corner of the site. Each dwelling would measure 8.6 metres wide, 8.4 metres deep with a ridge height of 8.6 metres. At ground floor, there would be a living / dining room, kitchen and W.C and an integral garage. Three bedrooms (one with en-suite) and a family bathroom is proposed at first floor level. The private amenity space ranges between

3.1.7.17 House Type 3D (Detached)

House Type 3D (Plots 25, 26) is a two-storey, detached dwelling house. The dwelling measures 9 metre wide, 6.3 metres deep with a ridge height of 8.4 metres.

Each dwelling comprise of a living room, dining room, kitchen and W.C at ground floor. Three bedrooms (one with en-suite) and a bathroom are proposed at first floor level. These dwellings are located to the north east of the site directly opposite House Type 3C. The private amenity space for each dwelling measures between 95 and 150 square metres.

3.1.7.18 House Type 3Di (Semi-detached)

House Type 3Di (Plot 13) is a two-storey semi-detached dwelling house (attached to House Type 3A). The dwelling measures 9 metre wide, 6.1 metres deep with a ridge height of 8.4 metres. The dwelling comprise of a living room, dining room, kitchen and W.C at ground floor. Three bedrooms (one with en-suite) and a bathroom are proposed at first floor level. The private amenity space is about 85 square metres.

No details of the external materials have been submitted for the proposed dwellings. However this can be dealt with by imposing planning conditions for this detail to be submitted should the application be approved.

Many of the residential dwellings proposed would benefit from off-street parking in the form of a garage (single, double, double-linked) with parking to the front the garage in a tandem arrangement. Plots 1, 2, 3, 4, 5, 6, 7 and 8 will have a communal area for parking.

The proposal also seeks to reposition the existing access/egress point to the application site and Jacks Centre Bowls Club by positioning it approximately 30 metres further south. The bowls centre will be served from a new junction off the new estate road. The new access/egress point off Burnham Road will be shared between the future occupiers of this site and with the members at the bowls club to the south of the site.

An area of public open space of approximately 800 square metres is proposed to the west of the site. This area of land would be laid to grass with trees to be planted within to encourage and enhance bio-diversity between the application site, existing hedgerow and the open field to the west and beyond.

3.1.8 The Village Hall

3.1.8.1 The proposal also includes the provision of a new village hall with associated infrastructure. Elevational drawings have been submitted to show the design, scale and appearance of the new village hall where in the previous application FUL/MAL/15/00093 was in outline form. It is proposed the village hall would measure approximately 12 metres wide when measured at its narrowest point, 22 metres wide at its widest point and 33 metres in depth with a ridge height of 9.5 metres and will be positioned approximately 10 metres to the west from its current position. There will be no changes to the existing access/egress point to the site.

3.1.8.2 Paragraph 1.8 of the Applicant's Design & Access Statements advises that it is essential that the continuity of the use of the village hall is maintained during the construction of the new village hall to ensure any loss of income would be minimal.

3.1.9 S106 Agreement

3.1.9.1 Draft Heads of Term is currently being prepared indicating agreement to contribute to provide affordable housing, education, the maintenance of the open public space and the upgrade of the pitches.

3.1.9.2 The application is accompanied by the following documentation:-

- Application drawings by Parc Design;
- Planning, Design & Access Statement (including affordable housing, amenity space, parking, landscaping, planning obligations and the new village hall by Evolution Town Planning dated March 2016;
- Planning Application Summary;
- Schedule of Amenity and Parking;
- Flood Risk Assessment and Drainage Strategy Report by Bingham Hall Associates dated June 2016;
- Ecology Assessment by BasEcology dated January 2015;
- Transport Statement by Bingham Hall Associates dated March 2016;
- TS & AIA;
- Utilities and Services Report by Bingham Hall Associates dated August 2015;
- Ground Contamination Report by Bingham Hall Associates dated August 2015;

- Arboricultural Impact Assessment by Hayden's Ltd dated 4 February 2015;
- Football Pitches Assessment at Latchingdon Recreation Ground by SLD September 2015; and
- Statement of Community Involvement by Evolution Town Planning January 2015

3.2 Conclusion

3.2.1 This planning application is a resubmission following a recent refusal FUL/MAL/15/00093. Having considered the details of the application, it is considered that the scheme, on balance, would be acceptable subject to conditions including those that have been recommended by the various statutory consultees. The design of the development is considered to be appropriate and the layout of the development would be reflective of the setting, providing a logical extension between existing residential development, Buchanan Way to the north, and Jacks Centre Bowls Club to the south. The strong, established hedgerow on the western boundary of the site prevents further expansion into the countryside to the west. The affordable housing provision meets of the Council's requirements and this is therefore a positive element to the proposal. The proposal is not considered to conflict with policies of the adopted Local Plan, the Pre-Submission Local Development Plan or the core planning principles and guidance contained within the National Planning Policy Framework or the National Planning Practice Guidance.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 14, 17, 39, 49, 54, 55, 56, 57, 60, 69, 70, 73, 74, 93, 109

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development Outside Development Boundaries
- CON5 - Pollution Prevention
- CC5 - Protection of Wildlife at Risk on Development Sites
- CC6 - Landscape Protection
- CC7 - Special Landscape Areas
- H1 - Location of New Housing
- H6 - Housing Density
- H9 - Affordable Housing
- BE1 - Design of New Development and Landscaping
- BE3 - Public and Private Amenity Spaces
- T1 - Sustainable transport and location of new development
- T2 - Transport infrastructure in new developments
- T8 - Vehicle Parking Standards
- REC1 - Allocation of Formal Public Open Space

- PU1 - Provision of Education Facilities
- PU2 - Recycling facilities in new development

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

- S1 - Sustainable Development
- S7 - Prosperous Rural Communities
- S8 - Settlement Boundaries and the Countryside
- D1 - Design and Quality and Built Environment
- D2 - Climate Change and Environmental Impact of New Development
- H1 - Affordable Housing
- H2 - Housing Mix
- H4 - Effective Use of Land
- N2 - Natural Environment and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility
- I1 - Infrastructure and Services

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are such a material consideration.

5.1.2 The development plan for Maldon is the 2005 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. The Maldon District Council Pre-Submission Local Development Plan (2014-2029) remains as the emerging Local Plan.

5.1.3 At the heart of the NPPF is the 'presumption in favour of sustainable development' which, for decision making, means "approving development proposals that accord

with the development plan without delay" and "where the development plan is absent silent or relevant policies are out of date, granting permission unless: a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or b) specific policies in the NPPF indicate development should be restricted". The NPPG has also been considered in the decision making.

- 5.1.4 The application site lies outside, but immediately next to the defined settlement boundary of Latchingdon, both in the adopted Local Plan and the emerging Local Development Plan. The site has been identified as a playing field by virtue of Policy REC1 as shown on the Proposals Map Inset 11. Policy REC1 of the adopted Local Plan states *'that the aim of the plan is to provide sports and recreation facilities for everyone, regardless of ability or gender, in sufficient quantity and in the right locations. The plan seeks to balance the demands for new land and buildings against the need to identify sustainable locations, protection of the countryside and promotion of environmental quality in urban areas. The aim of Policy REC1 is to improve recreation facilities across the District but focuses on key settlements will be planned to meet the identified requirement in the rural areas.'*
- 5.1.5 In addition to the above. Policy S1 seeks to direct new development to sites within the development boundaries of identified settlements, including Latchingdon village. Local Plan Policy S2 aims to protect the countryside for its own sake. Local Plan Policy H1 states that new housing will not be allowed outside development boundaries unless it complies with other policies in the Local Plan. The proposal would therefore be contrary to Local Plan Policies S2 and H1, and thus contrary to Development Plan policy.
- 5.1.6 With regard to the replacement of the existing village hall, there are no saved policies in the adopted local plan which specifically deals with this. However, in the Local Development Plan, Policy E3 seeks to *'retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community'*. As the proposal seeks to replace the existing village hall, the principle of development is considered acceptable in principle.
- 5.1.7 The application site, whilst located outside the settlement boundary, is within the village community with a footpath which runs on the west side of Burnham Road, leading towards Latchingdon village. Local services and facilities such as the local primary school, village hall, petrol station, church, public house, shops, restaurant/bed and breakfast and a bowls club are located between 400 metres and 800 metres away from the application site and is considered to be within walking and cycling distances. Although the site is located outside the defined development boundary, the proposed development would be in close proximity to the existing built up area of the village to the north and would be immediately next to the new residential properties at Crouch Vale Court and in close proximity to new dwellings (currently under construction) on the site formerly occupied by the clubhouse (appeal reference: APP/X1545/A/2224882 dated 15 December 2014). It would not result therefore in an isolated development in the countryside. Moreover, the future occupiers of the site would help to support the viability of local facilities and services, which would be a benefit for existing occupiers in the village and the surrounding area.

- 5.1.8 The application site is on the B1018 which links Burnham-on-Crouch to the south east and to South Woodham Ferrers to the west and beyond. Latchingdon is well served with bus services. A weekday school bus service (510) runs between Southminster and Chelmsford. Other bus services include the 593 which runs between Woodham Ferrers - Southminster- Althorne, D1 Bradwell - Maldon and D2 Southminster – Maldon. The nearest railway stations are located in Burnham-on-Crouch and South Woodham Ferrers which links passengers to the national rail network.
- 5.1.9 Given the availability of village services in the immediate locality, which are able to be accessed on foot or by cycle, it is considered that the accessibility level of the village is beneficial in sustainability terms. The NPPF and both existing and future policies of the District all seek to ensure that there are travel options available for access to daily services and support facilities. The location of the application site would enable this. It is noted that there are limited employment facilities in the village. However, the bus services which runs pass this development site would enable the future occupiers of the site to access to employment outside the village, without the regular need to use private cars.
- 5.1.10 The proposal is therefore considered sustainable in terms of location in accordance with the core planning principles contained within the National Planning Policy Framework.

5.2 Five Year Housing land Supply

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply (FYHLS) in the District and has concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements. The latest FYHLS statement was published in August 2016 and supersedes the previous version dated July 2015. The FYHLS has now been updated in this Advice Note to include the most up-to-date assessment of housing delivery rates for the LDP Strategic Allocations and to concur with recent appeal decisions at the Former Timber Yard, Heybridge Basin (FUL/MAL/14/00742) and Land to the east of Pippins Road, Burnham-on-Crouch (OUT/MAL/14/00108).
- 5.2.2 The Statement concludes that 2,353 dwellings are deemed to be deliverable over the next five years (including an allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). Assessed against the requirement to deliver 1,946 dwellings in the next five years based on the District's objectively assessed needs for housing (including a 5% buffer which has been applied in accordance with NPPF paragraph 47) and shortfall in delivery since 2014, the District can currently demonstrate 6.04 years supply of housing land. This represents a significant improvement to the previous assessment in the May 2016 Planning Policy Advice Note.
- 5.2.3 Since the Council published the July 2015 FYHLS Statement, in the 16 appeals where the Council's FYHLS position has been determined, 11 appeals concluded that the Council could demonstrate a FYHLS. The updated August 2016 FYHLS Statement will further strengthen the Council's FYHLS position.

- 5.2.4 The Council can therefore demonstrate 6.04 years housing land supply against its identified housing targets.
- 5.2.5 As such, the Council is satisfied that the current Five-Year Housing Land position means that Paragraph 49 on the NPPF is not engaged and planning applications should now be considered on this basis. With a demonstrable housing land supply, the Council is in a stronger position to refuse development proposals which do not accord with the Local Development Plan (LDP), and importantly a stronger position to refuse applications which could threaten the delivery of sites allocated in the LDP and associated infrastructure. This position however does not automatically prohibit all development outside of settlement boundaries. Planning applications should be assessed on their own merits, taking into account relevant planning policies in the adopted local plan, LDP, NPPF and other material considerations.

5.3 Housing Density, Mix and Affordable Housing

- 5.3.1 As detailed above, the Strategic Housing Market Assessment (SHMA) Update, 2014 considers the range of house types that the Council should consider to reflect local demand and trends.
- 5.3.2 The total number of houses provided in this application is 41. This figure triggers the requirement for affordable housing under policy H1 of the Local Development Plan 2014-2029 and identifies 40% affordable housing provision for this site. This is broken down to:
- 80% smaller units – 35% 1 bed and 45% 2 beds (social rented/affordable rented);
 - 20% larger units – 20% 3 beds and 4 bed as required (intermediate housing).
- 5.3.3 It has been calculated that 16.4 affordable units should be provided. Out of the 41 residential houses proposed, 16 would be smaller 1 or 2 bedroom units, and are either affordable or discounted local sale properties. This amounts to 40% of the development. The 0.4 element equates to £47,200 and is therefore requested that this amount to be a commuted sum payment. This amount can be secure by the Applicant entering into a legal agreement.
- 5.3.4 Below shows how the Commuted Sum Payment has been calculated by the Housing Department:
- “To calculate the contribution required for a percentage of a property it would be the cost to a Registered Provider that would be paid to the Developer/Applicant for an affordable unit. This scheme is proposing a mix of unit sizes including the development of 2 bed houses. Strategic Housing Services greatest housing need is for 2 bed 4 person houses. Therefore the Commuted Sum would be required for a percentage of a two bed house. Having assessed the cost to Registered Providers for a two bed affordable rented house in the District, the likely offer would be in the region of £118,000. Therefore 0.4 equates to a commuted sum payment of £47,200”.*
- 5.3.5 The Housing Department is supportive of the level of affordable housing proposed as it would accord with current and emerging affordable housing policy H9 of the adopted Local Plan and H1 of the Local Development Plan which seek a 40% minimum provision.

5.4 Design of Development and Impact on the Character of the Area

- 5.4.1 Policy BE1 of the adopted Local Plan and Policy D1 of the Local Development Plan both relates to design of development. The NPPF also indicates the importance of good design as part of the sustainability agenda.
- 5.4.2 A single access point is proposed from Burnham Road to serves all 41 proposed dwellings. The single vehicle access point to the proposed development site creates a cul-de-sac arrangement that can be found at Buchanan Way and Lawlings Lane to the north of the site. The access point is therefore appropriate to serve this development proposal.
- 5.4.3 When considering the types of dwellings in the immediate area, there is a combination of new and old. The mixed range of elevational design for the proposed dwellings would be considered to reflect this diverse context, incorporating styles that are considered to reflect the modern residential development at Crouch Vale Court to the east of the site and the future replacement village hall, of contemporary design, to the north of the site.
- 5.4.4 In terms of the height of the development, the proposed dwellings range between 8.4 metres and 8.6 metres to ridge on two-storey elements and 5.1 metres - 5.6 metres to ridge level on bungalows. The height of the proposed dwellings would be lower than the new dwellings at Crouch Vale Court which measures at 9.3 metres to ridge level. Notwithstanding Plots 1, 2 and 3, much of the residential development is set back from the highway and is situated behind the new dwellings at Crouch Vale Court, the motel and the existing allotment. It is not considered that the height of the dwellings would be prominent or visually harmful to the street scene to warrant refusal.
- 5.4.5 No external materials for the dwellings have been submitted for consideration at the present time. However, it is envisaged that the materials to be used in the construction would not be too dissimilar to the local vernacular or the new residential development at Crouch Vale Court. It is considered appropriate that a condition for full details or samples to be submitted for approval prior to commencement of the development. This would ensure that materials are appropriate and in keeping with its setting and the local context.
- 5.4.6 The proposed garages are also considered suitable as they would remain ancillary in design and appearance and not be of a scale, bulk and height that would dominate the street scene or the appearance of the overall development.
- 5.4.7 The development would be akin to the existing residential development at Buchanan Way to the north and is therefore in keeping with the prevailing character and pattern of development of the locality. The Senior Urban Design Officer has raised no objection to the proposed scheme. In this respect, the proposal would accord with Policy BE1 of the adopted local plan, Policies S1, S8, D1 and H4 of the Local Development Plan and the NPPF.
- 5.4.8 With regard to the design and appearance of the replacement village hall, elevational drawings and floor layout plan has been submitted to the Council for consideration. It is considered the contemporary design of the village is appropriate to meet modern day requirements of the local community.

- 5.4.9 The application site is located outside of the defined settlement boundary and in a Special Landscape Area. Policies CC6 and CC7 of the adopted Local Plan are therefore applicable as is policy N2 of the emerging Local Development Plan (LDP). Policies S1, S8, D1 and H4 of the LDP also highlight the need for new development to make a positive contribution to the natural environment, and contribute to and enhance local distinctiveness.
- 5.4.10 The site is a parcel of land which is currently laid to grass and is bounded on three sides with the village hall and pitches to the north and residential properties beyond, existing allotment, motel with associated car parking, four new residential properties to the east (Crouch Vale Court), and two pairs of two-storey detached properties which was allowed on appeal in 2014 (reference: APP/X1545/A/2224882 dated 15 December 2014), and Jacks Centre Bowls Club to the south.
- 5.4.11 The previous application FUL/MAL/15/00093 was refused as *‘the development proposal, by way of its intrusive nature into the rural landscape would have detrimental impact upon the landscape character and result in an urban residential development. The development is therefore contrary to policies BE1 and CC6 of the adopted Local Plan, policies S1, D1, H4 and S8 of the Maldon District Local Development Plan as submitted and the guidance and provision contained within the National Planning Policy Framework’*.
- 5.4.12 In this resubmission, it is noted that bungalows are proposed on the south western corner and north western corner of the site where previously proposed were two-storey dwelling houses. By reducing the height of the dwellings to single-storey in height would improve the relationship between the built form and the wider rural to the west of the site.
- 5.4.13 Further, in support of the planning application, the Applicant has submitted a letter dated 2 September 2016 commenting to recent appeal decisions (reference: APP/X1545/A/14/2214527 dated 29 July 2014 and APP/X1545/W/15/3027426 dated 23 December 2016 - Land to the south of 53 Burnham Road) that were allowed on appeal and considered that those sites allowed on appeal are more harmful to this development scheme. It is important to note that each case is considered on its own merits. Whilst the Planning Inspectors considered that the site has a *‘residential feel and appearance and the development of this site would not appear out of place’* and the appealed schemes have a *‘limited impacted on the wider setting of the village’* and *‘would not appear as a significant outward extension of development into the open countryside’*, it is considered the proposal, in comparison to the previous scheme, have addressed the reasons for refusal as outline in Paragraph 3.1.5 of the report.
- 5.4.14 Having considered the established hedgerow on the western boundary of the site, it gives a strong indication that the development of this site would not encroach onto land beyond this hedgerow. As such, the development would not lead to further erosion of the countryside, and that the development would respect the prevailing pattern of development, to the north, namely Buchanan Way and to the south, Jacks Centre Bowls Club. Further, the development would result in a logical stop to development leading from the settlement, westwards preventing further expansion by the hedgerow.

- 5.4.15 Moreover, being bounded on three sides by existing development, the proposal would have only a limited impact on the wider setting of the village and would not appear as a significant outward extension of development into the open countryside as this is restricted by the strong hedgerow on the western boundary of the site.
- 5.4.16 On balance, it is considered that the proposed development would not cause unacceptable harm to the character and appearance of the area. The proposal would therefore not conflict with Local Plan Policies CC6 and BE1, which seek to ensure that the design of new development is compatible with the character of its surroundings and to avoid harm to the character and appearance of rural landscapes. The proposal would also be consistent with the objective of the Framework, as set out in Paragraph 58, of ensuring that development responds to local character and reflects the identity of its surroundings.

5.5 Impact on Residential Amenity

- 5.5.1 Policy BE1 requires consideration of the impact of development on the safety and amenity of neighbouring occupiers. Policies D1 and H4 of the Local Development Plan similarly required that there is no material impact on living conditions and amenity of neighbouring residential properties.
- 5.5.2 The nearest residential dwellings to the application site are located to the east in small cul-de-sac known as ‘Crouch Vale Court’ (CVC). That site comprise of four, large detached dwellings with associated garages. The dwelling located to the north western corner of CVC backs onto Plot 17, House Type 3Ai - a two-storey, semi-detached dwelling house. The dwelling to the south west of the CVC backs onto Plot 16, also House Type 3Ai - a two-storey, semi-detached dwelling house and flanks onto Plots 4, 5, 6, 7 and 8 (Apartments and a coach house). To the south eastern corner of CVC, one dwelling backs onto Plot 1, House Type AH3 - a two-storey, semi-detached dwelling house.
- 5.5.3 Plot 17 (House Type 3Ai) is positioned approximately 8.5 metres away from the shared boundary with No. 3 CVC and 13.3 metres away when measured from the western flank wall of the building. On the elevational drawings submitted (013-031-021 Revision A), it shows that a narrow window opening has been proposed on the east elevation to serve the stairwell of the proposed property. It is noted that there are no window openings on the flank wall of No. 3 CVC. Having considered the design and the position of house type on Plot 17, it is considered that Plot 17 would not have an adverse impact on the existing residential amenity of No. 3 CVC with regards to loss of privacy, overlooking or interlooking. In this respect, the proposal would meet the policy requirements as contained within policy BE1 of the adopted Local Plan.
- 5.5.4 Plot 16 (House Type 3Ai) is positioned approximately 9 metres away from the shared boundary with No. 2 CVC and 19 metres when measured from the rear wall of the building. On the elevational drawings submitted (013-031-021 Revision A), it also shows that a narrow window opening has been proposed on the east elevation to serve the stairwell of the proposed property. As Plot 16 flanks onto the shared boundary with No. 2 CVC, it is considered that the proposed dwelling would not have an adverse impact on the first floor windows and the dormer window on that property with regard to loss of privacy, overlooking or interlooking.

- 5.5.5 Plots 4, 5, 6, 7 and 8 (House Types AF1 and AF2) are positioned approximately 22 metres from the southern boundary with No. 2 CVC and 30 metres when measured from the southern flank wall of the building. Both of the proposed properties have windows at first floor level serving bedrooms or bathrooms. Having taken into account the distance between the new properties and the existing property at CVC and that there are no window openings at that property, it is not considered that the existing occupiers of that dwelling would be adversely affected by the proposed development by reasons of loss of privacy, overlooking or interlooking.
- 5.5.6 Plot 1 (House Type AH3) will be positioned approximately 11 metres away from the shared boundary with No. 1 CVC and 22 metres from the rear wall of the building. No first floor window is proposed on the northern flank elevation of Plot 1 only on Plot 3 and as such, the private amenity space of No. 1 CVC would not be affected by this development proposal.
- 5.5.7 Having considered the position and the distances between the new dwellings and the existing dwellings at CVC, it is considered the development would be acceptable in respect of residential amenity in accordance with policy BE1 of the adopted Local Plan, policies S1, D1 and H4 of the Local Development Plan, and Government advice contained within the NPPF.

5.6 Access, Parking and Highway Safety

- 5.6.1 A Transport Statement dated March 2016 has been submitted with the application for consideration. The statement, amongst other things, justifies the repositioning of the existing road junction off Burnham Road, traffic flow, car parking and the public transport available in the locality to demonstrate the sustainability of the development proposal.
- 5.6.2 The proposal seeks the repositioning of the existing access/egress point by moving it approximately 55 metres to the south from its existing position. The junction is on a county road where there is an existing 30mph, to the north, just after the access/egress point to the bowls club and a 30mph sign, to the south, adjacent to Rectory Road giving advance warning to all highway users of the critical bend on Burnham Road. The acceptable visibility requirement for the repositioning of the new road junction would be 2.4 metres x 70 metres. In Paragraph 3.13 and Appendix C of the submitted Transport Statement, it states that 2.4 metres x 81 metres would be achievable to the north and 2.4 metres x 87 metres would be achievable to the south. In this respect, the Highway Authority has raised no objection to the repositioning of the new access/egress point to the site.
- 5.6.3 However, the Highway Authority had initially raised an objection to the application for the following reasons:
- The carriageway shown at 4.8m in width fails to provide sufficient width to enable efficient and convenient access manoeuvres into and out of the proposed vehicular accesses.
 - The proposed vehicular accesses shown at 6.0m in width are excessively wide for shared accesses.
 - The proposed vehicular accesses shown at 3.0m are too narrow to enable efficient and convenient access manoeuvres into and out of the accesses.

- The proposed layout fails to provide the accesses to the private drives with the recommended visibility splays required for safety and inter-visibility at the accesses.
- The private drive at 4.8m in width fails to provide any segregated pedestrian facilities which will put any pedestrians particularly children at risk from moving traffic.
- It is unlikely that any refuse freighter will manoeuvre over any private drive, particularly one that is in excess of 100m.

5.6.4 The Applicant submitted revised drawing (Development Plan-Highways 2902.08 Revisions P8) to address Highway’s concerns. The Highway Authority was re-consulted and has now raised no objection to the development proposal. The proposal would accord with policies BE1 and T2 of the adopted local plan and policy T2 of the Local Development Plan.

5.6.5 With regard to residential parking provision, 95 car parking spaces have been proposed for this residential development scheme.

5.6.6 The adopted Maldon District Council Vehicle Parking Standards SPD and policy T8 of the adopted Local Plan requires one parking space for a one bedroom unit, two spaces per two or three bedroom unit and three spaces per four or more bedroom unit. Policy D1 of the Local Development Plan also requires safe and secure parking to be provided in accordance with the adopted parking standards. Below is table which has been drawn up using Maldon District Council’s adopted Vehicle Parking Standards and shows the 95 car parking spaces to be provided within the site.

Plot No.	No. of Bedrooms	Parking Spaces to be provided	Maldon Council adopted Vehicle Parking Standards	Surplus of Car Parking Spaces
3, 4, 5, 6, 7, 8	1	8	1 space dwelling	2
2, 31, 32, 33, 34, 35	2	12	2 spaces per dwelling	None
1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 25, 26, 27, 28, 36, 41	3	43	2 spaces per dwelling	5
21, 22, 23, 24, 29, 30, 37, 38, 39, 40	4	32	3 spaces per dwelling	2
Total: 41		Total: 95		9

5.6.7 As there will be a surplus of 9 car parking spaces, it is considered that the proposal meets the Council’s own adopted standards in accordance with policy T8 of the adopted Local Plan.

5.6.8 It is proposed that secure cycle storage will be available at each dwelling. This is only achievable for dwellings comprising 2 or more bedrooms. Details have been submitted for secure storage as shown on Drawing No: 013-031-028 Revision A for the 1 bedroom apartments. This is considered acceptable and would allow the future

occupiers of the site to have an alternative method of sustainable travel as required by the National Planning Policy Framework.

5.7 New Village Hall

- 5.7.1 The access / egress point for the new replacement village hall would be as existing. The Transport Statement dated March 2016 states that it is not envisaged that the new hall would result in any significant increase in traffic movements.
- 5.7.2 The village hall currently has informal, unmarked, car parking spaces for approximately 10-15 vehicles. It is considered that the parking provision by providing 24 spaces, inclusive of three disabled parking bays, would be an improvement for the new hall. As such the proposal for the new replacement village hall is considered acceptable and meets the parking arrangement in accordance with policy T8 of the adopted local plan.

5.8 Private Amenity Space

- 5.8.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that a 1 or 2 bedroom unit should have 50 square metres of amenity space and a 3 or more bedroom dwelling should have at least 75-100 square metres of amenity space depending on the location. Both policies BE1 of the Local Plan and Local Development Plan policy D1 indicate the need for amenity space in new development and this must be useable.
- 5.8.2 Garden sizes proposed for each dwelling meet the recommended requirement and in some cases exceeds the minimum standards. This is considered an important part of the development due to its location of the site and relationship to the adjacent playing fields to the north and open fields to the west of the site. In addition to the private gardens and communal areas, an area of open space of the site has been provided within this development scheme to the west to give a sense of openness that would otherwise not be achieved if a higher density development was put forward. In this respect, the proposal would accord with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan.

5.9 Landscaping

- 5.9.1 Policies BE1 and CC6 of the adopted Local Plan all seek to ensure that development incorporates appropriate landscaping features. This is also reflected in policy D1 of the emerging Local Development Plan which focuses on the considerations and the built environment, in addition to the design chapter of the NPPF.
- 5.9.2 The application is accompanied by a Landscaping Strategy which shows the areas to be laid to grass and where trees and hedgerow are to be removed or planted. The Landscaping Strategy also shows some areas of hardstanding, boundary treatment, pedestrian and vehicular access. The level of detail contained within this Landscaping Strategy is limited and unclear. The Applicant is aware that a planning condition would have to be imposed for further details to be submitted and approved in writing by the Council should the application be approved. The Coast and Countryside Officer has been consulted but no reply has been received at the time of

writing this report. However, it is noted that on the previous application FUL/MAL/15/00093 concerns were raised regarding the future loss of the hedge on the western boundary of the site. A condition could be imposed to ensure that the hedge of the western boundary of site is protected during the course of the development should the application be approved.

- 5.9.3 The Tree Officer has been consulted regarding the application but no reply has been received at the time of writing this report. However, in the previously application FUL/MAL/15/00093 it was noted that some trees required removing as part of the development, the full details of which were contained in the Arboricultural Impact Assessment. The Tree Officer previously had raised no objection to the proposal subject to the detail contained within this report are adhered to.

5.10 Ecology

- 5.10.1 The application site is laid to grass with a line of trees which runs along the northern boundary shared with King George's Playing Field. To the eastern boundary, there is a small line of trees which lies adjacent to the existing site entrance to the bowls club, and the southern boundary of the site which is shared with the bowls centre car park. To the western boundary of the site, there is a strong, established hedgerow which can be seen on site and identified on aerial photographs.

- 5.10.2 The proposal seeks to remove the small line of trees on the eastern boundary of the site. The existing trees on the northern, southern and western boundary of the site would be retained and not affected by the development proposal.

- 5.10.3 A Preliminary Ecological Appraisal prepared by baseecology dated January 2015 was submitted as part of the application for consideration. Within this report, it was concluded that there is no opportunity for the proposed development to result in any negative impact on statutory or non-statutory designated sites. The report has taken into account protected species such as invertebrates, birds, badgers and bats and has advised that these would have a limited effect on the development proposal. Recommendations have been made advising generic mitigation measures for the above species (Pages 17-18, Paragraph 4.3 of the Appraisal) should any of them are present during the course of the development.

- 5.10.4 Natural England has been consulted and has raised no objection to the proposal as there would be minimal impact on the existing soft landscaping and biodiversity of the site. In this respect, the proposal would be in accordance with Policies BE1 and CC5 of the adopted local plan, Policies D1 and N2 of the Local Development Plan, and Chapter 11 of the NPPF 'Conserving and Enhancing the Natural Environment'

5.11 Contamination and Air Quality

- 5.11.1 A Phase 1 (Desk Study) Ground Contamination Report carried out by Bingham: Hall Associates (August 2015) has been submitted for consideration. The Environmental Health Services (EHS) has assessed The Phase 1 Contamination Report where it recommends a further Phase 2 investigation including soil sampling in the area of the allotment due to the accumulation of ash. EHS has advised that Phase 2 investigation should be completed prior to commencement of development and any potential

remediation (or otherwise if determined as not required) to be submitted to and agreed in writing by the Council.

- 5.11.2 In addition to the Ground Contamination Report, Environmental Health Services has raised concerns regarding to the air quality and that this development, if approved, would contribute additional road traffic pollutants, namely Nitrogen Dioxide, which is currently measured at levels between 75% and 99%, particularly in areas such as The Street, Latchingdon, Wycke Hill, Spital Road and The Causeway, Maldon.
- 5.11.3 Current Guidance issued by Environmental Protection UK (EPUK) & the Institute of Air Quality Management (IAQM) titled Planning For Air Quality states that Operational traffic from all major developments (As defined in the Town and Country Planning (Development Management Procedure) Order (England) 2010) should adopt good design principles that reduce emissions and contribute to better air quality management and suggests way in which this can be achieved. Mitigation measures would include cycleways, footpath improvements, green travel schemes, EV charging points in new dwellings or financial contrition to reduce the Nitrogen Dioxide level. Whilst EHS has raised concerns regarding to the air quality, the above can be dealt with by planning conditions. A condition has would be required for details to mitigate or offsetting the impacts on local air quality resulting in the increased road traffic generated by the development proposal to be submitted to and approved in writing by the Council. This is considered a reasonable requirement in protecting the health and ensuring the safety of all future occupiers of the development in accordance with policy CON6 of the adopted Local Plan, policy D2 of the Local Development Plan and Chapter 10 of the NPPF.

5.12 Flood Risk and Drainage

- 5.12.1 The application site is in Flood Zone 1, with the least risk of flooding. However, the development site has an area in excess of 1 hectare and therefore a full Flood Risk Assessment (FRA) is required. The Environment Agency and SUDs Team at Essex County Council (ECC) have also been consulted.
- 5.12.2 The Emergency Planner raises no objections to the proposal. The Environment Agency has made a representation advising that the SUDs Team at ECC should be consulted as they are now the Lead Local Flood Authority. Further to the Flood Risk Assessment & Drainage Strategy Report (June 2016) submitted, subsequent meetings were held by between the SUDs Team and the Applicant regarding the report. It has been considered that the surface water drainage scheme proposed which demonstrates that surface water management could be achieved without causing flooding site and elsewhere. A condition has therefore been imposed to ensure the development is carried in accordance with the detail contained within the Flood Risk Assessment & Drainage Strategy Report (June 2016).
- 5.12.3 In addition to the above, the Environmental Agency has advised that a condition should be imposed in relation to the foul water disposal on site should the application be approved.
- 5.12.4 No further objection has been raised by the Council's Environmental Health Services regarding to the Flood Risk Assessment subject to the details contained in the Flood Risk Assessment & Drainage Strategy Report (August 2015) are adhered to.

5.12.5 The proposal would therefore accords with policies BE1 and CON5 of the adopted local plan, policies D1 and D3 of the Local Development Plan, and Chapter 10 of the NPPF.

5.13 Sports England

5.13.1 Paragraph 74 of the NPPF states that “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

5.13.2 Sports England has been consulted on this application and has raised no objection to the proposal as the position of the new village hall as shown on Drawing No: 013-031-011 Revision H dated January 2015 would not affect the existing pitches or result in the loss of playing field. Further, the proposal will include two changing rooms to Football Association (FA) technical design standards and that the existing pitches will be upgraded to increase the capacity for football matches. Detail of the upgrades such a drainage and turf quality, have been submitted in a report ‘Football Pitches Assessment’ dated September 2015 in support of the application.

5.13.3 Sport England has requested conditions to be imposed should the application be approved in relation to the football pitches.

5.14 Anglian Water Services

5.14.1 Anglian Water Services was previously consulted regarding the above proposal and has advised that the foul drainage from this development is in the catchment of Latchington Water Recycling Centre that does not currently have capacity to accept these flows. No investment to increase current capacity is planned in our current business plan for the period 2015-2020 at Latchington. Anglian Water are obligated to accept the flows from the development with the benefit of planning consent and should the planning authority grant consent and the development proceed, and will consider further actions to ensure that the flows can be accommodated. One of the options is to use an alternative Water Recycling Centre at South Woodham Ferrers that does have capacity to accept these flows.

5.15 Essex and Suffolk Water

5.15.1 Essex and Suffolk Water (ESW) has been consulted and raises no objection to the proposal, and advised that their records show that the existing apparatus would not be affected by this development proposal.

5.16 Planning Obligations

5.16.1 A draft Heads of Term have been submitted with the application. These indicate the intention to pay financial contributions for education, the provision of affordable housing plus the commuted payment sum, the maintenance of the open public space and the upgrade of the existing pitches. The legal agreement would be completed and finalised at a later date if planning permission is granted for this scheme, it would be recommended that this is subject to a Section 106 Agreement, in addition to any conditions that may be considered necessary.

5.17 Other Material Considerations

5.17.1 A 'Statement of Community Involvement' (SCI) has been submitted with the application showing the efforts made before submission to consult with local residents. This is taken into consideration but does not influence the recommendations made on policy grounds. The undertaking of the public events and production of an SCI would however comply with the Council's guidance.

5.17.2 Letters of representation have been received primarily objecting to highway safety. This issue has been addressed in the report above with the support from the Highway Authority. In this instance, the refusal of the application on highway safety would be unreasonable and the Council may have difficulties in sustaining this element on appeal.

5.17.3 The Education Department at Essex County Council has been consulted and has advised that there are primary and secondary school places available and therefore this element has been addressed. Financial contribution is only required for Early Years and Childcare and school transportation.

5.17.4 With regard to safety/emergency evacuation, Essex County Fire and Rescue has been consulted and raises no objection to the proposal. However, details regarding the position of fire hydrants within the site would be dealt with at the Building Regulation stage. Further, the turning facilities would have to comply with Building Regulation B5.

5.17.5 The proposed development site is located to the south of historic Latchingdon, and to the north of the Church and Hall complex of Snoreham Hall. Cartographic evidence identifies that Burnham Road had its origins as a linear green with post-medieval settlement gradually developing along its edges. Excavation of similar locations elsewhere in Essex has established that such locations are also favoured for medieval settlement. The Historic Environment Characterisation also indicates the potential for multi-period archaeological deposits in the area. As such, the Archaeology Team has advised archaeological condition to be imposed should the application be approved in accordance with advice in the National Planning Policy Framework Paragraphs 139 and 141.

5.17.6 NHS England (East) has advised that due to the size of the development and the capped number of requests NHS can make for contribution in a particular area, there no intention to seek Primary Healthcare contribution on this occasion. NHS England therefore does not raise an objection to the proposed development.

5.17.7 Whilst the upgrade of the pitches is considered necessary to enable the development, and therefore required through the S106 Agreement, the betterment provided by the community facilities/improvements is considered of limited weight when determining this application, and therefore would not be required to be provided prior to the occupation of the development.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/15/00093** - Hybrid planning application with full details submitted for 41 homes, amenity space and a revised vehicular access from the Burnham Road, and an outline application with all matters reserved for a new village hall and associated infrastructure. Refused: 23.11.2015.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	This application is unanimously supported by the members of the Parish Council as it will provide a balanced mix of housing included in which are some very much needed smaller properties for senior citizens to be able to move into and release larger social housing for families and for the local young people to be able to stay local and near family. This mix helps alleviating some of the need locally. The sale of the Parish Council land which was originally allotments and has never been part of the KGV Playing Field will enable the Parish council to build a new village hall for the village as the current village hall is costing more each year in repairs/upkeep and a new one could provide so many more benefits and indoor sports activities. Another site for an additional 16 allotments is currently being negotiated with BT so there will be no shortage. Open days were held where 85% of those that turned up were in support of this development.	Acknowledged.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Sports England	Supports the application subject to conditions.	Acknowledged. This addressed in Section 5.12 of the report.
Natural England	No comments to make on this application.	Acknowledged. This addressed in Section 5.9 of the report.
Essex and Suffolk Water (ESW)	No objection to the development subject to compliance with ESW requirements.	Acknowledged. This addressed in Section 5.14 of the report.
Archaeology	No objection subject to conditions	Acknowledged. This addressed in Section 5.16.5 of the report.
NHS	NHS England would therefore not wish to raise an objection to the proposed development.	Acknowledged. This addressed in Section 5.16.6 of the report.
Essex County Council (ECC) Sustainable Drainage Systems (SUDs)	No objection subject to conditions.	Acknowledged. This addressed in Section 5.11 of the report.
Environment Agency	No objection subject to conditions.	Acknowledged. This addressed in Section 5.11 of the report.
Essex County Fire and Rescue Services	No objection as details on access / facilities / provision of water supplies will be considered at Building Regulation consultation stage.	Acknowledged. This addressed in Section 5.16.4 of the report.
ECC Highways	No objection to the planning application.	Acknowledged. This addressed in Section 5.6 of the report.
ECC Education	No objection subject to financial contribution to mitigate its impact on school transport.	Acknowledged. This addressed in Section 5.16.3 of the report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection to proposal subject to conditions regarding land contamination and Air Quality mitigation scheme to be submitted to and approved by the Council	Acknowledged. This addressed in Section 5.10 of the report
Emergency Planner	This development will be within flood zone 1 and therefore have no comments in relation to this	Acknowledged. This addressed in Section 5.11 of the report

Name of Internal Consultee	Comment	Officer Response
	application.	
Housing Department	No objection subject to affordable housing and commuted sum to be agreed	Acknowledged. This addressed in Section 5.3 of the report
Senior Urban Design Officer	No objection subject to conditions	Acknowledged. This addressed in Section 5.4 of the report
Planning Policy Team	Considerations:- 1. The council can demonstrate a Five Year Housing Land Supply 2. Outside the development boundary of Latchingdon 3. Not suitable location for older people 4. The loss of public open space	Acknowledged. This addressed in Section 5.1, 5.2 and 5.4 of the 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:

- Mr P Perryman 2 Crouch Vale Court Latchingdon Essex
- David & Suzanne Thornton 3 Crouch Vale Court Latchingdon Essex
- Mr & Mrs S Jeffery 31 Burnham Road Latchingdon Chelmsford

Objection Comment	Officer Response
Additional houses on this site and the houses that has been recently been approved on the opposite side of Burnham Road can engulf Crouch Vale Court.	Acknowledged.
The village infrastructure cannot support additional residential development schemes.	
More air, noise and pollution in Latchingdon.	
Loss of privacy and overlooking.	
The development would result in loss of light to the existing properties at Crouch Vale Court.	
Highway Safety Issues i.e. increase in traffic therefore would impact on drivers and pedestrian safety.	
Impact on wildlife conservation.	
All the residents at Crouch Vale Court objects to the proposal.	
No doctors, health clinic, dentist or library in the village.	

Objection Comment	Officer Response
Recently visited Latchingdon Village Hall and there are a lot of village halls in a lot worst condition.	
No great urgency to replace the village hall.	
Latchingdon is already classed as an area of deprivation and high unemployment.	
The scheme, if allowed, would allow more houses to be developed on the playing field.	

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Affordable Housing to be provided as detailed within the application comprising 16.4 units of the total 41 proposed for this development. The 0.4 element shall be of a Commuted Sum Payment of £47,200
- Education provision for financial contributions for the Early Years and Childcare (EYC) of ££46,214 and for the secondary school £31,024.50. These total £77,238.50 and are all indexed linked to April 2015 costs
- Details regarding the future maintenance of the public open space; and
- The upgrade of the pitches

CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government guidance contained in the National Planning Policy Framework.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to

the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON: To ensure appropriate boundary treatment for the development in accordance with the approved details and to protect the amenity of existing and future occupiers of the site in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policies D1 and N2 of the Maldon District Local Development Plan.

- 5 No works or development shall take place until full details of soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include 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 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 appropriate landscaping of the site in the interest of protecting the character and appearance of the area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policies D1 and N2 of the Maldon District Local Development Plan.

- 6 No trees within or adjacent to the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. 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).
- Trees offsite

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing,

demolition and building operations and 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.

REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with policies BE1 and CC5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D1 and N2 of the Maldon District Local Development Plan.

- 7 No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme.

REASON: To ensure appropriate hard landscaping is provided throughout the site in accordance with the approved details, policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

- 8 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 as such thereafter.

REASON: To prevent environmental and amenity problems arising from flooding and to prevent pollution of the water environment in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D2, D5 and I1 of the Maldon District Local Development Plan.

- 9 Prior to the commencement of development a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the development. The agreed measures shall be implemented prior to final completion of the development

REASON: To prevent environmental and amenity problems arising from the development and to prevent air pollution in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D2, D5 and I1 of the Maldon District Local Development Plan.

- 10 Prior to the commencement of development, Further contaminated Land investigation as described in the Phase 1 Contaminated Land Desk study provided with the application shall be under carried out and reported in writing to the Local Planning Authority. Where identified as necessary a remediation strategy shall be agreed and implemented.

REASON: To prevent the undue contamination of the site in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan.

- 11 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 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 CON6 of the adopted Maldon District Replacement Local Plan.

- 12 No extraction or ventilation shall be installed and operated until details of equipment for the suppression of fumes; odours and/or dust including details of noise attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the Local Planning Authority. The operation shall not take place other than in accordance with these approved details.

REASON: To prevent environmental and amenity problems arising from the development and to prevent air pollution in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D2, D5 and I1 of the Maldon District Local Development Plan.

- 13 No development approved by this permission shall be commenced until a scheme for the improvement and/ or extension of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement and/ or extension of the existing sewage system has been completed.

REASON: To prevent environmental and amenity problems arising from flooding and to prevent pollution of the water environment in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D2, D5 and I1 of the Maldon District Local Development Plan.

- 14 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Groundwater testing and infiltration testing in line with BRE 365. If infiltration is found to be unviable, run-off rate should be restricted to no higher than 3.8l/s.
- Attenuation storage for the 1 in 100 inclusive of climate change (40%) storm event and 'urban creep'.
- An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.

- Final detail as to how any surface water ponding on site will be mitigated against.
- Final detailed modelling of the whole drainage network on site.
- A drainage plan highlighting final conveyance and exceedance routes, location and sizing of storage features, discharge rates and outfall/s from the site.

REASON: To prevent environmental and amenity problems arising from flooding and to prevent pollution of the water environment in accordance with policy CON5 of the adopted Maldon District Replacement Plan, the provisions and guidance of the National Planning Policy Framework and policies D2, D5 and I1 of the Maldon District Local Development Plan.

- 15 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.

REASON: To prevent environmental and amenity problems arising from flooding and to prevent pollution of the water environment in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D2, D5 and I1 of the Maldon District Local Development Plan.

- 16 No works shall take place until 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 ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D2, D5 and I1 of the Maldon District Local Development Plan.

- 17 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D2, D5 and I1 of the Maldon District Local Development Plan.

- 18 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Burnham Road Latchingdon shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

REASON: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.

- 19 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.

- 20 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front of each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.

REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.

- 21 The carriageways throughout the proposed development shall be provided at no less than 5.5m in width.

REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.

- 22 The footways throughout the proposed development shall be provided at no less than 2.0m in width.

REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.

- 23 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction in perpetuity.

- REASON: To ensure a reasonable degree of inter visibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.
- 24 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- REASON: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.
- 25 No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary.
- REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.
- 26 Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.
- REASON: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.
- 27 Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each 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 site and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
- REASON: To promote the use of sustainable means of transport in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.
- 28 No development shall take place, including any works of demolition, until a Construction Method Statement 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 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 Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.

- 29 Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the initial commitments; and amended and supplemented under the provisions of a yearly report. The Residential Travel Plan to include a commitment to provide a Travel Plan co-ordinator within the residential sales office to give advice to the new residents of the development.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policy T1 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T1 of the Maldon District Local Development Plan.

- 30 Prior to the occupation of any of the proposed dwellings, the applicant shall provide a new footway northwards across the full width of available highway or 2.0m in width whichever the greater dimension, which shall extend and connect to the bus stop adjacent to the village hall, being provided entirely at the Applicant/Developer's expense including drainage facilities/ connections, new kerbing, surfacing, any adjustments in levels, any accommodation works to the footway or carriageway channel and making an appropriate connection in both directions to the existing or proposed new footway at the remodelled primary vehicular access to the proposed development, to the specifications of the Highway Authority and approved in writing by the Local Planning 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 Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.

- 31 Prior to the occupation of any of the proposed dwellings, the proposed additional traffic calming measures for Burnham Road Latchingdon as shown detailed within the approved drawings and documents shall be provided to the specifications of the Highway Authority and approved in writing by the Local Planning Authority.

REASON: To ensure the continued safe passage of all highway users, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.

- 32 Prior to the occupation of any of the proposed dwellings, the applicant shall provide a pedestrian / cycle link, 3.5m in width, from the development site across the frontage of Plots 31, 32 & 33 as shown on the amended plan connecting to the community sports facilities.

REASON: To provide adequate connectivity between the development site and the community sports facilities and to prevent unnecessary additional

- pedestrian movements along Latchingdon Road, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy T2 of the Maldon District Local Development Plan.
- 33 The changing rooms within the village hall hereby permitted shall not be constructed other than substantially in accordance with the Football Association Technical Design Guidance Note ‘Changing Accommodation’ (see informative).
- REASON: To ensure the development is fit for purpose and sustainable in accordance with Policy BE1 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies S1, D1, H4 and E3 of the Maldon District Local Development Plan.
- 34 Prior to any development a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality shall be undertaken. Based on the results of the assessment to be carried out a detailed scheme, which ensures that the playing field will be provided to an improved quality, shall be submitted to the LPA for written approval. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with playing pitch quality improvement and a programme of implementation. The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- REASON: To ensure that the playing field is improved to an adequate standard to increase playable capacity and is fit for purpose in accordance with Policy BE1 of the Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies S1, D1, H4 and E3 of the Maldon District Local Development Plan.
- 35 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 BE17 of the adopted Maldon District Replacement Local Plan.
- 36 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.
- REASON: To protect the site which is of archaeological interest in accordance with policy BE17 of the adopted Maldon District Replacement Local Plan.

- 37 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the dwellings hereby permitted without planning permission having been obtained from the Local Planning Authority.
REASON: In order to protect the amenity of existing and future occupiers and the character of the development in relation to the locality in accordance with policies BE1, CC6 and CC7 of the of the adopted Maldon District Replacement Local Plan and policies D1 and N2 of the Maldon District Local Development Plan.
- 38 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) the garages and carports hereby permitted as part of the development shall be used only for the parking of a motor car in connection with the residential use of the properties.
REASON: To ensure appropriate parking is provided and prevent on street parking in the interest of highway safety and visual amenity in accordance with policies BE1, CC6, CC7 and T8 of the adopted Maldon District Replacement Local Plan and policies D1, N2 and T2 of the Maldon District Local Development Plan.
- 39 The parking spaces and means of access thereto as shown on the approved plans which are attached to and forms part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme prior to the occupation of any dwelling and retained for such purposes thereafter.
REASON: To ensure appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan.
- 40 No demolition or scrub clearance shall take place during the bird nesting season (March to September inclusive) unless it is carried out under the direct supervision of an ecologist who has been approved in writing by the Local Planning Authority. Details of the ecological enhancements in accordance with the Baseecology - Preliminary Ecological Appraisal dated January 2015 shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the ecological enhancements have been implemented as approved.
REASON: To protect the natural environment and biodiversity of the site in accordance with Policies BE1 and CC5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D1 and N2 of the Maldon District Local Development Plan.
- 41 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the

majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Maldon District Local Development Plan and the NPPF and PPG.

INFORMATIVES

Environmental Health Team

- 1 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.

Archaeological Team

The archaeological work will comprise trial-trenching of the proposed development area.

All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Essex County Council. Contact Maria Medlycott telephone 03330-136853 e-mail maria.medlycott@essex.gov.uk

Essex County Council Sustainable Drainage Systems Team

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic

requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Essex County Council Highways

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; 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 or by post to:

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

- 2 The Applicant should be advised to contact the Essex County Council travel plan team at travelplanteam@essex.gov.uk to confirm arrangements for the planning and implementation of the travel plan.
- 3 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.

Sport England

The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England and the Football Association. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011) and the FA's Grass Pitch Quality Performance Standard

<http://www.thefa.com/my-football/football-volunteers/runningaclub/yourfacilities/technicalstandards>

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Essex County Council
Economic Growth and Development
E3, County Hall
Chelmsford
Essex CM1 1QH



Mr. Y Cheung
Maldon District Council
Princes Road
Maldon
Essex CM9 5DL

Our ref: 21302

Date: 24/05/2016

Dear Mr. Cheung

**Latchingdon Bowls Club (Land North of), Latchingdon
Without Prejudice MAL/16/299**

Thank you for providing details of the above full planning application for up to 41 new homes. From the information I have received, I have assessed the application on the basis of 36 houses and 5 discounted 1 bed flats, a development of this size can be expected to generate the need for up to 3.24 Early Years and Childcare (EY&C) places; 10.80 primary school, and 7.20 secondary school places.

The proposed development is located within the Althorne Ward. According to Essex County Council's childcare sufficiency data, published in January 2016 there are 4 providers of early years and childcare in the area. Of these 1 is a full day care nursery; 2 are sessional pre-school and 1 child-minder. Overall a total of 8 unfilled places were recorded for 2 year olds and 52 unfilled places were recorded for 3 and 4 year olds. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. As there are sufficient places available a developer's contribution towards new childcare places will not be required for this application at this point in time.

This proposed development is located within the priority admissions area of Latchingdon Primary School which is part of the Maldon Group 4 Primary Forecast Group set out in Essex County Council's document 'Commissioning School Places in Essex'. The school has a capacity of 175 places. The school is forecast to have a surplus of 61 places by the school year 2019-20. No contribution for additional primary school places will, therefore, be requested.

With regards to secondary education needs, this proposed development is located within the priority admissions area of Ormiston Rivers Academy which is, for the purposes of forecasting part of the Maldon Secondary Group 1 (set out in 'Commissioning School Places in Essex'). The Academy has a capacity of 1,050 places. The school is forecast to have a deficit of 19 places by the school year 2019-20. Prior to the implementation of the revised Community Infrastructure Levy Regulations on the 6th April 2015 the County Council would have sought a developer contribution from this proposed development for additional secondary school places. However, the implementation of the revised Regulations now restrict the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five separate planning

obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional secondary school places from this proposed development. This is because the scale of this development is relatively small and the impact on pupil places is limited. Seeking contributions from a number of small developments might, in the future, preclude the County Council from seeking a contribution from a larger development, should there already be 5 contributions allocated to a particular project to add school places in the area.

Having reviewed the proximity of the site to the nearest schools, Essex County Council will be seeking a secondary school transport contribution, and would ask that safe direct walking and cycling routes to local EY&C facilities and primary schools are available.

In view of the above, I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on school transport. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of school transport provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

May I take this opportunity to thank you for your kind assistance in this matter.

Yours sincerely



Claire Ellis
Infrastructure Planning Officer

Telephone 033301 36794
E-mail claire.ellis2@essex.gov.uk



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
5 DECEMBER 2016**

PRESENT

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

772. CHAIRMAN'S NOTICES

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

773. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R G Boyce MBE CC,
Mrs H E Elliott, P G L Elliott and N R Pudney.

774. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 7 November 2016 be approved and confirmed.

775. MINUTES - 22 SEPTEMBER 2016 (SPECIAL MEETING)

RESOLVED

- (i) that the Minutes of the special meeting of the Committee held on 22 September 2016 be received.

Minute 549 – Chairman’s Notices

Councillor A S Fluker advised that the word “lift” should be amended to read “life”.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the meeting of the Committee held on 22 September 2016, be approved.

776. DISCLOSURE OF INTEREST

Councillor R P F Dewick declared that in relation to Agenda Item 8 - FUL/MAL/16/01046 - Stokes Hall, Burnham Road, Althorne, he had carried out work on the site in the past, but not for these Applicants.

Councillor Mrs P A Channer declared:

- a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on highways, footpaths, education and other matters;
- that in relation to Agenda Item 6 – FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon – she was a Trustee of the Henry Gilder Drake Almshouse Charity and would leave the meeting for this item;
- a non-pecuniary interest in relation to Agenda Item 10 – FUL/MAL/16/01058 – The Dells, 102 The Drive, Mayland, Essex, as she had, in the past, been involved in the inspection of children’s homes due to her role as a Member of Essex County Council.

Councillor R Pratt declared that in relation to Agenda Item 6 - FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon – he was a Trustee of the Henry Gilder Drake Almshouse Charity and would leave the meeting for this item.

Councillor M S Helm declared that in relation to Agenda Item 6 - FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon – he was a Trustee of the Henry Gilder Drake Almshouse Charity.

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

- Agenda Item 6 - FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon – he knew the Agent; and
- Agenda Item 11 – FUL/MAL/16/01114 – Agricultural Barn, Goldsands Road, Southminster – he knew the Applicant.

Councillor B S Beale MBE declared that in relation to Agenda Item 11 - FUL/MAL/16/01114 – Agricultural Barn, Goldsands Road, Southminster – he knew the Applicant.

Councillor Mrs B E Acevedo declared a non-pecuniary interest in relation to Agenda Item 6 - FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon – as she knew the Applicant.

Councillors Mrs P A Channer and R Pratt left the meeting at this point.

777. FUL/MAL/16/00299 - LAND NORTH OF LATCHINGDON BOWLS CLUB, BURNHAM ROAD, LATCHINGDON

Application Number	FUL/MAL/16/00299
Location	Land North Of Latchingdon Bowls Club Burnham Road Latchingdon Essex
Proposal	Full planning application for (1) the development of 41 homes, amenity space and a revised vehicular access from the Burnham Road, and (2) a new village hall and associated infrastructure, (no change is proposed to the existing village hall access)
Applicant	Latchingdon South Ltd
Agent	Mr David Barker - Evolution Town Planning LLP
Target Decision Date	15 December 2016
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Major Application Departure from the Local Plan 2005

Following the Officer's presentation of the report, Mr D Thornton, an Objector, of 3 Crouch Vale Court, Latchingdon, Mr D Simmons from Latchingdon Parish Council and Mr S Butler-Finbow, the Agent, all addressed the Committee.

Members were of the opinion that this application had been opposed when it had originally been determined as there had been concerns that it would dramatically alter the street scene. However, as the street scene had changed dramatically in recent months, this was no longer a valid reason for objecting to this application.

In response to a question, the Group Manager for Planning Services advised that the affordable housing element of this application would be applied in accordance with the Council's housing policy. He was of the opinion that a condition to prioritise local families for affordable housing would not be considered reasonable if this was to go to appeal.

Members drew attention to the fact that no objections had been received from statutory consultees and commended the provision of 40% affordable housing. Furthermore, they considered that a new village hall would be beneficial to the area and that this should be provided for under Heads of Terms of a S106 Agreement.

RESOLVED that this application be **APPROVED** subject to the following Heads of Terms of S106 Agreement:

- Affordable Housing to be provided as detailed within the application comprising 16.4 units of the total 41 proposed for this development. The 0.4 element shall be of a Commuted Sum Payment of £47,200
- Education provision for financial contributions for the Early Years and Childcare (EYC) of ££46,214 and for the secondary school £31,024.50. These total £77,238.50 and are all indexed linked to April 2015 costs
- Details regarding the future maintenance of the public open space
- The upgrade of the pitches; and

- Village Hall

And subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 5 No works or development shall take place until full details of soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include 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 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.
- 6 No trees within or adjacent to the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. 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).
 - Trees offsite

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and 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.

- 7 No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme.
- 8 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 as such thereafter.
- 9 Prior to the commencement of development a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the development. The agreed measures shall be implemented prior to final completion of the development
- 10 Prior to the commencement of development, Further contaminated Land investigation as described in the Phase 1 Contaminated Land Desk study provided with the application shall be under carried out and reported in writing to the Local Planning Authority. Where identified as necessary a remediation strategy shall be agreed and implemented.
- 11 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 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.

- 12 No extraction or ventilation shall be installed and operated until details of equipment for the suppression of fumes; odours and/or dust including details of noise attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the Local Planning Authority. The operation shall not take place other than in accordance with these approved details.

- 13 No development approved by this permission shall be commenced until a scheme for the improvement and/ or extension of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement and/ or extension of the existing sewerage system has been completed.
- 14 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
- Groundwater testing and infiltration testing in line with BRE 365. If infiltration is found to be unviable, run-off rate should be restricted to no higher than 3.8l/s.
 - Attenuation storage for the 1 in 100 inclusive of climate change (40%) storm event and ‘urban creep’.
 - An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
 - Final detail as to how any surface water ponding on site will be mitigated against.
 - Final detailed modelling of the whole drainage network on site.
 - A drainage plan highlighting final conveyance and exceedance routes, location and sizing of storage features, discharge rates and outfall/s from the site.
- 15 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.
- 16 No works shall take place until 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.
- 17 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.
- These must be available for inspection upon a request by the Local Planning Authority.
- 18 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Burnham Road Latchingdon shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.
- 19 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

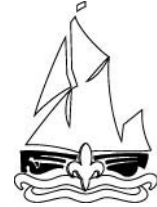
- 20 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front of each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.
- 21 The carriageways throughout the proposed development shall be provided at no less than 5.5m in width.
- 22 The footways throughout the proposed development shall be provided at no less than 2.0m in width.
- 23 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction in perpetuity.
- 24 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 25 No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary.
- 26 Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.
- 27 Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each 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 site and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
- 28 No development shall take place, including any works of demolition, until a Construction Method Statement 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 washing facilities
- 29 Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the initial commitments; and amended and supplemented under the provisions of a yearly report. The Residential Travel Plan to include a

- commitment to provide a Travel Plan co-ordinator within the residential sales office to give advice to the new residents of the development.
- 30 Prior to the occupation of any of the proposed dwellings, the applicant shall provide a new footway northwards across the full width of available highway or 2.0m in width whichever the greater dimension, which shall extend and connect to the bus stop adjacent to the village hall, being provided entirely at the Applicant/Developer's expense including drainage facilities/ connections, new kerbing, surfacing, any adjustments in levels, any accommodation works to the footway or carriageway channel and making an appropriate connection in both directions to the existing or proposed new footway at the remodelled primary vehicular access to the proposed development, to the specifications of the Highway Authority and approved in writing by the Local Planning Authority.
- 31 Prior to the occupation of any of the proposed dwellings, the proposed additional traffic calming measures for Burnham Road Latchingdon as shown detailed within the approved drawings and documents shall be provided to the specifications of the Highway Authority and approved in writing by the Local Planning Authority.
- 32 Prior to the occupation of any of the proposed dwellings, the applicant shall provide a pedestrian / cycle link, 3.5m in width, from the development site across the frontage of Plots 31, 32 & 33 as shown on the amended plan connecting to the community sports facilities.
- 33 The changing rooms within the village hall hereby permitted shall not be constructed other than substantially in accordance with the Football Association Technical Design Guidance Note 'Changing Accommodation' (see informative).
- 34 Prior to any development a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality shall be undertaken. Based on the results of the assessment to be carried out a detailed scheme, which ensures that the playing field will be provided to an improved quality, shall be submitted to the LPA for written approval. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with playing pitch quality improvement and a programme of implementation. The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- 35 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.
- 36 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.

- 37 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the dwellings hereby permitted without planning permission having been obtained from the Local Planning Authority.
- 38 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) the garages and carports hereby permitted as part of the development shall be used only for the parking of a motor car in connection with the residential use of the properties.
- 39 The parking spaces and means of access thereto as shown on the approved plans which are attached to and forms part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme prior to the occupation of any dwelling and retained for such purposes thereafter.
- 40 No demolition or scrub clearance shall take place during the bird nesting season (March to September inclusive) unless it is carried out under the direct supervision of an ecologist who has been approved in writing by the Local Planning Authority. Details of the ecological enhancements in accordance with the Basecology - Preliminary Ecological Appraisal dated January 2015 shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the ecological enhancements have been implemented as approved.
- 41 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

Councillors Mrs P A Channer and R Pratt returned to the meeting at this point.

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**REPORT of
CHIEF EXECUTIVE**

to
SOUTH EASTERN AREA PLANNING COMMITTEE
22 May 2017

Application Number	FUL/MAL/17/00281
Location	Land West Of High House Green Lane Burnham-On-Crouch Essex
Proposal	Erection of a detached stable building to be used for residential in association with the equestrian use of the site.
Applicant	Mr. C. Baker
Agent	Raymond Stemp Associates Ltd.
Target Decision Date	24.05.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Land West Of High House, Green Lane, Burnham-on-Crouch
FUL/MAL/17/00281



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/00281/FUL
	Date:	11/05/2017
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 forms a parcel of land measuring 0.8 Ha within an open paddock with mature vegetation at the southern boundary and post and rail fencing around the site. The application site, at the time of the site visit, was occupied by training equipment for horses and a trailer used for the collection of manure. To the east of the site, within land under the same ownership, is a small timber stable building located at the southern end of the land. To the north, east and west of the site are open fields and to the south is Green Lane, beyond which is another agricultural field.
- 3.1.2 Planning permission is sought for the erection of a single-storey, four-bedroom, detached dwelling. The “U”-shaped building would measure 19.3m wide by 19.5m deep and would have a height of 5.8m to the ridge. The dwelling is proposed to be located to the east of the existing access, closer to the southern boundary of the site. Four parking spaces are proposed to the front of the building and a courtyard is proposed to be formed with its open side looking to the north.
- 3.1.3 It has to be noted that an outline application for a development of similar nature has been previously submitted under reference 15/00972/OUT. The previous application was refused and subsequently dismissed at appeal as the proposal was considered to result in an unsustainable form of development being *located outside of a defined settlement boundary, remote from community facilities and not adjacent to, or closely related to an existing town, village or public transport infrastructure, which would result in the residents being reliant on the private vehicle for day to day living*, and was also considered to have an unacceptable impact upon the character and appearance of the area by *the introduction of a dwelling and associated residential paraphernalia which would urbanise the area to the detriment of its character and appearance*. As such the proposal was previously found to be, *contrary to policies S1, S2 and CC6 of the Maldon District Replacement Local Plan and policies S1 and S8 of the submitted Maldon District Local Development Plan as well as guidance set out in the National Planning Policy Framework, notably paragraphs 17 and 109*.

3.2 Conclusion

- 3.2.1 The proposed development would be located outside of a defined settlement development boundary, remote from community facilities. This would result in the residents being reliant on the private vehicle for day to day living and would result in the introduction of a dwelling and associated residential paraphernalia which would have an urbanising effect upon the rural locality to the detriment of its character and appearance. Therefore, the proposal is considered to result in an unsustainable form of development which would be contrary to policies S2, H1, BE1 and CC6 of the Maldon District Replacement Local Plan and policies S1, S8, H4 and D1 of the submitted Maldon District Local Development Plan as well as guidance set out in 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
- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications
- 216 Weight of emerging plans

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 Development Boundaries and New Development
- S2 Development Outside Development Boundaries
- CON5 Pollution Prevention
- CC6 Landscape Protection
- H1 Location of new development
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Car Parking Standards
- Essex 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), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990) and paragraph 196 of the NPPF].
- 5.1.2 Policies S1 and S2 of the adopted RLP provide the strategic position for the development of the District through defined development boundaries for villages/urban areas and seek to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District and to ensure that the best use is made of existing public services and infrastructure. Furthermore, policy H1 of the RLP states that new housing will not be allowed outside development boundaries unless it complies with the other policies in the Local Plan. This principle is brought forward within Policies S1 and S8 of the submitted LDP. The previously mentioned policies are considered compliant with the NPPF.
- 5.1.3 The proposal is for a new dwelling outside of the settlement boundary as defined by the adopted RLP and the submitted LDP and is therefore considered contrary to policy in principle. Furthermore, paragraph 55 of the NPPF states that Local Planning Authorities should avoid isolated homes in the countryside unless there are certain exceptional circumstances. In this instance, there are no exceptional circumstances (see following sections of report for further analysis) and as such planning permission should not be granted unless other material planning considerations indicate otherwise.
- 5.1.4 Moreover, it has to be noted that planning permission was refused on the site for one new dwelling on the 7th December 2015 and was subsequently dismissed at appeal on 6th July 2016. The principle of the development was found previously to be unacceptable. The principle of the proposal remains the same.

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 sought 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. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that 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.

- 5.2.3 The application site lies outside of any defined development boundary. According to saved policy S2 of the RLP and emerging policies S1 and S8 of the submitted LDP the countryside will be protected for its landscape, natural resources and ecological value. Saved policy CC6 of the RLP seek to ensure that the District's landscape will be protected, conserved and enhanced and development proposals will not be permitted unless their location, siting, design, materials and landscaping achieve the above objective.
- 5.2.4 Green Lane is characterised by sporadic residential development, interspersed with agricultural land, along the northern side of the road. The application site contributes towards an important gap in built form between No.38 Green Lane and High House, ensuring that the rural character and appearance of the locality is maintained. It is evident therefore that the formation of a new dwelling in this locality and resultant loss of this important space, will cause significant harm to the countryside and its intrinsic characteristics as a result of intensification of built form in the street scene.
- 5.2.5 The design of the proposed dwelling has taken reference from traditional stable buildings. However, the proposed development would be significantly larger in scale. The proposed dwelling is in the form of a 'U' shape. The proposed external materials of the building are timber cladding over manure bricks. Within the access and design statement it is explained that the reasoning behind this design was to result in an agricultural style building that would assimilate into the rural character of the area, and of the existing built form on the site.
- 5.2.6 The scale and bulk of the proposed development would be reflective of a residential dwelling, which would be unacceptable on the site, as explained in the Council's previous reason for refusal and subsequently by the Inspector in the Appeal decision. Whilst it is noted that the applicant has attempted to reduce the impact of the development on the rural area by referring a traditional stable building this is considered to be of limited success. The size, proportions and height of the building are incommensurate with a stable building and would be much more obvious and prominent within the site and the wider area.
- 5.2.7 In addition, residential paraphernalia such as washing lines, garden furniture and domestic plants would further erode the rural character and appearance of the area exacerbating the harm highlighted on the previous paragraph. Hence, the appearance of the dwelling as a disproportionately large stable block would not overcome the previously identified harm upon the character and appearance of the area deriving from the residential development of the site.
- 5.2.8 Within the access and design statement, paragraph 55 of the NPPF is mentioned. This paragraph states that: *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.’*

5.2.9 In short, this paragraph states that isolated homes in the countryside will be avoided unless the proposed development is of an exceptional quality or innovative design. The applicant contends that the design of the development is so exceptional as to merit the grant of planning permission. However, the erection of a building with the appearance of a large stable block within a paddock is not considered to be innovative or exceptional in any way. Furthermore, looking at the details of the proposal, the only distinctive feature one can identify on the scheme is the provision of hooks to tie up horses and areas where horses can be ‘parked’. This is not considered to meet the requirement of an innovative form of development.

5.2.10 Moreover, it has to be considered that the impact of a residential development on the site has been found unacceptable as it is explained in the Inspector’s decision. In determining the appeal, the Inspector noted that *‘The western and southern (front) boundaries of the appeal site are marked by hedge planting. However, the other boundaries are open and, apart from a small stable and post and rail fencing close to the existing access, the site is free of built development. It, therefore, has an open countryside character which contributes to the wider agricultural landscape. In this setting, regardless of its siting, a new dwelling and associated domestic paraphernalia and garden enclosures would have an intrusive and urbanising effect. The development would be visible from Green Lane through the proposed access and, particularly during the winter when hedge planting is not in leaf, through the front boundary hedge. The dwelling would not form part of a group of established development, but would close down the locally distinctive gap which currently separates High House and Avoca’*. Whilst this appeal was based on an outline application, without any indicative elevation plans, the submission of a full application is not considered to overcome the identified harm.

5.2.11 Other permissions granted in the locality have been mentioned in the submissions of the previous application as well as in the submitted documents of the currently considered application. Although every planning application must be determined on its own planning merits, relevant planning decisions, either by the Council or at appeal stage, are material considerations. However, in determining the appeal scheme, the Inspector did make reference to these other developments stating that *‘The appellant has drawn my attention to recent planning permissions for residential development along Green Lane, including sites at Borchardts, east of High House, adjacent Brickfields Cottage and Corner Cottage. In each case the sites are more*

closely related to existing built development than the appeal site. Moreover, whilst I recognise that the character of Green Lane is likely to evolve as a result of those developments, the area will still be characterised by sporadic built development separated by significant gaps providing visual links to the surrounding countryside’. As such, it is considered that there are no new material considerations since determining the previous scheme on the site which would weigh in favour of the proposal.

- 5.2.12 Bearing in mind the above analysis, it is considered that the proposed development would result in a dwelling outside of the defined settlement boundaries, in a predominantly rural in nature area where it would urbanise the rural landscape to the detriment of the character of the area and would cause irreparable harm to the intrinsic character and appearance of the countryside contrary to policies S2, CC6 and BE1 of the Local Plan, policies S8 and D1 of the Maldon District Submission Local Development Plan, and national policies contained in the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The nearest neighbouring property is located approximately 30m west of the site. To the east of the site, the nearest neighbouring property is located at distance of approximately 100m. Given these ample distances it is considered that a dwelling within the site is unlikely to give rise to issues of overlooking, loss of privacy or oppressiveness in relation to the amenity of neighbouring occupiers, in accordance with the stipulations of local and national policies.
- 5.3.3 Concerns have been raised for the resultant noise from the construction of the dwelling and the resultant noise and smell from the equestrian use of the site. The impact during the period of the construction of any approved development is not a material planning consideration. Other legislation is more appropriate to deal with this matter. With regard to the impact from the equestrian use, this currently undertaken on site irrespective of this permission and as such no further impact would result from this proposal in order to warrant its refusal on this basis.

5.4 Access, Parking, Highway Safety and Sustainable Travel Patterns

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with a change of use. Likewise, policies T1, T2 and D1 of the submission LDP seek to ensure that safe and secure vehicle parking is provided in accordance with the Council’s adopted parking standards. The 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 application proposes a four bedroom dwelling. The parking provision requirement for a dwelling of this size is a maximum of three spaces. The proposal

proposes four parking spaces with ample turning space. The existing access to the land will be utilised for the proposed use. Given the pre-existence of the site access, from a highway and transportation perspective the impact of the proposal has been considered acceptable to the Highway Authority subject to conditions.

- 5.4.3 In terms of sustainable transport patterns when determining the appeal for the previously refused scheme, the Inspector stated that having regard to the rural nature of the area, and the approach to the sustainability of the location taken by other decision makers, it is considered that the proposal would result in reasonably sustainable travel patterns and accord with local and national policies, including paragraphs 29 and 35 of the NPPF.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Adopted policy BE1 requires amenity space and landscaping provision for new developments. The Essex Design Guide SPD provides the guidance for minimum private amenity space levels. The requirement for dwellings of three bedrooms or more is a minimum of 100sq m.

- 5.5.2 The proposed amenity space is in excess of the standard contained within the Essex Design Guide. The landscaping arrangements have not been shown on any of the plans. As such a condition shall be imposed to that effect in case of a positive determination of the application.

5.6 Housing Land Supply and Need

- 5.6.1 Paragraph 47-49 of the NPPF state that Local Planning Authorities should be able to demonstrate a robust and up-to-date Five-Year Housing Land Supply (FYHLS) in order to meet housing needs locally defined. In August 2016, the Council published the latest Planning Policy Advice Note (PPAN dated August 2016) regarding the Council's current status on the FYHLS.

- 5.6.2 The Council's position is that decision makers should give weight to relevant policies in emerging plans, in this instance of the Maldon District Local Development Plan (2014-2029), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the Framework. The more advanced the stage of preparation, the greater the weight can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given in accordance with Paragraph 216 of The National Planning Policy Framework.

- 5.6.3 The Council considers that the current status of the Maldon District Local Development Plan (2014-2029) is at its advanced stage and therefore considerably weight can be given to policies S1, S2, S3, S4, S5, S6, S7, S8, H1, H2, H3, I1 and I2 contained within this emerging plan. Further, the Secretary of State informed the Council on 6 March 2016 that he has carefully considered the Planning Inspector's analysis and conclusions and disagreed with his interim findings set out in his letter of 8 May 2015. The Council finished its Examination in Public of the housing policies of the emerging LDP and it is waiting for the Planning Inspectorate's decision.

- 5.6.4 In light of this letter from the Secretary of State, the Council considers that this is material consideration it should therefore be given significant weight when determining all planning applications, particularly with regard to the Council's current position on the Five Year Housing Land Supply, the latest evidence to be used for the Full Objectively Assessed Need for Housing, and the weight to be afforded to the status of the Local Development Plan. In support of the Council's FYHLS, in a recent Appeal Hearing at Oval Park, Hatfield Road, Langford (reference: Paragraph 18 - APP/X1545/W/15/3053104) dated 29 July 2016, the Planning Inspector concluded that the Council does have a five year supply of housing land based on the evidence that was submitted before him. Moreover, another recent appeal decision at Nipsells Chase, Mayland (APP/X1545/W/16/3153141) confirmed the Council's position in terms of the FYHLS.
- 5.6.5 Irrespective of the above, the Council has to consider the proposal on its merits and in the context of the presumption in favour of sustainable development other than just being outside the development boundary as required by paragraph 49 of the NPPF. Therefore, the Council's adopted strategic and housing policies are considered up-to-date and as such the application would have to be determined on this basis, unless other material planning considerations indicate otherwise.
- 5.6.6 The proposal would provide one new dwelling which the submission states would have four bedrooms. Emerging Policy H2 of LDP contains a policy and preamble (paragraph 5.2.2) which, 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 the emerging policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's SHMA, published in September 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.
- 5.6.7 The NPPF in paragraph 50 sets out that housing should be provided to meet an identified need. The proposed dwelling would not assist in meeting the housing shortfall need as set out in the SHMA and emerging Policy H2. The provision of a dwelling that does not meet an identified need is considered to be of significance when determining this application.
- 5.6.8 Given that the site lies within an area where rural planning policies of restraint apply, policy S2 of the RLP and policies S1 and S2 of LDP is a key consideration. The Council should only be granting approval for development outside of development boundaries where there would be no demonstrable harm to the coast and countryside.

5.7 Sustainability

- 5.7.1 Paragraphs 7 and 8 of the NPPF require the three roles of sustainability to be considered together. The construction of the development would bring minor, short term, economic benefits. The provision of the new dwelling would make a positive, though modest, contribution to the social dimension of sustainability. In accordance with paragraph 47, therefore, it merits a measure of weight in support of the proposal, irrespective of the housing land supply position. Having regard to the scale of the proposal and the limited availability of local facilities and services, future occupiers

could be expected to make a very modest contribution to vitality of rural community. As such, the proposal derives little support from Framework paragraph 55.

5.7.2 With regard to the environmental role, it is considered that the proposal would be detrimental to the character and appearance of the area, contrary to RLP policies S2, CC6 and BE1, LDP policies S8 and D1, as well as NPPF paragraphs 17 and 109. Although it has been considered by the Inspector that the site location is reasonably sustainable in the local context, that does not amount to a strong point in favour of the proposal.

5.7.3 Overall therefore, it is considered that the proposal's harmful effects on the environment significantly and demonstrably outweigh its benefits when assessed against the local policies and the NPPF as whole. Consequently, the proposal would not amount to sustainable development and so it would not be supported by the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF.

5.8 Other Material Considerations

5.8.1 In the event of a positive determination of the application, appropriately worded conditions shall be considered for the surface and foul water drainage of the scheme in line with policies CON5 of the RLP and D2 of the LDP.

5.8.2 The applicant has requested his personal circumstances to be considered for this application. It has been stated that this proposal is not for a house but for a home which will provide the necessary facilities to a person who loves horses and goes through family problems. Unfortunately, these circumstances are not considered to outweigh the harm identified previously.

6. ANY RELEVANT SITE HISTORY

- **15/00972/OUT** – Two storey four bedroom dwelling. – REFUSED [07.12.2015] – APPEAL DISMISSED [06.07.2016]

Reason for Refusal

The building is located outside of a defined settlement boundary, remote from community facilities and is not located adjacent to, or is closely related to an existing town, village or public transport infrastructure, which would result in the residents being reliant on the private vehicle for day to day living and would result in the introduction of a dwelling and associated residential paraphernalia which would urbanise the area to the detriment of its character and appearance, contrary to policies S1, S2 and CC6 of the Maldon District Replacement Local Plan and policies S1 and S8 of the submitted Maldon District Local Development Plan as well as guidance set out in the National Planning Policy Framework, notably paragraphs 17 and 109.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch	Grant planning permission	Please see section 5 of the report

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection subject to conditions regarding unbound material on the access of the site	Comment noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	Comment noted

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:

- Mr & Mrs Gough, Finnbars Cottage, 40 Green Lane, Burnham-on-Crouch
- Mrs Jennie Smith, 38 Green Lane, Burnham-on-Crouch

Objection Comment	Officer Response
Noise from the building activity	See paragraph 5.3.3 of the report
Noise and smell from equestrian use	See paragraph 5.3.3 of the report
The proposed dwelling will further spoil Green Lane	See section 5 of the report
The site is part of the unspoilt countryside and shall remain as such	See section 5 of the report

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:

- Richard Swanborough, 3 Springfield Road, Burnham-on-Crouch
- Karen Mardle, 10 Rmblers Way, Burnham-on-Crouch
- Miss J Gibbs, Oak Lodge, Green Lane, Burnham-on-Crouch
- Mr J Booth, Oak Lodge, Green Lane, Burnham-on-Crouch

Supporting Comment	Officer Response
The owner is a local businessman and resident, a decent and honourable person	Not a material planning consideration
The stable-like dwelling is appropriate in this locality, the design is unique, it will not be overdevelopment	Please see section 5 of the report
This development is not just for profit	Not a material planning consideration
The proposed dwelling will sustain the equestrian use	Not a material planning consideration
The highway agency has not objected to the proposal	Please see section 5 of the report
Other applications have been approved	Please see section 5 of the report

8. REASON FOR REFUSAL

- 1 The proposed development would be located outside of a defined settlement development boundary where policies of restraint apply. The proposal would result in the introduction of a dwelling and associated residential paraphernalia which would have an urbanising effect upon the rural locality to the detriment of its character and appearance. Therefore, the proposal is considered to result in an unsustainable form of development which would be contrary to policies S2, H1, BE1 and CC6 of the Maldon District Replacement Local Plan and policies S1, S8, H4 and D1 of the submitted Maldon District Local Development Plan as well as guidance set out in the National Planning Policy Framework.

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**REPORT of
CHIEF EXECUTIVE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
22 MAY 2017**

OTHER AREA PLANNING AND RELATED MATTERS

ITEM 1 APPEALS LODGED

ITEM 2 APPEAL DECISIONS

ITEM 1 APPEALS LODGED

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

Appeal Start Date: 27/04/2017

Application Number: HOUSE/MAL/16/01397 (APP/X1545/D/17/3171681)

Site: Amaethon - Grange Road - Tillingham

Proposal: Proposed side extension

Appeal by: Dr & Mrs Mike & Claire North

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 27/04/2017

Application Number: HOUSE/MAL/16/01250 (APP/X1545/D/17/3171464)

Site: 4 Railway Cottages Station Road Althorne

Proposal: Two storey side and single storey front and rear extensions

Appeal by: Mr & Mrs JT Woods and Connolly

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 10/05/2017

Application Number: FUL/MAL/16/01362 (APP/X1545/W/17/3172878)

Site: Fogs Folly, 289 Esplanade, Mayland, Essex, CM3 6AW

Proposal: Demolition of existing dwellinghouse and erection of 3 new dwellings with garages.

Appeal by: Mr D Stevens

Appeal against: Refusal

Appeal procedure requested: Written Representations

ITEM 2 APPEAL DECISIONS

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

OUT/MAL/14/00845 (Appeal Ref: APP/X1545/W/15/3009772)

Proposal: Outline planning permission for development of up to 80 residential dwellings with associated site access, highways, open space, landscaping, land reserved for provision of local shop and associated works.

Address: Land West Of Cemetery Chapel - Southminster Road - Burnham On Crouch

APPEAL ALLOWED – 20 April 2017

THE APPLICATION MADE BY THE APPELLANT FOR THE PARTIAL AWARD OF COSTS AGAINST THE COUNCIL - ALLOWED

DECISION LEVEL: Committee (as per Officer recommendation)

Enforcement Appeal Decisions

An Enforcement appeal made for the following site has been decided:

ENF/16/00122/01 (Appeal Reference Number: APP/X1545/C/16/3158867)

Address: 2 Westfield Bungalows – Main Road - Mundon

Appeal against: Without planning permission: The unauthorised erection of an outbuilding

THE APPEAL IS ALLOWED ON GROUND (F) AND IT IS DIRECTED THAT THE ENFORCEMENT NOTICE BE VARIED SUBJECT TO THESE VARIATIONS THE ENFORCEMENT NOTICE IS UPHELD.

26 April 2017

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