

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

09 June 2017

Dear Councillor

You are summoned to attend the meeting of the;


## **SOUTH EASTERN AREA PLANNING COMMITTEE**

on **MONDAY 19 JUNE 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 blue ink, appearing to read 'F. R. Marshall', is written over a faint circular stamp.

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

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**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**MONDAY 19 JUNE 2017**

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1. Chairman's notices (please see overleaf)
2. Apologies for Absence
3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 22 May 2017, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

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

5. **FUL/MAL/17/00324 - Espero, Tinnocks Lane, St. Lawrence** (Pages 15 - 22)

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

6. **OUT/MAL/17/00383 - Land South of Charwood, Stoney Hills, Burnham-on-Crouch** (Pages 23 - 36)

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

7. **FUL/MAL/17/00388 - Bradwell Power Station Ponds and Vault Complex, Downhall Beach, Bradwell-on-Sea** (Pages 37 - 48)

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

8. **Other Area and Planning Related Matters** (Pages 49 - 52)

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

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- (iii) Appeals Withdrawn

9. **Delegated Planning Applications** (To Be Tabled)

To receive and note the list of decisions on planning applications taken by the Chief Executive (to be circulated at the meeting).

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

11. **Exclusion of the Public and Press**

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

12. **Enforcement Update** (Pages 53 - 144)

To receive and note the report of the Chief Executive, (copy enclosed).

**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 Nos. 5 – 7.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

**NOTICES**

**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  
22 MAY 2017**

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**PRESENT**

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

**68. CHAIRMAN'S NOTICES**

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

**69. APOLOGIES FOR ABSENCE**

There were none received.

**70. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the South Eastern Area Planning Committee held on 10 April 2017 be approved and confirmed.

**71. DISCLOSURE OF INTEREST**

Councillor Mrs P A Channer CC declared the following:

- a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on highways, access, education and other matters; and
- an interest in relation to Agenda Item 5 - FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon as she was a Trustee of the Henry Gilder Drake Almshouse Charity and would leave the meeting for this item.

Councillor R G Boyce MBE declared that, in relation to Agenda Item 5 – FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, although he had not been at the previous meeting where this application had been considered, he understood that there had been advice that as a Member of an Almshouse Trust he could possibly have an interest. Consequently he would leave the meeting for this item.

Councillor Mrs B E Acevedo declared the following non-pecuniary interests:

- in relation to Agenda Item 5 - FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, that she knew one of the Owners; and
- in relation to Agenda Item 6 – FUL/MAL/17/00281 – Land West of High House, Green Lane, Burnham-on-Crouch, that she knew the Applicant.

Councillor M W Helm declared that in relation to Agenda Item 5 – FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, he was an Almshouse Trustee and he would leave the meeting for this item.

Councillor R Pratt CC declared the following interests:

- that he was also a Member of Essex County Council; and
- that, in relation to Agenda Item 5 – FUL/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, he was an Almshouse Trustee and would leave the meeting for this item.

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

- in relation to Agenda Item 5 – Ful/MAL/16/00299 – Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon, he knew the Applicant; and
- in relation to Agenda Item 6 – Land West of High House, Green Lane, Burnham-on-Crouch, he knew the Agent, some of the Supporters and the Applicant.

The Committee considered the reports of the Chief Executive 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.

In accordance with their earlier declarations, Councillors R G Boyce, Mrs P A Channer and R Pratt left the meeting at this point.

## **72. FULMAL1600299 - LAND NORTH OF LATCHINGDON BOWLS CLUB, BURNHAM ROAD, LATCHINGDON**

<b>Application Number</b>	<b>FUL/MAL/16/00299</b>
<b>Location</b>	Land North of Latchingdon Bowls Club, Burnham Road, Latchingdon
<b>Proposal</b>	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
<b>Applicant</b>	Latchingdon South Ltd
<b>Agent</b>	Mr David Barker – Evolution Town Planning LLP
<b>Target Decision Date</b>	15 December 2016
<b>Case Officer</b>	Joy Thomas, TEL: 01621 875879

<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Amendment to Officer Report on a major application

Following the Officer's presentation of the report, Mr S Butler-Finbow, representing the Applicant, addressed the Committee.

Councillor Mrs B E Acevedo, a Ward Member, proposed that, provided the Village Hall was included in the proposal, the recommendation be approved. The Officer confirmed that the Village Hall was included and that all Heads of Terms and Conditions as per the original report would continue, with the exception of the substitution of the education contribution.

The proposal was then duly seconded and, upon a vote, the motion was carried.

**RESOLVED** 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 Essex County Council standard formula".

Councillors Boyce, Mrs Channer and Pratt returned to the meeting at this point.

### **73. FULMAL1700281 - LAND WEST OF HIGH HOUSE, GREEN LANE, BURNHAM-ON-CROUCH**

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

Following the Officer's presentation of the report, Ms E Hampson of Raymond Stemp Associates Ltd, the Agent, addressed the Committee.

The Group Manager for Planning Services commented to Members on the Agent's presentation to the Committee that Maldon District Council did not object per se to a proposed development that was outside the settlement boundary. It was necessary to show demonstrable harm. Decisions made on other applications in the vicinity of this site do not alter comments made by the Planning Inspector on this site. If another site was granted permission this would not overcome the harm that the Planning Inspector considered that this site may cause if this application was granted permission. If Members were minded to approve this application, then reasons why must be given.

Members then debated this application in some detail and Councillor N R Pudney, a Ward Member, proposed Approval of the application contrary to Officer recommendation. He was of the view that the Applicant dealt with rural matters and should be permitted to live on the site. He was also of the opinion that everyone living nearby encountered the same difficulties with transport links etc.

Members commented on the following issues:

- The design of the site was innovative and attractive;
- There were already stables on the site;
- Permission had been granted for 180 houses in that locality and there had been permissions for two houses to the east and one to the west and it was, therefore, difficult to argue that the location was unsustainable.

In response to a question as to whether the application was for a dwelling or a business, the Chairman advised that Members could only consider the application before them and that was for residential accommodation.

Councillor R G Boyce drew attention to the development of Stoney Hills and was of the opinion that if this application was allowed, then it would weaken the Council's argument to protect the remainder of Green Lanes for the future. He was in support of the Officer's recommendation. The Group Manager for Planning Services advised that although some applications around Green Lanes had been approved and the locality had changed, that does not overcome the Planning Inspector's comments that this site was unacceptable for development. Members must take into account the full history of the site.

The Group Manager for Planning Services raised concerns regarding Members' comments. He reiterated that Members must determine the application before them, i.e. for a residence only and, furthermore, that Members must be consistent in their decision making. He also advised Members that for a dwelling to be permitted in a rural area for its design, then the criteria under paragraph 55 of the NPPF was stringent and the design must be truly exceptional/innovative.

With regard to the comments concerning the 180 dwellings for which permission had been granted, the Group Manager for Planning Services advised Members that this did not mean that this current site was automatically acceptable. Strategic sites had benefits for planning balance that one dwelling on its own could not bring.

The proposal to overturn the Officer recommendation was then duly seconded and upon a vote the motion failed.

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

- 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.

## 74. OTHER AREA PLANNING AND 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: 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

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

Appeal Start Date: 17/05/2017

**Application Number: HOUSE/MAL/16/01415 (APP/X1545/D/17/3173360)**

Site: 7 Cedar Grove - Burnham On Crouch

Proposal: Proposed relocation of front entrance. Proposed internal re-configurations. Proposed pitched roof dormer to front elevation.

Appeal by: Ms Angelique Bell

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

**(ii) Appeal Decisions:**

**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

**OUT/MAL/16/00171 (Appeal Ref: APP/X1545/W/16/3152730)**

Proposal: Demolition of all buildings on site (save for C19th former dairy building which is a non-designated heritage asset on the site frontage) and residential redevelopment for 48 dwellings, new access and associated works to include on site open space, sustainable urban drainage and associated strategic landscaping

Address: Mansion House - Burnham Road - Althorne

**APPEAL DISMISSED – 8 May 2017**

DECISION LEVEL: Delegated

**FUL/MAL/16/00331 (Appeal Ref: APP/X1545/W/16/3165484)**

Proposal: Proposed construction of two chalet style houses and carport

Address: Land Adjacent The Bungalow, Southminster Road, Asheldham, Essex

**APPEAL DISMISSED – 16 May 2017**

DECISION LEVEL: Committee as per Officer recommendation to refuse

**FUL/MAL/16/00408 (Appeal Ref: APP/X1545/W/17/3161178)**

Proposal: Erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills

Address: Land Rear Of The Hollies, Stoney Hills, Burnham-On-Crouch, Essex

**APPEAL ALLOWED– 16 May 2017**

DECISION LEVEL: Committee overturned Officer recommendation to approve

## **75. 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 7 April – 18 May 2017.

Councillor Mrs P A Channer CC declared an interest in item FUL/MAL/17/00193 – Bradwell-on-Sea, as she was also a Member of Essex County Council. The Chairman asked the Group Manager for Planning Services to let Members have details of this application.

## **76. NOMINATION OF MEMBERS TO THE LOCAL HIGHWAYS PANEL**

Following a decision at a meeting of the Council on 11 May 2017, the Committee were asked to nominate a Member to represent the South Eastern Area Planning Committee on the Local Area Highways Panel. Councillor R G Boyce nominated Councillor Mrs B F Acevedo and this was duly seconded. Councillor Mrs Acevedo accepted the appointment.

**RESOLVED** that Councillor Mrs B F Acevedo be appointed to represent the South Eastern Area Planning Committee on the Local Highways Panel

There being no further items of business the Chairman closed the meeting at 8.15 pm

R P F DEWICK  
CHAIRMAN

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**REPORT of  
CHIEF EXECUTIVE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**19 JUNE 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00324</b>
<b>Location</b>	Espero Tinnocks Lane St Lawrence Essex
<b>Proposal</b>	Variation of condition 2 on approved planning permission FUL/MAL/16/01237 (Demolition of existing bungalow and erection of new three-bedroom dwelling)
<b>Applicant</b>	Mr & Mrs John & Margaret Skeritt
<b>Agent</b>	Ms Lisa Shell - Lisa Shell Architects Ltd
<b>Target Decision Date</b>	07/06/2017
<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>ST LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Espero, Tinnocks Lane, St Lawrence**  
**FUL/MAL/17/00324**



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: South East Committee

Date: 06/06/2017

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 Planning permission is sought for the variation of condition 2 of approved application FUL/MAL/16/01237 (Demolition of existing bungalow and erection of new three-bedroom dwelling) and amend the right angle of the overhang of the upper floor to the south elevation, move the western elevation east by 0.2m, amend the number and size of windows proposed and alter the proposed external materials.
- 3.1.2 The application site is located to the north of Tinnocks Lane, a private track within the settlement boundary of St Lawrence, in close proximity to the Blackwater Estuary. Tinnocks Lane and St Lawrence Drive feature a mixture of dwellings ranging in architectural styles and designs including contemporary style dwellings “Tepekee”, “Alpha House” and “Pinewood Ridge” as well as award winning contemporary dwelling “Salt House” which is located to the east of the application site.
- 3.1.3 The application site is located within Flood Zones 2 and 3 as defined by the Environment Agency.

#### **3.2 Conclusion**

- 3.2.1 The principle of the development was established by the earlier permission and the proposed amendments are acceptable in terms of policy. The main consideration is the visual impact of the design changes upon the site, the character and appearance of the listed building and the impact upon adjoining residential occupiers. It is not considered that the proposed variation of condition 3 to allow the alterations detailed within the report will have an adverse impact on the character and appearance of the listed building or the neighbouring occupiers, for the reasons outlined within this report.

### **4. MAIN RELEVANT POLICIES**

#### **4.1 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S1 - Development boundaries and new development
- BE1 - Design of New Development and Landscaping
- CC22 - Replacement dwellings
- T8 - Vehicle Parking Standards

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

- S1 - Sustainable Development
- D1 - Design Quality and Built Environment
- H2 - Housing Mix
- D5 - Flood Risk and Coastal Management
- H4 - Effective Use of Land
- T1 - Sustainable Transport

- T2 - Accessibility

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

- National Planning Policy Framework (NPPF)

### 5. **MAIN CONSIDERATIONS**

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

- 5.1.1 The principle of the development has been established under a previously approved scheme reference FUL/MAL/16/01237. However, it is necessary to revisit this during the consideration of this application. The current application, defers from the previous application as it proposes to amend the right angle of the overhang of the upper floor to the south elevation, move the western elevation east by 0.2m, amend the number and size of windows proposed and alter the proposed external materials.

#### 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 The physical appearance of the proposed dwelling with the various additions would be altered by way of provision to amend the right angle of the overhang of the upper floor to the south elevation, move the western elevation east by 0.2m, amend the number and size of windows proposed to the following:
- (i) South Elevation: The glazing to the main entrance has been increased in size. A window has been added to the angular face to the left of the main entrance at lower floor and the upper floor.
  - (ii) West Elevation: The adjoining horizontal windows to be separated, one to be relocated closer to the rear side of the proposed dwelling.
  - (iii) North Elevation: At lower floor the glazing elements facing the sunken terrace to be increased in size, one additional window located under the balcony. At upper floor, the two windows to be reduced in size.
  - (iv) East Elevation: At upper floor the large window element facing the Salt House, to be replaced by a smaller window and moved slightly to the north.
- 5.2.3 Alter the proposed external materials to a cladding material for the upper part of the building and the roof from cement board to grey, pre-weathered zinc panels with standing seam. Alter the proposed window frames from Aluminium PPC to Architectural Bronze. The external balustrades to the balcony, to be altered from PPC railings to Architectural Bronze railings.
- 5.2.4 In comparing the proposal with the previously approved application it is not considered that the proposed alteration of the right angle of the overhang of the upper floor to the south elevation, relocation of the western elevation to the east by 0.2m,

amend the number and size of windows proposed and alter the proposed external materials would have a detrimental impact on the design or appearance of the proposed dwelling.

- 5.2.5 It is considered that the proposed raising of the roof by 500mm would not have a detrimental impact on the character and appearance of the listed building. As per the comments of the conservation officer it will have relatively little overall impact to the barns external appearance.

### 5.3 **Flood Risk**

- 5.3.1 The NPPF provides the most up to date policy position when assessing flood risk and supersedes any out dated RLP policies on flood risk. Policy D5 of the submitted Local Development Plan (LDP) provides local flood risk considerations and seeks to direct development to the lower risk zones.

- 5.3.2 Tinnocks Lane, St Lawrence is located in Flood Zones 2 and 3. Dwellings fall within the “more vulnerable” flood risk vulnerability classification (Table 2 of the NPPF Technical Guidance and paragraph 66 of the National Planning Policy Guidance (NPPG)). The application is for the replacement of a residential dwelling, which is considered to be a ‘more vulnerable’ land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. Paragraph 33 of the NPPG states “For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed”. In this instance the proposal relates to a replacement dwelling within a defined settlement boundary which, in principle, is in accordance with the Council’s adopted Development Plan (the Maldon District Replacement Local Plan 2005 – Saved Policies), on this basis the Sequential Test has been satisfied. Given the above, the Exception Test is also not required.

- 5.3.3 The next issue to consider is whether the development would meet the guidance set out within the Environment Agency’s (EA) standing advice to ensure there is no increased flood risk off-site to third parties as a result of the development. In terms of surface water management the application forms state that surface water will be discharged to the mains sewer as per existing. The submitted Flood Risk Assessment (FRA) states that a Sustainable Drainage System (SuDS) will be incorporated into the development to manage the surface water runoff from the site; including storage, treatment and rainwater harvesting systems. It is considered acceptable, due to the development being a one-for-one replacement, that a condition could be applied to any positive decision in order to approve surface water drainage details prior to commencement.

- 5.3.4 In relation to access and evacuation the submitted FRA contains a Flood Evacuation Plan which details the evacuation route should a flood warning be issued. However, in the case of an unexpected flood even safe refuge would need to be taken at first floor level, above 5.67m AOD. This would comply with the standing advice from the EA.

- 5.3.5 The proposed revision to the approved scheme under reference FUL/MAL/16/01237 is not considered to pose any further risk or alter the existing position on the proposed development. Therefore, subject to appropriate conditions, the replacement dwelling and the subsequent amendments are considered appropriate in ensuring the proposed development is safe for its lifetime in respect of risk for flooding.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The proposed amendments to the approved scheme, involve the amendment to the right angle of the overhang of the upper floor to the south elevation, move the western elevation east by 0.2m, amend the number and size of windows proposed and alter the proposed external materials.
- 5.4.2 The proposed amendments to the right angle of the overhang of the upper floor, the movement of the western elevation east by 0.2m proposed and changes to the proposed external materials, are not considered to give rise to issues relating to overlooking, loss of light or domination to the detriment of the neighbouring occupiers.
- 5.4.3 The changes to the fenestration are not considered to result in overlooking to the detriment of the neighbouring occupiers. Although some windows would be increased in size and additional windows added, due to their siting, they are not considered to result in overlooking or a loss of privacy.

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

- 5.5.1 There were no concerns raised with regards to access, parking and highway safety within the original application. The proposed amendments would not alter the access, parking and highway safety. Therefore, no concerns are raised.

#### **5.6 Private Amenity Space and Landscaping**

- 5.6.1 There were no concerns raised with regards to the private amenity space and landscaping within the original application. The proposed amendments would not alter the private amenity space or landscaping. Therefore, no concerns are raised.

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

- **FUL/MAL/16/01237** - Demolition of existing bungalow and erection of new three-bedroom dwelling. Approved.

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

#### **7.1 Representations received from Parish Council**

<b>Name of Parish Council</b>	<b>Comment</b>	<b>Officer Response</b>
St Lawrence Parish Council (SLPC)	Objection - SLPC recommend that the elevation showing the impact of this very large	Noted

Name of Parish Council	Comment	Officer Response
	building has on the street scene as it would appear to dwarf the surrounding properties.	

## 7.2 Representation received internally

Name	Comment	Officer Response
Conservation Officer	No Objection	Noted

## 8. **PROPOSED CONDITIONS**

### Conditions:

1. The development hereby permitted shall be begun before the expiration of the original permission on 17 January 2020.  
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 as detailed on this decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved and in accordance with policy BE1 of the Maldon District Replacement Local Plan.
3. No development shall take place until samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.  
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.
4. Prior to the commencement of the development hereby permitted existing ground levels and finished floor levels of the new dwelling shall be submitted to an approved in writing by the Local Planning Authority. There shall be no alteration to these approved finished floor levels.  
REASON: In order to protect local visual amenity and the amenity of the occupiers of adjacent dwellings in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
5. No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting

season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.

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.

REASON: In the interests of the amenity of the area and in accordance with policy BE1 of the Maldon District Replacement Local Plan.

7. No development shall commence until details of the measures to be taken for the disposal surface water shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

REASON: To ensure appropriate surface water drainage at the site and in accordance with policies CON5 of the adopted Maldon District Replacement Local Plan and in accordance with the Government Guidance contained in the National Planning Policy Framework and Planning Practice Guide.

8. Finished floor levels of the development hereby approved shall be a minimum of 5.67mAOD.

REASON: To ensure that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, the reduction of flood risk overall in accordance with CON1 of the adopted Maldon District Replacement Local Plan and in accordance with the Government Guidance contained in the Technical Guidance to The National Planning Policy Framework.

### **INFORMATIVES**

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.



**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
19 JUNE 2017**

<b>Application Number</b>	<b>OUT/MAL/17/00383</b>
<b>Location</b>	Land South Of Charwood Stoney Hills Burnham-On-Crouch Essex
<b>Proposal</b>	Proposed construction of two bungalows
<b>Applicant</b>	Think Green Energy Ltd
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	5 July 2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan 2005 Parish Trigger

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

[illegible]

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 Charwood is a large detached house located within the north east corner of the Stoney Hills area. The application site shares the access point from the western side of Stoney Hills but is located more than 60m to the south. The application site abuts the rear boundaries of Myrtle Cottage and Anson. There are hedges to the north and east boundary of the site. Shrubs and grass is covering the rest of the site. Between Charwood and the application site there is a field. To the west is Stoney Hills. There is open land farther east. A public footpath runs from the access point of the site.
- 3.1.2 The proposal for two bungalows and has been submitted in outline with all matters reserved for future consideration. An indicative layout has been submitted as well as indicative access arrangements.

#### **3.2 Conclusion**

- 3.2.1 The proposed development is located outside the settlement boundary for Burnham-on-Crouch and so is in principle contrary to policies that seek to direct new residential development to established settlements. However, recent appeal decisions and approvals have resulted in new dwellings being permitted in the area which has resulted in a change to its character and appearance. As such, therefore, the proposal would not result in a detrimental harm the character of the area to such a degree as to warrant the refusal of the application. Other considerations would be fully examined at the reserved matters stage.

### **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:**

- 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
- H6 - Housing Density
- 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
- H2 - Housing Mix
- H4 - Effective Use of Land
- T1 - Sustainable Transport
- T2 - Accessibility
- N2 - Natural Environment and Biodiversity

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

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

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The application site is beyond the development boundaries for Burnham-on-Crouch and Stoney Hills forms a tongue of development extending into open countryside.
- 5.1.2 Replacement Local Plan (RLP) policies S2 and H1 would normally seek to direct development to within established settlements or development plan allocations and protect the appearance and character of the rural areas. However, the Committee will be aware that a number of new dwellings have been approved in the area in recent years, some on appeal. On each occasion it has been acknowledged that whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is considered to be in a sustainable location. It has also been acknowledged that the character of the area has evolved over time so it is no longer an area of scattered residential development.
- 5.1.3 In August 2016, an appeal against the refusal of planning permission for 4 x two bed bungalows on the land to the north of Charwood was allowed on appeal. In

determining the appeal the Inspector considered that the character of the site was residential curtilage and that the proposed development would not impinge on the character of the adjacent rural area. A similar line has been taken by inspectors who have recently allowed appeals against refusals for three dwellings to the rear of “The Hollies” (Ref. FUL/MAL14/00591) and a further three dwellings to the rear of “Hillcrest” (Ref. OUT/MAL/16/00196) which lie a short distance to the west. In addition, on 15 January 2015 the Council approved an application for a dwelling to the east of Charwood (Ref. OUT/MAL/14/01049). This final application has allowed the further expansion to the east of the urban grain.

- 5.1.4 Given the recent planning decisions that have been made in respect of the sites adjacent to the application site, the principle of developing the area around Stoney Hills for residential purposes is considered acceptable.
- 5.1.5 Whilst there is only indicative layout submitted, it is possible to conclude that given the size and configuration of the site that two small bungalows could be accommodated on it. The Council’s Strategic Housing Market Assessment identifies that there is a particular need for smaller units and so the form of this development is to be welcomed.
- 5.1.6 The proposed dwellings would be in line with the development located within the grounds of Charwoods. Therefore, the proposal would not result in the extension of built form or development out further than has already been granted by the permission. The principle of this is similar in nature to the conclusions come to by Inspectors at various sites through Stoney Hills including most recently at the rear of Sunnyside on the 5 June 2017.

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

- 5.2.1 This is an outline application and all matters are reserved for future consideration. All that is before the Council is a site plan and the application form that advises that two bungalows are proposed. Reserved matters would need to be submitted, if outline approval was to be granted, and detailed matters of layout and design would be dealt with at that stage.
- 5.2.2 As stated previously, the character of the area has evolved over recent years as planning permissions have been granted or appeals upheld, so that the area is no longer characterized by scattered development where infilling has taken place. This is something that has been noted and highlighted by a number of inspectors. Whilst the resultant change in character is unfortunate the new level of urban development and more urban character is a material consideration when determining this application. As such the development would not be out of character with the immediate area as the countryside beyond will remain intact.

## **5.3 Impact on Residential Amenity**

- 5.3.1 Given that bungalows are proposed and taking into account the size of the site it is considered unlikely that there will be any demonstrable issues relating to overlooking or overshadowing that cannot be resolved at the detailed stage.

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

- 5.4.1 The principle of an access from Stoney Hills for the development of this land and that to the north has already been established and the issue of off street parking will be dealt with at the reserved matters stage; but it is considered that the site has the potential to accommodate an acceptable level of car parking. The Essex County Highways has requested a condition to ensure that there would be no obstruction to the public footpath that runs from the north part of the access point.

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

- 5.5.1 These issues would be dealt with in detail by way of reserved matters submissions. However, the site is likely to be capable of accommodating an acceptable level of private amenity space.

## **5.6 Other Material Considerations**

- 5.6.1 Concerns have been raised with regard to the presence of protected species and contamination of the land. Both issues at recent appeal decisions for comparable sites have not been considered to be appropriate reasons for refusal.

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

- 6.1.1 No relevant site history.

### **6.1.2 Wider Area:**

- **OUT/MAL/15/00978** - Land Rear Of Charwood Stoney Hills - Outline planning permission for a proposed development of 4no. two bedroom bungalows. – REFUSED [22.12.2015] – APPEAL ALLOWED [19.10.2016].
- **RES/MAL/15/00718**– Land Adjacent Charwood Stoney Hills - Reserved Matters application for the approval of appearance, landscaping and layout for the erection of one new dwelling. Following Approved Outline Planning Permission OUT/MAL/14/01049 - APPROVED [18.09.2015].
- **OUT/MAL/14/01049**– Land Adjacent Charwood Stoney Hills - One new dwelling - APPROVED [16.01.2015].
- **OUT/MAL/13/00674**– Land Adjacent Charwood Stoney Hills - Erection of one new dwelling - REFUSED [01.10.2013].
- **OUT/MAL/17/00103**– Land Rear Of Charwood Stoney Hills - Proposed development of two bungalows - APPROVED [11.04.2017].
- **FUL/MAL/14/00610**– Land Adjacent Myrtle Cottage Stoney Hills - Proposed new dwelling house - APPROVED [22.09.2014].
- **FUL/MAL/12/00775**– Myrtle Cottage Stoney Hills – New dwelling house – APPROVED [08.11.2012].
- **OUT/MAL/14/01152**– Land South Of Anson Stoney Hills - Two storey dwelling of an area of 232 square metres or 2500 sq feet – APPROVED [12.02.2015].
- **RES/MAL/15/00839** - Land South Of Anson Stoney Hills - Reserved Matters application for the approval of appearance, landscaping, layout and scale for a

two storey dwelling of an area of 232 square metres or 2500 sq feet. Following approved outline planning permission OUT/MAL/14/01152 – APPROVED [12.10.2015].

- **FUL/MAL/14/00662**– Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – REFUSED [02.09.2014].
- **FUL/MAL/14/00956**– Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.02.2014].
- **OUT/MAL/12/01038**– Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.03.2013].
- **OUT/MAL/15/00420**– Land Opposite Linden Lea Stoney Hills - Outline application for one dwelling including determination of access – REFUSED [02.09.2014] APPEAL ALLOWED [21.07.2016].
- **RES/MAL/16/01187**– Land Opposite Linden Lea Stoney Hills - Reserved matters application for the approval of appearance, landscaping, layout and scale OUT/MAL/15/00420 – APPROVED [22.12.2016].

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

*(Summary of comments received which are only relevant planning matters that are to be taken into account).*

\* PLEASE DELETE BLANK BOXES AND ANY INTERNAL CONSULTATION RESPONSES NOT RECEIVED \*

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	Object - <ul style="list-style-type: none"> <li>• Back land development;</li> <li>• Outside the defined; development envelope;</li> <li>• Loss of amenity;</li> <li>• Traffic generation/highway safety;</li> <li>• Design &amp; appearance; and,</li> <li>• Effect on the character/ appearance of the area/ landscape quality.</li> </ul>	Comments noted – please see section 5 of the report

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Highways	Stoney Hills is a private road; therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to a requirement for the public's rights and ease of passage over public footpath no 5 (Burnham-on-Crouch parish) to be maintained free and unobstructed at all times.	Comment noted

## 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection in principle. Contaminated land conditions shall be applied along with conditions about surface and foul water drainage.	Comments noted. Please see section 5.6 of the report.
Ecology Officer	<p>Object on the basis of limited information - The application has the potential to impact on protected species. As a result the applicant needs to submit a Preliminary Ecological Appraisal carried out by a specialist ecologist. Surveys need to be carried out in advance of determination of the application in line with BS 4202 2013.</p> <p>In addition as the site is outside the settlement boundary a landscape baseline assessment is required.</p>	Comments have been noted.

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Tree Officer	No objection subject to protection of existing tree and hedges during construction and retention of hedges on site	Comments have been 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:

- Lynn Ing Monksfield Stoney Hills Burnham-On-Crouch
- Pam Lacey Long Ranch Stoney Hills Burnham-On-Crouch
- Nicholas Wood Marbles Stoney Hills Burnham-On-Crouch
- Mr & Mrs Wiffen Myrtle Cottage Stoney Hills Burnham-On-Crouch

<b>Objection Comment</b>	<b>Officer Response</b>
Excessive construction traffic in the area due to other permissions.	Not a material planning consideration.
Health and safety issues during construction of other sites.	Not a material planning consideration – Health and Safety Issues shall be reported to the Health and Safety Commissioner.
Trees and hedgerows are removed during breeding season.	The hedgerows and trees are not currently protected. Any illegal activities with regard to wildlife shall be reported to the police and Natural England.
The description of the location is misleading.	The description is sufficient enough and should be read in conjunction with the location plan. Irrespective this is not a material planning consideration.
Contrived development due to access arrangements	See section 5 of the report.
Undesirable form of backland development of unsatisfactory layout	See section 5 of the report.
The development will impact the amenities of neighbouring properties in terms of overpowering, noise from car movements and other activities of the residents and light pollution.	See section 5 of the report.
The site is outside the development boundary.	See section 5 of the report.
Wildlife habitats will be affected by the development.	See section 5 of the report.
The plans are ambiguous and the access shown on them is not within the ownership of the applicant.	This matter has been resolved with amended plans and ownership notices being submitted to the Council.

## 8. **PROPOSED CONDITIONS**

### **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.

REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place including any demolition or clearance works, until a comprehensive ecological survey of the site has been undertaken to ascertain if any protected species are present. The results of the survey shall be submitted to and approved in writing by the local planning authority along with details of the provision and implementation of ecological mitigation to protect any protected species if found to be present. The development shall be carried out and completed in accordance with the approved mitigation scheme.

REASON: To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures are in place to protect any species found to be present on site in accordance with Policy CC5 of the adopted Maldon District Replacement Local Plan, Policy N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.

- 3 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.

REASON: To ensure that the details of the development are satisfactory in accordance with policy BE1 of the Maldon District Replacement Local Plan.

- 4 Unless otherwise shown to be removed on the approved plan all of the hedgerow boundaries shall be retained and maintained at all times thereafter.

REASON: To ensure that protected species are not harmed during the course of development and in the interest of the visual amenity of the area in accordance with policy BE1 and CC5 of the adopted Maldon District Replacement Local Plan, policy D1 and N2 of the Maldon District Local Development Plan as submitted, and Government guidance as contained within The National Planning Policy Framework.

- 5 The public’s rights and ease of passage over public footpath no 5 (Burnham-on-Crouch parish) shall be maintained free and unobstructed at all times.

REASON: To secure continued public access to the designated public right of way in accordance with policy T2 of the Maldon District Replacement Local Plan.

- 6 The landscaping details referred to in Condition1 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.

REASON: To ensure that the details of the development are satisfactory in accordance with policy BE1 of the Maldon District Replacement Local Plan.

- 7 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.

REASON: To ensure appropriate parking is provided in accordance with the Council's adopted parking standards.

- 8 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.

REASON: To protect the amenities of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan.

- 9 The development shall be single storey only comprising of one floor of accommodation.

REASON: To ensure that the development is as applied for.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a

remediation scheme must be prepared. This must be conducted in accordance with the Department for Environmental Food and Rural Affairs (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.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which 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.

- 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.

REASON: To avoid the risk of surface water flooding of adjacent land in accordance with policy D5 of the Maldon District Local Development Plan.

- 12 Development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

### **INFORMATIVES**

- 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.
- 2 Waste Management  
The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

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

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
19 JUNE 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00388</b>
<b>Location</b>	Bradwell Power Station Ponds And Vault Complex Downhall Beach Bradwell-On-Sea Essex
<b>Proposal</b>	Construction of a permanent building envelope to enclose the redundant Ponds and Vaults Complex providing protection from the prevailing weather during the 100 year care and maintenance period.
<b>Applicant</b>	Magnox Limited
<b>Agent</b>	Ms Clare Heeley - AECOM
<b>Target Decision Date</b>	5 July 2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>BRADWELL-ON-SEA</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

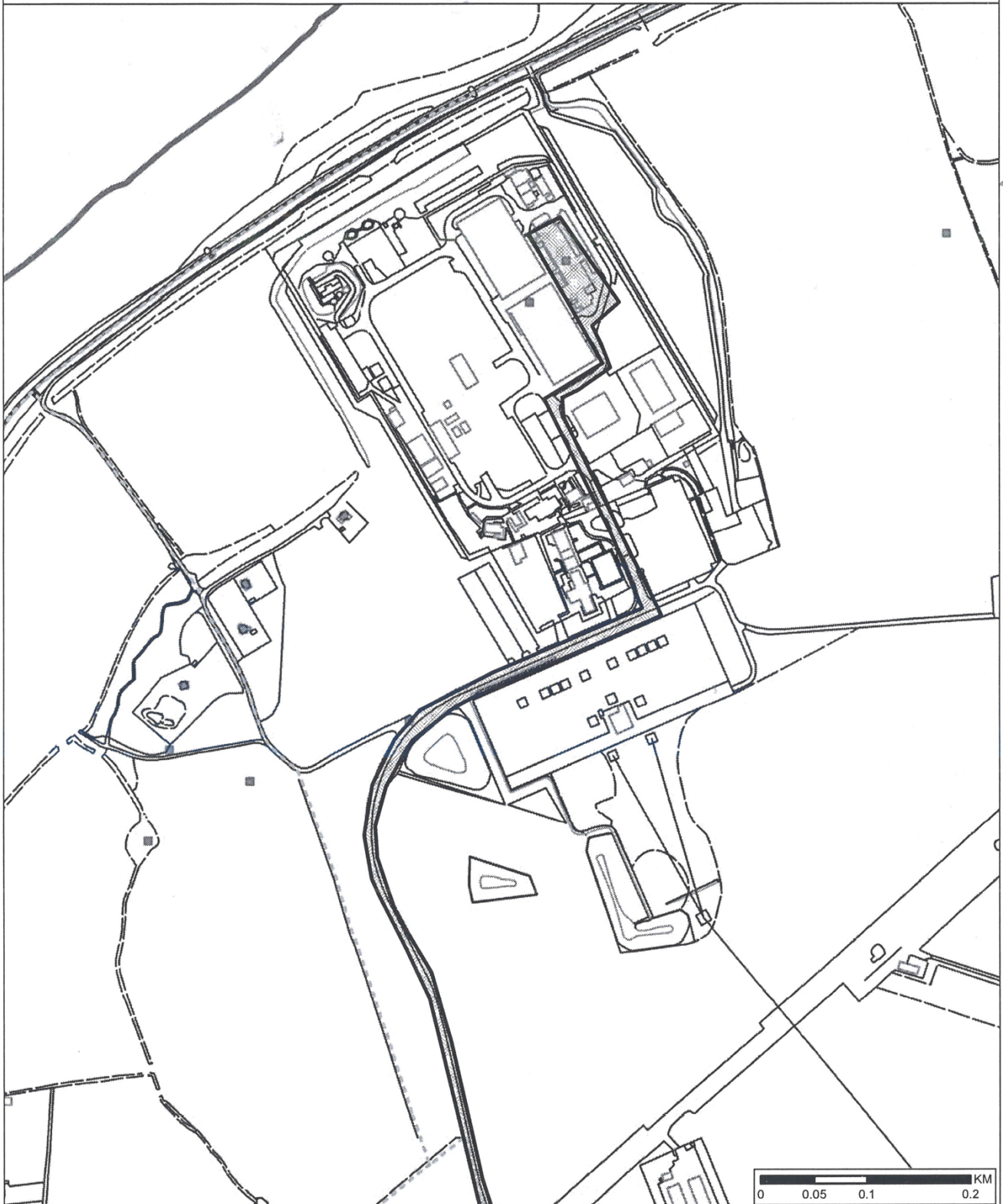
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Bradwell Power Station Ponds And Vault Complex, Downhall Beach, Bradwell-On-Sea**  
**FUL/MAL/17/00388**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	06/06/2017
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### **3. SUMMARY**

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

- 3.1.1 Planning permission is sought for the erection of a permanent building envelope to enclose the redundant Ponds and Vaults Complex from the prevailing weather. The envelope would measure approximately 96m in length, 34m in width and 12.3m in height.
- 3.1.2 The application site is located within the premises of the Bradwell Power Station, within the parish boundary of Bradwell but outside of any settlement boundary. The land around the power station is a designated Site of Special Scientific Interest (SSSI).

#### **3.2 Conclusion**

- 3.2.1 It is considered that, on balance, whilst there would be a detrimental visual impact on the wider surroundings of the site, the proposed development is required for the care and maintenance process already scheduled on power station. The longer term benefits of this proposal are considered to outweigh the harm caused by the development subject to an appropriately worded condition in relation to materials.

### **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
- 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
- CC1 - Development Affecting An Internationally Designated Site
- CC6 - Landscape Protection
- CC7 - Special Landscape Areas
- CC11 - The Coastal Zone
- 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
- N2 - Natural Environment, Geodiversity and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards
- EB009a Landscape Character Assessment - Braintree, Brentwood, Chelmsford, Maldon And Uttlesford Landscape Character Assessments

### **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 Replacement Local Plan (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. This principle is brought forward within Policies S1 and S8 of the submitted Local Development Plan (LDP). The previously mentioned policies are considered compliant with the NPPF.
- 5.1.3 Whilst the application site is located outside of the development boundaries, where the coast and countryside will be protected for their own sake, particularly for their landscape natural resources and areas of ecological, historical, archaeological, agricultural and recreational value, the proposed development would relate to the existing use of the site for the decommissioning of the Bradwell Nuclear Power Station (NPS).

- 5.1.4 Within the supporting documents for this application the justification for the development has been provided. It has been explained that that the development would be a clad building that would be located over the existing Bradwell Ponds and Vaults buildings complex. The proposal would protect the complex from adverse weather conditions, and would ensure that the buildings sites are retained on the site for the one hundred (100) year care and maintenance period.
- 5.1.5 The redundant infrastructure of the Ponds and Vaults Complex was constructed as part of the original Bradwell NPS between 1958 and 1962. Given its former usage and ageing, the redundant infrastructure of the former Ponds and Vaults Complex needs to remain in a safe, inactive state for the entire duration of the Care and Maintenance period as part of in situ remediation.
- 5.1.6 The proposed development therefore provides the protection required to minimise further ageing due to weathering and allows the residual contamination within the fabric of the buildings to reduce to levels which will allow for safe clearance of the site following the Care and Maintenance period. In addition, this will minimise the amount of processing of waste associated with clearing the site. The proposed development is therefore considered necessary in order to provide this weather protection to ensure the Ponds and Vaults Complex remains in a safe, accessible state for the next 100 years prior to clearance of the site.
- 5.1.7 The Applicant has considered that the provision of this protection could either take the form of a single weather envelope structure enclosing the entire ground level and sub-surface level redundant infrastructure at the site or localised recladding of individual structural elements. The selection of a single weather envelope as the preferred option was made by the Applicant on the basis that the weather protection required needs to be supported off a structure which is independent of the existing infrastructure in order to provide confidence that this structure would remain functional for the required 100 year design life.
- 5.1.8 The chosen form for this independent structure is a portal frame, as this is considered the most structurally efficient means of supporting the weather envelope across the entire width of the Ponds and Vaults Complex (30m). This solution also avoids the need for ongoing reliance on the integrity of the existing buildings flat roofs and associated drainage system and ensures adequate space is maintained around the exterior of the existing buildings to facilitate inspection of the building fabric and monitor its ongoing degradation. As the purpose of the proposed development is to protect the existing Pond and Vaults structures there is clearly no alternative location which could be considered for the proposed development. Consequently the proposed development is entirely related to the existing decommissioning activities and is justified in principle on that basis. Other material planning considerations are discussed in the following sections of the report.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design 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 within the coastal zone of the District. 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 policies CC6 and CC11 of the RLP seek to ensure that the District's landscape and coastal zone 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 The proposed development is located adjacent to a special landscape area as defined by policy CC7 and within special landscape D7 - Bradwell Drained Estuarine Marsh as per the evidence base document EB009a of the LDP. The landscape in this area is characterised by flat, low-lying land immediately behind sea wall defences, mostly arable farmland on former reclaimed marsh intersected by linear ditches and dykes. The absence of trees is notable although not immediately around the site. Within the area, one gets the sense of huge sky, sound of birds, tranquility, and panoramic views across the marshland and out to sea. The landscape is dominated by the power station and the two reactor buildings.
- 5.2.5 The proposed building would measure 96m long in the north south direction, 34m wide in the east west direction and would have an overall height of approximately 12.3m. The proposed structure includes an inset storey to the middle of the building. Overall the building would be 1m higher than the enclosed complex at its eaves level, and the ridge height would be even higher. The structure is proposed to be clad with profiled aluminium sheeting with mill finish.
- 5.2.6 Whilst the proposal shows that the width and depth of the development would be similar to the existing cumulative width and depth of the complex of buildings to be enclosed, the proposed building would appear much greater than the existing development as a result of its bulk. In addition, the increase in height is considered to result in a dominant and obtrusive form of development which is considered to result in demonstrable harm to the visual amenity of the area.
- 5.2.7 The design of the proposed building is of limited architectural merit. The building has a rudimentary shape and a utilitarian appearance. The proposed design and scale of the building is reminiscent of other buildings already present on site. Whilst the proposed building is not considered to appear at odds with other development on the site, it is not considered to visually enhance the area.
- 5.2.8 In terms of materials, a sample of the proposed cladding material has been submitted to support the application. The proposed profiled aluminium sheeting with mill finish appears to be reflective and when coupled with the design, siting and scale of the building is considered to result in an obtrusive form of development to the detriment

of the character and appearance of the area. It has been claimed that materials of similar finish have been used for the cladding of the reactors and the Interim Storage Facility (ISF) building. Although a similar material appears to have been used for the cladding of the leaning elevations of the ISF building, the design and location of this substantially smaller and better designed building does not allow the reflective properties of the material to have the conspicuous effect they would have on the proposed building. A different material has been used for the cladding of the reactor buildings and the straight elevations of the ISF building.

- 5.2.9 However, the proposed use of unsympathetic materials is not considered sufficient to justify a reason for refusal given that the use of appropriate materials can be required via appropriately worded conditions in the event of a successful application. In this instance it is considered that condition requiring the details and samples of the external materials to be agreed prior to the commencement of the cladding phase of the construction would meet the six tests of the national planning guidance.
- 5.2.10 Overall, the proposed development due to its scale, bulk and design, including the inappropriate use of materials, would result in a detrimental visual impact on the wider surroundings of the site. However, subject to appropriately worded conditions, the benefits of the scheme in this instance would outweigh the harm identified.

### **5.3 Impact on the SSSI and protected habitat**

- 5.3.1 The application site is located in a sensitive location outside the settlement boundaries, is within the Coastal Zone and adjacent to a Special Landscape Area. The Blackwater Estuary is an area which is subject to a number of international and national nature conservation designations, including:

- 5.3.1.1 Ramsar

- 5.3.1.2 Site of Special Scientific Interest

- 5.3.1.3 Special Protection Area

- 5.3.1.4 Special Area of Conservation

- 5.3.2 The site would therefore be regarded as a “sensitive site” where there are clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within saved policy CC1 of the RLP which states that development likely to have a direct or indirect effect on a Ramsar site, Special Protection Area (SPA) or Special Area of Conservation (SAC) will not be permitted unless it is necessary for reasons of overriding public interest. Any such proposals will be subject to the most rigorous examination. Where development is permitted, the use of conditions or planning obligations will be considered, to avoid and/or minimise harm to the site, to enhance the site’s nature conservation interest and to secure any compensatory measures and appropriate management that may be required.
- 5.3.3 Similarly, emerging policy N2 of the LDP states that any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of

designated sites are identified, the proposal will not normally be permitted. In exceptional circumstances where the loss of designated sites is demonstrated to be unavoidable, developers will be required to provide 'like for like' replacement, relocation and / or compensation towards the loss of habitats and be able to demonstrate that such measures are at least of an equal value to the loss on a site by site basis. Any compensatory habitat created should be ecologically functional in advance of the loss.

- 5.3.4 The application has been supported by a biodiversity appraisal. The Council's Coast and Countryside Officer and Natural England have been consulted on the application. With this in mind, it is considered that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Blackwater Estuary Mid Essex Coast Phase 4 SPA, Ramsar and Essex Estuaries SAC has been classified. Moreover, it is not considered that the proposed development would damage or destroy the interest features for which the Blackwater SSSI has been designated. Furthermore, no protected species have been noted within the application site that would constrain the proposed development.

#### **5.4 Impact on the Environment**

- 5.4.1 The nuclear power station site area is the subject of regulation by the Nuclear Regulatory Group within the Environment Agency (EA). The EA's Nuclear Regulatory Group has been engaged with the applicant for over five years on the delivery of the site into a safe and environmentally sustainable state of "Care and Maintenance". Part of this end state requires the weather proofing of redundant plant which is a key part of the site strategy.
- 5.4.2 The Environmental Management Plan submitted in support of the application has been reviewed by the Nuclear Regulatory Group. They have no further comments on it since they effectively regulate it through a permit issued under the Environmental Permitting Regulations. These regulations require the application of Best Available Techniques across a range of attributes. Accordingly, our Nuclear Regulatory Group is in a continuous state of engagement about this site.
- 5.4.3 In this area of low levels of ambient noise where the flat landscape allows sound to travel to great distances, resultant noise from the construction activities may be an issue. The application is supported by a construction noise assessment which states that the dominant phase of construction will occur during the piling works and all other phases will have less of an impact on all receptors. For human receptors surrounding the site all construction activities are assessed as having no effect, therefore no specific mitigation is required to meet the 70dB(A) (Decibels) fixed limit within BS 5228.
- 5.4.4 For ecological receptors, when piling is at its closest approach to the estuary there is predicted to be a moderate disturbance for waterbirds, based on comparison with a 55dB threshold value. In addition to sensitive scheduling, specific mitigation in the form of a 3.2m high noise barrier has been included within the predictions, located in the north east corner of the site. With the inclusion of a noise barrier, the predicted construction noise levels at the estuary edge fall below the low disturbance threshold. The requirement for a noise barrier can be avoided by piling during the months May to July, when most waterbirds will have vacated the estuary.

- 5.4.5 On this basis, the impact of the development on the soundscape during its construction is considered to be outweighed by the public benefits of the proposal.

## **5.5 Impact on Residential Amenity**

- 5.5.1 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.
- 5.5.2 There are no residential units located in the immediate vicinity of the site for the proposed development to give rise to concerns relating to overlooking, overshadowing or an overbearing effect.

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

- 5.6.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with the use of a site. 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.
- 5.6.2 The existing access to the site would be retained and utilised as part of this application. Furthermore, there is ample parking space to the vicinity of the site dedicated to the users and contractors of the site and the surrounding area. As such, the proposed erection of the building on the site is not considered to result in any demonstrable harm to the free flow of traffic or highway safety.

## **5.7 Flood Risk**

- 5.7.1 As advised in the FRA dated 3 April 2017, the site lies in Flood Zone 1, the area of low flood risk, and it benefits from tidal flood defences. Surface water drainage is not considered will be a problem given that there would be no increase in the impermeable surface on site.
- 5.7.2 The EA has advised that to the extent that any part of the development involves the carrying out works or operations in the bed of or within 20 metres of the top of the bank of a Main River (the River Blackwater) or sea defence, they should be notified by the applicant of such works or operations. The works or operations may require a Flood Risk Activity Permit from EA and the applicant shall be advised to discuss the matter with the EA's Partnership and Strategic Overview (PSO) Team in the first instance before proceeding with the works or operations. An informative will be attached to that effect in the event of grant of planning permission.

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

- **16/00999/DEMPA** – Prior notification of proposed demolition of buildings located within the Ponds and Vaults Complex at the Bradwell site. – PRIOR APPROVAL REQUIRED AND GRANTED [03.10.2016]

- **FUL/MAL/10/00889** - Erection of a double storey portable change facility within the radiological controlled area (demolished as part of 16/00999/DEMPA).

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Bradwell-On-Sea Parish Council	No response received.	
Tollesbury Parish Council	Support.	Noted
Tillingham Village Council	No objection.	Noted

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Colchester Borough Council	No objection subject to receiving further details about landscaping.	Noted.
Essex County Council (ECC) Sustainable Urban Drainage Team	More info about the impermeable surfaces were requested – info provided – No objection.	Noted.
Natural England	No objection.	Noted – please see section 5.3 of the report.
Environment Agency	No objection.	Noted – see sections 5.4 and 5.7 of the report.
Essex County Highways	No comment.	Noted.

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

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Emergency Planner	No comment as the application lies within Flood Zone 1.	Noted.
Environmental Health	No objection.	Noted.
Coast and Countryside Officer	No objection subject to the recommendations of the biodiversity appraisal being followed.	Noted.

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

7.4.1 No representations have been received for the application

## 8. **PROPOSED CONDITIONS**

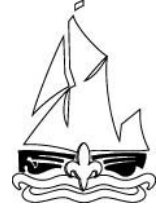
### **Conditions:**

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
REASON: In order to ensure that the development is carried out in accordance with the approved details and in line with policy BE1 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Submitted Local Development Plan and the National Planning Policy Framework.
- 3 No works for the cladding of the building or for the installation of any other external treatment of the building shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved details.  
REASON: In the interest of the visual amenity of the area and in line with policies S2, BE1 and CC6 of the adopted Maldon District Replacement Local Plan, emerging policies S1, S8 and D1 of the Submitted Local Development Plan and the National Planning Policy Framework.
- 4 The construction of the building hereby approved shall be carried out in accordance with the details, proposed measures and recommendations contained within the Ponds Construction Methodology Management Plan referenced JT/001 and dated 21/03/2017, the Environmental Management Plan referenced BRAD/ES/EMP/011 - ISSUE 1, the Biodiversity Appraisal referenced BRAD/EN/REP/226 – ISSUE 2 and dated 30/03/2017, and the Construction Noise Assessment referenced 60522693-REP-00013 and dated 30 March 2017.  
REASON: To interest of environmental protection and in line with policies CON5 and CC1 of the adopted Maldon District Replacement Local Plan, emerging policies D2 and N2 of the Submitted Local Development Plan and the National Planning Policy Framework.

### **INFORMATIVE**

The Environment Agency (EA) has advised that to the extent that any part of the development involves the carrying out works or operations in the bed of or within 20 metres of the top of the bank of a Main River (the River Blackwater) or sea defence, they should be notified by the applicant of such works or operations. The works or operations may require a Flood Risk Activity Permit from EA and the applicant shall be advised to discuss the matter with the Partnership and Strategic Overview Team of the EA in the first instance before proceeding with the works or operations.

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
19 JUNE 2017**

**OTHER AREA PLANNING AND RELATED MATTERS**

**ITEM 1      APPEALS LODGED**

**ITEM 2      APPEAL DECISIONS**

**ITEM 3      APPEALS WITHDRAWN**

## **ITEM 1      APPEALS LODGED**

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

**Appeal Start Date:** 31/05/2017

**Application Number:** WTPO/MAL/16/01456 (APP/TPO/X1545/6122)

**Site:** Holyrood Lodge, Green Lane, Burnham-On-Crouch, Essex, CM0 8PU

**Proposal:** TPO 13/1 T9 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T8 London Plane - Reduce height by 8M crown Lift by 6M cut back to boundary by 6M. T7 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T5 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T4 & T2 London Plane - Reduce height by 8M crown Lift by 6M cut back to boundary by 6M. T1 Horse Chestnut - Reduce height by 5M crown Lift by 3M cut back to boundary by 3M. T10 - T1 Various Species - Removal of large roots and where necessary the insertion of root barrier along boundary edge.

**Appeal by:** Mr David J Kennedy

**Appeal against:** Non Determination

**Appeal procedure requested:** Fast Track Appeal

## **ITEM 2      APPEAL DECISIONS**

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

**FUL/MAL/16/00331 (Appeal Ref: APP/X1545/W/16/3165484)**

Proposal: Proposed construction of two chalet style houses and carport

Address: Land Adjacent The Bungalow, Southminster Road, Asheldham, Essex

Decision Level: Committee as per Officer recommendation to refuse

**APPEAL DISMISSED – 16 May 2017**

**FUL/MAL/16/00408 (Appeal Ref: APP/X1545/W/17/3161178)**

Proposal: Erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills

Address: Land Rear Of The Hollies, Stoney Hills, Burnham-On-Crouch, Essex

Decision Level: Committee overturned Officer recommendation to approve

**APPEAL ALLOWED– 16 May 2017**

**FUL/MAL/16/00673 (Appeal Ref: APP/X1545/W/16/3166974)**

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

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

**APPEAL DISMISSED – 22 May 2017**

DECISION LEVEL: Delegated

**HOUSE/MAL/16/01091 (Appeal Ref: APP/1545/D/17/3170920)**

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

Address: Gwalia - Burnham Road - Althorne

**APPEAL DISMISSED – 24 May 2017**

DECISION LEVEL: Delegated

**FUL/MAL/16/00445 (Appeal Ref: APP/X1545/W/17/3168271)**  
Proposal: Construction of a one bedroom bungalow  
Address: Land Adjacent Whispering Trees Mayland Green Mayland  
Decision Level: Committee as per Officer recommendation to refuse  
**APPEAL DISMISSED – 31 May 2017**

**OUT/MAL/16/00107 (Appeal Ref: APP/X1545/W/16/33160971)**  
Proposal: Construction of four 2 bedroom bungalows  
Address: Land East Of Brook Lane Brook Lane Asheldham  
Decision Level: Committee as per Officer recommendation to refuse  
**APPEAL DISMISSED – 31 May 2017**

**OUT/MAL/16/01182 (Appeal Ref: APP/X1545/W/17/3169919)**  
Proposal: Construction of 2 bedroom detached residential bungalow (Resubmission)  
Address: Land Adjacent The Old Forge And Thornley Cottage - Burnham Road - Althorne  
**APPEAL DISMISSED – 31 May 2017**  
DECISION LEVEL: Committee (overturned Officer recommendation to approve)

**FUL/MAL/16/00763 (Appeal Ref: APP/X1545/W/17/3168862)**  
Proposal: Proposed construction of a chalet style dwelling with attached garage  
Address: Land Adjacent Springfields - Steeple Road - Latchingdon  
**APPEAL DISMISSED – 31 May 2017**  
DECISION LEVEL: Committee (as per Officer recommendation)

**OUT/MAL/16/00418 (Appeal Ref: APP/X1545/W/16/3164833)**  
Proposal: Demolition of existing garage and erection of two dwellings on land to the west of Sunnyside and associated access from Stoney Hills.  
Address: Sunnyside Stoney Hills Burnham-On-Crouch  
Decision Level: Delegated  
**APPEAL DISMISSED – 05 June 2017**  
**APPLICATION FOR PARTIAL AWARD OF COSTS MADE BY APPELLANT - ALLOWED – 05 June 2017**

### **ITEM 3      APPEALS WITHDRAWN**

Notification has been received from the Planning Inspectorate of the follow appeals withdrawn.

**OUT/MAL/15/00678 (Appeal Ref: APPX/1545/W/16/3148925)**  
Proposal: Demolition of former Whitecap Mushroom Farm and associated outbuildings for redevelopment of up to 35 residential dwellings, including upgrading of Mill Road to an adoptable standard. Access to be taken off Mill Road with some other matters reserved. (Resubmission of planning application ref: OUT/MAL/15/00018)  
Address: Whitecap Mushroom Farm - Mill Road - Mayland  
**APPEAL WITHDRAWN – 2 June 2017**

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By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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