

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

29 September 2017

Dear Councillor

You are summoned to attend the meeting of the;

**SOUTH EASTERN AREA PLANNING COMMITTEE**

on **MONDAY 9 OCTOBER 2017** at **7.30 pm**.

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

A copy of the agenda is attached.

Yours faithfully

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

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor R P F Dewick

VICE-CHAIRMAN

Councillor A S Fluker

COUNCILLORS

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

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**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**MONDAY 9 OCTOBER 2017**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 24)

To confirm the Minutes of the meeting of the Committee held on 11 September 2017 (copy enclosed).

4. **Disclosure of Interest**

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

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

5. **HOUSE/MAL/17/00336 - 4 The Spinnaker, St Lawrence** (Pages 25 - 30)

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

6. **OUT/MAL/17/00713 - Land South of 97 South Street, Tillingham** (Pages 31 - 46)

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

7. **FUL/MAL/17/00821 - Asheldham Grange Barn, Rushes Lane, Asheldham** (Pages 47 - 54)

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

8. **FUL/MAL/17/00840 - Land North of Asheldham Hall Farm, Hall Road, Asheldham** (Pages 55 - 68)

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

9. **FUL/MAL/17/00860 - Barn, Little Ashtree Farm, Steeple Road, Mayland** (Pages 69 - 80)

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

10. **FUL/MAL/17/00899 - Land Adjacent Tideways Lodge, Steeple Road, Latchingdon** (Pages 81 - 90)

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

11. **FUL/MAL/17/00921 - 514 Moorhen Avenue, St Lawrence** (Pages 91 - 102)

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

12. **Other Area and Planning Related Matters** (Pages 103 - 104)

To receive the notification from the Planning Inspectorate of the following:

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

13. **Delegated Planning Applications**

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

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

**Note:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 11.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

## NOTICES

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

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

### **Legislation**

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

### **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

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**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
11 SEPTEMBER 2017**

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**PRESENT**

Chairman	Cllr R P F Dewick
Vice-Chairman	Cllr 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 and M W Helm

**390. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

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

**391. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Pratt, CC and N R Pudney.

**392. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 14 August be approved and confirmed.

**Minute No. 322 – Other Area and Planning Related Matters**

The Group Manager for Planning Services was requested to circulate the report on Section 106 Agreements that was presented to the Overview and Scutiny Committee.

**393. DISCLOSURE OF INTEREST**

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

- Agenda Item 5 – FUL/MAL/17/00275 – Land between Station Road and Canute Hall, Fambridge Road, Althorne, Essex - he knew the Applicant and Objectors;
- Agenda Item 6 – FUL/MAL/17/00574 – Creeksea Place Farm House, Ferry Road, Burnham-on-Crouch, Essex - he knew the Applicant;
- Agenda Item 9 – FUL/MAL/17/00736 – Land North of Riversleigh, Nipsells Chase, Mayland, Essex - he knew the Applicant, the Agent and Supporters;
- Agenda Item 10 – FUL/MAL/17/00738 – Land Adjacent High Steppers, Batts Road, Steeple, Essex - he knew the Applicant and the Agent;

- Agenda Item 11 – OUT/MAL/17/00752 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex - he knew the Applicant, the Agent and Objectors;
- Agenda Item 12 – FUL/MAL/17/00761 – Land Adjacent Theedhams Farm, Steeple Road, Southminster, Essex - he knew the Applicant and the Applicant's company had contracted with him.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on matters such as highways, regarding access, and education. Councillor Channer also declared the following non-pecuniary interests:

- Agenda Item 5 – FUL/MAL/17/00275 – Land between Station Road and Canute Hall, Fambridge Road, Althorne, Essex - she knew the Applicant, had been to a couple of events and knew some of the Objectors;
- Agenda Item 10 – FUL/MAL/17/00738 – Land Adjacent High Steppers, Batts Road, Steeple, Essex - she knew the Applicant;
- Agenda Item 11 – OUT/MAL/17/00752 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex - she knew the Agent.

Councillor R P F Dewick declared the following interests:

- A non-pecuniary interest in relation to Agenda Item 10 – FUL/MAL/17/00738 – Land Adjacent High Steppers, Batts Road, Steeple, Essex – as he knew the Applicant;
- A pecuniary interest in relation to Agenda Item 11 - Agenda Item 11 – OUT/MAL/17/00752 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex – as he did business with the Applicant. Councillor Dewick advised that he would leave the room for that item.

Councillor P G L Elliott declared the following interests:

- Agenda Item 5 - Agenda Item 5 – FUL/MAL/17/00275 – Land between Station Road and Canute Hall, Fambridge Road, Althorne, Essex – he knew the Applicant;
- Agenda Item 11 - Agenda Item 11 – OUT/MAL/17/00752 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch, Essex – he knew the Agent.

Councillor M W Helm declared the following interests:

- Agenda Item 5 - Agenda Item 5 – FUL/MAL/17/00275 – Land between Station Road and Canute Hall, Fambridge Road, Althorne, Essex – he knew the Applicant and some of the Objectors;
- Agenda Item 10 – FUL/MAL/17/00738 – Land Adjacent High Steppers, Batts Road, Steeple, Essex - he knew of the Applicant.

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

**394. FUL/MAL/17/00275 - LAND BETWEEN STATION ROAD AND CANUTE HALL, FAMBRIDGE ROAD, ALTHORNE, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/00275</b>
<b>Location</b>	Land Between Station Road And Canute Hall Fambridge Road Althorne Essex
<b>Proposal</b>	New wine warehouse and visitor facility
<b>Applicant</b>	Mr & Mrs Ross And Samantha Lonergan - Crouch Ridge Vineyard
<b>Agent</b>	Mr Juan Martinez - Inkpen Downie Architecture
<b>Target Decision Date</b>	8 May 2017
<b>Case Officer</b>	Ian Harrison, TEL: 01621 875751
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Dr C Collins, an Objector, of Gilder Lodge, Fambridge Road, Althorne, Essex CM3 6BZ, Mr P Burgess, of Althorne Parish Council and Mr R Lonergan, the Applicant, all addressed the Committee.

Members debated this application and were of the opinion that it should, on balance, be approved. The application site formed part of a much wider area that had come in to wine production and the Council was supporting a policy of trying to expand the wine growing areas in and around the District. Residents had raised concern regarding highways issues. However, as the Highways Agency had raised no objection, Members should accept their opinion.

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans listed above.
3. Notwithstanding the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, the building hereby shall be used as a wine tasting centre and for no other purposes falling within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987.
4. Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved materials.

5. No amplified sounds shall be played at the site or within the building hereby approved that is audible from any location outside the application site.
6. No plant shall be installed at the site (including air conditioning units, mechanical ventilation / extraction, flues, vents or refrigeration equipment) unless details of the proposals including the siting and appearance of the plant and details of the noise generated by that plant has been submitted to and approved in writing by the Local Planning Authority.
7. The premises hereby approved shall only be open to members of the public between 1000 hours and 1800 hours on any day.
8. Prior to the commencement of the development hereby approved by visiting members of the public, a plan shall be submitted demonstrating the ability to provide 16 parking spaces within the application site. The submitted plans shall include details for the demarcation of the proposed parking spaces which shall be provided prior to the first use of the building hereby approved and retained in perpetuity solely for use in conjunction with the use of the building hereby approved and the six holiday let units referred to as Althorne Hall Cottages on the plans hereby approved.
9. Prior to the commencement of the development hereby approved, details of the existing and proposed ground levels at the application site (as relevant to the development hereby approved) shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved ground level details.
10. No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, 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.
11. Prior to the commencement of the development a surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

The applicant shall demonstrate that the surface water scheme will ensure that as a minimum:

- Run-off from the site is limited to calculated greenfield rates for the site or 2 litres per second per hectare for a storm event that has a 100% chance of occurring each year (1 in 1 year event)
  - The development should be able to attenuate (manage water on site) for 1 in 100 year events plus 40% climate change allowance
  - If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates
12. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
13. Before the development hereby permitted commences, details of all external illumination of the site shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
14. Prior to the commencement of the development hereby approved details of the provision of refuse storage facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the approved refuse storage shall be provided prior to the first beneficial use of the building hereby approved and retained at all times thereafter.

**395. FUL/MAL/17/00574 - CREEKSEA PLACE FARM HOUSE, FERRY ROAD, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/00574</b>
<b>Location</b>	Creeksea Place Farm House Ferry Road Burnham-On-Crouch Essex
<b>Proposal</b>	Variation of condition 2 on approved planning permission FUL/MAL/16/01465 (To replace existing dilapidated agricultural barn with new barn for ancillary use in conjunction with existing commercial operation)
<b>Applicant</b>	Mr Harry Wilsdon
<b>Agent</b>	Mr Mark Morgan - Petro Designs Ltd
<b>Target Decision Date</b>	31 August 2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

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

- 1 The development hereby permitted shall be begun before 9 February 2020.
- 2 The development shall be carried out in complete accordance with the following approved plan: Drawing No 0840/15 Revision B dated October 2016.
- 3 Prior to the construction of the building hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 The building hereby approved shall only be used ancillary to the permitted holiday let / leisure uses of the site or the agricultural holding and shall not be used for habitable accommodation.

**396. FUL/MAL/17/00650 AND LBC/MAL/17/00651 - 14 HIGH STREET, SOUTHMINSTER, ESSEX, CM0 7AA**

<b>Application Number</b>	<b>FUL/MAL/17/00650</b>
<b>Location</b>	14 High Street Southminster Essex CM0 7AA
<b>Proposal</b>	Conversion of existing former Post Office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) and internal and external changes to the Listed Building including changing a window to a door.
<b>Applicant</b>	Mrs S Mackler
<b>Agent</b>	Guy Clark - Gclarkitecture
<b>Target Decision Date</b>	25 August 2017 EOT: 12.09.2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

<b>Application Number</b>	<b>LBC/MAL/17/00651</b>
<b>Location</b>	14 High Street Southminster Essex CM0 7AA
<b>Proposal</b>	Conversion of existing former Post Office and associated office space to mixed bakery shop (A1) and tea room/coffee shop (A3) and internal and external changes to the Listed Building including changing a window to a door.
<b>Applicant</b>	Mrs S Mackler
<b>Agent</b>	Guy Clark - Gclarkitecture
<b>Target Decision Date</b>	7 August 2017 EOT: 12.09.2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

Following the Officer's presentation of the report, Members noted that the Parish Council objected to this application on the basis of insufficient parking and other issues and some Members were in support of this view. The premises had been empty for some time and some Members believed that this development would be beneficial to the village.

In response to concerns raised regarding parking, the Group Manager for Planning Services advised that Members must consider demonstrable harm. Delivery lorries would be able to park in the street, but this was no different to deliveries that had occurred when the building was used as a post office. Although some car parking had been removed from the rear of the building, the ability for it to remain an A1 unit remained.

Councillor Beale requested that his decision not to vote on this application be recorded.

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

**FUL/MAL/17/00650:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans: HS-MA-05.
3. The use hereby permitted shall not include any primary cooking, that is the application of heat to raw or fresh food in order to cook it, unless an adequate scheme for ventilation is approved by the Local Planning Authority, except for a toaster, microwave, sandwich press and oven of no more than 60cm wide, The ventilation scheme as agreed shall then be implemented prior to the beneficial occupation of the site for the approved use and retained as such.
4. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
5. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

**RESOLVED** that listed building consent be **GRANTED**, subject to the following conditions:

**LBC/MAL/17/00651:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans: HS-MA-05.
3. All new joinery shall be constructed of hand-painted timber only and retained as such thereafter.
4. Prior to commencement of the development hereby approved, large scale drawings of the new external doors, illustrating elevations at 1:20 and section profiles through the, head, cills, jambs and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

**397. HOUSE/MAL/17/00686 - 16 BEAUCHAMPS, BURNHAM-ON-CROUCH, ESSEX, CM0 8PR**

<b>Application Number</b>	<b>HOUSE/MAL/17/00686</b>
<b>Location</b>	16 Beauchamps Burnham-On-Crouch Essex CM0 8PR
<b>Proposal</b>	Single storey extension
<b>Applicant</b>	Mr & Mrs D Stanbury
<b>Agent</b>	Mr Russell Forde - Smart Planning Ltd
<b>Target Decision Date</b>	24 August 2017 EOT: 12.09.2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawing: 16.3494/P201 REV A, 16.3494/P202 REV B, 16.3494/P203 REV A, 16.3494/P204 REV A.
- 3 The external surfaces of the extension hereby approved shall be constructed of materials and of a finish to match the existing dwelling.

**398. FUL/MAL/17/00736 - LAND NORTH OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/00736</b>
<b>Location</b>	Land North Of Riversleigh Nipsells Chase Mayland Essex
<b>Proposal</b>	Proposed construction of a new detached single storey dwelling
<b>Applicant</b>	Mr Kenny Paton & Ms Sue White
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	25 August 2017 – EOT 15 September 2017
<b>Case Officer</b>	Ian Harrison, TEL: 01621 875751
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

The Officer advised the Committee that, in accordance with the Members' Update circulated at the meeting, this application had been **WITHDRAWN**.

**399. FUL/MAL/17/00738 - LAND ADJACENT HIGH STEPPERS, BATTS ROAD, STEEPLE, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/00738</b>
<b>Location</b>	Land Adjacent High Steppers Batts Road Steeple Essex
<b>Proposal</b>	Demolition of existing buildings and structures and replacement with 7 new residential dwellings
<b>Applicant</b>	Mr & Mrs Richard Shepherd
<b>Agent</b>	Ms Sarah Threlfall - TMA Chartered Surveyors
<b>Target Decision Date</b>	15 September 2017
<b>Case Officer</b>	Anna Tastsoglou, TEL: 01621 875741
<b>Parish</b>	<b>STEEPLE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer's presentation of the report, Mr T Matthews, the Agent, of TMA Chartered Surveyors, addressed the Committee.

In response to a question, the Group Manager for Planning Services advised Members that brownfield sites would not always be re-used for housing and that all applications must be determined on their own merits.

The Parish Council had recommended approval of this application and some Members considered that houses would be more appropriate in this area than what was currently there. However, some Members had a contrary view that it was a sporadic development that would bring in an urbanising element to the area. Furthermore, the Council's LDP had been approved and this was not a strategic allocation or part of a garden suburb.

A question was asked regarding the amount of people currently employed on the site and, in response, the Group Manager for Planning Services advised Members that the LDP had a section regarding using employment land and cautioned them against ignoring such a fresh policy, as to do so would set a dangerous precedent.

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

- 1 The application site lies within a rural location outside of the defined settlement boundary of Steeple where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area and it would result in an unjustified loss of employment land. If developed, the site would be

disconnected and isolated from the existing settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

- 2 The proposed development, by virtue of its urban nature, siting, layout, plot size, scale, proportions and design would fail to protect and enhance the character and appearance of the rural area and the scattered built form and would result in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. The development is therefore unacceptable and contrary to policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 3 Inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality and address the Council's strategic objectives on affordable housing has been made, contrary to policy H1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

**400. OUT/MAL/17/00752 - LAND SOUTH OF CHARWOOD, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX**

In accordance with his earlier declaration, Councillor R P F Dewick left the meeting at this point.

COUNCILLOR A S FLUKER IN THE CHAIR.

<b>Application Number</b>	<b>OUT/MAL/17/00752</b>
<b>Location</b>	Land South Of Charwood Stoney Hills Burnham-On-Crouch Essex
<b>Proposal</b>	Proposed construction of 6 bungalows
<b>Applicant</b>	Think Green Energy
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	28 August 2017 (Date extension of time agreed:15 September 2017)
<b>Case Officer</b>	Anna Tastsoglou, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Development Plan 2017 Parish Trigger

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

In response to a question, the Officer advised the Committee that the Burnham Neighbourhood Plan formed part of the consideration on all applications in Burnham-

on-Crouch since the referendum had taken place and that this application was in line with previous permission that had been granted earlier this year.

A further question was asked whether the LDP took precedence over the Burnham Neighbourhood Plan. The Officer advised that both the LDP and the Burnham Neighbourhood Plan form part of the development plan and many matters must be considered when assessing an application. In order to recommend an application for refusal, demonstrable harm must be able to be shown. Stoney Hills had developed considerably over the last four years and whilst Officers appreciated Members' frustration, we must look at what the area has become and whether this application constituted demonstrable harm.

Members debated this application and considered that it was not unreasonable to raise an objection to this application, as the report itself that the increased number of dwellings would add to the creation of a more urban character. Members considered that the LDP was very important to the Council. Furthermore, previous appeals had been determined before the LDP had been approved.

The Group Manager for Planning Services pointed out that, in relation to the Agent's comment that this would be the final application for Stoney Hills, there was no guarantee that this was the case. He also advised Members that the relevant policies of the Council must be taken in to account when determining applications.

In response to a question, the Officer advised Members that although the Burnham Neighbourhood Plan was not referred to in the report, it was taken in to consideration when reviewing this application.

Councillor M W Helm proposed deferral of this application so that the Burnham Neighbourhood Plan could be properly considered together with the reasons for refusal/approval within the report. However, this proposal was not seconded.

Officers confirmed that if this application was refused, then there was still approval for two dwellings.

Councillor Mrs H E Elliott, a Ward Member, proposed refusal of this application contrary to the Officers' recommendation and this was duly seconded.

The Group Manager for Planning Services advised that there must be some sort of demonstrable harm and that he had heard from Members that the development was outside of the settlement boundary. In addition, Members considered that the development would be a change in character to the area and result in an urban form of development.

Councillor Mrs P A Channer, CC proposed that a discussion be held between Councillor A S Fluker (as he was in the chair), officers and herself to consider the exact reasons for refusal of this application, if it was refused.

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

- 1 The proposed development is located outside of the defined settlement boundaries of the Maldon District and would represent an intensive and urban form of development that would be materially harmful to the character of the

application site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies S1, S8, D1, H4 and policies HO.1 and H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan (2017).

Councillors B S Beale, MBE and A S Fluker requested that their votes to approve this application be recorded.

Councillor R P F Dewick returned to the meeting at this point.

**401. FUL/MAL/17/00761 - LAND ADJACENT THEEDHAMS FARM, STEEPLE ROAD, SOUTHMINSTER, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/00761</b>
<b>Location</b>	Land Adjacent Theedhams Farm Steeple Road Southminster Essex
<b>Proposal</b>	Erection of agricultural building to store agricultural equipment.
<b>Applicant</b>	Mr Bradley Faulkner
<b>Agent</b>	Mr Mike Otter - GPO Designs Ltd
<b>Target Decision Date</b>	12 September 2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer's presentation of the report, Councillor M W Helm declared a non-pecuniary interest, as he knew the Applicant.

A Member raised concern about this application and the comments of the Environment Agency and were of the opinion that the Applicant be given an opportunity to defend their position. The Applicant was born and bred in the District, employed a lot of local people and should be supported by the Council. Furthermore, there were no objections from neighbours or the Parish Council.

Concern was raised by a Member about the maximum height of the proposed building and it was considered that it would have a massive visual impact on houses nearby.

The Group Manager for Planning Services advised that preferably development should be channelled to Flood Zones 1 and 2 and the Council must ensure that developments that are permitted do not increase the risk of flooding in other areas. The Environment Agency had raised concerns and if Members did approve this application then it would be necessary to enter in to discussions with them. It was unusual for the Environment Agency to put this proviso in to their comments.

In response to a question, the Group Manager for Planning Services advised that matters such as where the water would go to if this application was permitted would normally be dealt with through conditions.

Councillor Mrs P A Channer, CC proposed that this application be refused in accordance with the Officer's recommendation and this was duly seconded.

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

- 1 The proposed development as a result of its scale, bulk and siting within this open and prominent location and in close proximity to residential development, would materially harm the landscape and character of the locality. The proposal is therefore contrary to policies S1, S8 and D1 of the Maldon District Local Development Plan and the guidance contained within the NPPF.
- 2 The application site lies within tidal Flood Zone 3b which is defined as a functional floodplain where water has to flow or be stored in times of flood; development should be directed to areas of low risk of flooding. Furthermore, it has not been recognised or addressed within the submitted Flood Risk Assessment that the site lies within flood zone 3b. The development would therefore be contrary to core planning principles and guidance contained in the National Planning Policy Framework, the National Planning Practice Guidance and policy D5 of the Maldon District Local Development Plan.

#### **402. OTHER AREA PLANNING AND RELATED MATTERS**

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

- (i) Appeal Decisions

**FUL/MAL/16/01438 (Appeal Ref: APP/X1545/W/17/3175598)**

Proposal: Construction of 2 storey 2 bedroom house

Address: Land Adjacent To 17 Brickwall Close - Burnham On Crouch

**APPEAL DISMISSED – 1 September 2017**

DECISION LEVEL: Delegated

#### **403. DELEGATED PLANNING APPLICATIONS**

The Committee received and noted the list of decisions on planning applications taken by the Chief Executive under delegated powers, circulated prior to the meeting for the period 11 August 2017 – 7 September 2017.

#### **404. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve 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.

#### **405. ENFORCEMENT UPDATE**

The Chairman asked Members if they wished to discuss this item during this meeting or if they wished to hold a separate meeting to consider enforcement.

Councillor A S Fluker proposed that if enforcement was deferred until a special meeting, then this would enable Members to inform Officers of items they wished to discuss in advance. Officers would then have the opportunity to present Members with answers at the special meeting.

**RESOLVED** that this item be **DEFERRED** until a special meeting.

There being no further items of business the Chairman closed the meeting at 9.17 pm

CLLR R P F DEWICK  
CHAIRMAN

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**REPORT of  
CHIEF EXECUTIVE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
9 OCTOBER 2017**

<b>Application Number</b>	<b>HOUSE/MAL/17/00336</b>
<b>Location</b>	4 The Spinnaker, St Lawrence, Essex, CM0 7GR
<b>Proposal</b>	Convert garage into a bedroom with toilet and sink, keeping an area of storage at the front of the garage. Garage door would be functional. Window installation to the rear of the garage.
<b>Applicant</b>	Mrs Jayde Clarke
<b>Agent</b>	N/A
<b>Target Decision Date</b>	11.10.2017
<b>Case Officer</b>	Mahsa Kavyani
<b>Parish</b>	<b>ST LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

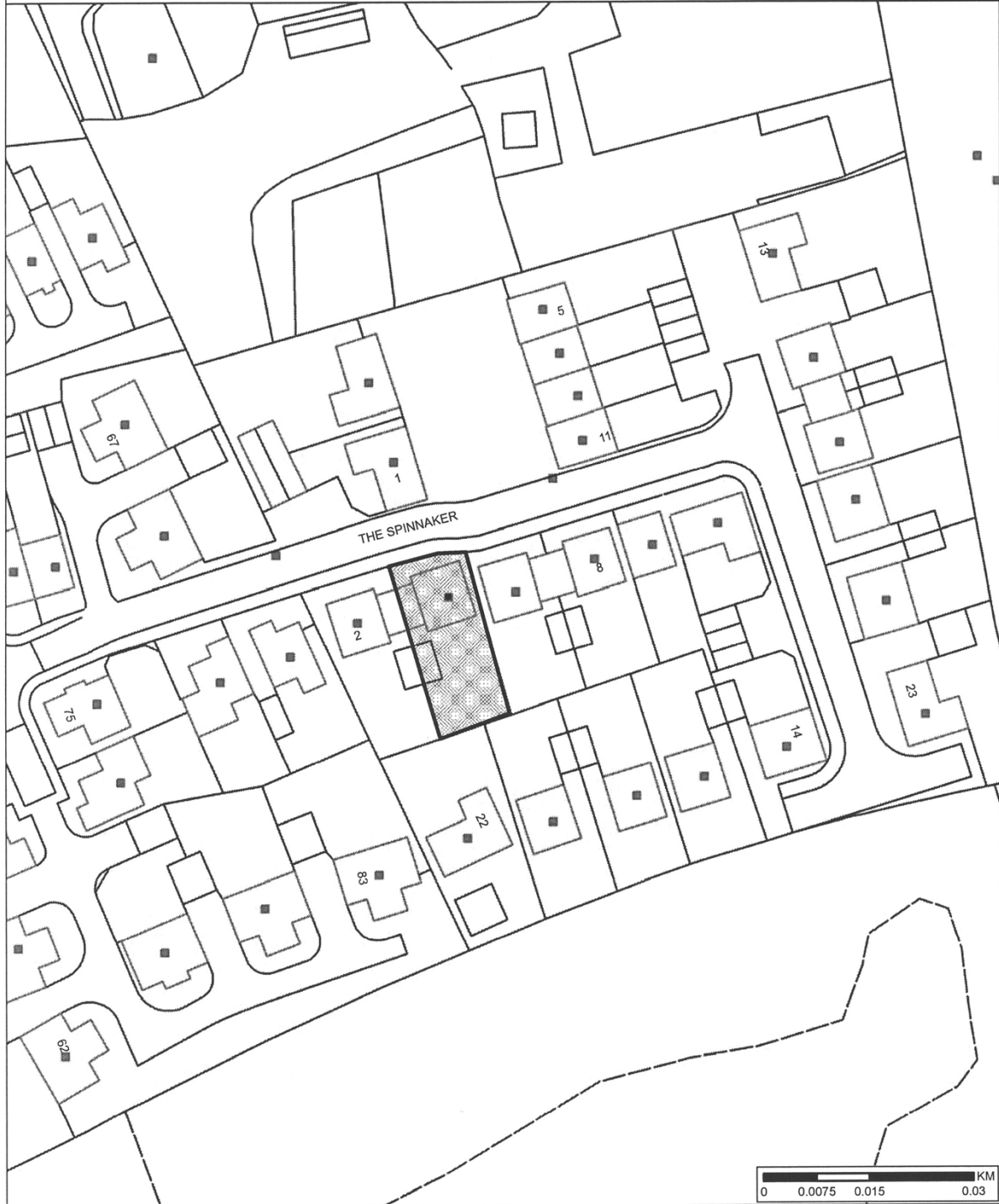
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

**4 The Spinnaker, St Lawrence**  
**HOUSE/MAL/17/00336**



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	<p>www.maldon.gov.uk</p>	<p>Organisation: Maldon District Council</p> <p>Department: Department</p> <p>Comments: SE Committee 17/00336/HSE</p> <p>Date: 26/09/2017</p> <p>MSA Number: 100018588</p>

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the southern side of The Spinnaker within the development boundary of St Lawrence. The site relates to a linked-detached dwelling with a semi-detached garage to the rear. The site is located within a residential setting with dwellings of similar age and style.
- 3.1.2 The site comprises a linked-detached dwelling set within the residential street of The Spinnaker. The property sits alongside the rear gardens of properties No.20 and No.22 to the south and adjacent to property No.2 to the west and No.6 to the east. The private garden of the dwelling lies to the rear of the property on the southern side.
- 3.1.3 The proposal seeks planning permission for conversion of the garage into a bedroom with a toilet and sink. The garage door would be retained to serve a small storage area. It is proposed to install a window into the rear of the garage to allow light into the bedroom.

#### **3.2 Conclusion**

- 3.2.1 The proposal is to convert a garage into a habitable space. The external appearance of the garage when viewed from the front would remain the same and the garage door would remain functional. The proposed development would not result in significantly detrimental impact on the amenity of neighbouring occupiers, as with the exception of the proposed rear window, the proposal would not change the size, materials, or form of the existing garage, and therefore it is considered acceptable.

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

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 56-68

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

- D1 - Design Quality and Built Environment
- S1 - Sustainable Development
- T2 - Accessibility

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

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

## **5. MAIN CONSIDERATION**

### **5.1 Principle of Development**

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with Policy D1 of the Local Development Plan (LDP). Other material planning considerations are discussed below.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.
- 5.2.2 The proposal involves the conversion of a semi-detached garage into a habitable room; the use of the converted garage would be ancillary to the main dwelling. Other than the addition of a window to the rear, the proposed changes would be internal and as such would not be visible from the public realm or materially change the appearance the existing garage. Therefore it is considered that the proposal would not have an adverse impact on the street scene, or cause visual harm to the locality of the site, in accordance with policy D1 of the LDP.

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

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas and local context. The proposed garage conversion does not involve an enlargement to the garage, or its form. The proposed changes are internal and as such, the proposal would not cause overshadowing to the neighbouring properties.
- 5.3.2 The proposed window to the rear of the garage is considered a minor addition, which is not visible from the public realm. Given the sitting of the application site and the small scale of the proposed alteration, it is considered that proposed work would not result in the loss of amenity or cause overlooking to the neighbouring occupiers at neighbouring properties.
- 5.3.3 The use of the garage for habitable accommodation would not cause the intensification of the use of the site noise or disturbance to an extent that would justify the refusal of the application.

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

- 5.4.1 Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The adopted Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) sets out that two / three bedroom dwelling should provide space to a two vehicles.
- 5.4.2 Through the addition of a further bedroom the application results in the loss of a garage however there an area of hard standing to the front of the garage. It is

considered that this area can accommodate two further vehicles which complies with the parking standards that are expressed as a maximum figure. Whilst this is under the maximum requirements it is also considered that due to the access to public transport, and a local convenience store that the site is a reasonably sustainable location where a relaxation in on-site car parking provisions is reasonable. Furthermore the Council is minded of Government guidance which encourages the reduction in the reliance of private motor vehicles. Therefore, the proposal is not considered to have such a detrimental impact on vehicle parking as to warrant a reason for refusal.

## 5.5 Amenity Space

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 The proposal does not involve a reduction to the private amenity of the host dwelling and as such there is no objection to the proposal in relation to amenity space.

## 6. ANY RELEVANT SITE HISTORY

- **RES/MAL/04/01290**– Reserved matters application for the erection of 23 residential dwellings with associated landscaping and car parking.
- **OUT/MAL/98/00113**-Proposed residential development replacement workshop/laundrette and community centre with recreation / amenity land. Approved - Condition 6 of planning permission 98/00113/OUT reads as follows:

Notwithstanding the provision of Part 1 of Schedule 2 to the Town and Country Planning ( General Permitted Development ) Order 1995(for any Order revoking or re-enacting that Order) the garage(s) hereby permitted shall be available for the parking of cars in connection with the residential use of the site at all times.

## 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>
St Lawrence Parish Council	Object. No reason given.	Noted.

### 7.2 Representations received from external Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Highways	No objection.	Noted.

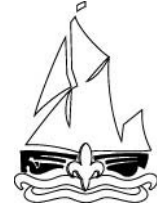
### 7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation received.

## 8. **PROPOSED CONDITIONS**

### **Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications which forms part of this permission, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
- 3 The habitable accommodation hereby approved shall only be occupied ancillary to the occupation and use of 4 Spinnaker and shall not be sub-divided to form a separate dwelling or other such unit of independent occupation.  
REASON: To ensure there is a functional relationship between the annexe and main dwelling and to prevent the extension being an independent annex.



**REPORT of  
CHIEF EXECUTIVE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
9 OCTOBER 2017**

<b>Application Number</b>	<b>OUT/MAL/17/00713</b>
<b>Location</b>	Land South Of 97 South Street Tillingham Essex
<b>Proposal</b>	Outline planning application for change of use of land to residential and construction of 14 residential dwellings
<b>Applicant</b>	Mr Oliver Mee - J D Mee & Sons
<b>Agent</b>	Sarah Threlfall - TMA Chartered Surveyors
<b>Target Decision Date</b>	4 October 2017
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>TILLINGHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land South of 97 South Street, Tillingham**  
**OUT/MAL/17/00713**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/00713/OUT
	Date:	26/09/2017
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The development site comprises 0.57 hectares of open land to the south of the village of Tillingham. The site is currently farmed and forms a part of the Applicant's agricultural holding. The application site adjoins existing residential properties on South Street to the north. To the east of the site is a continuation of open farmland. The site is bounded by Grange Road on the south which is a narrow country lane. There is an existing hedge / trees on the western boundary of the site along South Street. There is also a hedge / trees along the southern boundary along Grange Road.
- 3.1.2 Located approximately 120 metres to the north of the site is the Tillingham Village Conservation Area.
- 3.1.3 To the west, on the opposite side of the application site is a new residential development 'Southfields' which has been recently completed (planning reference: FUL/MAL/13/00945).
- 3.1.4 Outline planning permission is sought to erect 14 dwellings with associated off-street parking and turning area and private amenity space. Four of the 14 dwellings would be affordable. The matters for consideration are the principle of the development and the access to the development. The appearance, landscaping, layout and scale of development will form the reserved matters to be determined at a later stage.
- 3.1.5 The illustrative Proposed Site Plan (TMA/686/01) shows Plots 1 - 9 and Plot 14 to be three bedrooms and Plots 10, 11, 12 and 13 to have two bedrooms.
- 3.1.6 The proposed dwellings would be positioned in a cul-de-sac arrangement. Access and egress to the site would be off South Street between Plot 1 and Plot 14. Two turning areas have been proposed within the site and would be shared between the future occupiers of the site. Based on the illustrative Proposed Site Plan (TMA/686/01) submitted, communal car parking spaces and driveways would be provided for the future occupiers of the site.
- 3.1.7 No details of the external materials to be used in the construction of the development have been submitted with this application.

#### **3.2 Conclusion**

- 3.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development at Paragraph 14 and sets out the three strands of sustainable development at Paragraph 7. Also, Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable.
- 3.2.2 The proposal would create jobs during the construction of the dwellings and this would contribute to the economic dimension of sustainability, albeit for a limited period. Future residents could also be expected to help to support the local facilities within Tillingham village. Nevertheless, taking into account the concerns over its harmful effects on the character and appearance of the rural area, it is considered that the benefits arising from the development would not outweigh the environmental

harm caused as a result of its negatively impact on the open landscape. Therefore proposal would not amount to a sustainable form of development and would not benefit from the presumption in favour of development set out at Framework or would it accord with the aims of Policies S1, S8, D1, H4, T1 and T2 of the Maldon District Development Plan and Government guidance contained within the NPPF and the NPPG.

#### **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, 14, 17, 49, 50, 56, 57, 58, 64, 109

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environment and Biodiversity
- Policy T2 – Transport and Infrastructure

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

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

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

##### **5.1 Planning History of the Site**

- 5.1.1 Outline planning permission OUT/MAL/14/01024 was refused and dismissed on appeal for the construction of up to 90 dwellings, with associated access, highway works, parking, landscape, open space, play space, drainage and infrastructure which included this application site. A subsequent application OUT/MAL/15/00483 for the construction of up to 85 dwellings with associated access, highways works, parking, landscape, open space, play space, drainage and infrastructure was also refused.

5.1.2 Whilst it is noted that the application site is materially different and the number of units proposed is significantly lower than two previous planning applications at this site from 90 and 85 to 14 dwellings, it is considered that the previous applications are a material consideration when determining this current application. The Council has acknowledged that the development would not impact on the Tillingham Village Conservation Area, however the proposal would still unacceptably harm the character and appearance of the area. This will be discussed in the report below.

## **5.2 Principle of Development**

5.2.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

5.2.2 The Local Development Plan (LDP), as approved, has been produced in light of the NPPF's emphasis on sustainable development and preferred policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the National Planning Policy Framework.

5.2.3 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development does not include general open market new-build housing.

5.2.4 The application site is outside a development boundary and is in the countryside for the purposes of application of the abovementioned planning policies. As such the proposal is in conflict with the approved policies.

5.2.5 The Council published its latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2015 / 16 in August 2016 which demonstrates that a five year housing land supply is available and it is noted that the housing policies of the Local Development Plan are up-to-date.

5.2.6 The application site is located at the southern end of the village of Tillingham and forms a corner site with South Street to the west and Grange Road to the south. The site is located immediately adjacent to the development boundary approximately 570 metres from the centre of the village which is within walking distance. Tillingham village has a number of services and facilities including a post office / shop, medical centre, primary school, church, village hall and two public houses. With regard to public transport there are bus services to Burnham-on-Crouch, Southminster and Bradwell-on-Sea with a school service to the secondary school at Burnham-on-Crouch. There are train stations located at Burnham-on-Crouch and Southminster, with the bus service providing early morning and early evening services to and from Southminster rail station which is located approximately 4.1 miles from the application site via the road network.

- 5.2.7 Based on the above, the site is considered to be in a reasonably sustainable location where future residents would have access to local community facilities as well as access to employment opportunities through the public transport links. The same approach was also taken when the residential development on the opposite side of the road, now known as ‘Southfields’ was approved.
- 5.2.8 In respect of this, Paragraph 17 of the National Planning Policy Framework sets out a core planning principle as part of its overriding sustainability agenda, stating that planning should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This is reflected in policy T2 of the Local Development Plan. The proposal would therefore comply with this requirement.
- 5.2.9 Whilst the proposal complies with policy T2 of the LDP, it is considered that the principle of 14 new dwellings in this location would be contrary to policy S8 of the Local Development Plan and core principles of the NPPF which directs new dwellings to the defined development boundaries in order to promote sustainability and protect the countryside for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Detailed assessment of the character and appearance of the area will be discussed in the report below.

### **5.3 Housing Need and Mix**

- 5.3.1 The proposal would provide 4 x two bedroom dwellings (affordable) and 10 x three bedroom dwellings (open market). Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA, published in June 2014) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in the policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands.
- 5.3.2 The outline planning permission triggers 25% affordable housing requirement under Policy H1 of the Local Development Plan 2014-2029. The requirements at 25% - 40% affordable provision based on the recommendations of the SHMA are as follows:
- 80% smaller - 35% 1 bed 2 person, 45% 2 bed 4 person 20% larger - 20% 3 bed 5 person, 4 bed 7 person as required 20% all affordable should be suited to meet needs of older people. 1 and 2 beds may be increased to 90% where required and viable in cases where this enables the provision of homes for older people and is consistent with identified need. The recommendation on tenure mix is 70% Social/Affordable Rented and 30% Intermediate (Shared Ownership).*
- 5.3.3 The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.
- 5.3.4 It is to be noted that the Parish of Tillingham is in a Designated Protected Area (DPA) under the Statutory Instruments Number 2098, Designated Protected Areas in the East of England Schedule 7. This restricts occupants of any proposed Shared Ownership units from obtaining more than 80% ownership in the property. However, it is

possible to remove this restriction subject to the approval of both the Homes and Communities Agency and Maldon District Council.

- 5.3.5 The Housing Department has been consulted and supports the proposal which accords with Policy H1 in meeting / providing 25% of Affordable Housing provision as it would provide much needed affordable housing to meet the housing needs of the District.
- 5.3.6 Whilst the affordable housing contribution is mentioned in the Applicant's Planning Statement, there is no draft Heads of Term submitted in support of the application.

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

- 5.4.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.
- 5.4.2 Policy D1 of the Local Development Plan states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.3 The application site is located within the Tillingham and Latchingdon Coastal Farmland (E2), as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area is criss-crossed by drains and ditches, many of the field patterns have noticeable right-angled bends that the adjacent lanes follow, which is thought to demonstrate evidence of ancient planned landscape. The mainly rectilinear field pattern is medium to large scale. Extensive hedgerow loss in many places gives the appearance of a large-scale field pattern. Farming is a mix of arable and some pasture enclosed by elm-dominated hedgerows and copses, many of them containing a large proportion of dead elms, victims of Dutch elm disease. It is noted that the fringes of most of the older villages have been suburbanised in an unsympathetic way that visually intrudes into the local Landscape and urban expansion are visually intrusive in terms of density and architectural style. The development of this site would result in the loss of agricultural land which is currently being farmed.
- 5.4.4 Whilst it is noted that the application site is materially different and the number of units proposed is significantly lower than two previous planning applications at this site: OUT/MAL/14/01024 (90 dwellings) and OUT/MAL/15/00483 (85 dwellings) to 14 dwellings, it is considered that given the site's current rural appearance, the proposal would lead to a significant and harmful change to the open landscape of the

site and its surroundings where policies S1, S8 and D1 seeks to protect these areas from inappropriate development. Further, the cul-de-sac arrangement of development of the site for residential dwellings with associated domestic paraphernalia, hardstanding, and the communal parking of vehicles would erode the rural character and appearance of the area.

- 5.4.5 In terms of the layout of the development, the illustrative plans submitted effectively shows the dwellings to be two plots deep from the South Street frontage. The layout is not characteristic of Tillingham and the existing pattern of one plot depth development and single on plot parking and urbanises a particularly sensitive juxtaposition where the edge of the village meets open countryside. The layout of parking areas is also inconsistent with the traditional character of the village where single plot depth houses have parking on plot. Further, the public open space proposed on the corner of a busy road junction, where three principle roads meet, would not encourage the future occupiers or existing occupiers to the north and west of the site to use this space due to its size, location, poor accessibility and connectivity. This is particularly apparent on the Proposed Highway Plan (TMA/686/02) where the pedestrian crossing continues from No. 97 South Street but then abruptly stops at the front of Plot 2.
- 5.4.6 The indicative layout places plots 5-9 with their backs or sides to the countryside therefore requiring secure and private boundary treatments within the open field. Despite the proposal of a boundary hedgerow and scope for additional planting within the site which could provide some degree of screening, the proposed development would, nevertheless, encroach upon the open setting of the village which contributes to its aforementioned harm. Although new planting would be provided to the site boundary to the east, it is likely that the development would remain visible to a large extent, particularly given that any new planting introduced would take time to mature.
- 5.4.7 It is noted that the Applicant's Planning Statement dated 21 June 2017 has made reference to the 27 houses recently built out on the western side of South Street. It is important to note that application FUL/MAL/13/00945 was approved in January 2014 and was being built out at the time of the Appeal Site visit for the Gladman application on 25 August 2015. It is therefore considered that the Southfields site had a very different character to the site the subject of this application attributed to its *'undeveloped grassland and vacant light industrial building and storage buildings'* (quoted from the Design and Access Statement in support of planning application FUL/MAL/13/00945) existing on the land and its relationship to the existing residential dwellings on its western boundary fronting onto Tillingham Road.
- 5.4.8 No illustrative elevational have been plans submitted with this outline planning application for the Council to appropriately assess the design, scale, bulk, height and appearance of the development of the houses proposed within this site. Therefore the Council cannot assess the acceptability of the proposal at this stage.
- 5.4.9 Having taken into account the above, it is considered that the impact of the development on the character and appearance of the site and surroundings would significantly and demonstrably outweigh the benefits of the proposal when assessed against policies S1, S8, D1 and H4 of the Local Development Plan, and Government advice contained within the National Planning Framework. It is noted that the plans

submitted are indicative, but any arrangement of dwellings on this site would be harmful to the character of the countryside.

## **5.5 Impact on Residential Amenity**

- 5.5.1 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland / infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.
- 5.5.2 The application is outline in nature with some matters reserved for consideration at a later date. Outline planning permission is sought to construct 14 dwellings with vehicular and pedestrian access off South Street between Plot 1 and Plot 14 located almost centrally within the plot. An illustrative Site Plan submitted shows an internal drive, two turning areas and communal parking spaces to the north and south of the site to serve the development.
- 5.5.3 With regard to impact on residential amenity, it is important to note that appearance, scale, layout and design are not matters for consideration in this application as this would be dealt with under a subsequent Reserved Matters application. Based on the illustrative plan submitted, it is considered that it would be possible to design a scheme that would not result in material overlooking to or loss of privacy to the neighbouring property No. 97 South Street to the north of the site in accordance with the criteria of policy D1 of the Local Development Plan, and the Government guidance contained within the NPPF.

## **5.6 Access and Highway Safety**

- 5.6.1 Plots 1 and 14 are accessed via a private drive from South Street detailed on the Highways Plan. Plots 6, 7, 8 and 9 are to the rear of Plots 1, 2, and 10-14 effectively creating a 2 plot depth from the South Street frontage. Plots 6, 7, 8 and 9 have private driveways but Plots 2, 3, 4, 5 at the Grange Road cul-de-sac end and Plots 10, 11, 12, 13 at the South Street end of the cul-de-sac effectively have on street parking courts of 11 bays at the Grange Road end and 8 bays at the South Street end.
- 5.6.2 Concerns have been raised regarding the access, the bend in the road, and additional traffic that would be generated by this development proposal. The Highway Authority has been consulted and raises no objection regarding the proposal subject to conditions in relation to a Construction Method Statement (CMS) and details visibility splays, footways, dropped kerbs, boundary treatment and Residential Information Pack to be submitted to and approved by the Council prior to the occupation of the development. As such, the proposal would comply with policy T2 of the Local Development Plan.

## **5.7 Parking**

- 5.7.1 The Council's Vehicle Parking Standards (VPS) state that for two / three bedroom dwellings, a maximum of two car parking spaces should be provided.

- 5.7.2 Based on the illustrative Site Plan submitted, it appears that Plots 1, 6, 7, 8, 9 and 14 would each have a driveway and off-street parking. Plots 2, 3, 4, 5, 10, 11, 12 and 13 would have off-street parking in the form of a communal parking area to the north and south of the site. Further, seven visitor spaces would also be provided for the future occupiers of the site.
- 5.7.3 In this instance, the proposal would accord with policy T2 of the Local Development Plan. Again, the Highway Authority has raised no objections subject to conditions and informative to be imposed should the application be approved. The precise number and layout of parking spaces would be agreed at Reserved Matters stage.

## 5.8 Private Amenity Space and Landscaping

- 5.8.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that a three or more bedroom dwelling should have at least 100 square metres of amenity space. Policy D1 of the Local Development Plan indicates the need for amenity space in new development and the spaces must be useable.
- 5.8.2 Based on the illustrative Site Plan submitted, the garden sizes provided are as follows:-

	<b>Garden Sizes (Approx.)</b>
Plot 1 (3 bed open market)	210sqm
Plot 2 (3 bed open market)	125sqm
Plot 3 (3 bed open market)	150sqm
Plot 4 (3 bed open market)	130sqm
Plot 5 (3 bed open market)	105sqm
Plot 6 (3 bed open market)	100sqm
Plot 7 (3 bed open market)	110sqm
Plot 8 (3 bed open market)	115sqm
Plot 9 (3 bed open market)	140sqm
Plot 10 and 11 (2 bed affordable)	120sqm
Plot 12 and 13 (2 bed affordable)	100sqm
Plot 14 (3 bed open market)	170sqm

- 5.8.3 It appears that the garden size for each proposed dwelling would meet, and in some instances, be in excess of the minimum standards. This is considered an important part of the development due to its rural location of the site and relationship to the adjacent open farmland to the eastern boundary of the application site. The proposal would therefore meet the requirements contained within Policy D1 of the Local Development Plan and The Essex Design Guide.
- 5.8.4 The Coast and Countryside Officer has assessed the application and has commented that site lies within the planned ancient co-axial boundary system of the Dengie which forms important features within the landscape and should be conserved and enhanced. As such, as part of any site layout, the Council would wish to see the creation and maintenance of a new boundary hedgerow along the eastern boundary. This would need to be created and managed within the public realm to ensure its maintenance in perpetuity. In addition, as the site appears to be bounded by hedgerows and/or trees

on at least two boundaries, a Preliminary Ecological Appraisal would be needed. To address these issues, appropriately worded planning conditions could be imposed regarding the submission of a landscaping scheme and an ecology report should the application be approved.

## **5.9 Other Material Considerations**

### **5.9.1 Essex County Council (ECC) Sustainable Urban Drainage Systems (SUDs) Team**

5.9.1.1 Policies S1, D1 and D5 of the Local Development Plan seek to prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

5.9.1.2 The SUDs Team at Essex County Council has reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and has issued a holding objection to the granting of planning permission based on the fact that no Surface Water Drainage Strategy has been submitted to support the case. As such, the proposal would conflict with Policy D5 of the Local Development Plan and Government advice contained in the NPPF.

### **5.9.2 Connection to Utilities**

5.9.2.1 With regard to connections to utility services (electricity, gas, water etc.) the onus would be on the Applicant to obtain permission from the relevant providers.

### **5.9.3 Education**

5.9.3.1 Concerns were raised regarding the development and its likely impact on the local primary school. In the two previous applications: OUT/MAL/14/01024/OUT and OUT/MAL/15/00483 where the development proposal had involved a much larger residential scheme for 85 and 90 houses, this issue regarding to impact on the local primary school was not considered by the Planning Inspectorate or in the most reason for refusal. It is therefore considered that to refuse the development for 14 dwellings on the basis that the development would affect the capacity on the local primacy would be unreasonable and would be difficult for the Council to sustain this on appeal.

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

- **OUT/MAL/14/01024** - Outline application for up to 90 dwellings, with associated access, highway works, parking, landscape, open space, play space, drainage and infrastructure. Refused on 20 October 2014. Dismissed on Appeal on 5 February 2016.
- **OUT/MAL/15/00483** - Outline application for up to 85 dwellings with associated access, highways works, parking, landscape, open space, play space, drainage and infrastructure. Refused: 21 July 2015.

## 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>
Tillingham Village Council	Object to the application as it fails on economic, social and environmental grounds	Noted

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC SUDs Team	Holding Objection - In the absence of a surface water drainage strategy, we object to this application until a satisfactory one has been submitted.	Noted.
Anglian Water Services	No objection subject to a foul drainage strategy and surface water management strategy to be submitted to and agreed by the Council.	Noted.
ECC Highway Authority	No objection subject to conditions and Informative.	Noted.
Essex and Suffolk Water (ESW)	No objection to this development subject to compliance with ESW requirements.	Noted.
Archaeology	No objection subject to conditions.	Noted.

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	The proposal would cause no harm to the significance of the conservation area.	Noted.
Urban Design Officer	Object to the proposal as it does not accord with Paragraph 58 of the NPPF in terms of responding to local character and history and reflecting the identity of local surroundings.	Noted.

Name of Internal Consultee	Comment	Officer Response
The Coast and Countryside Officer	Object to this scheme due to the absence of a Landscape Appraisal and a Preliminary Ecological Appraisal.	Noted.
Environmental Health Services	No objection subject to conditions and informative.	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:

- Mark Pilkington 1 North Street Tillingham Essex
- Dr Julie McGeachy C/O Dengie Medical Partnership Tillingham Medical Centre 61 South Street Tillingham
- Mrs H M Bowley & Mr R G Tugnutt 2 Slindon Close Broadwater Worthing
- Stephen Jennings 123 Holloway Road Heybridge Essex
- Jane Bodley 14 St Nicholas Road Tillingham Southminster
- Mr Clive Hawkins Franklin Farm 6 Bill Tanners Road Barnawatga
- Stephen Rumbles 38 South Street Tillingham Southminster
- Mr & Mrs Annison 55 South Street Tillingham Southminster
- Mrs Hickey-Short 78 South Street Tillingham Southminster
- Mrs Hylton 88 South Street Tillingham Southminster
- Adam Lewalski 95A South Street Tillingham Essex
- Mrs J E Purkiss 58 South Street Tillingham Essex
- Michael Johnson 3 Bakery Close Tillingham Southminster
- George Atkins 97 South Street Tillingham Southminster
- Mrs Susan Way 2 Mill Close Tillingham Southminster
- Mrs K Fox Mark Farm Cottage Bradwell Road Tillingham
- Christine & David Bragg 3 Marlborough Avenue Tillingham Essex
- Mr L Fox Mark Farm Cottage Bradwell Road Tillingham
- Mr & Mrs Hammond 92 South Street Tillingham Southminster
- Mr & Mrs B Rivers 11 Southfields Tillingham Essex
- Mr & Mrs Morris 7 Southfields Tillingham Southminster
- Mrs J Hill 13 North Street Tillingham Southminster
- Mr R Hill 13 North Street Tillingham Southminster
- Mr M Purkiss 58 South Street Tillingham Southminster
- Mr M Bowley Seldom Seen Angmering Park No. Littlehampton
- The Occupier 36 North Street Tillingham Southminster
- Emily-Ann Robinson High House Farm Tillingham Road Asheldham

- Marian Bays High House Farm Asheldham Essex
- Jordan Robinson High House Farm Tillingham Road Asheldham
- Marcus Robinson High House Farm Tillingham Road Asheldham
- Mr Patrick Thornton Clifton 1 Vicarage Lane Tillingham Southminster
- Arthur Williams 3 Englefields Tillingham Essex
- Mr W A Crowhurst 16 Marsh Road Tillingham Essex
- Chris Harvey Thandiswa 61A South Street Tillingham
- Leigh Baker 57 South Street Tillingham Essex
- Frances Eaton Pabena South Street Tillingham
- Malcolm Bodley 14 St Nicholas Road Tillingham Southminster
- A J Eaton Pabena South Street Tillingham
- Mr Andrew Snowdon Burdons Manor Road Dengie Southminster
- Ms Sharon Connell 29 South Street Tillingham Southminster
- Lawrence Smart 3 Kemp Cottages Marsh Road Tillingham
- John WJ Way 2 Mill Close Tillingham Essex
- Les Short 2 Bakery Close Tillingham Essex
- Mrs S Graves 54 Cross Road Maldon Essex
- TW & BL Webber 10 Marlborough Avenue Tillingham Essex
- Anthony Mallett 69 South Street Tillingham CM0 7TH
- Diane Mallett 69 South Street Tillingham CM0 7TH
- Mr Michael Tuckett Rotherne 4 Marlborough Avenue Tillingham
- Mr & Mrs Pocklington 45 St Nicholas Road Tillingham Essex
- Ray & Sue Travi 13 Southfields Tillingham Essex
- Jude Gardner Merchants House 40 Southminster Road Tillingham
- Mrs Bernice Moore Mullingers Tillingham Road Asheldham
- Brogan & Karl Scott 5 Southfields Tillingham Essex
- Michael Henry Moore Mullingers Tillingham Road Asheldham
- Mrs Lyndsey Dennis 31 Kings Farm Meadow Tillingham Essex
- Jayne Stublely 15 Chapel Lane Tillingham Essex
- John & Darian Williams Bluebell Cottage Grange Road Tillingham
- Joyce De Rosa 16 St Nicholas Road Tillingham Essex
- Pauline Hubbard 38 North Street Tillingham Essex
- Mrs B R Crowhurst 16 Marsh Road Tillingham Essex
- Emma Bratek 22 Southfields Tillingham Southminster

<b>Objection Comment</b>	<b>Officer Response</b>
Localised flooding / surface water drainage issues.	Where relevant these comments have been addressed in the Officer report.
The affordable housing are not for local people.	
There are still properties for sale in the Southfields development.	

<b>Objection Comment</b>	<b>Officer Response</b>
Detrimental impact for the village.	
Impact towards the view of the conservation area.	
The construction of Southfields has been disruptive to village life.	
Lack of services in Tillingham village.	
No employment opportunities in Tillingham village.	
Unused public transport.	
Highway safety.	
This application will set a precedent for further development.	
Concern how connections will be made to utility services.	
Impact on local primary school.	
Loss of agricultural land.	
Additional cars on the road means more traffic and pollution.	
The proposal is excessive, disproportionate and not sustainable.	
More on-street parking.	
More weight should now be given to the LDP.	
Impact on wildlife.	

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

- Mrs Francesca Sweeney 100 Harestone Lane Caterham CR3 6AL

<b>Supporting Comment</b>	<b>Officer Response</b>
1. For a potential new power station, there will be a requirement for additional houses in the local area, including Tillingham, for its new employees.	Noted.
2. It will enhance the local economy including the village shop, the two village pubs and hairdressers, as well as all the local sole trader businesses.	
3. Both the school, and the Doctors surgery (following its amalgamation with Maylandsea's surgery) has space for additional residents.	
4. The new housing development will likely attract younger families to the area which will promote gentrification in the village.	

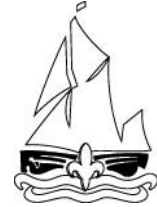
Supporting Comment	Officer Response
5. There is a national shortage of houses for the growing population in the country as outlined by the government.	

8. **PROPOSED REASONS FOR REFUSAL**

- 1 Policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The proposed development would be an unwelcome visual intrusion into the open and undeveloped part of the countryside, resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. Further the development would represent an inappropriate form of ribbon development which would seriously damage the current open vista of the site resulting in demonstrable harm to the predominantly rural character of this site and its immediate surroundings. As such, the proposal would be contrary to policies D1, S1, S8, H4 and N2 of the Maldon District Local Development Plan, and the core planning principles and guidance contained in The National Planning Policy Framework.
- 2 The submitted Flood Risk Assessment and associated documents are considered inadequate; and no Surface Water Drainage Strategy has been submitted for assessment to be made of the risks arising from the proposed development. On this basis, the application would fail to accord with Policy D5 of the Maldon District Local Plan and Government advice contained in the National Planning Policy Framework.

Unless a completed Section 106 to deliver four x two bedroom affordable homes is submitted and agreed prior to the approval of planning permission, it is also recommended that the application is refused for the following reason:

- 3 Inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality and address the Council's strategic objectives on affordable housing has been made, contrary to policy H1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).



**REPORT of  
CHIEF EXECUTIVE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**09 October 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00821</b>
<b>Location</b>	Asheldham Grange Barn Rushes Lane Asheldham
<b>Proposal</b>	Removal of condition 4 on approved planning permission FUL/MAL/13/00203 (Demolition and removal of existing timber frame barn, which is the subject to two extant planning permission for change of use to residential use, and replacement with new Essex barn to be used as a dwelling)
<b>Applicant</b>	Mr N Kelly
<b>Agent</b>	Mr Mark Jackson - Mark Jackson Planning
<b>Target Decision Date</b>	18.09.2017
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	Asheldham
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Asheldham Grange Barn, Ruses Lane, Asheldham**  
**FUL/MAL/17/00821**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/00821/FUL
	Date:	26/09/2017
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

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

The application site is located on the western side of Rushes Lane which is a private road accessed off Southminster Road to the south and Tillingham Road to the north. The application site is located in a rural setting with one immediately adjacent neighbouring dwelling. There is a public footpath which runs alongside the vehicular access to the site and the southern site boundary. Asheldham does not have a settlement boundary. Planning permission was granted in 2013 for the demolition of the existing Essex style barn and replacement with a new barn for residential use. The construction of the replacement barn is almost complete, although it has not been occupied yet. A condition (below) was imposed to insure the removal of the existing barn on site, which is currently being used for storage. The barn subject of this application is located adjacent to the eastern boundary of the site.

- 3.1.1 Planning permission is sought for the removal of condition 4 on approved planning permission FUL/MAL/13/00203 (Demolition and removal of existing timber frame barn, which is the subject to two extant planning permissions for change of use to residential use and replacement with new Essex barn to be used as a dwelling.) Condition 4 states:

*'Within 3 months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved the existing barn on the site shall be demolished and the resulting material removed from the site.'*

#### **REASON**

*'The development has only been approved on the basis that the dwelling house hereby approved is a replacement for the permission that already exists on the site, and to prevent the accumulation of built development on the application site in accordance with policies S2, CC6 and CC22 of the adopted Maldon District Replacement Local Plan.'*

- 3.1.2 The applicant wishes to retain the barn to use for ancillary storage in connection to the new dwelling on site. Further to this, it has been observed and substantiated that the barn is occupied by protected species namely barn owls, barn swallows and bats.

#### **3.2 Conclusion**

- 3.2.1 The proposed removal of Condition 4 would result in the retention of a barn comparable in scale and appearance to the dwelling on site. Given its scale, appearance and siting in the rural countryside, the accumulation of built form on the site is considered to harm the open and natural surroundings country to policy D1 of the LDP. The presence of protected species on site is acknowledged. However, mitigation measures can be put in place to minimise the impact. Therefore, the ecology issues are not considered to outweigh the harm caused by the barn or justify the retention of the building contrary to other objectives of the development plan.

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

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

##### **4.1 Maldon District Local Development Plan (LDP) approved by the Secretary of State:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

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

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

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

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

5.1.1 Developments undertaken in association with the residential use of a site can be supported in principle and it is therefore considered that an ancillary storage building at the site can be supported in principle. However, it is noted that the principle of erecting the dwelling at the site under the terms of application 13/00203/FUL was only approved on the basis that the existing building, which had been granted planning permission to be used as a dwelling, was to be demolished.

##### **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 barn subject of the application is located on the eastern boundary of the site and dates from the mid nineteenth century, although the only original part of the barn left is the roof structure, as a result of this it is of limited significance as an historic building. It is comparable in size and appearance to the dwelling on site, given that the dwelling was largely based on the replacement of the subject barn.

5.2.3 As stated in the reason for condition 4, the dwellinghouse was only approved on the basis that it was a replacement for the existing barn in order to prevent the

accumulation of built development on the application site, given its sensitive location in the open countryside.

- 5.2.4 The ancillary/incidental barn is of a comparable scale and appearance to the dwelling on site, therefore, it is not considered to appear as a subservient building to the dwelling. It would have a disjointed relationship with the dwelling on site and although stated within the application documents that a building of this size is required on the site for storage of vehicles, equipment and normal household items, it should be noted that permitted development rights for the erection of incidental buildings have been removed in order to ensure the preservation of the open and rural countryside. Therefore, it is unlikely planning permission would be granted for an outbuilding of this scale. Given the sensitive location of the site and the accumulation of built form it is considered to harm the open and natural surroundings when considered cumulatively in addition to the other development that has been approved at the site.

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

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 There is one residential dwelling with the vicinity of the site; Asheldham Grange which is located to the east of the application site, in excess of 40m from the subject barn.
- 5.3.3 Given the length of time the barn has been present on the site, it is not considered to be an unneighbourly form of development. Furthermore, the barn is located in excess of 20m from the residential barn on site. Therefore, it is not considered to adversely impact the living conditions of the future occupiers.

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

- 5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas, including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposed retention of the subject barn would not impact the parking provision on site.

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

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private amenity space. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m.of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 The proposed retention of the subject barn would not impact the current amenity space, which is in excess of the recommended 100sqm.

## 5.6 Ecology

- 5.6.1 Policy N2 of the LDP seeks to ensure the protection of wildlife and species that are protected by law.
- 5.6.2 An ecology survey has been submitted which states that the barn has a high potential to support roosting bats, owls and barn swallows. Evidence has also been submitted showing bats and owls within the barn.
- 5.6.3 The Coast and Countryside Officer has been consulted and confirmed that if ecology was the only matter for consideration it would be favourable to keep the barn. However, they have also confirmed that there are mitigation measures that can be put in place to minimise the impact on the protected species. The harm caused by the barn is not considered to be outweighed by ecology issues especially given that there are mitigation measures that can be put into place.
- 5.6.4 It was stated within the Officers report for the original application (ref: 13/00203/FUL) that there were no signs or evidence of protected species at the time of the site visit, there was also no survey or information supplied by the applicant in relation to protected species. Therefore, no conditions in relation to mitigation measures were implemented as part of the planning permission. Notwithstanding this, it should be noted that the birds and bats are protected under The Wildlife and Countryside Act (as amended) 1981. It is illegal to harm a protected animal deliberately or damage or destroy their breeding or resting place, to carry out the works a mitigation licence from Natural England would be required to ensure the correct measures were undertaken prior to the demolition of the barn, including mitigation.
- 5.6.5 Therefore, whilst it is acknowledged that there appears to be protected species on site, there are mitigation measures that can be utilised to address this matter. Therefore, the justification for the demolition of the barn is considered to outweigh the requirement to protect the species on site.
- 5.6.6 It is considered that the Local Planning Authority should give some consideration to the variation of the condition to allow for a scheme of mitigation to be submitted and agreed prior to the demolition of the barn. However, there is no evidence of the timescale that would be required to provide such mitigation and therefore an open-ended and unclear condition relating to the timescale for the demolition of the existing building would be imprecise and potentially unenforceable to an extent as to be unreasonable. As such it is considered that such a variation of the condition would not be appropriate under the terms of this application.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/11/00423** - Change of use of existing redundant Essex barn from storage purposes to residential use falling within use class C3 (a) – Approved - 28.07.2011.
- **FUL/MAL/11/00903** - Change of use of existing redundant Essex barn and small addition from storage purposes to residential use falling within use Class C3 (a) – Approved - 13.12.2011.

- **FUL/MAL/13/00203** - Demolition and removal of existing timber frame barn, which is the subject to two extant planning permission for change of use to residential use, and replacement with new Essex barn to be used as a dwelling – Approved – 23.05.2013

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Coast and Countryside Officer	It looks from the survey as though there are both bats and barn owls using the barn. This does not mean necessarily that the barn cannot be knocked down but demolition will be subject to timing and the provision of an alternative nest and roost sites.	Addressed within section 5.5 of the Officers report.

**8. REASONS FOR REFUSAL**

- 1 The removal of Condition 4 would result in the retention of a barn comparable in scale and appearance to the dwelling on site. Given its scale, appearance and siting in the rural countryside, the accumulation of built form on the site is considered to harm the open and natural surroundings contrary to policy D1 of the LDP.

**INFORMATIVE**

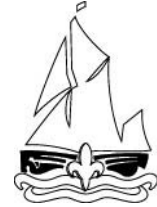
The applicant and owner of the barn is advised that, by law they must ensure that all requirements of The Conservation (Natural Habitats, &c.) Regulations 1994, The Wildlife & Countryside Act 1981 (and any other legislation/recommended practices which refers to wildlife and protected species) are complied with. A survey should be carried out by a competent person to ascertain the presence of protected species and any requirements arising from the survey should be fulfilled, before any demolition works are carried out. For advice and information contact Natural England:

http: [www.naturalengland.org.uk](http://www.naturalengland.org.uk)

Tel: 0300 060 3900

Email: [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
9 OCTOBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00840</b>
<b>Location</b>	Land North Of Asheldham Hall Farm, Hall Road, Asheldham, Essex
<b>Proposal</b>	Erection of chalet bungalow
<b>Applicant</b>	Mr & Mrs D Henson
<b>Agent</b>	Mrs Hayley Webb - Smart Planning Ltd
<b>Target Decision Date</b>	5 <sup>th</sup> October 2017 (Date extension of time agreed:13 <sup>th</sup> October 2017)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>ASHELDHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land North Of Asheldham Hall Farm, Hall Road, Asheldham**  
**FUL/MAL/17/00840**



 <p><b>Copyright</b>                  For reference purposes only.                  No further copies may be made.                  This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.                  Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.                  Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/00840/FUL
	Date:	26/09/2017
	MSA Number:	100018588

### **3. SUMMARY**

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

##### **3.1.1 Site description**

3.1.1.1 The site is located to the north of Hall Road, north of Asheldham Hall Farm. The application site covers an area of approximately 0.13 hectares and it is paddock, which is part of a larger area comprising stables, an outbuilding and grazing land associated with the equestrian use of the site. The applicant states that the site currently stables 21 horses.

3.1.1.2 A number of large sized storage units are sited to the southeast of the application site. To the south of the application site there are four detached dwellinghouses, one of which is a Grade II listed building (Asheldham Hall).

##### **3.1.2 Description of proposal**

3.1.2.1 Planning permission is sought to erect a detached chalet style dwelling. The dwelling would have a main gabled roof with pitched roof dormers to front and rear and an entrance porch and canted bay windows to the front.

3.1.2.2 The dwelling would measure a maximum of 9.1m wide, 11.5m deep, 2.8m high to the eaves with a maximum height of 8.3m. The proposed chalet style dwelling would have an internal floor area of 133sqm and an amenity area of approximately 600sqm.

3.1.2.3 The dwelling would accommodate an open plan kitchen/dining/family room, a study, a lounge and a WC at ground floor and four bedrooms (one en-suite) and a bathroom at first floor.

3.1.2.4 The applicant states that the reason for the proposed dwelling in this location is to provide 24-hour care and security on the site and reduce the applicant's daily commuting need.

3.1.2.5 No off-street parking has been shown to the plans submitted and the site does not benefit from direct access from the public highway.

3.1.2.6 Materials to be used to the external elevations of the dwelling would include UPVC windows and doors, plain roof tiles and the external walls would be finished in brickwork.

#### **3.2 Conclusion**

3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development, which by reason of its location outside the defined settlement boundary, unsustainable and isolated form of development which would result in a development materially harmful on the rural character of the area and the submission of insufficient information demonstrating the essential need of the workers' accommodation in this location. Concerns are also raised regarding the lack of off-street parking provision by reason of the lack of means of vehicle access to the site. In light of the above, it is considered that the development would

substantially harm the visual amenity and character of the area and include inadequate provision for off-street parking to an extent that it cannot outweigh the positive aspects of the proposal that have been set out by the applicant.

#### **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 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 28 - Supporting prosperous rural economy
- 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

##### **4.2 Approved Maldon District Local Development Plan (July 2017) Policies:**

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy H4 – Effective Use of Land
- Policy H7 – Agricultural and Essential Workers' Accommodation
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

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

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

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

- 5.1.1 The proposal is to erect a new dwellinghouse at the land to the north of Asheldham Hall Farm, which is currently a paddock. The site is part of a larger area which existing use relates to a commercial equine business.
- 5.1.2 The site lies well outside the defined settlement boundaries. The nearest village to the application site is Southminster, which is approximately 3km away from the application site.
- 5.1.3 Policy S1 of the Local Development Plan states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*
- 2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
  - 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
  - 4) Support growth within the environmental limits of the District;*
  - 5) Emphasise the importance of high quality design in all developments;*
  - 6) Create sustainable communities by retaining and delivering local services and facilities;*
  - 12) Maintain the rural character of the District without compromising the identity of its individual settlements;*
  - 13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*
- 5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*
- 5.1.5 In conjunction with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (LDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.6 The abovementioned policies are in compliance with the National Planning Policy Framework which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special

circumstances indicate otherwise, such as in case there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This is supported by policies H7 and S8 which support agricultural and essential workers' accommodation in certain circumstances.

- 5.1.7 Policy H7 of the Maldon District Local Development Plan states that *“Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:*
- 1) Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;*
  - 2) There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;*
  - 3) It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;*
  - 4) The size and nature of the proposed structure is commensurate with the needs of the enterprise concerned; and*
  - 5) The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.”*
- 5.1.8 It further continues stating that *“In addition to the above requirements, where on-site accommodation is essential to support a new agricultural or forestry or other rural business-related enterprise, permission will only be granted in the first instance for a temporary structure which can easily be removed within three years of the date of planning consent. Any further proposals following this period will be considered using the criteria above.”*
- 5.1.9 The application site is currently a paddock, comprising of no buildings and it is considered that the proposed residential dwelling would compromise the identity and rural character of the area. Although there are four existing dwellings in the immediate area to the south of the site and other storage buildings closer to the west of the application site (within and outside the applicants control), it is considered that the development, by reason of its location outside the settlement boundaries, existing open character and current rural nature would be harmful to the character of the countryside and contrary to the development plan policies.
- 5.1.10 A planning statement accompanies the application where it is stated that the reason for the proposed dwelling is to allow a 24-hour care and security of the site as well as avoid the applicants' daily commuting. It is stated that the applicants have a requirement to visit the site twice a day and they currently reside in Mayland. This results in a total of 18 miles per day. It is also suggested that the security of the site is crucial and the applicant considered that their presence on site would reduce possibility of theft incidence. Another reason given by the applicant is that a 24-hour surveillance and care of the horses would be able to support a full livery service which would assist the applicants' business plan. However, no business plan has been submitted to the Local Planning Authority. In support of his application for the new dwelling the applicant has also submitted an Accountants' Report showing that the last two years the business was profitable.

- 5.1.11 Although officers are satisfied that the site is in an equine business-related function it is not considered that the evidence submitted is sufficient to demonstrate the essential need for a worker's dwelling. Assessing the proposal against each of the abovementioned criteria of policy H7, the following comments are made:
- 1) The application site and in particular the stables, have planning permission to be used as a private DIY livery business and not a full livery with permitted access between 8.00 and 20.00 hours weekdays, 8.00 and 20.30 on Saturdays and Sundays (April to October) and 8.00 and 19.00 hours (November to March). This is to protect the amenities of the area in terms of noise and general disturbance. It is understood that the business has operated as a DIY livery business for a period of approximately 15 years and it has not been demonstrated that the business requires worker accommodation. Therefore, the application fails to meet criterion 1 from policy H7.
  - 2) Although no evidence has been submitted by the applicant demonstrating that there are no available dwellings to serve the need of the applicant, it is considered that this is likely to be true. Furthermore, officers have no evidence to suggest otherwise.
  - 3) No business plan has been submitted to the Local Planning Authority and the accounts submitted, although they show that the business is viable, the business turnover does not suggest that is sufficient to demonstrate the need for a worker's dwelling. Given that no business plan has been submitted to provide evidence of the future prospects of the business, it is considered that the proposal fails to meet criterion 3.
  - 4) In relation to criterion 4, the applicant states that the proposed dwelling would house two adults and two children and, therefore, a three bedroom rather than a four bedroom dwelling would be sufficient in size to accommodate the family.
  - 5) As fully assessed in the 'design' section below, the proposed dwelling, by reason of its location would result in an isolated residential development which would be materially harmful to the rural character of the area.
- 5.1.12 Policy H7 clearly states that the provision of a worker's accommodation in an area would only be granted permission as a temporary structure, which would be able to be removed within a permission of three years. It is only after this period when a permanent structure may be considered acceptable, should it comply with all the above mentioned criteria. Therefore, the proposed permanent dwelling would be contrary to policy H7.
- 5.1.13 Where the proposal does not accord with the exception policy H7, it is considered that the proposal must be assessed as a conventional dwelling within the countryside. As noted above the site is located outside the settlement boundaries, approximately 3km distance away from Southminster, which is the nearest village to the application site. The nearest bus stop from the site is located approximately 1km distance away from the application site. The bus stop has no frequent links with main employment opportunities areas or areas providing local services and amenities, considering that there are only two bus connections to Burnham-on-Crouch and Southminster, providing 9 services per day between 7.25am and 6.23pm. Although the applicant would no longer have to commute, this is not considered to be an attractive or favorable option and it is considered unlikely that the future occupiers would use public transportation for their day to day needs.

- 5.1.14 In light of the above assessment, it is considered that the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. This is reflected in policies T1 and T2 of the Maldon District Local Development Plan. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the LDP.
- 5.1.15 The Council has an up-to-date development plan which will generally deliver housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.
- 5.1.16 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and guidance.

## **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. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.
- 5.2.3 Paragraph 64 also states that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.
- 5.2.4 This principle of good quality design is reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
  - b) *Height, size, scale, form, massing and proportion;*
  - c) *Landscape setting, townscape setting and skylines;*

- d) *Layout, orientation, and density;*
- e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
- f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) *Energy and resource efficiency.*

- 5.2.5 It should be also noted that policies S2 and S8 of the LDP seek to avoid new development outside defined development boundaries, and LDP Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.
- 5.2.6 The proposed dwelling would be located outside the defined settlement boundaries and by reason of its siting would appear entirely at odds and out of keeping with the rural and open character of the area. In terms of the siting and layout of the proposed dwelling, by reason of its location it would appear remote from the four existing dwellings to the south. This would be harmful to the distinctive character of the area and it would have an unacceptable impact on its surrounding.
- 5.2.7 Although the proposed dwelling is not of an exceptional or innovative design, its overall scale and design are not considered to be unacceptable in design terms. Although the building would be dwarfed by the existing storage units in the area, given that its residential use it is not considered that a comparison between the two types of buildings can be drawn.
- 5.2.8 It is considered that minor alterations could have been incorporated to improve the detailed design of the dwelling. However, the proposed dwelling would not be of a design that would jar with the character of the dwellings in the surrounding area.
- 5.2.9 No objection is raised to the proposed finishing materials. The general character of the dwelling in the surrounding area is for red roof tiles and red brick finish. Therefore, the proposed materials are considered to be appropriate and in keeping with the finishing materials in the wider area.
- 5.2.10 By reason of the distance of the proposed development from the Grade II Listed Buildings to the south (Asheldham Hall and Church of St Lawrence) it is not considered that it would have a detrimental impact on the heritage assets that would warrant the refusal of the application on these grounds.
- 5.2.11 On the basis of the above, it is considered that the proposed development, by reason of its siting in an open rural area, would result in an isolated development being out of keeping with the character of the countryside.

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

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The proposal is to erect a detached chalet style dwelling to the north of Asheldham Hall Farm within the existing open countryside. The nearest residential dwelling to

the application site sits approximately 115m away and this separation distance is considered to be sufficient to mitigate any adverse impact caused to the nearby neighbours in terms of dominance, overshadowing or overlooking.

- 5.3.3 Although the development would result in a level of activity from the future occupants of the dwelling, given the separation distance to the nearest residential units, it would not result in a materially harmful impact on the nearby occupants' residential amenity, in terms of noise and disturbance.
- 5.3.4 The proposed development would not have any greater impact on the other nearby residential property.

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

- 5.4.1 Policies D1, H4 and T2 of the approved LDP seek to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising four bedrooms require a maximum of three off-street parking spaces.
- 5.4.3 The application site is located to the rear of Asheldham Hall Farm and it does not include a direct access to the public highway. Although there is an existing private access to the north of Hall Road, this does not link the public highway to the application site. Furthermore, no clear means of access have been shown to the submitted plans to satisfy officers that a suitable vehicle access can be provided to the proposed dwelling. Therefore, given the lack of means of vehicle access, the development would not be able to meet the off-street parking requirements. Moreover, no parking has been shown on the submitted plans and the relevant question in the application form has not been answered. On-street parking is not available along Hall Road. Although it is assumed that it might be possible to provide access and parking, this has not been demonstrated and therefore, the proposal would fail to include adequate off-street parking provision to the detriment of the local highway network and highway safety.

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

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m.of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 Based on the Site Plan submitted, it appears that the garden size for the proposed dwelling would be in excess of the minimum standards. Therefore, the outdoor amenity provided would be sufficient to meet the needs of the future occupiers.

- 5.5.3 The size of the proposed dwelling would be large enough to provide a good level of accommodation. Furthermore, adequate light, ventilation and outlook would be provided to all habitable rooms of the proposed dwellings and thus, no objection is raised regarding the living conditions of the future occupiers.
- 5.5.4 The site is located within close proximity to large storage units. By reason of the proximity of the site to these storage units, it is considered that when in use, the amenities of the future occupants of the dwelling would be compromised. However, it is not considered that this impact would be to an extent that would justify the refusal of the application.
- 5.5.5 No landscaping has been shown to the submitted plans and this is a requirement of all new developments of this type. Although no details have been submitted together with the application, should permission have been recommended by officers, this would have been dealt with by condition.

## 5.6 Other Material Considerations

### *Foul Sewage disposition*

- 5.6.1 Concerns were raised from the Environmental Health Services regarding the use of a septic tank to dispose foul sewage, which is considered to be unacceptable form of treatment for new developments. Following the concerns raised by the Environmental Health Services, the applicant considered an alternative option to deal with foul sewage, by means of a klargester. The Environmental Health Services were re-consulted; however, no response has been received at the time of the writing of this report. Notwithstanding the concerns raised by the Environmental Health Services, it is considered that this matter in relation to sewage connection could have been dealt with by condition, should permission have been recommended by officers.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/02/01193** - Erection of stable building incorporating 10 loose boxes, a tack and a feed room. Construction of a menage. All to be used as a private DIY livery business between the hours of 8.00 - 18.00 on any day. Planning permission granted.
- **FUL/MAL/04/00506** - Non-compliance with Condition No. 2 of planning permission 02/01193 (hours of use) to increase. Operational times to 8.00-20.00 Mon-Fri, 8.00-20.30 hours Sat and Sun (April to October) and 08.00-19.00 hours Sat and Sun (November to March). Planning permission granted.

## 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>
Asheldham Parish Council	Asheldham Parish Council has no objection to this application given that it would provide better security on site and for the livestock and it would reduce the carbon footprint of the owner. However, should permission is granted, they would like a conditions in relation to the restriction of the ownership of the dwelling to be tied with the business to be imposed.	Comment noted

### 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council (ECC) Highway Authority	Given the pre-existence of the site access and the area available for parking on-site, from a highways and transportation perspective, the Highway Authority has no objection to the proposal.	It is noted that the Highways Authority has no involvement when no new access linked with the public highway is proposed. The primary access from the public highway is already formed; however, this does not link the public highway with the application site.
ECC SuDS	No objection received. Sustainable drainage proposals should comply with the required standards.	Should permission have been recommended, sustainable urban drainage details would have been secured by condition.
Anglia Water Services	No comments received at the time of the writing of the report	
Essex and Suffolk water	No comments received at the time of the writing of the report	

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No objection in principle of the development; however, the following concern was raised:</p> <ul style="list-style-type: none"> <li>Septic tanks are unacceptable forms of treatment for new developments unless there is no other practical method of disposal.</li> </ul>	Please refer to relevant paragraphs 5.6.1 of the report

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

Although the applicant has submitted two letters of support, no comments/objections/letters of support were received by the Council at the time of writing this report. These letters are summarised as set out in the table below:

- Ben Fisher, Southminster Hall, Hall Road, Southminster
- Jo Griffiths, 2 Hall Cottages, Hall Road, Asheldham

Objection Comment	Officer Response
The 24-hour occupation of the farm would reduce the risk of theft and damage of the area.	The comments are addressed in ‘principle of Development’ sections.
The proposed dwelling will support the care of the horses and manage of the yard effectively.	

## 8. REASONS FOR REFUSAL

- The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area. If developed, the site would be disconnected and isolated from the existing

settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Insufficient information has been submitted to demonstrate the essential need for a workers accommodation in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, E1 and H4, H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

- 2 The proposed development, by reason of the lack of vehicle means of access to the application site would fail to meet the off-street parking requirements and would result in a detrimental impact on the parking availability, highway safety and local highway network contrary to policy T2 of the Maldon District Local Development Plan (2017), guidance contained within the Vehicle Parking Standards (2006) and Government advice contained within the National Planning Policy Framework (2012).



**REPORT of  
CHIEF EXECUTIVE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**09 October 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00860</b>
<b>Location</b>	Barn Little Ashtree Farm, Steeple Road, Mayland, Essex
<b>Proposal</b>	Conversion of barn to residential. Alterations to existing openings, together with insertion of new windows and rooflights. Replacement of external wall and roof cladding.
<b>Applicant</b>	Mr Wiffen
<b>Agent</b>	Andy Hall - Tyburn Consulting Limited
<b>Target Decision Date</b>	1 November 2017
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Development Plan 2017 Member Call In

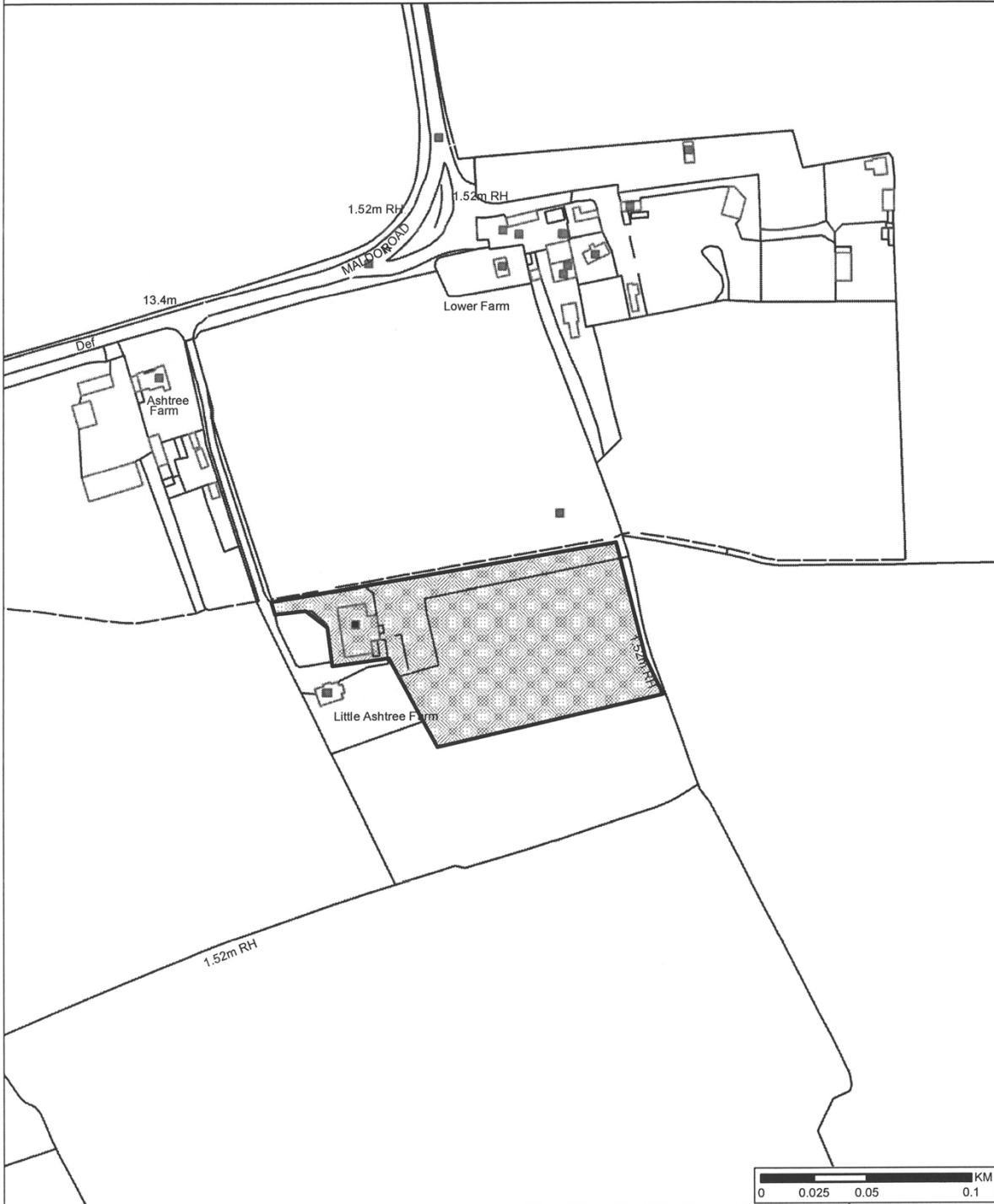
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

**Barn, Little Ashtree Farm, Steeple Road, Mayland**  
**FUL/MAL/17/00860**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/00860/FUL
	Date:	26/09/2017
	MSA Number:	100018588

### **3. SUMMARY**

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

##### **3.1.1 Site description**

3.1.1.1 The site is located beyond the defined settlement boundary for Mayland or Steeple. The access to the site is provided via Steeple Road linked to a private track to the south of Steeple Road. The land surrounding the site is agricultural in character with a residential dwelling to the southwest of the application site.

3.1.1.2 The site currently comprises an existing agricultural outbuilding with a main east to west gabled roof, with asymmetrical mono-pitched projections to the north and south. The main entrance is adjacent to the existing vehicular entrance to the dwelling known as Little Ashtree Farm. Externally the building is clad in concrete profiled sheeting and to the south is finished with close boarded timber cladding. The building currently has limited fenestration.

3.1.1.3 The building sits within an area slightly smaller than one hectare (9540sqm) and it has a footprint of 404sqm.

##### **3.1.2 Description of proposal**

3.1.2.1 Planning permission is sought to convert an existing detached agricultural building to a residential dwelling and alter its external elevations to install windows and rooflights and replacement wall and roof cladding.

3.1.2.2 New openings are proposed to be installed at all elevations and roof lights would be installed to the north and south elevations.

3.1.2.3 Externally the building is proposed to be finished in cedar lap weatherboard (Marley) cladding, MetaSlate profile space cladding roof and timber framed windows and doors.

3.1.3 Internally the building would measure 420sqm and it would accommodate a living area, a kitchen/dining area, a utility, four en-suite bedrooms, a boot room and a WC at ground floor and a TV lounge at first floor.

3.1.3.1 The alterations incorporated to the current proposal in relation to the previously approved prior approval application include the following:

- An additional window has been introduced to the front (west) elevation.
- The windows to the rear (east) elevation have been repositioned.
- The full-height glazed doors to the north side elevation have been reduced in size altered in design terms.
- A number of rooflights have been introduced to the roof.

### 3.1.4 Background of the application

3.1.4.1 It is noted that an application (Ref. no.: 15/00976/FUL) to convert the existing barn to a dwelling was refused, by reason of the location of the proposed dwelling outside the defined settlement boundary. A prior approval application (Ref. no.: 16/00308/COUPA) was then submitted to convert the agricultural building to a dwellinghouse. The application assessed against the government legislation and it was found to be acceptable subject to conditions. The current application has been submitted to the Council given that the development is proposed to be carried out not in accordance with the plans previously submitted and approved.

### 3.2 **Conclusion**

3.2.1 The proposed development is located outside the settlement boundary for Steeple or Mayland and thus, is in principle contrary to policies that seek to direct new residential development to established settlements. However, the conversion of the agricultural building to a residential dwelling was recently approved under prior approval (16/00308/COUPA). Therefore, on the basis of the previous decision, it is considered that the principle of a residential use in this location has been set and the proposal would not result in additional detrimental harm to the character of the area to such a degree as to warrant the refusal of the application. The development would be acceptable in terms of design, impact on the residential amenity of the neighbours and the future occupiers. The development would not have a detrimental impact on the highway network and safety. Therefore, the development subject to appropriate conditions is considered to be acceptable.

## 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 - Three dimensions to sustainable development
- 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

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

- S1 - Sustainable Development
- S2 - Strategic Growth
- 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

#### **4.3 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 lies beyond the development boundaries of Steeple or Mayland. The site is located within the open countryside, approximately 600m away from the settlement boundary of Mayland which is the closest village to the application site.
- 5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (LDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 Although the proposed development would be contrary to the abovementioned policies of the LDP, as noted above a prior approval application for the conversion of the barn to a dwellinghouse was previously approved and, therefore, the principle of the use of the agricultural building as a residential unit has been allowed. In this particular instance, whilst there are still concerns regarding the unsuitable location of the application site to be used as residential dwelling, it is not considered reasonable for the application to be refused in principle.
- 5.1.4 The sole difference between the current development and the previously approved prior approval application is the size of the application site, which now includes a significantly larger area to the rear of the application site. Although the application site would go further out towards the countryside than the previously approved application, given that the built form would not be extended, the proposed development would not have a material difference from the previous application, such as to warrant refusal on the grounds of principle of the development.

## 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. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.
- 5.2.3 Paragraph 64 also states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 5.2.4 This principle of good quality design is reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
  - b) *Height, size, scale, form, massing and proportion;*
  - c) *Landscape setting, townscape setting and skylines;*
  - d) *Layout, orientation, and density;*
  - e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
  - f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
  - g) *Energy and resource efficiency.*
- 5.2.5 The external alterations proposed to the previously approved application are limited and not materially harmful to the appearance of the existing barn. The introduction of some additional fenestration to the building is considered to add some architectural interest and is preferred in design terms given that the development would not result in large areas of blank walls. There appears to be consistency in the configuration and proportions of the windows and thus, overall the revised external appearance of the building is considered acceptable.
- 5.2.6 With regard to the proposed external finishing materials, although they would not match the used materials of the adjacent dwellings, given that the appearance of the dwelling when finished would be significantly better from the current appearance of the barn as existing, on balance, no objection is raised to the use of different type of materials.
- 5.2.7 The refuse store has been shown to be located to the north of the building in line with the principle elevation of the proposed dwelling. In order to avoid unsightly views of

refuse to the front of a building, it is good practice for the bin store to be sited to the rear of the properties. An informative would be added as a reminder for the applicant.

- 5.2.8 In light of the above it is considered that the development would be acceptable in terms of its design and impact on the character of the wider area.
- 5.2.9 It is noted that the converted property would be significantly large in scale and any extensions of the unit would further and unacceptably enlarge its scale. This would impact on the open character of the countryside and it would lead to a domestication affect. For that reason, it is considered that the permitted development rights for residential properties should be removed from this particular development.

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

- 5.3.1 Policy D1 and H4 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 No extensions are proposed to the existing building, which will be of the same dimensions, height and position with the current building. As such, the development would not have a detrimental impact on the amenity of the neighbouring dwellings, in terms of loss of light or domination.
- 5.3.3 With regard to overlooking, an approximate 9m distance would be maintained between the proposed windows to the south elevation of the application dwelling and the neighbouring dwelling to the south, two of which would be windows to bedrooms and, therefore, should have clear glass windows. Although no details of the boundary treatment have been submitted, it is considered that should a normal 1.8m high fence (softened by hedge planting) be installed alongside the southern boundary of the site (behind the front building line) the development would not result in overlooking or loss of privacy of the occupants of the Ashtree Farm House. Details of the boundary treatment would be requested to be submitted prior to the commencement of the development. The proposed rooflights would be installed above 1.7m metres from the floor level and thus, they would not result in additional overlooking.
- 5.3.4 The proposed development, by reason of its location and relationship with the neighbouring dwellings, would not have a greater impact on the amenity of the any other nearby neighbor. The impact of the development on the residential amenity is therefore considered acceptable.

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

- 5.4.1 The access to the application site, as noted above, would be via a private service track linked with Steeple Road. The access to the site has not been amended from the previous proposal, which was assessed and found to be acceptable.
- 5.4.2 Although parking provision has not been shown on the submitted plans, the application site has a long driveway and front hard surfaced frontage, which is capable of accommodating a minimum of four vehicles. Therefore, no objection is raised in terms of off-street car parking provision.

5.4.3 The property has an existing established access to vehicles which is wide enough to allow egress and exit from the site without causing obstruction to the private drive.

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

5.5.1 An approximate 8550sqm of amenity space would be provided to the future occupiers of the dwelling, which by far exceeds the minimum outdoor amenity space requirements.

5.5.2 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with by condition.

5.5.3 There is existing hedgerow along the northern boundary of the application site, which is considered to positively contribute to the countryside character of the area and it also provided a good link with other hedgerow networks. For that reason, it is considered necessary to be protected in perpetuity. This will be secured by condition.

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

- **FUL/MAL/12/00249** - Alterations and conversion of existing barn to dwelling. Planning permission granted.
- **FUL/MAL/13/00370** - Demolition of existing barn and erection of new barn style residential dwelling. Planning permission refused.
- **FUL/MAL/15/00976** - Conversion of existing barn to dwelling with associated alterations. Planning permission refused.
- **16/00308/COUPA** - Conversion of an agricultural building to one new residential dwelling. Prior approval granted.
- **FUL/MAL/17/00419** - Variation of condition 2 on approved application COUPA/MAL/16/00308 (Conversion of an agricultural building to one new residential dwelling). Planning permission refused.

## **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>
Steeple Town Council	No comments received at the time of writing of the report.	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	<p>No objections subject to condition in relation to submission of details regarding foul drainage scheme.</p> <p>It is also requested that a questionnaire about the previous use of the barn previously sent to the applicant to be return to Environmental Health Services.</p>	Condition added (08).

## 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments received at the time of writing of the report.	

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

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

- Sandra McClaren, Little Ashtree Frm, Steeple Road, Mayland

Objection Comment	Officer Response
The proposed conversion of the barn is different from that approved in 2012, maintaining the lean to projection. That would result in the building being in close proximity to the shared boundary with the dwelling to the south.	It is noted that no extensions are proposed to be erected to the existing building. Furthermore, an application (16/00308/COUPA,) maintaining the footprint of the existing building was previously approved. As such, the building would not come closer to the shared boundary with Little Ashtree Farm and it would not be dissimilar to the footprint of an already approved application.
The building should be a minimum of 1m away from the boundary.	It is noted that there is no restriction in planning regarding the distance that a building should have from the boundary of the application site.

<b>Objection Comment</b>	<b>Officer Response</b>
The erection of an 1.8m high fence would not allow windows to open outwards and would impact on the living conditions of the future occupiers.	It is noted that a fence, which will be in close proximity to the windows to the south elevation would reduce the outlook from these rooms; however, ventilation, light and some outlook would still be able to be achieved. A window does not necessarily need to be outwards opening.
Overlooking from the windows and loss of private amenity.	In order to overcome any real or perceived overlooking a condition (04) has been imposed to erect a fence along the southern boundary of the application site.
Works have commenced on site.	It is noted that the application has extant permission to be converted to a dwellinghouse (16/00308/COUPA). As long as the works comply with this permission, there is no breach in planning. Internal works that require building regulations are not a planning matter.
The applicant has opened a window to the elevation facing Steeple Road.	It is noted that this window is shown on the proposed elevation of application reference 16/00308/COUPA and as noted above, this permission is still extant. Furthermore, there is no planning law preventing works being applied for retrospectively as the proposals must still be considered on their merits.
There are inconsistencies between the plans and elevations. In particular a window to bedroom 4 is shown on the floor plan and not on the rear elevation.	It is noted that floor plan no. 10.84/101 Rev A shows no windows to the rear elevation.
The existing hedgerow to the north of the barn should remain.	A condition is recommended to be imposed (06) to retain the existing hedgerow along the northern boundary.

## 8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 10.84/001 Rev A (existing floor and roof plans), 10.84/002 Rev A (existing elevations and section), 10.84/103 Rev A (block

plan), 10.84/102 Rev B (proposed elevations and section) & 10.84/101 Rev A (proposed floor and roof plans).

REASON: To ensure the development is carried out in accordance with the details as approved.

- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan.

- 4 No development shall take place until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The boundary alongside the southern boundary adjacent to the proposed dwelling shall be no lower than 1.8m in height. The development shall be carried out in accordance with the approved details.

REASON: To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development 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, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.

- 6 The existing hedgerow along the northern boundary of the application site shall be retained in perpetuity, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the external appearance of the development is appropriate to the locality and to protect the natural environment in accordance with the National Planning Policy Framework and policies D1 and N2 of the approved Maldon District Local Development Plan.

- 7 The development hereby permitted shall not be occupied until details of the vehicle parking, including any parking spaces for the mobility impaired, have

been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and the vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework and policy T2 of the approved Maldon District Local Development Plan.

- 8 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan.

- 9 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved 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.
- You are also advised that refuse store should be stored to the rear of the property rather than the front.
- 3 You are advised that three off-street parking spaces shall be provided for the proposed dwelling.



**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
09 October 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00899</b>
<b>Location</b>	Land Adjacent Tideways Lodge, Steeple Road, Latchingdon
<b>Proposal</b>	New dwelling house
<b>Applicant</b>	Mr & Mrs D Winfield
<b>Agent</b>	Greg Wiffen - Planman
<b>Target Decision Date</b>	04.10.2017 (date of extension of time agreed: 11.10.2017)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	Latchingdon
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land Adjacent Tideways Lodge, Steeple Road, Latchingdon**  
**FUL/MAL/17/00899**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/00899/FUL
	Date:	26/09/2017
	MSA Number:	100018588

### **3. SUMMARY**

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

##### **3.1.1 Site description**

3.1.1.1 The application site is located to the south of Tideway Farm and Tideway Lodge on the southern side of Steeple Road outside of the development boundary for Latchingdon. The private access road is located to the east of the application site and runs southwards. There is a public footpath which runs along the eastern side of the application site, along the access road towards Althorne. The site currently contains a variety of structures and is used for storage purposes and therefore does not make a positive contribution to the character of the countryside.

3.1.1.2 The private access road is edged by a line of mature trees along the eastern side. Beyond the private access to the east is open countryside characterised by arable agricultural fields with some sporadic dwellings and the settlement of Mayland beyond.

3.1.1.3 To the west of the application site is the Swingfield Golf Centre. The primary vehicular access to the Golf Centre lies approximately 125m to the west of the access to Tideway Farm. Approximately 200m to the west of the application site, towards Latchingdon Village is a cluster of further dwellings located within the open countryside.

##### **3.1.2 Description of proposal**

3.1.2.1 Planning permission is sought for the construction of a new dwelling that would accommodate a dining/siting room, open plan living room and kitchen area, utility room, study and a WC at ground floor and four bedrooms (one with an en-suite) and a bathroom at first floor.

3.1.2.2 A vehicle access onto the private track would be provided at the north east corner of the site. The arrangements of hard and soft landscaping are not formally shown but it is noted that a parking area could be provided to the north of the dwelling and tree planting is indicatively shown at the boundaries of the site.

3.1.2.3 This application is a resubmission of previously refused application reference FUL/MAL/17/00581.

#### **3.2 Conclusion**

3.2.1 The principle of a new dwelling in this location is contrary to policy S2 of the approved Local Development Plan as the site lies within a rural area outside of the settlement boundary as well as S8 of the Local Development Plan and core principles of the NPPF which directs new dwellings to the defined development boundaries in order to promote sustainability and protect the countryside for its landscape, nature resources and ecological value as well as its intrinsic character.

#### **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 - Three dimensions to sustainable development
- 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

##### **4.2 Maldon District Local Development Plan adopted by the Secretary of State for in July 2017:**

- S1 - Sustainable Development
- S2 - Strategic Growth
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and the Built Environment
- H4 - Effective Use of Land
- T1 - Sustainable Transport
- T2 - Accessibility

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

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

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

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

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (LDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It

is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

- 5.1.3 Policy S1 of the LDP indicates that outside defined settlements housing will not normally be allowed and the landscape will be protected for its own sake. The site is outside the development boundary and is in the countryside for purposes of application of planning policy. As such the proposal is in conflict with the approved policies.
- 5.1.4 The application site is outside of a defined settlement boundary, being well separated from the village of Mayland by areas of countryside. In addition, the site is in a location that is remote from the nearest settlement infrastructure and related services. The application site lies approximately 700m to the west of the development boundary for Mayland and approximately 2.2km from the development boundary of Latchingdon. The site is not well served by bus or other transport facilities. Therefore, the proposed development would be highly dependent on the use of the car as the main form of transport to and from the site. All facility services required for day to day living are not located within walking distance from the site. There is a footpath which links the site to the village of Althorne to the south. However, Steeple Road which connects the site with Mayland and Latchingdon, is a fast, unlit, unrestricted road, with no footpaths to either side.
- 5.1.5 In respect of this, paragraph 17 of the NPPF sets out a core planning principle as part of its overriding sustainability agenda, stating that planning should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This is reflected in policy T1 of the Local Plan. The proposal would not comply with this requirement.

## **5.2 Housing need**

- 5.2.1 The proposal would provide a one four bedroom dwelling. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal provides a four bedroom dwelling.
- 5.2.4 As the Council can now demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ worth of housing against the Council’s identified housing requirements, the provision of an additional dwelling which is not aligned

with the Council's needs is considered to make a negligible contribution in respect of social sustainability.

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

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

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.3.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.3.4 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

5.3.5 The application site is located within a rural context. The site is located away from the main settlement areas of this part of the Maldon District and where the character is that of a countryside appearance. Policy S8 applies in these locations and states the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.3.6 The current application proposes no changes from the previously refused application FUL/MAL/17/00581. Therefore, it is considered that the previous reasons for refusal have not been addressed or overcome by the current submission and there are no new material considerations that would outweigh the harm highlighted above and at the time of the previous application.

5.3.7 The application site is neighboured to the north by residential dwellings. Whilst the design and scale of the proposed dwelling is considered to be proportionate to the plot size and would be of acceptable appearance, the proposed dwelling would result in an introduction of additional built form to a countryside location and would result in the domestication of the character and appearance of the application site to the detriment of the countryside in which it is seen within. It is noted that the site currently makes a neutral contribution to the character of the countryside due to the presence of

structures of limited architectural merit and the use of the site for storage purposes. However, these structures are well established, low in height and not unusual in a countryside setting. As the storage appears to be ancillary to the use of the surrounding land, it is a reasonable possibility that the storage will be relocated to other land within the applicant's control and therefore ceasing storage within the site might not result in the end of storage occurring within this open part of the countryside and the weight afforded to that benefit of the proposal should be reduced accordingly. The proposed dwelling would be taller and bulkier than the existing buildings at the site and, due to the domestic appearance of the building, would have a greater visual impact on the character and openness of the countryside. Therefore, whilst the design of the dwelling might be considered acceptable when considered in isolation, in the context of this countryside site it is considered that the proposal would cause harm to the intrinsic character and appearance of the countryside, contrary to LDP policies S1, S8 and D1 and the policies contained within the NPPF.

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

- 5.4.1 Policy D1 and H4 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The application site has one adjacent neighbouring property 'Tideway Lodge' located to the north of the site.
- 5.4.3 In terms of loss of light, there are no concerns raised, given the minimum distance of at least 10 metres between the proposed dwelling and the south boundary of the curtilage of Tideway Lodge. The dwelling at that property is located approximately 20 metres from the shared boundary and therefore the distance between the proposed dwelling and its neighbour to the north would be approximately 30 metres.
- 5.4.4 The proposed fenestration is not considered to result in overlooking to the detriment of the neighbouring occupiers. The windows located at ground floor level are not considered to result in overlooking given the distance from the neighbouring dwellings. There are dormer windows proposed in the front, rear and side roof slopes. However, given the distance of the proposed windows from the neighbouring dwelling it is not considered that they would result in overlooking to the detriment of the neighbouring occupiers.
- 5.4.5 Therefore, it is not considered that the dwelling would form an overbearing addition to the detriment of the neighbouring occupiers.

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

- 5.5.1 Policy T2 of the LDP seeks 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.
- 5.5.2 The adopted Maldon District Vehicle Parking Standards SPD sets out that the resulting four bedroom dwelling should provide space to park three vehicles.

- 5.5.3 The parking provision would be a gravelled area to the front of the property; it is considered that this area is large enough to accommodate in excess of three car parking spaces, in accordance with policy T2 and the Maldon District Vehicle Parking Standards SPD.
- 5.5.4 The site has an existing access which is considered to be acceptable in terms of providing a safe and adequate access to vehicles.
- 5.5.5 The Highway Authority has raised no objection to the proposal but has requested the use of an informative to require that *“The public’s rights and ease of passage over Public Footpath No.5 (Latchingdon) shall be maintained free and unobstructed at all times.”* It is noted that the presence of the footpath is shown on the plans and the development would therefore not cause the obstruction of the public footpath. No objection is therefore raised to the proposal on those grounds.

## 5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the LDP requires that amenity a space is provided that is appropriate to the type of development. In addition, the Essex Guide advises a suitable garden size for dwellings with three or four bedrooms is 100sqm.
- 5.6.2 The proposed dwelling would be located to the front of the plot and provides an area of private amenity space to the rear and of the proposed dwelling. The rear garden would be in excess of the standard contained within the Essex Design Guide of 100m<sup>2</sup>.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00581** - New dwelling house. Planning permission refused for the following reason:  
*01 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies H1 and S2 of the adopted Maldon District Replacement Local Plan and policies S1 and S8 of the emerging Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality contrary to policies BE1 and H1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.*  
*(Wider area)*
- **FUL/MAL/15/00545** - Siting of mobile home for use as granny annex. Planning permission granted.
- **FUL/MAL/16/00043** - New dwelling on land between Tideway Farm & Tideway Lodge. Planning permission granted.

- **FUL/MAL/17/00902** - Change of use of Golf Centre Building (Class D2) to five dwellings (Class C3) with associated amenity space and off-street parking, infill south elevation and alter external elevation. Application pending consideration.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No comments received at the time of writing the report	

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection raised. Informatives have been requested to be added in relation to the footpath which is registered in the Public Rights of Way network.	Comment noted

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions	Comments noted.

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

- 7.4.1 No letters were received **objecting to/supporting** the application at the time of righting the report.

## 8. REASON FOR REFUSAL

- 1 The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the 'presumption in favour of sustainable development' contained in the National Planning Policy Framework and to policies S1 and S8 of the approved Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and

appearance of the rural locality contrary to policy D1 of the Maldon District Local Development Plan would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.



**REPORT of  
CHIEF EXECUTIVE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
9 OCTOBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00921</b>
<b>Location</b>	514 Moorhen Avenue St Lawrence
<b>Proposal</b>	Remove existing dilapidated dwelling & replace with 2x contemporary family homes with associated parking & gardens.
<b>Applicant</b>	Mr Paul Miller - P & G Miller Properties
<b>Agent</b>	Mr Craig Pallett - BDA
<b>Target Decision Date</b>	04.10.2017
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	St Lawrence
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**514 Moorhen Avenue, St Lawrence**  
**FUL/MAL/17/00921**



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 Maldon District Council 100018588 2014

  
**MALDON DISTRICT COUNCIL**

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

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee 17/008921/FUL
Date:	26/09/2017
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the southeast side of Moorhen Avenue which is a private road within the settlement boundary of St Lawrence. The application site amounts to 1,254.55m<sup>2</sup> (0.12Ha) and is currently occupied by a detached bungalow with an attached garage. The surrounding area is made up of a mix of dwellings which vary in scale and bulk, house type, architectural design and finish materials. The application site is located within Flood Zone 3a.
- 3.1.2 Planning permission is sought to demolish the existing dwelling on site and construct two detached, two storey dwellings.
- 3.1.3 The application site would be split to provide two separate plots. The proposed dwellings would be located towards the front of the plots set back around 12m from the public highway. Access for one dwelling is proposed to be taken from the existing access point from Moorhen Avenue (house A as per submitted plans). A proposed new vehicular crossover is proposed from Moorhen Avenue to serve the second dwelling (house B).
- 3.1.4 The proposed dwellings would have a maximum depth of around 10m, a maximum width of 11m and a maximum height of 6.5m.
- 3.1.5 The application represents a resubmission following a refusal, the previous reason for refusal is as follows:

*The proposed development is located within Flood Zone 3a which seeks to direct and intensify residential development, classified as "more vulnerable" as per the Flood Risk Vulnerability Classification, in an area with a high probability of flooding contrary to paragraphs 101 and 102 of the National Planning Policy Framework and the aspirations of the Maldon District Replacement Local Plan and submitted Maldon District Local Development Plan. Furthermore, the proposal is considered to fail both the Sequential Test and the Exception Test given that the Council can demonstrate a five year housing land supply on sites which have been subject of Sequential Testing; the wider sustainability benefits to the community do not outweigh the flood risk posed and because it is not considered that that the proposed development will be safe for its lifetime taking account of the vulnerability of its users due to the lack of a sufficient Flood Risk Assessment.*

#### **3.2 Conclusion**

- 3.2.1 The application is a resubmission following a refusal. It is not considered that the previous reason for refusal has been overcome. The application site lies with flood zone 3; the proposed development fails the sequential and exception tests and it is not considered that that the proposed development will be safe for its lifetime, taking account of the vulnerability of its users and the insufficient Flood Risk Assessment.

#### **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:**

Government Guidance

The National Planning Policy Framework (NPPF), including paragraphs:

- Para 7: Sustainable development includes economic, social and environmental roles which require the use of natural resources prudently and minimizes waste and pollution.
- Para 17: Core principles – effective use of land that has been previously developed (brownfield land) provided not of high environmental quality. The role and character of different areas should be taken into account including the intrinsic character and beauty of the countryside.
- Para 47: There needs to be a significant boost to the supply of housing to provide high quality homes. Councils should demonstrate that they have a 5 year supply of deliverable housing land.
- Para 56: Good design is a key aspect of sustainable development.
- Para 103: Development does not increase flood risk elsewhere and development should satisfy the sequential and exception test.
- Para 109: Planning system should contribute to and enhance the natural and local environment by protecting and enhancing local landscapes.
- Para 118: Local authorities should aim to conserve and enhance biodiversity

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

- D1 - Design Quality and Built Environment
- H4 - Effective Use of Land
- H2 - Housing Mix
- T1 - Sustainable Transport
- T2 - Accessibility
- S1 - Sustainable Development
- S8 - Settlement Boundaries and the Countryside
- D5 - Flood Risk and Coastal Management

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

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Policy S8 of the current Local Development Plan (LDP) provides the strategic position for the District through defined development boundaries for villages / urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Any proposal should be assessed in accordance with policy D1 where the compatibility of a scheme to its surroundings and neighbouring residents is imperative to the acceptability of a development in any location.
- 5.1.2 Furthermore, the LDP has been produced in light of the NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.1.3 The Council is able to demonstrate a supply of specific deliverable sites sufficient to provide more than five years' worth (6.04 years) of housing against the Council's identified housing requirements - Source: Maldon District Council (MDC) Five Year Housing Land Supply Statement 2015/16 – August 2016.
- 5.1.4 Paragraph 17 of the NPPF sets out a core planning principle as part of its overriding sustainability agenda, stating that planning should, “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This is reflected in policy T2 of the Local Development Plan. The proposal would comply with this requirement.
- 5.1.5 The principle of a dwelling in this location is in accordance with policies S1 and S8 of the Local Development Plan as the site lies within the defined settlement boundary of St Lawrence.
- 5.1.6 It is also in accordance with the core principles of the NPPF which directs new dwellings to the defined development boundaries in order to protect the countryside. The material considerations defining the acceptability of the proposed development are assessed below.

### **5.2 Flood Risk**

- 5.2.1 The site lies within Flood Zone 3a which is the highest risk flood zone. The proposal is for two dwellings, the site is currently occupied by one dwelling which is proposed to be demolished to make way for the proposed development.
- 5.2.2 New dwellings and residential uses are considered as being ‘more vulnerable’ based on the Flood Risk Vulnerability Classification (NPPG) and in accordance with National Planning Policy requires the Exception Test to be applied in addition to the Sequential Test.
- 5.2.3 The Sequential Test seeks to steer new development to areas at the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably

available appropriate sites in an area with a lower risk. The availability of such land, in accordance with the NPPF should be provided in the minimum of a “five year land supply”. The Council can now demonstrate more than five years’ worth of housing since publication of the latest Five Year Housing Land Supply Statement 2015 / 16 dated August 2016. Therefore, the application site is not needed for development at this current time; as the LDP allocates strategic sites for development on areas within the lowest probability of flooding and therefore these sites are available for development. The LDP allocated sites were Sequentially Tested during the LDP preparation.

- 5.2.4 Whilst the site is occupied by a single dwelling the proposal seeks to intensify the site by doubling the number of residential units within the site. On this basis an objection to the development is raised in respect of the failure of the Sequential Test and the as a result of intensification of the site for residential purposes.
- 5.2.5 For these reasons the site is considered to fail the Sequential Test. Paragraph 102 of the NPPF sets out that if it is not possible, or consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. In this instance it is considered that it is possible and consistent with wider sustainability objectives for residential development to be located in zones with a lower probability of flooding and the proposal is considered to fail the Sequential Test and therefore the outcome of the Exception Test is of reduced relevance.
- 5.2.6 In respect of the Exception Test, paragraph 102 sets out that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment (FRA) where one has been prepared; and a site-specific flood risk assessment must demonstrate 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, will reduce flood risk overall. Where the Sequential Test has been passed, both elements of the Exception Test will have to be passed for development to be allocated or permitted.
- 5.2.7 An updated Flood Risk Assessment has been submitted to accompany this resubmission. The FRA has been assessed by the Environment Agency as part of the consultation. It is considered that the document still fails to comply with the requirements set out in the National Planning Practice Guidance. The submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In this instance the Environment Agency has issued a holding objection to the application. In particular, the submitted FRA fails to;
1. provide a topographic survey.
  2. provide finished floor levels for the proposed development.
  3. correctly calculate the expected flood depths on site and within the building.
  4. assess breach risk for the proposed development.
  5. assess safe access and egress for the proposed development.
  6. use the correct defence crest level.
  7. reassess whether the proposed development has safe refuge.

5.2.9 The proposed development is therefore considered to fail both the Sequential and Exception Tests, given that the Council can demonstrate a five year housing land supply on sites which have been subject of Sequential Testing; the wider sustainability benefits to the community do not outweigh the flood risk posed and it is not considered that that the proposed development will be safe for its lifetime, taking account of the vulnerability of its users and the insufficient Flood Risk Assessment.

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

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

5.3.2 No objection with regards to the design of the proposed development or impact on the character of the area was raised within the previous application; there are no material changes to the scheme that would alter this stance.

5.3.3 The application site is currently occupied by a single storey dwelling of limited architectural merit; simplistic in design with a gable end main pitched roof and flat roof rear and side extensions. The existing dwelling is commensurate with surrounding built form, consisting of an eclectic mix of single and two storey properties of varied styles and designs. The contribution of the existing dwelling to the character and appearance of the streetscene is considered to be limited. As a result of proposed development there would be a noticeable increase in the amount of built development on site due to the proposal of 2 two-storey dwellings.

5.3.4 The application site has a width of approximately 28 metres – the widest within Moorhen Avenue. Site widths within the streetscene typically range from around six metres to fifteen metres. The siting and layout of the proposed development, consisting of the subdivision of the existing site with the proposed dwellings located in-line with the existing linear pattern of development, is not considered to appear cramped or contrived due to the large application site.

5.3.5 A distance of approximately 1.7 metres is proposed between each of the properties, with an average distance of 1.4 metres between the side elevations of the properties adjacent to the north-east and south-west boundaries. These distances are also in accordance with those observed within the streetscene and would not appear out of keeping with the prevailing pattern of built form. In addition, a distance of 12 metres would exist between the principle elevation of the dwellings and the highway; also in line with existing dwellings.

5.3.6 The existing dwelling to be demolished totals approximately 5.5 metres in height. The proposed dwellings would have a maximum height of 6.5 metres; an additional one metre increase. The existing dwelling has a width of approximately 17 metres and a depth of approximately 11 metres. The proposed dwellings would have widths of 11 metres and depths of 10 metres. The application site is un-neighboured to the north-east, with a single storey dwelling located to the south-west. Further examination of any effect on the amenity of the neighbouring occupiers is explored below. It is considered that the siting, layout, size, scale and bulk of the proposed

development would be seen in context with the existing character and appearance of the area and would not appear cramped or contrived.

- 5.3.7 In terms of design, the proposed dwellings would consist of a main gable-end, pitched roof element with single storey, flat roof 'wrap-around' addition containing an attached garage and entrance porch. Flat roof front and rear dormers would dominate the roofscape at widths of 6.7 metres, projecting at a maximum of 3 metres. Fenestration would consist of a simple arrangement of asymmetric openings and large bi-fold doors to the rear ground floor. The proposed development is to be finished in a mixture of materials consisting of facing brickwork, render, cladding and slate tiles.
- 5.3.8 The immediate streetscene and the surrounding areas within St Lawrence consist of varied designs of dwellings, from traditional cottages to modern, contemporary homes. The proposed development would appear contemporary in the streetscene, due to its design including detailing of the large flat roof dormers and single storey flat roof elements. It is considered that the design of the proposed development would not result in demonstrable harm to the character and appearance of the area.

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

- 5.4.1 No objection with regards to the impact of the proposed development on the amenity of the neighbouring occupiers was raised within the previous application; there are no material changes to the scheme that would alter this stance.
- 5.4.2 517 Moorhen Avenue is located approximately 2.5 metres south-west of the proposed side elevation of the proposed dwelling A and has a number of windows facing the application site. Due to the only opening on the side elevation of proposed dwelling A being a kitchen window 5.5 metres from no.517, and containing no habitable accommodation, (kitchen is not considered a habitable room), no direct overlooking would occur to this property. The two-storey element of house A would be located at a distance of 5.7 metres from no.517 Moorhen Avenue. Due to this distance and as the proposed dwellings will not extend further than the neighbouring dwelling; it is considered that there would be not be a harmful loss of light, overshadowing or dominance to the detriment of the amenity of the neighbouring occupiers as a result of the proposed development. This consideration relates to the neighbouring dwelling itself as well as the private rear amenity space.
- 5.4.3 Furthermore, House B would only be neighboured by house A. The only opening facing each of the properties proposed is a first floor bathroom window, proposed to be obscurely glazed.
- 5.4.4 It is therefore considered that the proposed development would not result in any unacceptable overlooking, loss of privacy, dominance or overshadowing to the detriment of the amenity of the neighbouring occupiers.

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

- 5.5.1 No objection with regards to access, parking or highway safety was raised within the previous application; there are no material changes to the scheme that would alter this stance.

- 5.5.2 Access to the proposed dwellings would be taken from Moorhen Avenue to the front of the site. The existing unmade road with no kerb is currently open and with the removal of vegetation will allow for appropriate vehicular egress to the site for house B. House A is proposed to utilise the existing access point. It is not considered that the proposed vehicular accesses would be to the detriment of highway safety or the free flow of traffic due to suitable visibility splays and wide access and egress points. Each dwelling would have a front amenity space for the parking of vehicles which measures approximately 95m<sup>2</sup>.
- 5.5.3 The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promotes methods of sustainable transport. In order to comply with policy T2 (Vehicle Parking Standards), for dwellings of this size the provision of two parking spaces should be provided. The development proposes two parking spaces to the front of the new dwellings, each with a garage space for vehicular parking. Therefore, the off-street vehicular parking provision for the proposed development is in excess of the recommended standard.

## 5.6 Private Amenity Space and Landscaping

- 5.6.1 No objection with regards to the private amenity space or landscaping was raised within the previous application; there are no material changes to the scheme that would alter this stance.
- 5.6.2 Policy D1 requires that private amenity space is provided that is appropriate to the type of development. The Essex Design Guide advises a suitable garden size is commonly recognised as 100m<sup>2</sup>. Each dwelling would accommodate a rear amenity area in excess of 300m<sup>2</sup>, which is considered to meet the needs of the future occupiers.
- 5.6.3 Little detail has been submitted in relation to the landscaping of the site, with the proposed block plan stating the site will be hard and soft landscaped. It is considered the proposed landscaping of the site could be controlled through an appropriate condition requiring details to be submitted prior to commencement.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/16/00785** - Demolish existing dwelling and construct two dwellings. Refused – 16.09.2016.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

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

## 7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	Moorhen Avenue is a private road; consequently, from a highway and transportation perspective, the Highway Authority has no comments to make on the proposal.	Noted.
Environment Agency	Object – The FRA does not comply with the requirements set out in the PGG and therefore, does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.	Addressed within section 5.2 of the Officers report.

## 7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions and informative.	Noted.

## 7.4 Representations received from Interested Parties

7.4.1 A letter has been received **commenting** on the application the main points are summarised in the table below:

- Claire & Andy Hailstone – Hawthorns Moorhen Avenue St Lawrence Essex CM0 7LT

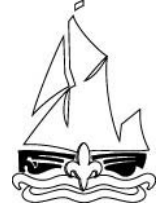
Comment	Officer Response
It is very important that consideration and courtesy, by contractors/personnel/visitors etc involved in the development, are shown, in respect of keeping the road, Moorhen Avenue, free of parked vehicles, equipment, etc. This part of the road, where No.514 is located, is very narrow and there are at least 4 properties that have driveways opposite or adjacent to the proposed site, and any obstructions in the road would prevent/restrict access to and from these properties, especially when manoeuvring caravans etc, as many	Essex Highways have not suggested any conditions or informatives in relation to the highway. As Moorhen Avenue is a private road it would be a civil matter.

<b>Comment</b>	<b>Officer Response</b>
<p>residents do on a regular basis, in this road.</p> <p>Also this road is maintained and paid for by the residents themselves, therefore planning approval must include satisfactory re-instatement of the road.</p>	

**8. REASON FOR REFUSAL**

- 1 The proposed development is located within Flood Zone 3a which seeks to direct and intensify residential development, classified as "more vulnerable" as per the Flood Risk Vulnerability Classification, in an area with a high probability of flooding contrary to paragraphs 101 and 102 of the National Planning Policy Framework and the policy D5 of the Maldon District Local Development Plan. Furthermore, the proposal is considered to fail both the Sequential Test and the Exception Test given that the Council can demonstrate a five year housing land supply on sites which have been subject of Sequential Testing; the wider sustainability benefits to the community do not outweigh the flood risk posed and because it is not considered that that the proposed development will be safe for its lifetime taking account of the vulnerability of its users due to the lack of a sufficient Flood Risk Assessment.

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**REPORT of  
CHIEF EXECUTIVE**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
9 OCTOBER 2017**

**OTHER AREA PLANNING AND RELATED MATTERS**

**ITEM 1      APPEALS LODGED**

**ITEM 2      APPEAL DECISIONS**

## **ITEM 1 APPEALS LODGED**

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

Appeal Start Date: 14/09/2017

**Application Number: COUPA/MAL/17/00034 (APP/X1545/W/17/3180431)**

Site: Barn South Of Birs Lodge - Lower Burnham Road - Latchingdon

Proposal: Prior approval of proposed change of use of agricultural building to a dwellinghouse (C3), and for associated operational development.

Appeal by: Mr B & Mrs I Wells

Appeal against: Refusal

Appeal procedure requested: Written Representations

**Appeal Start Date: 27/09/2017**

**Application Number: FUL/MAL/17/00468 (APP/X1545/W/17/03183379)**

**Site:** Redbraes - Summerhill - Althorne

**Proposal:** Demolition of existing bungalow and construction of a new residential dwelling

**Appeal by:** Mr Paul Collins

**Appeal against:** Refusal

**Appeal procedure requested:** Written Representations

## **ITEM 2 APPEAL DECISIONS**

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

**OUT/MAL/16/00915 (Appeal Ref: APP/X1545/W/17/3172993)**

Proposal: Outline planning application for the demolition of one dwelling with all matters reserved for the construction of 7 dwellings comprising 2 x two bed, 2 x three bed and 3 x four bed dwelling

Address: Land Rear Of The Orchards Maldon Road Latchingdon

Decision Level: Delegated

**APPEAL DISMISSED – 22 September 2017**