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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

05 January 2018

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 15 JANUARY 2018 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 'F. R. Marshall'. The signature is written in a cursive style and is 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 15 JANUARY 2018

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 4 December 2017 (copy enclosed).

4. **Disclosure of Interest**

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

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

5. **FUL/MAL/17/01096 - Land Adjacent 101 Maldon Road, Burnham-on-Crouch, Essex** (Pages 17 - 30)

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

6. **FUL/MAL/17/01251 - Land East of The Rest, Southminster Road, Asheldham, Essex** (Pages 31 - 42)

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

7. **HOUSE/MAL/17/01267 - Nortonlea, 6 Katonia Avenue, Mayland, Essex, CM3 6AD**

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

8. **FUL/MAL/17/01289 - 33 Princes Avenue, Mayland, Essex, CM3 6BA** (Pages 43 - 52)

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

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

Reports for noting:

In accordance with the recent Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
-

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 - 8.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES

Sound Recording of Meeting

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

Fire

In event of a fire, 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
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) and Technical Guidance
 - Planning Practice Guidance (PPG)
 - Planning policy for traveller sites
 - Relevant government circulars
 - Relevant Ministerial Statements (as referred to in the Report)

- ii) Essex County Council
 - Essex Design Guide 1997
 - Essex and Southend on Sea Replacement Waste Local Plan

- iii) Maldon District Council
 - Five Year Housing Land Supply Statement 2015 / 16
 - Planning Policy Advice Note (version 4) - October 2015
 - Planning Policy Advice Note (version 5) - May 2016
 - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
 - Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
 - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
 - South Maldon Garden Suburb Strategic Masterplan Framework - 2014
 - Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
 - Accessibility to Buildings SPD – December 2006
 - Children's Play Spaces SPD – March 2006
 - Sadd's Wharf SPD – September 2007
 - Heybridge Basin Timber Yard SPD – February 2007
 - Developer Contributions Guide - 2010
 - Affordable Housing Guide – June 2006
 - Heybridge Basin Village Design Statement – November 2006
 - Wickham Bishops Village Design Statement – 2010
 - Woodham Walter Village Design Statement – 2017
 - Various Conservation Area Appraisals

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



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
4 DECEMBER 2017**

PRESENT

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

649. CHAIRMAN'S NOTICES

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

650. APOLOGIES FOR ABSENCE

There were none.

651. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 6 November 2017 be approved and confirmed.

652. DISCLOSURE OF INTEREST

Councillor R P F Dewick declared the following:

- in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – he had carried out work for the Applicant in the past;
- in relation to Agenda Item 9 – OUT/MAL/17/01123 – Land to the rear of 60A Maldon Road, Burnham-on-Crouch – he had carried out work for the Applicant in the past.

Councillor Mrs P A Channer declared:

- a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on matters of highways, access etc.;

- an interest in relation to Agenda Item 8 - OUT/MAL/17/01114 – Land East of Goldsands Road, Southminster. The Chairman confirmed that this application had been withdrawn;
- in relation to Agenda Item 9 - OUT/MAL/17/01123 – Land to the rear of 60A Maldon Road, Burnham-on-Crouch – that she knew the Applicant;
- in relation to Agenda Item 5 - FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – that she knew the Applicant;
- in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – that she knew the Agent.

Councillor Mrs B E Acevedo declared a pecuniary interest in relation to Agenda Item 5 – FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – as she was one of the Applicants. Councillor Acevedo advised that she would leave the meeting for this item of business.

Councillor N R Pudney declared a non-pecuniary interest in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – as his in-laws lived in Stoney Hills.

Councillor B S Beale declared an interest in relation to Agenda Item 5 - FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – as he knew the Applicant.

The Chairman advised that this declaration applied to all Members of the Committee.

Councillor Mrs Channer declared an interest in relation to Agenda Item 5 - FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – as she knew the Applicant.

Councillor R Pratt declared a non-pecuniary interest as he was also a Member of Essex County Council.

Councillor P G L Elliott declared an interest in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – as he knew the Agent.

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

- in relation to Agenda Item 5 - FUL/MAL/17/01010 – Land adjacent Fiddlers Rest, The Endway, Althorne – that he knew the Applicant;
- in relation to Agenda Item 7 - FUL/MAL/17/01107 – Land South of Charwood, Stoney Hills, Burnham-on-Crouch – that he knew the Applicant and the Agent.

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.

653. FUL/MAL/17/01010 - LAND ADJACENT FIDDLERS REST, THE ENDWAY, ALTHORNE, ESSEX

Councillor Mrs B E Acevedo left the Council Chamber at this point in the meeting.

Application Number	FUL/MAL/17/01010
Location	Land Adjacent Fiddlers Rest The Endway Althorne Essex
Proposal	Demolition of existing sheds with road side frontage and development of a new, separate dwelling within the existing garden curtilage.
Applicant	Mr & Mrs Acevedo
Agent	Mrs Lynne Fornieles - Febo Designs
Target Decision Date	14 November 2017
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update that representation had been received from Althorne Parish Council and Essex Highways along with further letters of support.

Following the Officer's presentation of the report, Councillor Burgess, representing Althorne Parish Council and Mr A Cusson, speaking on behalf of the Applicant and Agent, both addressed the Committee.

Members debated this application at some length and attention was drawn to the 19 letters of support that had been received. Some Members were in support of this application and were of the opinion that the proposed development was of sympathetic built form and accorded with sustainability in the surrounding area. However, other Members held the converse view that it was outside the settlement boundary, was unsustainable and were in support of the Officer's recommendation regarding the Council's Local Development Plan (LDP).

Concern was raised about sustainability and that bus and train services would only survive if they were used.

The Group Manager – Planning Services advised that letters of support or objection on their own were not a material consideration.

In response to a question the Group Manager – Planning Services advised that windfall sites were set within the plan and it was not usually the case that sites outside of the development boundary would be looked at. This was not an allocated site within the LDP.

The Group Manager – Planning Services then drew Members' attention to the Appendices to the report which showed the number of applications that had been refused by the Council and advised that all of those that had been appealed had been dismissed. The Council and the Planning Inspectorate were united in their view that this area was not suitable for development. If this application was granted, then it would become a material consideration for any other site around the area. Members

should make decisions in accordance with the LDP unless material considerations outweighed this.

The Chairman put the Officers' recommendation of refusal to the Committee and upon a vote being taken this was agreed.

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

- 1 The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the National Planning Policy Framework.
- 2 The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies S8, D1 and H4 of the Maldon District Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.

Councillor Mrs Acevedo returned to the Council Chamber.

654. FUL/MAL/17/01096 - LAND ADJACENT 101 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	FUL/MAL/17/01096
Location	Land Adjacent 101 Maldon Road Burnham-On-Crouch Essex
Proposal	Proposed new detached dwelling house
Applicant	Mr E J Dominic Savio
Agent	Greg Wiffen - Planman
Target Decision Date	22 November 2017
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Chief Executive Call In

This application had been called in by the Chief Executive in her capacity as Director of Planning and Regulatory Services.

It was noted from the Members' Update that additional information had been received from the applicant regarding land ownership.

Following the Officer's presentation of the report Mr Hammans, an Objector, of 99 Maldon Road, Burnham-on-Crouch, addressed the Committee.

Members then debated this application and raised concerns that this was an overdevelopment. Members requested clarification of the ownership of the land and matters included in the Members' Update.

Councillor R Pratt proposed that this application be deferred and this was duly seconded. Upon a vote being taken this was agreed.

RESOLVED that this application be **DEFERRED** to seek clarification in relation to the ownership of the land and the ability to provide the access shown.

Councillor R P F Dewick left the Council Chamber at this point in the meeting.

COUNCILLOR A S FLUKER IN THE CHAIR

Councillor A S Fluker extended the invitation of the Chairman of the Council for Members to attend a Carol Service at St. Leonard's Church at 4.30pm on Friday 8 December 2017.

655. OUT/MAL/17/01107 - LAND SOUTH OF CHARWOOD, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX

Application Number	OUT/MAL/17/01107
Location	Land South Of Charwood Stoney Hills Burnham-On-Crouch Essex
Proposal	Proposed construction of 5 bungalows
Applicant	Think Green Energy Ltd
Agent	Cussen Construction Consultants
Target Decision Date	18 th December 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017 Previous Committee Decision

It was noted from the Members' Update that a consultation response had been received from Burnham-on-Crouch Town Council along with a further letter of objection.

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

Members were concerned about this site and the access to it and believed it to be an inappropriate site. Two dwellings had already been approved on this site and Members did not agree with approval of the further three dwellings. Furthermore, this site was not allocated within the Council's approved Local Development Plan (LDP).

In response to a question, the Group Manager – Planning Services advised that planning applications should be determined in accordance with the LDP unless material

considerations stated otherwise. Members could give weight to the LDP if they felt it appropriate, but should consider the material changes since the two dwellings had been approved on the site. If Members were minded to refuse this application, then it would be necessary to demonstrate harm.

A further question was asked and the Group Manager – Planning Services confirmed that the Burnham-on-Crouch Neighbourhood Plan was taken into consideration when making the recommendation for approval.

Members were mindful of the Officer’s comments regarding appeal decisions but understood that such decisions had been made prior to the LDP and the Burnham Neighbourhood Plan.

The Officer’s recommendation of approval was then put to a vote and this recommendation was not agreed.

Councillor A S Fluker requested that his vote in support of the Officer’s recommendation be recorded.

Councillor Mrs H E Elliott then proposed refusal of this application and this was duly seconded.

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).

656. OUT/MAL/17/01114 - LAND EAST OF GOLDSANDS ROAD, SOUTHMINSTER

Application Number	OUT/MAL/17/01114
Location	Land East Of Goldsands Road Southminster
Proposal	Outline application for proposed agricultural workers dwelling with appearance and landscaping matters reserved. Dwelling to be tied to use by agricultural worker.
Applicant	Mr John Fisher - D.J.Fisher (Farms) Limited
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	14.12.2017
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In

The Chairman advised that this application had been withdrawn by the Agent.

657. OUT/MAL/17/01123 - LAND TO THE REAR OF 60A MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	OUT/MAL/17/01123
Location	Land To The Rear Of 60A Maldon Road, Burnham-On-Crouch, Essex
Proposal	Proposed erection of 6 residential dwellings and ancillary works with shared surface access off Green Lane and pedestrian/ cycle link to Maldon Road.
Applicant	Dr Hamid Latif
Agent	Mr David Devries
Target Decision Date	24 November 2017
Case Officer	Anna Tastsoglou, TEL: 01621 975741
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

Following the Officer's presentation of the report, Members debated this application in some depth. It was noted that Green Lane was becoming very busy and there were concerns that the area was becoming overdeveloped. Furthermore, planning applications in this area had previously been refused.

The Group Manager – Planning Services advised that whilst a number of dwellings on this site had previously been refused by the Council, they had subsequently been allowed on appeal.

A Member advised that access was no longer available as the donor bungalow as not there. However, the Group Manager – Planning Services advised that this should not be taken into account.

In response to a question, the Development Management Team Leader advised that it was understood that a certificate of ownership had been served on the land owner who shared the same surname as the Applicant.

Members were concerned that this was outside of the development boundary, was not a strategic allocation in accordance with the Local Development Plan (LDP) and the Neighbourhood Plan for Burnham-on-Crouch was now in place.

There was also concern regarding access and the impact on Green Lane. Although the Highways Authority had raised no objection to access, Members believed that any access was contrived access.

At this point, and in light of discussions, the Chairman then asked Members for a proposal for refusal of this application. A number of reasons for refusal were discussed and it was suggested that if refused the reasons could be agreed by the Chairman and Officers.

The Group Manager – Planning Services did not agree with some of the concerns raised by Members and advised that because the Council had a policy that was not a reason for refusal. He advised that demonstrable harm had to be shown and being contrary to a policy was not demonstrable harm.

In response to a question, the Development Management Team Leader confirmed that if granted this was for outline permission only and reserved matters would need to be dealt with before the site could be developed.

Councillor Mrs P A Channer proposed that the Chairman in consultation with the Group Manager - Planning Services and Ward Members come up with reasons for refusal. This proposal was not supported.

The Group Manager – Planning Services referred to the need for reasons to show planning harm. He suggested that following Members discussions that the reasons for refusal put forward by Members were concern in relation to the new access, impact on the character of the area, the development is contrary to the LDP and the Burnham-on-Crouch Neighbourhood Plan.

Members voted on the Officer’s recommendation of approval and this was not agreed.

A second vote was taken on refusal of this application and this motion was carried, subject to the reasons as detailed by the Group Manager - Planning Services to be confirmed with the Ward Members and Chairman (Councillor A S Fluker).

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

- 1 The proposed development on land outside the settlement boundary of Burnham-on-Crouch would represent the sprawl of development into the countryside and cause harm to the character and intrinsic beauty of the countryside. The proposal is therefore contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan 2017, policies HO.1 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan 2017 and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development, by virtue of the proposed new access road linking the proposed dwellings to Green Lane, would have a detrimental and harmful visual impact on the character and intrinsic beauty of the countryside. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan 2017, policies HO.1 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan 2017 and the guidance contained within the National Planning Policy Framework.

Councillor R P F Dewick returned to the Council Chamber.

COUNCILLOR R P F DEWICK IN THE CHAIR

658. TREE PRESERVATION ORDER (TPO) 8/17 - 9 BARNMEAD WAY, BURNHAM-ON-CROUCH

The Officer presented the report, the purpose of which was that objections had been received relating to the serving of TPO 8/17 on trees at 9 Barnmead Way, Burnham-on-Crouch as shown in Appendix 1 to the report. The TPO protected two Oriental Plane trees in the rear garden of 9 Barnmead Way, these were numbered T1 and T2. The objections remain unresolved. Therefore, the question of whether or not to confirm the TPO has been brought before Members to decide.

Following this and with the agreement of the Chairman Mrs Harman, the Applicant, addressed the Committee.

Members were concerned that the trees were very tall already even though they were not fully grown. Members were of the opinion that these trees should be removed and stated that the Applicants were willing to plant similar trees but not in their back garden.

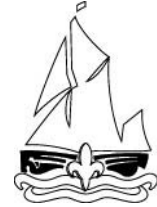
Councillor P G L Elliott proposed that the TPO not be confirmed, contrary to Officers' recommendation and this was duly seconded.

RESOLVED that Tree Preservation Order 8/17 at 9 Barnmead Way, Burnham-on-Crouch not be confirmed.

There being no further items of business the Chairman closed the meeting at 9.14 pm.

R P F DEWICK
CHAIRMAN

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 JANUARY 2018**

Application Number	FUL/MAL/17/01096
Location	Land Adjacent 101 Maldon Road Burnham-On-Crouch Essex
Proposal	Proposed new detached dwelling house
Applicant	Mr E J Dominic Savio
Agent	Greg Wiffen - Planman
Target Decision Date	22 November 2017
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Chief Executive Call In

1. DEFERRAL

- 1.1 This planning application was deferred from the South Eastern Area Planning Committee on 4 December 2017, in order for further clarification in relation to the Land Ownership to be supplied to the Council.

2. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 9 of this report).

3. SITE MAP

Please see overleaf.

Land Adjacent 101 Maldon Road, Burnham-On-Crouch
FUL/MAL/17/01096



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/01096/FUL
	Date:	03/01/2018
	MSA Number:	100018588

4. SUMMARY

4.1 Proposal / brief overview, including any relevant background information

- 4.1.1 The application site is located on the southern side of Maldon Road within the settlement boundary of Burnham-on-Crouch. The site currently forms part of the residential curtilage of the property known as 101 Maldon Road and accommodates a detached garage that serves the existing dwelling on site. The development along the southern side of Maldon Road is mainly residential dwellings which vary in terms of house type, architectural style and features, finish materials and scale. Ormiston Rivers Academy is located opposite the site and there are residential dwellings to the rear.
- 4.1.2 Planning permission is sought for the division of the plot and erection of a two storey dwellinghouse. The dwelling would measure 8.5m in width, a maximum of 14.2m in depth including a single storey rear element and a two storey gable end projection located to the front. It would measure a maximum of 7.9m in height to the ridge and 5.1m in height to the eaves. The dwelling would accommodate a porch, study, sitting room, WC and an open plan dining / kitchen / living room at ground floor and four bedrooms, one with an en-suite and a family bathroom at first floor. The application follows the withdrawal of application reference FUL/MAL/17/00561.
- 4.1.3 The Burnham-on-Crouch Neighbourhood Development Plan states ‘Policy HO.1 supports new residential development where it complies with other policies in this Plan and the wider development plan’.

4.2 Conclusion

- 4.2.1 The proposed development is considered to assimilate into the streetscene to an acceptable degree, it would not significantly impact the neighbouring occupiers to such a degree as to warrant a reason for refusal and the site provides adequate parking provision and amenity space, in accordance with policies S1, S8, D1, H4 and T2.

5. MAIN RELEVANT POLICIES

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

5.1 National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design
- 55 Housing

5.2 Maldon District Local Development Plan approved by the Secretary of State:

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

- N1 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

5.3 **Relevant Planning Guidance / Documents:**

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

5.4 **Burnham-On-Crouch Neighborhood Plan**

- H0.1 New Development
- H0.2 Range and Type of New Residential Development
- HC.2 New Development Features
- H0.8 Housing Design Principles

6. **MAIN CONSIDERATIONS**

6.1 **Principle of Development**

6.1.1 The site is located within the settlement boundary of Burnham-on-Crouch as identified in the Local Development Plan. Policy S8 is the strategic policy that would apply to this site, allowing development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed below. These material considerations would also include the impact on the character and appearance of the area, highway safety, and impact on the amenity of the neighbouring residential properties.

6.2 **Design and Impact on the Character of the Area**

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

6.2.2 The proposed dwelling would measure 8.5m in width, a maximum of 14.2m in depth including a single storey rear element and a two storey gable end projection located to the front of the dwelling. It would measure a maximum of 7.9m in height to the ridge and 5.1m in height to eaves. The proposed dwelling would be finished with a hipped roof, with a two storey front gable end projection and two gable end projections to the rear, there would also be a single storey flat roofed element to the rear of the dwelling.

6.2.3 The southern side of Maldon Road is residential in nature and the surrounding area to the application site is not considered to have a particularly defined or strict character

given that it is made up of wide range of dwellings differing in house type, architectural design and features, finish materials and layout. There are bungalows and two storey dwellings, detached and semi-detached properties, large dwellings set within spacious plots and smaller dwellings set within narrow plots. The ridge heights and roofscapes vary along the road. It is noted that this section of Maldon Road is largely fronted by soft boundary treatments with hedgerows and trees prevalent along the road frontage.

- 6.2.4 The application site has a maximum width 12.7 metres. Site widths along this stretch of Maldon Road range from around 9 metres to 28 metres. The siting and layout of the proposed development consists of the subdivision of the existing site from north to south with the proposed dwelling located in-line with the existing linear pattern of development, fronting Maldon Road. Whilst the proposed dwelling would be situated close to the eastern boundary at 1.6m and western boundary at 2.1m, given that the distances between properties and plot sizes along Maldon Road vary dramatically and the presence of comparable developments in terms of siting and layout, namely nos. 107A and 109 which are detached properties which are situated close to the shared boundaries of the site and each other; it is not considered that the siting and layout of the proposed development appears out of keeping or cramped when viewing the site from public vistas.
- 6.2.5 In terms of design, the proposed dwelling is considered to be of adequate architectural merit, traditional in appearance and symmetrical when viewed from the front, with a central gable end projection and two bay windows either side. The front gable projection references those present at numbers 105 and 107 Maldon Road and the proposed roof form is not considered to be out of keeping in its setting given the variation of roof forms present along Maldon Road, especially at no. 101 which is of an unusual design. In terms of scale and bulk, the proposed dwelling would have a ridge height 0.38m taller than the dwelling at no. 101 and in line with the dwelling at no. 99. In terms of width the proposed dwelling is comparable, just slightly smaller than that at no. 101 and whilst the single storey rear element projects 2.2m further than the rear elevation of no. 101, given the modest projection and height of 2.9m to the top of the flat roof the depth is considered acceptable.
- 6.2.6 The proposed finish materials include the use of cladding, which is not a material present within the vicinity of the site. This material is not considered acceptable in this location. To ensure the use of acceptable materials a condition could be imposed, should the application be approved, to ensure details and samples are submitted to the Council prior to the commencement of the development.
- 6.2.7 Therefore, for the above reasons, the proposed development is considered to assimilate into the streetscene to an acceptable level in compliance with policies D1 and H4.

6.3 **Impact on Residential Amenity**

- 6.3.1 The basis of policy D1 of the approved Local Development Plan (LDP) seeks to ensure that development will protect the amenity of its surrounding areas taking into account overlooking, loss of daylight to the main windows of the neighbouring dwelling and domination to the detriment of the neighbouring occupiers.

- 6.3.2 The application site has three adjacent neighbouring properties. To the east of the application site is no. 101 Maldon Road, to the west is no. 99 Maldon Road and to the rear of the application site is 103A Maldon Road.
- 6.3.3 The proposed dwelling would be located around 1.6m from the shared boundary with no. 101 and around a minimum of 2.2m from the existing dwelling. In terms of overlooking, there would be two windows located within the eastern side elevation of the proposed dwelling at ground floor that would face onto three existing windows located within the western side elevation of the existing dwelling. However, the proposed windows are to be obscure glazed, which could be secured via a condition, should the application be approved. This would mitigate any unacceptable levels of overlooking. In terms of a loss of light, the main windows affected are the three windows at ground floor level and one window at first floor level on the western side elevation. Two of the ground floor windows serve a lounge however; these windows are secondary sources of light, as the lounge is also served by French doors and windows located on the rear elevation. The third window at ground floor serves a study which is not considered habitable accommodation. Therefore a loss of light to these windows is not considered significant enough to warrant a reason for refusal. The window at first floor serves a bedroom and the proposed dwelling would be located around 2.6m from the window. It is noted that this window would suffer a loss of light however, given the distance of 2.6m between the window and wall of the proposed dwelling, it is not considered that the loss of light would be significant enough to warrant a reason for refusal. It is noted that the dwelling is in close proximity to no. 101 and would therefore have an impact on the first floor bedroom window in the side elevation. However, it is not considered that the proposed dwelling would form an overbearing addition to the detriment of the neighbouring occupiers; given the distance and that the dwelling is of a comparable scale. It is also noted that the applicant owns no. 101 and therefore the impact would be self-imposed.
- 6.3.4 The proposed dwelling would be located around 2.1m from the shared boundary with no. 99 and the proposed dwelling would be located around 6.7m from the existing dwelling at no. 99. In terms of overlooking there are three windows proposed within the western side elevation of the proposed development, these windows are proposed to be obscure glazed and that would mitigate any significant overlooking. The proposed rear facing windows look out onto the private amenity space that would serve the existing dwelling; views of the rear garden at no. 99 could be afforded from the rear facing windows. However, it is not considered to significantly affect the living conditions of the neighbouring occupiers. In terms of a loss of light and forming an overbearing addition, given the distance of 6.7m from the existing dwelling at no. 99 it is not considered that a significant loss of light would occur to the main windows of the neighbouring dwelling.
- 6.3.5 The proposed dwelling is located 16m from the shared boundary with no. 103A Maldon Road and 29.8m from the dwelling on site. Given the distance; it is not considered that loss of light, overlooking or an overbearing impact would occur to the detriment of this neighbouring property.
- 6.3.6 Therefore, for the above reasons, the proposed development is not considered to significantly impact the neighbouring occupiers as to warrant a reason for refusal.

6.4 Access, Parking and Highway Safety

- 6.4.1 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.
- 6.4.2 The proposed development would result in an additional vehicular access onto Maldon Road; the existing access serving no. 101 would remain in situ. The Highway Authority has been consulted and raised no objection to the proposal in terms of highway safety, subject to conditions.
- 6.4.3 The recommended parking provision standard for a four bedroom dwelling is a maximum of three car parking spaces. There is an area to the front of the proposed dwelling measuring 10m by 12.7m which could accommodate space to park three cars, in accordance with the recommended standard.
- 6.4.4 The proposed development would result in the division of the existing plot which accommodates no. 101 and removal of the existing garage which serves this property which would result in a loss of parking provision. However, there would still be a space measuring 11.2m by 11.6m to the front of the dwelling which could accommodate three car parking spaces on site.

6.5 Private Amenity Space and Landscaping

- 6.5.1 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 Supplementary Planning Document (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.
- 6.5.2 The proposed development would result in the division of the plot which accommodates no. 101; this would result in the loss of part of the private rear amenity space. However, the remaining space to the rear of the dwelling would measure 209sq.m, which is in excess of the recommended standard.
- 6.5.3 The rear amenity space to serve the proposed dwelling would measure 143sq.m. This is in excess of the recommended standard and therefore, no concerns are raised in relation to private amenity space.
- 6.5.4 Detailed landscaping details have not been submitted as part of the application. A condition will be imposed, should the application be approved, to ensure the details are submitted and approved by the Local Planning Authority (LPA).

6.6 Land Ownership

- 6.6.1 Land ownership issues have been raised by a neighbouring property and a Land Registry plan submitted to substantiate the claim. However, it appears that the boundary line shown on the submitted location plan is in line with the Land Registry plan submitted by the neighbours.

6.6.2 At the time of the previous Committee the applicant supplied the following information with regards to the land ownership issues:

‘I can confirm that I have checked on site measurements myself with my architect and with my solicitor (Jacob and co solicitor who acted for the purchase of 101 Maldon Road Burnham on Crouch CM0 8DD). The measurements marked on the drawings are tight measurements taken on the site from fixed datum points to the existing fence and confirmed with my solicitor also. The site boundaries are to be defined by current fences, hedges etc. and we have no evidence to suggest the contrary and the neighbour has produced no evidence to say otherwise. I am not aware of any existing boundary dispute. We can only be guided by existing fences and hedges and the measurements and cannot consider hearsay into the matter.’

6.6.3 Since the previous Committee meeting the applicant has provided a land survey prepared by sterling surveyors to demonstrate the boundary lines and the hedges for the above property.

6.6.4 The ownership of land is a civil matter and it is not for the Local Planning Authority to be an arbiter or decision maker in respect of land ownership. The granting of planning permission does not outweigh land ownership and therefore, if another landowners permission is required, this should be sought before a planning permission is implemented. In the circumstances where the Local Planning Authority has received contradictory statements, it is considered appropriate to highlight this matter to the applicant and ask them to ensure that they have served the correct ownership. This has been done and this is where the responsibility of the Local Planning Authority should end in relation to land ownership. Any further disagreements should be rectified by the two parties that are in disagreement.

6.6.5 It should be noted that the primary purpose of ownership certificate ‘B’ being signed is to ensure the relevant parties are notified of the development and have the right to comment, which has happened through the consultation letters sent and public notice erected at the site. Therefore, even if it should subsequently transpire that the ownership of land is not as the applicant believes, it is considered that this would not have prejudiced the neighbour’s ability to comment on the application and be involved in the application process.

7. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00561** - Proposed new detached dwelling house. Withdrawn - 12.07.2017.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name Town Council	Comment	Officer Response
Burnham-On-Crouch Town Council	The proposed dwelling house would be out of character with the surrounding area and	Please see section 6.2 of the Officers report. Policy D4 is not considered relevant to this application.

Name Town Council	Comment	Officer Response
	contrary to LDP policy D4 and NDP policy HO8.	The application has been assessed against the policies within the Neighbourhood Development Plan (NDP) and it is considered to be compliant. In the absence of the specific criteria that the Town Council consider it to fail on, I am unable to fully address the objection.

8.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions.	Please see conditions.

8.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Please see conditions.

8.4 Representations received from Interested Parties (*summarised*)

8.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- David & Elizabeth Chapman - 103A Maldon Road Burnham-On-Crouch
- Trevor Hammans - 99 Maldon Road Burnham-On-Crouch
- Janet Hammans 99 Maldon Road Burnham-On-Crouch
- Carol Hughes 103B Maldon Road Burnham On Crouch

Objection Comment	Officer Response
Land Ownership Issues	Please see section 5.6 of the Officers report.
Large property on small plot	Please see section 5.2 of the Officers report.
Change to landscape if all the trees were to be removed	Please see section 5.5 of the Officers report.
Loss of non-residential space for no. 101 if garage is removed	The garage is a residential garage and there is no requirement to protect or provide ancillary space.
Loss of light and outlook	Please see paragraph 5.3 of the Officers report.

Objection Comment	Officer Response
No two storey building should even be considered next to 101, particularly in such close proximity.	Please see paragraph 5.2 and 5.3 of the Officers report.
No detached properties along Maldon Road without a garage.	Please see section 5.2 of the Officers report.
Out of keeping.	Please see section 5.2 of the Officers report.
Overpowering.	Please see section 5.3 of the Officers report.
Tiny garden.	Please see section 5.5 of the Officers report
No. 101 would be devalued financially.	This is not a material planning consideration.
Could result in a loss of all the trees on site.	Please see section 5.5 of the Officers report.
Highway safety issues.	Please see section 5.4 of the Officers report.
Concerns raised in relation to highway safety during the construction of the development.	There is no evidence that highway safety would be demonstrably impacted on during the construction of the development above any other development.
Loss of wildlife.	There is no basis to believe that protected species use the site and the landscaping details for the scheme will be conditioned, should the application be approved.
The developer brought the land to make a huge and quick profit. The developer is not a member of our community. The developer makes no contribution financially to the town nor do they have a personal investment in the town.	These are not material planning considerations. The planning application is assessed on its planning merits.
I would like MDC to ensure our boundary fence stays intact. We do not want trespassers on our land.	This is a civil matter and would not be the responsibility of the LPA.
Loss of hedge fronting Maldon Road.	Please see section 5.2 of the Officers report.
The streetscene drawing is misleading as it does not give a clear view of the existing dwellings.	The streetscene drawing is adequate. A site visit has been conducted by the Case Officer who is aware of the surrounding dwellings.
Visual harm caused to the surrounding area.	Please see section 5.2 of the Officers report.

Objection Comment	Officer Response
Inadequate visibility splays.	The Highways Authority has not raised an objection to the visibility splay, which will be secured via a condition.
It appears that the developer is determined to get the application approved by building a relationship with the Case Officer.	This accusation is unfounded and every application is determined by the Council on its planning merits.
Plan inaccuracies.	These issues have been resolved and a location plan with the correct land outlined in blue has been submitted.

9. **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.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance policy D1 of the Local Development Plan.
- 3 No development shall commence until full details of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
- 4 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 protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- 5 Prior to occupation of the proposed dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and no more than 6 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the Local Development Plan.

- 6 Prior to occupation of the proposed dwelling and as shown in Drawing no SI 5 (Proposed block plan showing visibility splays), the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Local Development Plan.

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy T2 of the Local Development Plan.

- 8 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details are to be submitted to and approved in writing by the Local Planning Authority and the development is to be carried out in accordance with the approved details.

REASON: To ensure that appropriate loading / unloading facilities are available so that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy T2 of the Local Development Plan.

- 9 Prior to the commencement of the development details of the 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 scheme shall ensure that for a minimum:

The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to

the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s).

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework and policy D5 of the Maldon District Local Development Plan.

- 10 Prior to the first occupation of the building hereby permitted, the windows in the east and west side elevations shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON: To protect the amenity of the neighbouring occupiers in accordance with policy D1 of the Local Development Plan.

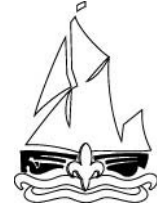
INFORMATIVES

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.
- 2 The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

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.

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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
15 JANUARY 2018**

Application Number	FUL/MAL/17/01251
Location	Land East Of The Rest Southminster Road Asheldham Essex
Proposal	Demolition of existing stables and pole barn and erection of a new single dwelling and change of use of land to residential (Class C3) (amendment to and repositioning of dwelling approved under reference 13/00595 onto adjacent paddock).
Applicant	Mr David Hall
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	4 January 2018
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Councillor / Member of Staff

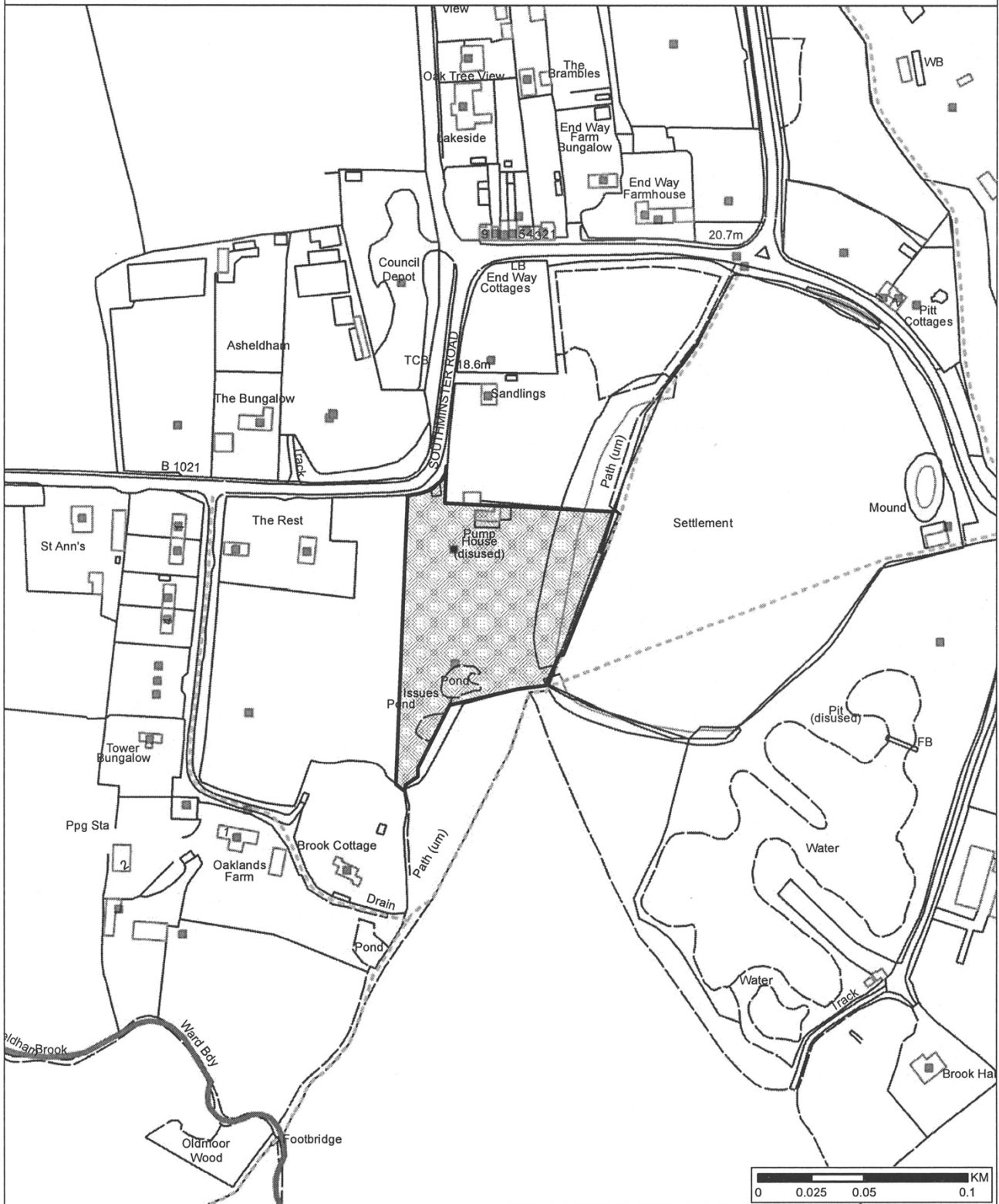
1. RECOMMENDATION


APPROVE subject to the agreement of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to sacrifice planning permission FUL/MAL/13/0055 and conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Land East Of The Rest Southminster Road Asheldam
FUL/MAL/17/01251



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	Organisation: Maldon District Council
	Department: Department
	Comments: SE Committee 17/01251/FUL
	Date: 03/01/2018
MSA Number: 100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for the demolition of existing stables and pole barn and erection of a new single dwelling and change of use of land to residential (Class C3).
- 3.1.2 There is an extant permission for a bungalow to the west of the application site under reference FUL/MAL13/00595; it is proposed to rescind that permission in favor of the proposed bungalow in a revised position. It is noted that this permission has been implemented as the access has been constructed and therefore, has not expired.
- 3.1.3 The proposed bungalow would measure 8.2m in depth, a maximum of 9.9m in width, 2.3m in height to the eaves and 5.6m in height to the ridge. The dwelling is similar in terms of scale and appearance to the dwelling approved under reference FUL/MAL/13/00595, albeit in an entirely different location.
- 3.1.4 The application site lies outside of a defined settlement boundary, on the south side of Southminster Road around 50 metres to the east of its junction with Brook Lane. The application site currently forms part of the extended curtilage of The Rest comprising grassland and fenced areas. The grassland area extends further to the east and south of the application site. There is an existing gated access to the land at the apex of the bend in Southminster Road and it should be noted that the construction for the access road for the dwelling approved under extant permission FUL/MAL/13/00595 has commenced and it therefore appears that the permission remains extant.
- 3.1.5 The site of the proposed dwelling is currently occupied by a stable block and pole barn close to the northern boundary of the site. To the east there is a public footpath which bounds the site, as well as the site of Asheldham Fort, which is a scheduled ancient monument dating from the early Iron Age.
- 3.1.6 The surrounding area is predominantly rural in character with low density residential development. Apart from The Rest there are no other dwellings in the immediate vicinity of the site.

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary where policies of restraint apply however, the proposed development is being put forward as an alternative to a proposal on an adjacent plot, (ref: 13/00595/FUL). Therefore, it is not considered that this would result in any additional harm and the principle of a dwelling on the application site is acceptable. The proposed dwelling is similar in terms of scale and appearance to the dwelling approved under reference 13/00595/FUL and the revised position is considered to be less prominent than that approved under reference FUL/MAL/13/00595. Therefore the proposed development is considered to accord with policies S1, S8, D1, D3, T1 and T2 of the Local Development Plan.

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:

- **Paragraph 7:** Sustainable development includes an environmental role which requires the use of natural resources prudently and that waste and pollution is minimised.
- **Paragraph 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.
- **Paragraph 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 five year supply of deliverable housing land.
- **Paragraph 56:** Good design is a key aspect of sustainable development.
- **Paragraph 109:** Planning system should contribute to and enhance the natural and local environment by protecting and enhancing local landscapes.
- **Paragraphs 126-132:** Development that will harm the significance of heritage assets should be refused.

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and heritage assets
- T1 Sustainable Transport
- 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 application site is located beyond a defined settlement boundary; the Local Development Plan policy S1 would normally seek to direct development to within established settlements or development plan allocations and protect the appearance and character of the rural areas. However, in this case the proposed development is being put forward as an alternative to a proposal on an adjacent plot that was approved by the South Eastern Area Planning Committee in November 2013 (ref: FUL/MAL/13/00595). Whilst construction works on the dwelling itself have not commenced, the pre-commencement conditions have been discharged and an access has been formed from Southminster Road thereby implementing or “saving” the

consent. The applicant has indicated that if the Council is minded to approve this application the original permission would be rescinded by way of a planning obligation. This must be secured under the terms of a Section 106 agreement.

- 5.1.2 Therefore, the principle of developing a dwelling in the vicinity has to some extent already been established and it is considered unreasonable to object to the application on those grounds.

5.2 Housing Need

- 5.2.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change. The Council will therefore support, by way of approved policy H2 a greater proportion of smaller units to meet the identified needs and demands for such housing.

- 5.2.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. The proposed development would provide 1 no. two bedroomed bungalow, which is considered to assist in meeting the housing needs of the District. Whilst this benefit is minimal the Council must also consider the extant permission.

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 seek to create a high quality built environment for all types of development.
- 5.3.2 The proposed bungalow would measure 8.2m in depth, a maximum of 9.9m in width, 2.3m in height to the eaves and 5.6m in height to the ridge. The overall footprint of the proposed bungalow would be 79sq m. The dwelling approved under reference FUL/MAL/13/00595 measured 9m in width and 8.2m in depth giving it an overall footprint of 73.8sq m. The proposed dwelling, whilst marginally larger, is in line with the previously approved dwelling in terms of visual appearance. Given the similarities between the previously approved and proposed dwelling, it is not considered that the marginal difference in the scale of the dwellings is significant enough to warrant a reason for refusal.
- 5.3.3 The proposed dwelling would be sited around 37m from the previously approved application; it would replace an existing building consisting of stables and a pole barn. There is an existing garage which serves the neighbouring property 'Sandlings' located along the front boundary of the site, this would assist in shielding the dwelling from the streetscene. The proposed location is considered less prominent than that previously approved.
- 5.3.4 It should also be noted that the curtilage of the dwelling has been significantly increased; it is now 0.71ha as opposed to 0.1ha for the scheme approved in 2013. Given the location of the site; within the open countryside and the extent of curtilage, the potential attendant domestic paraphernalia could adversely affect the character and

appearance of the area. In order to minimise the potential impact of the proposed development, it is considered that the permitted development rights for residential properties should be removed for this particular development.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved Local Development Plan (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 There are two adjacent neighbouring properties to the application site. “The Rest” which is located to the west of the application site and in excess of 60m from the proposed dwelling and “Sandlings” located to the north which is in excess of 40m from the proposed dwelling. Given the distance, single storey nature of the dwelling and the screening provided by the outbuilding along the neighbouring boundary and the existing vegetation; it is not considered that a loss of amenity would arise in relation to overlooking, overshadowing or domination.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council’s adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes. The Vehicle Parking Standards recommend that a two bedroomed dwelling should provide space to park two cars.
- 5.5.2 The proposed access is the same as that approved for FUL/MAL/13/00595 and has already been formed; the Highway Authority has not raised an objection.
- 5.5.3 The submitted plans indicate parking and turning areas which could accommodate in excess of two vehicles which is in accordance with the Council’s adopted standards.

5.6 Private Amenity Space and Landscaping

- 5.6.1 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 Supplementary Planning Document (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.
- 5.6.2 Given the large plot size at 0.71ha; the private rear amenity space will be provided in excess of the recommended standard.

5.7 Impact on Heritage Asset

- 5.7.1 The Essex Historic Environment Record shows that the proposed development is located immediately adjacent to the Scheduled Asheldham Camp hillfort. To the east of the proposed development is Asheldham Camp, a univallate hill-fort of Iron Age date, there is also evidence for multi-period activity on the site in the form of

cropmarks and finds. These include a possible Neolithic settlement, and Bronze Age, Roman and Saxon finds. To the north of the proposed development are cropmarks of a probably penannular ring ditch and various linear features. To the west and south, prehistoric and Roman finds have been recovered from the riding-stables and Oaklands Farm. It is evident therefore that the proposed development lies within a complex, multi-period site.

Given the proximity of the Scheduled Monument, Historic England have been consulted and have stated '*we consider that the scale and orientation of the bungalow in its revised location will not be prominent in approaches to the hillfort, and that as a result, this development would be unlikely to result in serious harm to the hillfort's significance*'. They have raised no objection to the proposal.

5.7.2 Archaeological features are both fragile and irreplaceable and it is recommended by both Historic England and the Historic Environment Officer at Essex County Council that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice contained within the National Planning Policy Framework.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/13/00595**– Erection of new bungalow and change of use of land to C3. Approved - 28.11.2013.
- Details were agreed in relation to conditions imposed on the above permission under the terms of application **DET/MAL/14/05152**

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council.	The Parish Council support this application subject to a legal requirement. If approved then the other planning is rescinded.	Noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent.	See conditions 4 and 5.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions.	Noted
Historic England	Historic England has no objection to the application on heritage grounds. We advise that should your authority be minded to approve this application, this should be conditional on a scheme of archaeological work being secured, in accordance with the NPPF paragraph 141.	See conditions 4 and 5.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle. Should you be minded to grant planning permission it is recommended that the following condition and informatives are applied.	See condition 6 and informatives 1 and 2

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Voluntary agreement for the non-implementation of planning application **FUL/MAL/13/00055**

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: 1092/08 A, 1092/09 A, 1092/10, 1092/11, 1092/12.

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 Prior to the construction of the dwelling hereby approved, samples and written details of the materials to be used in the construction of the external surfaces of the dwelling 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.

REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- 4 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site.

Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON: To protect the site which is of archaeological interest in accordance with policy D3 of the Maldon District Local Development Plan.

- 5 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise trial-trenching of the site, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON: To protect the site which is of archaeological interest in accordance with policy D3 of the Maldon District Local Development Plan.

- 6 Prior to the commencement of the development details of the 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 scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50%

betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework and policy D5 of the Maldon District Local Development Plan.

- 7 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m from the highway boundary.

REASON: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety and in accordance with policy T2 of the Local Development Plan.

- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

- 9 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON: To ensure that the appearance of the development is appropriate to the locality in the interests of visual amenity and the protection of the rural character and appearance of the area in accordance with policy D1 of the Maldon District Local Development Plan.

- 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.

REASON: To secure appropriate landscaping in the interests of visual amenity and the protection of the rural character and appearance of the area in accordance with policy D1 of the Maldon District Local Plan.

- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no 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: To secure appropriate landscaping in the interests of visual amenity and the protection of the rural character and appearance of the area in accordance with policy D1 of the Maldon District Local Plan.

INFORMATIVES

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

- 2 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.

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 JANUARY 2018**

Application Number	HOUSE/MAL/17/01267
Location	Nortonlea 6 Katonia Avenue Mayland Essex
Proposal	First floor extension to existing bungalow to create additional bedroom space.
Applicant	Ms Stacy Christmas
Agent	Annabel Brown - Annabel Brown Architect
Target Decision Date	9 January 2018
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Nortonlea 6 Katonia Avenue Mayland
HOUSE/MAL/17/01267



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/01267
	Date:	03/01/2018
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the eastern side of Katonia Avenue. The site is occupied by a single storey, detached dwelling, in an area which is residential in nature. The existing dwelling measures a maximum of 13 metres deep and 13.2 metres wide with a combination of pitched and flat roofs built to a maximum ridge height of 5 metres. The existing dwelling contains three bedrooms.
- 3.1.2 Planning permission is sought for the substantial extension and reconfiguration of the roof of the dwelling. The ground floor would not be affected or extended other than through the provision of a staircase.
- 3.1.3 The main part of the resultant roof would feature a ridge that would run perpendicularly to the public highway with a gable end to the front elevation and a maximum height of 6.4 metres, an eaves height of 4.1 metres to the north side and 2.9 metres to the south side. The roof would be hipped to the rear, falling to an eaves height of 2.7 metres, with a pitched roof dormer that would measure 2.6 metres wide and 3 metres tall. A single storey element would be retained at the south side of the dwelling that would wrap around the south west corner of the dwelling, thereby resulting in a single storey front projection being retained. This would feature a pitched roof to the front and a flat roof to the remainder of the extension.
- 3.1.4 The submitted plans indicated that the materials used in the resultant dwelling would be render to the elevations and slate to the roof, with aluminum windows and timber infill panels and doors to the front elevation. It is noted that the application form states that zinc would be used for the roof and this suggestion is addressed below.

3.2 Conclusion

It is considered that the proposed development, by virtue of the scale and form of the proposed extensions would be visually incongruous and in conflict with the established character and appearance of the existing dwelling and the surrounding area. Whilst the proposal would not cause harm to the amenities of neighbouring residents or the loss of amenity space and would be served by adequate parking, it is considered that the proposed development is not in accordance with policies S1 and D1 of the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 56
- 58
- 59

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

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

- 5.2.1 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 sought to create a high quality built environment for all types of development. This is supported by policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guidance.
- 5.2.2 Planning permission is sought to construct substantial extensions to the roof of the existing dwelling, causing an increase in the height of the dwelling from 5 metres to 6.4 metres. The properties to the north end of Katonia Avenue are a little more varied, but the dwellings to the south end, particularly those to the east of the highway are bungalows and converted bungalows of similar scale and appearance. The heights of the dwellings are almost uniform in this stretch of properties to the east of Katonia Avenue. It is therefore considered that the substantial increase of the height of the dwelling and the increased bulk that would derive from the large front gable that would be presented to the streetscene would be entirely out-of-keeping with the character and appearance of the area.
- 5.2.3 The proposed extensions would result in a contrived roof form that would have an off-centred ridge line relative to the two storey element of the dwelling, inconsistent eaves and a large dormer that would be of a fenestration that would not match the remainder of the dwelling. The proposed large windows and timber panelling to the front facing first floor window would also be a substantial contrast from the character and appearance of the existing dwelling. It is noted that the application form states that zinc will be used as the roofing material. This would be entirely out-of-keeping

with the surrounding area and therefore, if acceptable, a condition would be imposed to require the use of more appropriate materials.

- 5.2.4 Therefore, it is considered that the proposal, by virtue of the scale and design of the proposed roof extension, would detract from the appearance of the streetscene and be materially harmful to the character and appearance of the site and the surrounding area.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The application site is located within a residential setting and shares a boundary with 4 Katonia Avenue to the south, 8 Katonia Avenue to the north and 5 and 7 The Drive to the east (rear) of the site. The existing dwelling is positioned in close proximity to both side boundaries by 17.7 metres from the rear boundary.
- 5.3.3 The neighbouring property to the south (4 Katonia Avenue) features a single storey side projection that abuts the boundary and has no windows in the side elevation. The roof extensions would be set away from that boundary and the existing single storey projection would be retained, with the roof form unaffected. Due to the relationship between the properties it is considered that the proposal would not cause a loss of light or outlook that would be substantially worse than the existing situation. The proposed window and rooflights that would face south could be fitted with obscure glass under the terms of a condition and this would prevent any overlooking or perceived overlooking.
- 5.3.4 The neighbouring property to the north (8 Katonia Avenue) features a single storey garage at the side of the dwelling that abuts the boundary and that dwelling has no windows in the side elevation. The roof extensions would be built to a comparatively low eaves height to the north side and therefore, due to the relationship between the properties and the non-habitable use of the adjacent accommodation, it is considered that the proposal would not cause a loss of light or outlook that would be substantially worse than the existing situation. The proposed rooflights that would face north could be fitted with obscure glass under the terms of a condition and this would prevent any overlooking or perceived overlooking.
- 5.3.5 It is noted that three letters of objection have been received from occupants of properties within The Drive who all raise concerns in relation to overlooking. Due to the separation distance 17 metres from the shared boundary and 41.8 metres from the dwellings of The Drive, the additional first floor windows would not cause overlooking to an extent that would justify the refusal of the application and there would be no other unacceptable impacts on the amenities of the occupants of those dwellings. Similarly, the proposal would not have an unacceptable impact on the properties to the west of Katonia Avenue.
- 5.3.6 Therefore, the proposed development will not result in a demonstrable impact on the amenities of neighbouring occupiers,

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1 and 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 and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.
- 5.4.2 The resultant dwelling would have four bedrooms and the Council's adopted Parking Standards require a dwelling of this size to provide a maximum of three spaces. Upon visiting the site it was noted that there is space to park at least two cars at the frontage of the property. In this instance, noting that the site is in a reasonably sustainable location in terms of access to a school and community facilities, it is considered that the additional demand for parking would not cause an increase of on-street parking to an extent that would pose a threat to highway safety or the free-flow of traffic.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100 m².
- 5.5.2 The amount of rear amenity space available is well in excess of the abovementioned standard and would not be affected by the proposed development.

6. ANY RELEVANT SITE HISTORY

- 6.1 This application follows the withdrawal of similar applications HOUSE/MAL/17/00416 and HOUSE/MAL/17/00697.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object – The proposal would be overdevelopment of the site, would affect the privacy of neighbours, would be out-of-keeping with the streetscene and cause increased demand for parking.	Each of these matters are addressed above.

7.2 Representations received from Interested Parties (*summarised*)

- 7.2.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:
- Mrs Devall, 3 The Drive, Mayland

- Mr & Mrs Brown, 9 The Drive, Mayland
- Mr & Mrs Newell, 7 The Drive, Maylandsea

Objection Comment	Officer Response
The development and the proposed materials would be out-of-keeping with the existing dwelling and the surrounding area.	Please see section 5.2 of main report.
The proposed windows would overlook properties within The Drive and cause a loss of privacy.	Please see section 5.3 of main report.
Existing bungalows should be retained to meet demand, particularly for the elderly and the disabled.	There is no policy basis to require the retention of bungalows.
The property has been extended previously.	There is no reason to take the position that a property that has been extended in the past cannot be extended again.
There will be additional demand for parking.	Please see section 5.4 of main report.

8. REASON FOR REFUSAL

- 1 The proposed development, by virtue of the scale, form, design and appearance of the roof extension, would result in the dwelling having an incongruous and discordant visual appearance that would be harmful to the character and appearance of the site and the surrounding area. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide and the guidance contained within the National Planning Policy Framework.

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 JANUARY 2018**

Application Number	FUL/MAL/17/01289
Location	33 Princes Avenue Mayland Essex CM3 6BA
Proposal	Erection of 2No. 3 bedroom dwelling to replace existing dwelling.
Applicant	Royal Day Investments
Agent	Mr Gary Taylor - Ken Judge & Associates Ltd
Target Decision Date	15 January 2018
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

33 Princes Avenue Mayland
FUL/MAL/17/01289



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee 17/01289/FUL
Date:	03/01/2018
MSA Number:	100018588

3. SUMMARY

3.1 Application Site

- 3.1.1 The application site is on the north side of Princes Avenue and is occupied by a vacant detached bungalow with a pyramidal roof which is set back about 10 metres behind the general building line of the neighbouring properties. There is a garage attached to the side and a small conservatory to the rear. To the east is a chalet style bungalow and to the west a conventional bungalow gable end to the street. To the rear are the gardens of properties in Wembley Avenue. Whilst the street is mainly characterised by detached bungalows there are semi-detached chalets and a terrace.
- 3.1.2 It is relevant to note that planning permission has been granted for the replacement of the existing building with a pair of semi-detached dwellings under the terms of application FUL/MAL/17/00138.

3.2 Proposal

- 3.2.1 It is proposed to demolish the existing bungalow and erect a pair of semi-detached, three bedroom, chalet style properties. The main part of the building would measure 7.25 metres deep and 12.3 metres wide with a pitched roof built to an eaves height of 3.4 metres and a maximum height of 6.8 metres. To the rear would be a single storey flat roof projection that would measure 5.75 metres deep with a flat roof built to a height of 3.3 metres. Four dormers are proposed to the front of the building and one long box dormer is proposed to the rear which would extend beyond the eaves of the roof, thereby creating what could be termed a first floor extension rather than a dormer. This would have a weatherboard finish.
- 3.2.2 Four parking spaces are proposed to the frontage of the site with two points of access that would be shared with the neighbouring properties, as already exist.
- 3.2.3 The proposed building is different from the previously approved development in the following respects:
- The building would measure 0.3 metres narrower.
 - The ridge height would be 0.3 metres taller.
 - The depth of the main part of the dwelling has been reduced from 9.1 metres to 7.25 metres, but the single storey rear projection has been lengthened to result in the building being the same overall depth.
 - Storm porches would be provided above the front doors.
 - The number of dormers to the front would be the same, but their positioning and dimensions would be slightly adjusted.
 - The building would feature one large box dormer to the rear rather than two dormers and the box dormer would extend 1.7 metres beyond the eaves, thereby forming a first floor extension.
 - Roof lanterns to the flat roof rear projection have been omitted.

3.3 Conclusion

- 3.3.1 The proposal would replace a single bungalow with 2 two bed dwellings within the settlement limits for Mayland and represents the alteration of a development that has previously been approved at the site. The proposal would not substantially harm the character of the area or the amenities of neighbouring residents and is therefore considered to be in accordance with policies S1, D1 and H4 of the Maldon District Local Development Plan.

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:

- **Paragraph 14** – Presumption in favour of sustainable development
- **Paragraph 47** – Boost the supply of high quality homes
- **Paragraphs 56-66** -- Requiring good design

4.2 Maldon District Local Development Plan 2017:

- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- H4 Effective Use of Land
- D1 Design quality and built environment
- T1 Sustainable Transport
- T2 Accessibility

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposed dwellings would be located within the settlement boundaries for Mayland and so would comply with the requirements of policy S1 of the Local Development Plan (LDP) which seeks to direct new residential development to within established settlements thereby preserving the appearance and character of the countryside. Mayland is recognized as being a “larger village” which has a range of service facilities as well as public transport links. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling. It is noted that the principle of replacing the existing dwelling with two additional dwellings has previously been supported and the subsequent changes in policies do not give grounds to alter the position of the Local Planning Authority in respect of the 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, livable 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. This is supported by policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guidance.
- 5.2.2 As set out above, it has previously been accepted that the replacement of one dwelling with two can be found to be visually acceptable without causing material harm to the character and appearance of the site and the area. This planning permission provides a fallback position of substantial weight. It is noted that the proposal is different in the ways that are set out above and it is therefore necessary to consider the impact of these alterations on the character and appearance of the area.
- 5.2.3 The proposed dwelling would be 0.3 metres taller, but 0.3 metres narrower. It would have the same overall depth at ground floor but would be reconfigured so that the span of the main roof has been reduced. The alterations would alter the appearance of the dwellings, but not to an extent that would be materially worse than the approved development. The dwellings would now be 0.5 metres taller than the neighbouring properties to the south rather than 0.2 metres taller, but given the variation of roof heights within the streetscene it is considered that this alteration does not materially change the impact of the development on the character of the area.
- 5.2.4 The alteration of the dormer to the rear elevation to provide one large box dormer rather than two smaller dormers is considered to be unfortunate and a slight reduction in the design quality of the proposal. It is also considered to be unfortunate that the dormer would now extend beyond the eaves at the rear of the roof to effectively become a two storey flat roofed projection. However, as this element would be at the rear of the building it is considered that the change would not materially alter the impact on the streetscene. Therefore, on balance and giving substantial weight to the fallback position of erecting two box dormers, it is considered that this change would not result in the building being harmful to visual amenity to an extent that would conflict with the abovementioned policies.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 As set out above, it has previously been accepted that the replacement of one dwelling with two can occur without causing material harm to the amenities of neighbouring dwellings. That planning permission provides a fallback position of substantial weight. It is noted that the proposal is different in the ways that are set out above and it is therefore necessary to consider the impact of these alterations on the amenities of neighbouring residents.
- 5.3.3 It was previously noted that the bungalow to the west has a garage / workshop on the boundary so there will be no loss of light to habitable rooms. It was also highlighted that the dwelling to the east is a chalet with a recess in the front elevation and a

habitable room facing south. Therefore it was deemed that the proposal would not be likely to cause a significant loss of light to habitable rooms and it was noted that there would have been no windows in the side elevations at first floor level.

- 5.3.4 The same is true in respect of this application and it is considered that the alterations to the dimensions of the building do not materially alter the overall impact on neighbouring residents. It is therefore considered that the proposal is in accordance with the abovementioned policies.

5.4 Access, Parking and Highway Safety

- 5.4.1 The existing dwelling has two access points and these are to be widened and re-used to provide a driveway to each and retain a small area of grass to the front. It is shown that two spaces for each dwelling will be provided, but it appears that a third car parking space would be available for each property. The level of parking provision and the means of accessing the site, which would not be altered in comparison to the previous proposal, is considered to be acceptable.

- 5.4.2 The Highway Authority has raised no objection to the application subject to conditions. It was previously determined that a request for a condition requiring no planting with 1 metre of the highway (footpath) was excessive and not easily enforceable and the same opinion is reached in respect of this application.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Each dwelling would have a private amenity space at the rear of in excess of 160 sq metres which more than meets the adopted standard.

6. ANY RELEVANT SITE HISTORY

- 6.1 Planning permission FUL/MAL/17/00138 for the erection of two dwellings at the site is fully discussed above.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object: The proposal would represent overdevelopment of the site. The proposal is not in-keeping with neighbouring properties and insufficient parking is proposed.	Each of these matters are addressed above.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways Department	No objections subject to conditions.	Noted.

7.3 Internal Consultees (*summarised*)

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

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No submissions have been 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 shall be carried out in accordance with the following approved plans and documents: Drawing Nos 2416/1 A and 2416/2.
REASON: To ensure that the development is implemented as applied for and to meet the requirements of policy D1 of the Maldon District Local Development Plan.
- 3 Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

- 5 No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme within 3 months following the first occupation of the development hereby permitted and retained and maintained as such thereafter.
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 6 The development shall not be commenced / first occupied unless and until the vehicular access as shown on the plan attached to and forming part of this permission has been constructed, surfaced and made available for use and shall be provided with a dropped kerb vehicular crossing of the footway / highway verge. The access shall be retained as such at all times thereafter.
REASON: In the interests of highway safety and in accordance with policies T1 and T2 of the Maldon District Local Development Plan.
- 7 Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
REASON: To reduce the risk of flooding or the presence of ice on the highway and in the interests of highway safety.
- 8 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no window or other form of opening shall be formed in the side gable walls of the at first floor level of the dwellings hereby permitted without planning permission having been obtained from the Local Planning Authority.
REASON: In the interests of the residential amenity of adjacent properties and in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 9 No development shall commence until details of existing ground levels and proposed finished ground, and its relation to the adjoining land, and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
10. Prior to commencement of the development no works shall take place until a detailed Sustainable urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
- Discharge rates/location
 - Storage volumes
 - Treatment requirement
 - Detailed drainage plan

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

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

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

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed in writing, by the Local Planning Authority. REASON: To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

11. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. REASON: To ensure that adequate provision is made for foul water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

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