

Unrestricted Document Pack

APOLOGIES Committee Services
Tel. 01621 875791

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

19 June 2018

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 27 JUNE 2018 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor B E Harker

VICE-CHAIRMAN

Councillor Miss M R Lewis

COUNCILLORS

Miss A M Beale
A T Cain
I E Dobson
Mrs B D Harker
M S Heard
M R Pearlman
S J Savage
Mrs N G F Shaughnessy
Rev. A E J Shrimpton

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

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

THIS PAGE IS INTENTIONALLY BLANK



AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 27 JUNE 2018

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 18)

To confirm the Minutes of the meeting of the Committee held on 30 May 2018 (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/18/00416 - Land at Stock Chase, Heybridge, Essex**

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed).

6. **FUL/MAL/18/00480 - Kiosk Adjacent to The Splash Park, The Promenade Park, Maldon, Essex** (Pages 19 - 30)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed).

7. **FUL/MAL/18/00481 - Bungee Trampolines (Valley Area), The Promenade Park, Park Drive, Maldon, Essex** (Pages 31 - 40)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed).

8. **FUL/MAL/18/00502 - Park Drive Fitness And Squash Club, Park Drive, Maldon** (Pages 41 - 50)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed).

9. **HOUSE/MAL/18/00579 - 15 Suffolk Road, Maldon** (Pages 51 - 58)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed).

10. **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 – 9.
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, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

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

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

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)*

* 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.

This page is intentionally left blank



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
30 MAY 2018**

PRESENT

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

110. CHAIRMAN'S NOTICES

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

111. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs N G F Shaughnessy and Mrs P A Channer, CC.

112. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 18 April 2018 be received.

Minute No. 1016 – Minutes of the Last Meeting

Councillor S J Savage requested that Minute no. 847 HOUSE/MAL/18/00062 – 2 New Rose Cottages, London Road, Maldon be amended to read ‘...; as he was a Maldon East ward member and not a Maldon North ward member...’

Minute No.1018 – FUL/MAL/18/0061 – GRAVEL PITS, HALL ROAD, HEYBRIDGE, ESSEX

Members requested confirmation that the minutes for this item were correct. Upon review the results of the item should be amended to the following:

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

1. The information which has been submitted as part of the application fails to demonstrate that the proposal would not have a direct, adverse effect on the interest features of the local, national and European designated sites at and

within the vicinity of the site and protected species. The development proposal cannot be deemed necessary for reasons of overriding public interest. The proposal is, therefore, contrary to Policies S1, S8, D1, N1 and N2 of the Maldon District Approved Local Development Plan, the NPPF and NPPG.

2. The proposal would result in harm to the character and appearance of the area through a loss of vegetation and the increased provision and formalization of the car parking area required. Moreover, insufficient information has been provided to demonstrate that the proposed toilet/shower block would not cause harm the character and appearance of the site and the surrounding area. Therefore, the proposal would fail to protect, conserve and enhance the rural character and appearance of the locality, contrary to Policies S1, S8 and D1 of the Maldon District Approved Local Development Plan and the NPPF.
3. The car parking proposed on site is considered to be insufficient, failing to accommodate the demand generated by the proposed use of the site which in turn will lead to cars parking within Battle Rise and adjoining streets causing conditions of obstruction, congestion and inconvenience to other road users, failing to accord with policies D1 and T2 of the Maldon District Replacement Local Plan.
4. The proposal would introduce noise and disturbance, in close proximity to existing residential properties, at unsociable times of the day, causing material harm to the amenity of the occupiers of residential properties in Battle Rise, Northey View and adjoining streets, contrary to Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

Minute No. 1021. – FUL/MAL/18/00187 – LAND AT MALDON WYCKE, SPITAL ROAD, MALDON, ESSEX

To be amended to read as follows ‘...Mr Steven Osbourne, the Applicant and Director of Lancet Property Ltd, addressed the committee.’

Minute No. 1024 – FUL/MAL/18/0290 – UNITS 1 AND 2 OLD MALTINGS

Paragraph three, ‘...would also affect ecological development...’ should read ‘...would also affect economic development’.

RESOLVED

- (ii) that subject to the above amendments the Minutes of the meeting of the Committee held on 18 April 2018 be confirmed.

113. DISCLOSURE OF INTEREST

There was none.

The Committee received the reports of the Director of Planning and Regulatory Services 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.

114. FUL/MAL/18/00305 AND LBC/MAL/18/00306 - BARN AT MALDON WYCKE, SPITAL ROAD, MALDON, ESSEX

Application Number	FUL/MAL/18/00305
Location	Barn At Maldon Wycke Spital Road Maldon Essex
Proposal	Conversion of barn into one residential dwelling with alterations and a new car port.
Applicant	M Crook - Lancet Property Ltd
Agent	Paula Robertson - Plater Claiborne Architecture + Design
Target Decision Date	05.06.18
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Departure from Local Development Plan 2017

Application Number	LBC/MAL/18/00306
Location	Barn At Maldon Wycke Spital Road Maldon Essex
Proposal	Works associated with conversion of barn into one residential dwelling with alterations
Applicant	M Crook - Lancet Property Ltd
Agent	Paula Robertson - Plater Claiborne Architecture + Design
Target Decision Date	05.06.18
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Linked to FUL/MAL/18/00305

Following the Officer's report, attention was drawn to the Members' Update and the objector's comments were noted.

Members queried whether the application was also for the addition of a carport as one had already been built on site. It was noted that Members would have liked images to show where this was built in relation to the application.

The Group Manager for Planning Service advised that it was not illegal to undertake work without planning permission, and apply for this in retrospect.

The Chairman put the Officer's recommendation for approval to the Committee and upon a vote being taken this was duly agreed.

FUL/MAL/18/00305:

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1609.06, 1610.loc01, 1609.sur02, 1609.sur03, 1609.sur05, 1609.sur04, 1609.091609.08, 1609.07, Design and Access Statement, Bat Survey, Phase 1 Habitat Survey and Protected Species Scoping Assessment, Tree Survey.
- 3 No development shall take place until samples of the weatherboarding, louvres and roof tiles to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
- 4 No development shall take place until details of surface water and foul drainage schemes for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the approved details.
- 5 No development shall take place until a scheme of ecological mitigation measures in relation to bats has been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the mitigation measures. The development shall be undertaken in full accordance with the approved scheme and timetable, and shall be retained in perpetuity in accordance with the approved details.
- 6 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the Local Planning Authority. Such archaeological assessment will inform the implementation of a programme of archaeological work.
- 7 No development or demolition/conversion of any kind shall take place within the site until the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist has been secured in accordance with a written scheme of investigation which has been submitted to and gained the prior written approval of the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- 8 No development shall take place until a tree protection method statement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried-out in accordance with the approved details.
- 9 No fencing, walls, gates or other means of enclosure shall be erected within the site unless details have first been submitted to and gained the prior written approval of the Local Planning Authority.
- 10 The car port building hereby permitted shall only be used for purposes incidental to the residential use of the dwellinghouse hereby permitted and no other at any time.
- 11 Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft Landscape Works

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise 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.

Hard landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

- 12 The dwellinghouse hereby permitted shall not be occupied until the proposed parking has been provided in accordance with the approved details.
- 13 Prior to the occupation of the dwelling hereby approved, details of the proposed bin/recycling store shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the approved bin/recycling store shall be provided at the site in accordance with the approved plans prior to the first occupation of the dwelling hereby approved and retained in perpetuity.

LBC/MAL/18/00306:

RESOLVED that **LISTED BUILDING CONSENT** be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1609.06, 1610.loc01, 1609.sur02, 1609.sur03, 1609.sur05, 1609.sur04, 1609.09, 1609.08, 1609.07, Design and Access Statement.
- 3 No development shall take place until samples of the weatherboarding, louvres and roof tiles to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.

- 4 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the Local Planning Authority. Such archaeological assessment will inform the implementation of a programme of archaeological work. The development shall be carried out in accordance with the approved assessment.
- 5 No development or demolition/conversion of any kind shall take place within the site until the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist has been secured in accordance with a written scheme of investigation which has been submitted to and gained the prior written approval of the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- 6 No development shall take place until large-scale plan-drawings of the central bay's first-floor structure, illustrating the extent of the floor structure to be removed in order to accommodate the new stairs, has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.
- 7 No development shall take place until details of the rooflights to be used have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

115. FUL/MAL/18/00342 - 99 WOOD ROAD, HEYBRIDGE, ESSEX, CM9 4AS

Application Number	FUL/MAL/18/00342
Location	99 Wood Road Heybridge Essex CM9 4AS
Proposal	Change of use to florist shop
Applicant	Mrs Sarah Smith
Agent	N/A
Target Decision Date	4 June 2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Council Owned Land

Members received the Officer's report and attention was drawn to the Members' Update. Following the Officer's presentation Sarah Smith, the Applicant, addressed the Committee.

The application was discussed and Members said they were pleased that this represented investment in Heybridge. Concern was raised on access, parking, highway and safety elements at the site, and it was noted that clarification on Condition 3 in regard to restrictions on deliveries was provided in the Members' Update.

Councillor Miss M R Lewis proposed that the application be approved in accordance with the Officer's recommendation with the amendment to Condition 4 to allow for display of goods outside of the shop. The Group Manager of Planning Services suggested that a condition allowing display of goods to an area of one meter to the front

of the property could be provided. This was duly seconded by Councillors Miss A M Beale and I E Dobson.

Upon a vote being taken this was duly agreed with one Member abstaining.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the following documents: ATS/560/01, ATS/560/02, ATS/560/06.
- 3 Deliveries to and from the site shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 4 Notwithstanding a 1 meter deep display area to the front of the principal elevation containing a shop window, no goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building. Within the display area, only products and good associated with the lawful use of the site may be displayed. The display area shall be kept clear at times when the premises are not open to members of public.
- 5 No machinery shall be operated and no process shall be undertaken outside of the building.
- 6 Prior to first use of the building for the purposes hereby approved, details of a refuse storage scheme shall be submitted to and approved in writing by the Local Planning Authority. The measures set out within the approved scheme shall be implemented prior to the first use of the building hereby approved and retained at all times.
- 7 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.

116. ADV/MAL/18/00344 - 99 WOOD ROAD, HEYBRIDGE, ESSEX, CM9 4AS

Application Number	ADV/MAL/18/00344
Location	99 Wood Road Heybridge Essex CM9 4AS
Proposal	Fascia sign and window adverts.
Applicant	Mrs Sarah Smith
Agent	N/A
Target Decision Date	4 June 2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Council Owned Land

The Officer presented the report to the Committee.

Following a brief discussion on advertising consent a vote was taken and the application was approved in accordance with the Officer's recommendation.

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

- 1 The express consent hereby granted shall be for a period of five years beginning from the date hereof.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3 No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),
 - (b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or
 - (c) Hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advert displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

117. HOUSE/MAL/18/00411 - 25 VICTORIA ROAD, MALDON, ESSEX, CM9 5HE

Application Number	HOUSE/MAL/18/00411
Location	25 Victoria Road Maldon Essex CM9 5HE
Proposal	Proposed rear dormer
Applicant	Mr Sam Firman
Agent	Mr Alfred Coot - A G Coot Design
Target Decision Date	12 June 2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor Rev. A E J Shrimpton – in the public interest

Members received the Officer's presentation in respect of the application.

Councillor Rev. A E J Shrimpton proposed that the application be approved contrary to the Officer's recommendation as the dormer would not be visible from the road, nor the car park, due to the extension on the neighbouring property blocking the view. This was duly seconded.

Members discussed this further and agreed that the architectural style was not in keeping with the neighbourhood scene and contrary to the recommendations of the Conservation Officer. Councillor M R Pearlman proposed that the application be refused in accordance with the Officer's recommendation.

Upon a vote being taken the application was refused in accordance with the Officer's recommendation.

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

1. The proposed dormer, by reason of its scale and design, is considered to be an incongruous addition which would be detrimental and harmful to the character and appearance of the existing dwelling and the Maldon Conservation Area, contrary to policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 8.02 pm.

B E HARKER
CHAIRMAN

This page is intentionally left blank



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

to
CENTRAL AREA PLANNING COMMITTEE
27 JUNE 2018

Application Number	FUL/MAL/18/00416
Location	Land at Stock Chase Heybridge Essex
Proposal	Erection of two detached bungalows
Applicant	Mr Nick Barnes - Milbarn Construction
Agent	Mr Matthew Letten - Spectrum Town Planning Consultants
Target Decision Date	13.07.2018
Case Officer	Kathryn Mathews TEL: 01621 875805
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Member Call In – Councillor Ian Dobson –due to the public interest in the site

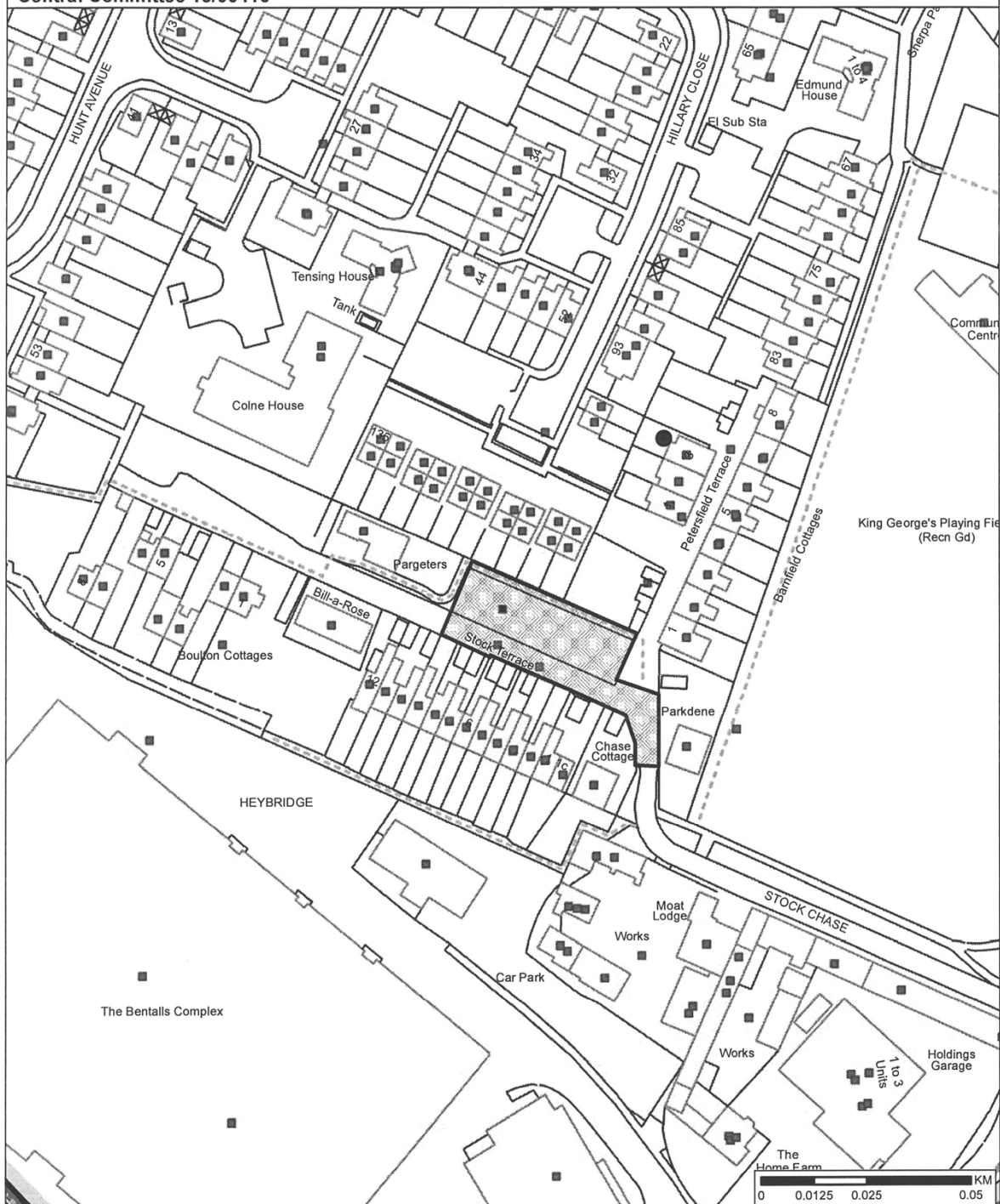
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land At Stock Chase Heybridge Central Committee 18/00416



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	FUL/MAL/18/00416
	Date:	15/06/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the north side of Stock Chase, which is an un-adopted road, within the settlement boundary of Heybridge. It is a rectangular shaped site which is around 47m wide by 12m deep. The site is currently partially vacant and overgrown with shrubs and vegetation with an unsurfaced area towards the western end used for parking vehicles. There is a public footpath adjacent to the rear and western boundaries of the site; and existing residential properties surround the site. On the opposite side of the road there is a 3 storey terrace (Stock Terrace) which is set back from the highway and fronted by parking areas and garages. To the west is a bungalow and to the north east terraces of bungalows fronting Petersfield Terrace.
- 3.1.2 It is proposed to erect two detached, one bedroomed bungalows. The proposed dwellings would be identical in terms of size and appearance measuring 8m deep, 7.5m wide, 2.6m to the eaves and 5.4m to the ridge. They would each be provided with amenity space to the side of the dwelling (enclosed with a screen timber fence) and parking spaces to the front (two per dwelling).
- 3.1.3 The current planning application is for a revised scheme following planning permission having been granted for the same description of development in 2017 (reference FUL/MAL/17/00335). The revisions to the scheme are an alteration to the internal room layout, an amended design of the roofs of the dwellings and changes to the external windows and doors (in terms of size, number and position).

3.2 Conclusion

- 3.2.1 The principle of the proposed development has previously been accepted (planning permission reference FUL/MAL/17/00335). It is considered that the revised proposal would be acceptable in terms of its impact on the character and appearance of the area, the amenity of the occupiers of existing residential properties and highway safety/parking.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design
- 186-187 Decision-taking
- 196-198 Determining applications

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable development
- D1 Design quality and built environment

- H2 Housing Mix
- H4 Effective use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any harm the development would cause to the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed dwellings and parking/highway.

5.2 Principle of Development

- 5.2.1** Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, minimising need to travel.
- 5.2.2** The application site is within a predominantly residential area within the urban area of Heybridge and benefits from an existing planning permission for two bungalows (reference FUL/MAL/17/00335). Therefore, the principle of the redevelopment of the site for residential purposes is acceptable in principle, subject to an assessment of the proposal as set out below.
- 5.2.3** The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands, particularly the need for an ageing population. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units. It is considered the housing mix with both of the units proposed having one bedroom, would contribute positively to the identified housing need and be responsive to local circumstances. The type of housing proposed should, therefore, be afforded some weight in favour of the proposal but the weight would be limited as only two units are proposed.

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 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

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

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

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).

5.3.5 In addition, Policy H4 states that all development should be design-led and seek to optimize the use of land having regard to a number of considerations as follows:-

- The location and setting of the site
- the existing character and density of the surrounding area
- Accessibility to local services and facilities
- The capacity of local infrastructure
- Parking standards
- Proximity to public transport, and
- The impacts upon the amenities of neighbouring properties

- 5.3.6 Planning permission exists for two bungalows at the site (reference FUL/MAL/17/00335). The currently proposed dwellings would be in the same position as those previously approved and be comparable in terms of their size, height and design. The proposed layout of the site would be the same as that previously approved. The amended proposal would have no greater adverse impact on the character and appearance of the area than the previously approved scheme. The soft landscaping and details of external materials which have been submitted as part of the current application are also considered to be acceptable.
- 5.3.7 Overall, the proposal would comply with the NPPF, Policies S1, H4 and D1 of the LDP and the MDDG 2017.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site is surrounded by residential development. The closest neighbouring dwelling to the site is 1 Barnfield Cottages which is around 5m to the north-east of the application site.
- 5.4.3 The proposed dwellings are single storey in height and given the distance of the proposed development from the surrounding neighbouring dwellings it is not considered that the development would result in a loss of light to the main windows of the neighbouring properties, be overbearing or harm the outlook from neighbouring properties.
- 5.4.4 The proposed fenestration pattern would not result in overlooking to the detriment of neighbouring occupiers. Furthermore, a 2m high fence would enclose the majority of the site. Therefore, no concerns are raised in relation to the overlooking. However, it is considered necessary to impose a condition withdrawing permitted development rights for alterations/additions to the roofs of the dwellings to protect the amenity of neighbouring residents from potential overlooking
- 5.4.5 Planning permission exists for two bungalows at the site (reference FUL/MAL/17/00335). The currently proposed dwellings would be in the same position as those previously approved and be comparable in terms of their size, height and design. The proposed layout of the site would be the same as that previously approved. The amended proposal would have no greater adverse impact on the amenity of existing, neighbouring residents than the previously approved scheme.
- 5.4.6 On the basis of the above, the proposed development would not cause material harm to the occupiers of any existing residential properties in accordance with Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the

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

- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 The proposed dwellings have one bedroom; the recommended standard for a one bedroomed property is a maximum of one car parking space. The proposed scheme includes provision for two car parking spaces per dwelling, which is above the recommended standard. Therefore, no concerns are raised with regards to parking provision.
- 5.5.4 Stock Chase is a private unmade road. There would only be approximately 5m between the back edge of the parking spaces and the opposite side of the unadopted highway. This would normally prevent vehicles manoeuvring in a conventional turn and enter/leave the parking spaces. However, the parking spaces would each be around 3.7m in width which is wider than a conventional parking space and so it would be possible to conveniently access the parking spaces.
- 5.5.5 The Highways Authority previously raised no objection to the proposal subject to a condition requiring a construction method statement (CMS). An acceptable CMS accompanies the current application. Therefore, no concerns are raised with regards to highway safety.
- 5.5.6 Planning permission exists for two bungalows at the site (reference FUL/MAL/17/00335). The currently proposed dwellings would be in the same position as those previously approved and be comparable in terms of their size, height and design. The proposed layout of the site would be the same as that previously approved. The amended proposal would have no greater adverse impact on parking or highway safety than the previously approved scheme.
- 5.5.7 On the basis of the above, the proposal would comply with Policy T2 and D1 of the LDP.

5.6 Quality of Life for the Occupiers of the Proposed Dwellings

- 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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The private amenity space to serve the dwellings would be located to the side of each dwelling, enclosed with a 2m high timber fence. The recommended minimum garden size for a one bedroomed dwelling is 50sq.m. The private amenity space to serve each dwelling would be well in excess of this 50sq.m. recommended minimum. The

proposed size and layout of the dwellings would ensure that the occupiers of the dwellings are provided with sufficient floorspace, light and outlook.

- 5.6.3 Planning permission exists for two bungalows at the site (reference FUL/MAL/17/00335). The currently proposed dwellings would be in the same position as those previously approved and be comparable in terms of their size, height and design. The proposed layout of the site would be the same as that previously approved. The quality of life for the occupiers of the proposed dwellings would be no worse than the previously approved scheme.
- 5.6.4 On the basis of the above, it is considered that the proposal would provide an adequate quality of life for the occupiers of the proposed dwellings, in compliance with Policy D1 of the LDP.

5.7 Other Material Considerations

- 5.7.1 Further details of surface water drainage could be required by condition and the means of foul drainage proposed (into the existing manhole) is considered to be satisfactory. On this basis, the matter of drainage has been adequately addressed, in compliance with Policy D5 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **DET/MAL/18/05014** - Compliance with conditions notification of approved application **FUL/MAL/17/00335** (Erection of 2 x 1 bed bungalow). Condition 3 - materials. Condition 4 - Boundary treatment. Condition 5 - Hard and soft landscaping. Condition 6 - Driveway and footpath materials. Condition 8 - Foul drainage scheme. Condition 9 - Surface water drainage scheme. Condition 10 - Construction method statement. Condition 12 - Protection of Persons Using Public Footpath – Undetermined to date
- **NMA/MAL/18/00139** - Application for non-material amendment following grant of Planning Permission **FUL/MAL/17/00335** (Erection of 2 x 1 bed bungalow). Amendment sought: Internal room layout alterations and minor changes to external windows. Slight adjustment to roof so all four pitches are the same with a small ridge – Refused 01.03.2018
- **FUL/MAL/17/00335** – Erection of 2 x 1 bed bungalow – Approved 12.09.2017
- **FUL/MAL/96/00086** - Erection of 1 x 3 bed bungalow - Appeal Dismissed 16.03.1998
- **FUL/MAL/99/00019** - Erection of 1 x 3 bed bungalow- Approved 10.03.1999
- **FUL/MAL/05/00085** - Erection of 3 dwellings and re-align public footpath - Appeal Dismissed 06.02.2006
- **FUL/MAL/05/00686** - Erection of 2 dwellings and re-align public footpath - Appeal Allowed 06.02.2006
- **FUL/MAL/16/00336** - Erection of 2 dwellings and re-align public footpath - Withdrawn
- **FUL/MAL/16/01008** - Erection of 3 three bungalows and re-alignment of footpath FP26 - Refused 02.11.2016

- **FUL/MAL/16/01439** - Construction of two bungalows - Refused – 06.03.2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No response received but raised no objection to FUL/MAL/17/00335 provided that parking arrangements do not compromise the normal use of the road including access for permitted vehicles such as emergency services	Noted – refer to section 5.5 of report

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection subject to informatives.	Noted – refer to section 5.5 of report
Public Rights of Way Officer	No response received	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	No response received but raised no objection to FUL/MAL/17/00335 subject to conditions requiring details of surface water and foul drainage and, as part of DET/MAL/18/05014, advised that the proposed means of foul drainage is satisfactory	Noted – refer to section 5.7 of report

7.4 Representations received from Interested Parties

- 7.4.1 No letters of representation have been received.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings and specifications:
PROPOSED SITE PLAN SC/18/01 REV.A;
SOFT LANDSCAPING PLAN NR.723.01 REV.A
EXISTING AND PROPOSED SITE PLAN SC/18/P101 REV.A
PLOT 1 & 2 PROPOSED ELEVATIONS SC/18/P103 REV.A
PLOT 1 & 2 PROPOSED PLANS SC/18/P102
BLOCK PLAN & LOCATION PLAN SC/18/OM
SITE SET UP PLAN SC/18/02
CONSTRUCTION METHOD STATEMENT
DETAILS OF EXTERNAL MATERIALS (BRICKS, TILES AND PAVING)
SOFT LANDSCAPING & PLANTING SPECIFICATION
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The hard landscape works, as shown on drawing PROPOSED SITE PLAN SC/18/01 REV.A, 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, as shown on drawing SOFT LANDSCAPING PLAN NR.723.01 REV.A and SOFT LANDSCAPING & PLANTING SPECIFICATION, shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.
REASON:To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Local Development and the provision and guidance of the National Planning Policy Framework.
- 4 The car parking spaces hereby approved shall be provided prior to the first beneficial occupation of the dwellings hereby permitted and shall be permanently retained thereafter for the parking of private motor vehicles solely for the benefit of the occupants of the dwellings hereby approved and their visitors and for no other purpose.
REASON:To make provision of an acceptable level of parking off the highway and in the interest of highway safety in accordance with Policy T2 of the Local Development Plan.
- 5 The foul drainage scheme, shown on drawing SC/18/01 REV.A; shall be implemented prior to the first occupation of the development.
REASON:To ensure satisfactory drainage of the development, in accordance with Policy D5 of the Maldon District Approved Local Development Plan.

- 6 No development shall take place until details of the surface water drainage scheme to serve the development have been 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 satisfactory drainage of the development, in accordance with Policy D5 of the Maldon District Approved Local Development Plan.
- 7 The approved Construction Method Statement received on 7 June 2018 shall be adhered to throughout the construction period.
REASON:To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety in accordance with policy D1 and T2 of the Local Development Plan.
- 8 Notwithstanding the provisions of Schedule 2 Part 1 Classes B and C of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order), there shall be no alterations or additions to the roofs of the dwellings.
REASON:To protect the amenities of the occupants of neighbouring dwellings from potential overlooking, in accordance with policy D1 of the Maldon District Local Development Plan.
- 9 The development shall only be undertaken in full compliance with the approved details, as shown on drawing SC/18/02, for the protection of persons using the public footpath adjacent to the site during the construction period.
REASON:To ensure the protection of pedestrians and encourage the use of sustainable forms of transport in accordance with policy T2 of the Maldon District Local Development Plan.

INFORMATIVES

1. The public's rights and ease of passage over Public Footpath No. 26 (Heybridge) shall be maintained free and unobstructed at all times.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants can contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU.
3. 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.

4. 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.
5. This planning permission does not override the owner's/developer's responsibilities under the Conservation (Natural Habitats, &c.) Regulations 1994, the Wildlife & Countryside Act 1981 and any other legislation/recommended practices which refer to wildlife and protected species and/or habitats. It is recommended that an ecological survey is carried out by a competent person to ascertain the absence/presence of protected species and any requirements arising from the survey should be fulfilled, before any permitted works are carried out. For advice and information contact Natural England: <http://www.naturalengland.org.uk/> ; Tel: 0300 060 3900 ; Email: enquiries@naturalengland.org.uk.



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

to
CENTRAL AREA PLANNING COMMITTEE
27 JUNE 2018

Application Number	FUL/MAL/18/00480
Location	Kiosk Adjacent to The Splash Park The Promenade Park Maldon Essex
Proposal	Use of land for the temporary siting of a mobile food and drink kiosk
Applicant	Mr J Smith - S J Caterers
Agent	Mr Matthew Williams - Brimble, Lea & Partners
Target Decision Date	11 July 2018
Case Officer	Yee Cheung TEL: 01621 876220
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

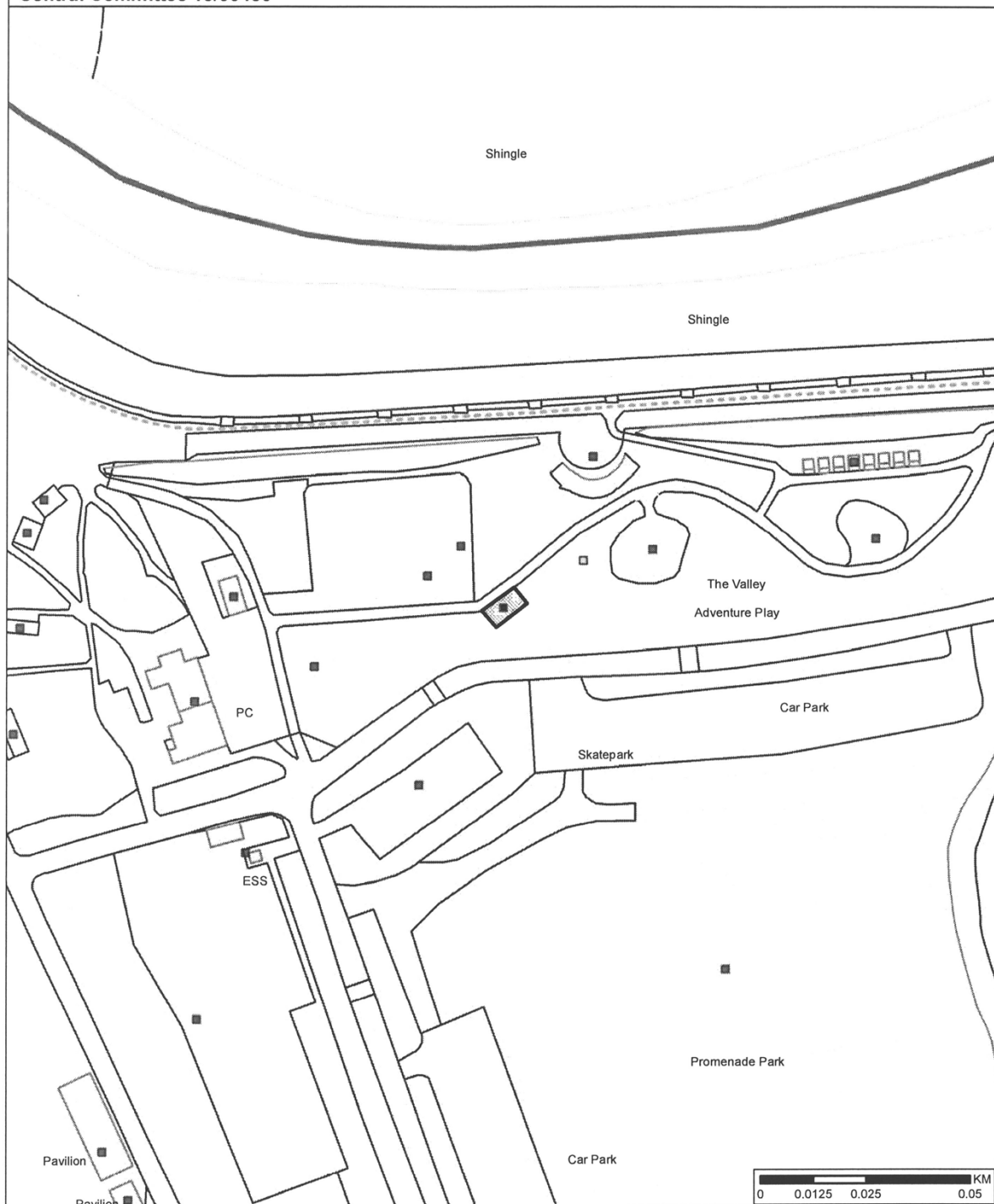
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Kiosk Adjacent To The Splash Park, The Promenade Park, Park Drive, Maldon
Central Committee 18/00480



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	FUL/MAL/18/00480
	Date:	15/06/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within The Valley Adventure Park Area which forms part of the Maldon Promenade Park. The Valley Adventure Park Area comprises a children's play equipment area, a seating area and the Splash Park.
- 3.1.2 Planning permission is sought to position a mobile food and drink kiosk to the south eastern side of the Splash Park. The mobile food and drink kiosk measures approximately 5.5 metres wide, 3 metres deep and 4 metres in height to ridge level.
- 3.1.3 It is noted that the mobile food and drink kiosk is currently in operation as the Applicant is exercising their rights of permission under Schedule 2, Part 4, Class B (temporary use of land) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is discussed further in Section 5.7 of the report below.

3.2 Conclusion

- 3.2.1 Maldon District Council encourages the provision of tourist facilities and attractions that would provide facilities for residents and attract visitors to the District. The site is located within The Valley Adventure Park Area which forms a part of Maldon Promenade Park (the Park) which provides a number of tourist and leisure based facilities. It is therefore considered that the mobile food and drink kiosk located on the site temporarily for a period of two years would provide an additional leisure and recreation facility to the area. Therefore, it is considered that the principle of the development is acceptable in accordance with policies S1, D1, and E5 of the Maldon District 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:

- 7 Achieving sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 30 Conserving and enhancing the historic environment
- 56-68 Requiring Good Design
- 186-187 Decision-taking
- 196-198 Determining applications

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 - Sustainable Development
- S5 - Maldon and Heybridge Central Area
- S8 - Settlement Boundaries and the Countryside

- D1 - Design Quality and Built Environment
- D3 - Conservation and Heritage Assets
- D5 - Flood Risk and Coastal Management
- E5 - Tourism
- N3 - Open Space, Sport and Leisure
- T2 - Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Policy E5 of the LDP states that the Council encourages the provision of tourist facilities and attractions that would provide facilities for residents and attract visitors to the District. The site is located within Maldon Promenade Park (the Park) which provides a number of tourist and leisure based facilities. It is therefore considered that the development proposal to use the site to provide a mobile food and drink facility on a temporary basis for a period of two years would contribute and support the existing leisure and recreation facilities within the park. Therefore, the principle of the development is acceptable subject to other material considerations which will be discussed in the report below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.
- 5.2.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.2.3 In addition to the above, policy D3 is also applicable to the case as Promenade Park is part of a locally designated Historic Park and Gardens. This policy stipulates that development proposals that affect a heritage asset (whether designated or non-designated) and /or its setting will be required, amongst other things, to preserve or enhance its special character, appearance, setting – including its streetscape and landscape value - and any features and fabric of architectural or historic interest.

- 5.2.4 Policy N3 of the LDP states that the Council is committed to protecting and maintaining existing formal and informal open spaces, sports pitches, children's play areas, leisure and recreation facilities, while ensuring all new development contributes towards any identified local needs. The Council's policy is to enable, support and empower communities to be safe, active and healthy, as a corporate priority as well as part of the sustainable community's objectives.
- 5.2.5 Maldon District is home to many high quality leisure facilities with a regional importance such as the Promenade Park and Splash Park, Riverside Park, the Blackwater and Chelmer Navigation, the River Crouch, Five Lakes Country Club and Stow Maries Aerodrome. To improve health, well-being and active lifestyles through the provision of high quality leisure activities, the Council will generally support developments which improve the accessibility, attractiveness and recreational value of these facilities.
- 5.2.6 The proposal seeks to use the land for a mobile food and drink kiosk to be sited on a temporary basis. It will be located to the southern part of The Valley Adventure Play Area where the existing children's play equipment, seating areas and the Splash Park are currently located. The mobile food and drink kiosk would be temporary in nature and not appear visually intrusive or out of keeping with the area when viewed at a distance and in conjunction with other activities within The Valley Adventure Play Area. In this instance, it is considered that the proposal would be appropriate to the locality in accordance with policy D1 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The mobile food and drink kiosk is located some considerable distance away from residential properties which are to the south west, west and north west of the site. Therefore it is unlikely that the existing occupiers of these properties would be affected by the proposal in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring a development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.4.3 The use of the land for a mobile food and drink kiosk would not have an impact on the existing parking spaces within the park or obstruct the free flow of pedestrians using the site. Having considered the position of the mobile food and drink kiosk and its temporary nature within the site, it is not considered that any car parking spaces would be lost. In this instance, the proposal would accord with policies D1 and T2 of the LDP.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Having considered the temporary nature of the development and the location of the mobile food and drink kiosk, it is not considered that any private amenity space or landscaping will be affected by this proposal. In this respect, the proposal would accord with policy D1 of the LDP.

5.6 Flood Risk

- 5.6.1 The application site lies within tidal Flood Zone 3 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The NPPG identifies that the Sequential Test aims to steer new development to areas with the lowest probability of flooding, with the aim to steer development towards Flood Zone 1. LPAs are required to take into account the vulnerability of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only when there is no reasonably available land within Flood Zone 1 or 2 that sites can be considered in Flood Zone 3, taking into account the vulnerability of the land use and applying the exceptions tests (where required).
- 5.6.2 The proposal is to use the land to site a mobile food and drink kiosk. The recreational activity falls under 'Water-compatible development' as defined in the NPPG and therefore to comply with the NPPG, the application would need to pass the Sequential Test only and not the Exception Test. An Exception Test would not be required in this instance as the proposal is deemed as appropriate development (Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014, NPPG).
- 5.6.3 In terms of the Sequential Test, as part of the Flood Risk Assessment (FRA) received by the Council on 19 April 2018 - Covering letter and 27 April 2018 prepared by Brimble Lea & Partners), the Applicant acknowledges that the site falls within Flood Zone 3 (FZ) but considers that *'the nature and period of the proposed use, which is classified in the NPPG as being 'water-compatible', will not be placed at an unacceptable risk of flooding or increase the risk of flooding. The proposal is to provide a recreational activity for visitors to the park and it will therefore not increase the number of people present in an area at risk of flooding. The very nature of the park is that people will not visit if localised flooding is forecast ... Any run-off from recreational equipment will literally trickle off and drain through the ground. As such, the proposal will not increase the risk of flooding elsewhere'*. In this instance, it is considered that the Sequential Test has been passed as there is no other land available within Promenade Park for development expansion to accommodate such proposed use to take place.
- 5.6.4 Having considered the temporary nature of the mobile food and drink kiosk and that its use would be seasonal (March - October), it is considered that the proposal would be of low risk. The Environment Agency and Emergency Planner were both

consulted but no response has been received at the time of writing this report. The Emergency Planner has assessed the proposal and advised that the site is within a high risk flood zone and that consideration is made to a condition for a flood warning and evacuation plan being drawn up for the kiosk in order for all staff to be informed of the evacuation and warning procedures should the application be approved.

5.7 Other Material Considerations

- 5.7.1 It is noted that the Town Council has raised concerns that the application is a retrospective application and that the mobile food and drink kiosk is in operation. The Applicant can operate on the land for 28 days, in total in any calendar year, which includes *'the provision on the land of any moveable structure for the purposes of the permitted use'* without planning permission under Schedule 2, Part 4, Class B (temporary use of land) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). After 28 days, the mobile food and drink kiosk would have to be removed from site. This is a reason why the mobile food and drink kiosk has been in operation without planning permission and therefore is not retrospective in nature.
- 5.7.2 The Council has considered to grant temporary consent for the mobile food and drink kiosk for a period of two years. The reason to impose this condition is to give the Council the opportunity to reassess the impact of the proposal after a set period of time, and to ensure that the development would not impact on nearby residential amenity and that no permanent harm is caused to the character and appearance of the local designated park in accordance with policies D1, D3 and N3 of the LDP and Guidance contained in the National Planning Policy Framework (NPPF).
- 5.7.3 Promenade Park is a part of the locally designated Historic Park and Garden as contained in the LDP. As the park is a local designation and not a national designation which would normally require consultation with Historic England, the Conservation Officer has been consulted in this instance. It was assessed that the proposal would not cause harm to the setting or significance of the conservation area in accordance with policies D3 and N3 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/16/00629** - Temporary planning permission for two catering units. Approved: 28.07.2016
- **FUL/MAL/14/00819** - 18 hole adventure golf course with additional 19th free game hole. To include pirate themed props and structures with cafeteria and clad storage containers. Approved: 31.10.2014
- **FUL/MAL/14/00240** - Installation of 8 no. beach huts for leisure and recreational use. Approved: 29.05.2014
- **FUL/MAL/11/00811** - Amendment to **FUL/MAL/11/00334** - to increase boundary fence height from 2m to 3m. Increase length to incorporate east, south and partial west boundaries of depot site. Screen fencing by planting mixed native hedging inter-planted with standard native trees. Approved: 18.11.2011
- **FUL/MAL/11/00334** - Demolition of dilapidated vehicle and machinery storage sheds and garages. Erection of new and extension to existing

agricultural style vehicle and machinery stores for secure parking of tractors, plant and machinery. Erection of staff welfare accommodation building. Associated landscape works, fencing and gates. Use of part of depot for overnight parking of waste contractors vehicles. Approved: 29.06.2011

- **FUL/MAL/10/00542** - Extension to existing clubhouse forming changing rooms, referees room, tennis club office with associated showers and toilets. Approved: 24.09.2010
- **FUL/MAL/09/01084** - Retention of the existing container store. Approved: 27.04.2010
- **FUL/MAL/09/00586** - Proposed extension to existing changing facilities at Promenade Park. Extension to accommodate lobby, store and changing rooms with additional showers and w/c's. Approved: 02.02.2010
- **FUL/MAL/07/01258** - Alterations and extension to existing clubhouse including new access ramp, replacement windows and doors and new roof. Approved: 23.01.2008
- **FUL/MAL/07/01141** - 6m x 3m (approx) storage container to house equipment. Approved: 23.01.2008
- **FUL/MAL/06/00747** - Demolition of changing rooms and erection of four changing rooms. Approved: 17.10.2006
- **FUL/MAL/05/01120** - Erection of Statue. Refused: 16.12.2005
- **FUL/MAL/05/00813** - Replacement fencing comprising galvanised weld mesh fencing to tennis courts. Approved: 04.10.2005
- **FUL/MAL/05/00811** - Increase in size of Pump House - amendment to planning permission **FUL/MAL/05/00185**. Approved: 04.10.2005
- **FUL/MAL/05/00490** - Erection of monument to the Battle of Maldon including bronze sculpture of Byrhtnoth. Refused: 05.08.2005
- **FUL/MAL/05/00185** - 1. Reconstruction of sea wall in order to raise flood defence level and maintain stability. 2. Installation of adventure and water play equipment in the valley area. Erect pump house and office store buildings. 3. Reconstruction of boating lake and deposition of excavated materials. Approved: 18.04.2005
- **FUL/MAL/04/01260** - Demolition of changing rooms and cricket pavilion and erection on same site of four changing rooms and sports pavilion. Approved: 20.01.2005
- **FUL/MAL/04/00894** - Proposed Cafeteria/restaurant and life guard station office. Approved: 09.12.2004
- **FUL/MAL/02/00769** - Demolition of storage sheds and erection of new shed for tractor storage. Approved: 07.10.2002
- **FUL/MAL/00/00474** - Proposed erection of a bronze Saxon Byrhtnoth statue. Approved: 28.07.2000

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No objection to the proposal but regrets that this is retrospective.	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No comments received at the time of writing this report	Any comments received will be reported on the Members Update
Emergency Planner	A condition for a flood warning and evacuation plan being drawn up for the kiosk in order for all staff to be informed of the evacuation and warning procedures should the application be approved.	Noted in Section 8 of the officer report
Essex County Council Highways Authority (ECC)	No objection to the proposal	Noted in the officer report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	This application falls outside of the Maldon Conservation Area. The proposal will cause no harm to the setting or significance of the conservation area	Noted
Environmental Health Services	No observations to make the application	Noted
Economic Development Team	No objections to this temporary installation of bungee trampolines in the	Noted

Name of Internal Consultee	Comment	Officer Response
	Promenade Park as it will attract visitors and additional economic spend to the Maldon District	

7.4 Representations received from Interested Parties

7.4.1 Letters of objection were received and the comments are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> Kiosk selling food and ice cream is not appropriate as there are plenty of outlets outside The Valley Adventure Play Area There is an almost identical kiosk at the golf area – unfairly competitive Insufficient space for the kiosk and bungee trampoline to be located within the site A large section of the amenity space has been made unusable by the proposal Smells and noise 	<ul style="list-style-type: none"> The Council notes that there are outlets outside The Valley Adventure Play Area but this does not prevent the Applicant for submitting a planning application for an additional kiosk Competition between kiosks is not a material consideration Based the plans submitted, there appears to be sufficient space for the temporary structures to be located within the site. The Valley Adventure Play Area is approximately 1 hectare in site area. The kiosk and bungee trampoline will occupy an area of land approximately 115sqm. Therefore it is not considered that a large section of the amenity space has been made unusable by this proposal The Environmental Health Services has been consulted and has advised that there are no observations to make on this application.

8. PROPOSED CONDITIONS

- The development hereby permitted shall be carried out in complete accordance with the approved drawing 18064-01 dated 18.04.2018 and 18064-03 dated 16.05.2018 specifically referenced on this decision notice.

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

- 2 The mobile food and drink kiosk hereby permitted shall be removed and the land restored to its former condition on or before 14 September 2020 unless before that date a formal planning application for the retention of the mobile food and drink kiosk has been approved by the local planning authority.

REASON It is not considered that the grant of a permanent planning permission would be appropriate and a temporary permission would be acceptable in this instance to enable the Local Planning Authority to reassess the impact of the development on the character and appearance of the area in accordance with policies policy D1 of the Maldon District Local Development Plan.

- 3 Within one month of granting this planning permission, weatherproof signs shall be displayed within the building, which comprehensively describe the site evacuation procedures in the event of a flood. The signage shall be retained thereafter.

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

This page is intentionally left blank



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

**to
CENTRAL AREA PLANNING COMMITTEE
27 JUNE 2018**

Application Number	FUL/MAL/18/00481
Location	Bungee Trampolines (Valley Area) The Promenade Park Park Drive Maldon Essex
Proposal	Use of land for the provision of mobile play equipment (e.g. 4-person bungee trampoline) - Temporary Planning Permission
Applicant	Mr J Smith - S J Caterers
Agent	Mr Matthew Williams - Brimble, Lea & Partners
Target Decision Date	11 July 2018
Case Officer	Yee Cheung TEL: 01621 876220
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

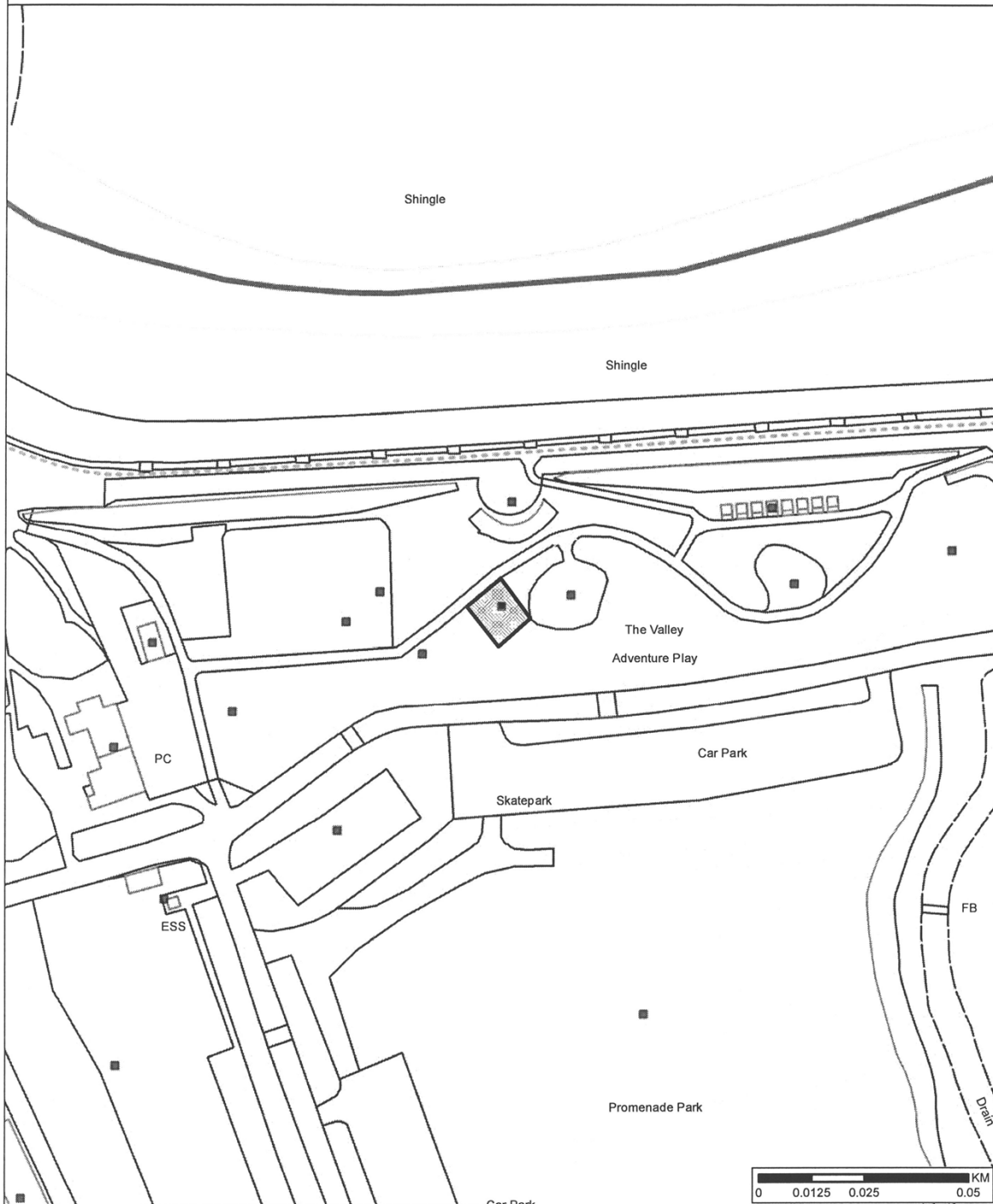
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Bungee Trampolines, The Promenade Park, Park Drive, Maldon
Central Committee 18/00481



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	FUL/MAL/18/00481
	Date:	15/06/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is within The Valley Adventure Park Area which forms part of the Maldon Promenade Park. The Valley Adventure Park Area comprise a children's play equipment area, a seating area, and the Splash Park.
- 3.1.2 Planning permission is sought to position a four-person bungee trampoline to the east side of the Splash Park. It measures approximately 6 metres in height (including the base and posts) 10 metres wide and 10 metres in length.
- 3.1.3 It is noted that the bungee trampoline is currently in operation as the Applicant is exercising their rights under permission under Schedule 2, Part 4, Class B (temporary use of land) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is discussed further in Section 5.7 of the report below.

3.2 Conclusion

- 3.2.1 Maldon District Council encourages the provision of tourist facilities and attractions that would provide facilities for residents and attracts visitors to the District. The site is located within The Valley Adventure Park Area which forms a part of Maldon Promenade Park (the Park) which provides a number of tourist and leisure based facilities. It is therefore considered that the bungee trampoline on the site temporarily for a period of two years would provide an additional leisure and recreation facility to the area. Therefore, it is considered that the principle of the development is acceptable in accordance with policies S1, D1, and E5 of the Maldon District 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:

- 7 Achieving sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 30 Conserving and enhancing the historic environment
- 56-68 Requiring Good Design
- 186-187 Decision-taking
- 196-198 Determining applications

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 - Sustainable Development
- S5 - Maldon and Heybridge Central Area
- S8 - Settlement Boundaries and the Countryside

- D1 - Design Quality and Built Environment
- D3 - Conservation and Heritage Assets
- D5 - Flood Risk and Coastal Management
- E5 - Tourism
- N3 - Open Space, Sport and Leisure
- T2 - Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Policy E5 of the LDP states that the Council encourages the provision of tourist facilities and attractions that would provide facilities for residents and attracts visitors to the District. The site is located within Maldon Promenade Park (the Park) which provides a number of tourist and leisure based facilities. It is therefore considered that the development proposal to use the site to provide a four-person bungee trampoline on a temporary basis for a period of two years would contribute and support the existing leisure and recreation facilities within the park. Therefore, the principle of the development is acceptable subject to other material considerations which will be discussed in the report below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.
- 5.2.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.2.3 In addition to the above, policy D3 is also applicable to the case as Promenade Park is part of a locally designated Historic Park and Gardens. This policy stipulates that development proposals that affect a heritage asset (whether designated or non-designated) and / or its setting will be required, amongst other things, to preserve or enhance its special character, appearance, setting including its streetscape and landscape value and any features and fabric of architectural or historic interest.

- 5.2.4 Policy N3 of the LDP states that the Council is committed to protecting and maintaining existing formal and informal open spaces, sports pitches, children's play areas, leisure and recreation facilities, while ensuring all new development contributes towards any identified local needs. The Council's policy is to enable, support and empower communities to be safe, active and healthy, as a corporate priority as well as part of the sustainable community's objectives.
- 5.2.5 Maldon District is home to many high quality leisure facilities with a regional importance such as the Promenade Park and Splash Park, Riverside Park, the Blackwater and Chelmer Navigation, the River Crouch, Five Lakes Country Club and Stow Maries Aerodrome. To improve health, well-being and active lifestyles through the provision of high quality leisure activities, the Council will generally support developments which improve the accessibility, attractiveness and recreational value of these facilities.
- 5.2.6 The proposal seeks to use the land for a four-person bungee trampoline on a temporary basis. The bungee trampoline will be located to the southern part of The Valley Adventure Play Area where the existing children's play equipment, seating areas and the Splash Park are currently located. The base would be approximately 900mm in height and the posts (above the base) would be approximately 5 metres in height. The bungee trampoline would be of a temporary nature and not appear visually intrusive or out of keeping with the area when viewed at a distance and in conjunction with other activities within The Valley Adventure Play Area. In this instance, it is considered that the proposal would be sympathetic to the locality in accordance with policy D1 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The proposal is located some considerable distance away from residential properties which are to the south west, west and north west of the site. Therefore it is unlikely that the existing occupiers of these properties would be affected by the proposal in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government

guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.4.3 The use of the land for a bungee trampoline would not have an impact on the existing parking spaces within the park or obstruct the free flow of pedestrians using the site. A letter of representation was received concerning the primary access from the car park (to the south) would be impacted by the position of the proposal. Having considered the position of the bungee trampoline and its temporary nature within the site, it is not considered that the primary access would be compromised to a degree to warrant refusal. In this instance, the proposal would accord with policies D1 and T2 of the LDP.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Having considered the temporary nature of the development and the location of the bungee trampoline, it is not considered that any private amenity space or landscaping will be affected by this proposal. In this respect, the proposal would accord with policy D1 of the LDP.

5.6 Flood Risk

- 5.6.1 The application site lies within tidal Flood Zone 3 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The NPPG identifies that the Sequential Test aims to steer new development to areas with the lowest probability of flooding, with the aim to steer development towards Flood Zone 1. LPAs are required to take into account the vulnerability of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only when there is no reasonably available land within Flood Zone 1 or 2 that sites can be considered in Flood Zone 3, taking into account the vulnerability of the land use and applying the exceptions tests (where required).
- 5.6.2 The proposal is to use the land for a four-person trampoline. The recreational activity falls under 'Water-compatible development' as defined in the NPPG, and therefore to comply with the NPPG, the application would need to pass the Sequential Test only and not the Exception Test. An Exception Test would not be required in this instance as the proposal is deemed as appropriate development (Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014, NPPG).
- 5.6.3 In terms of the Sequential Test, as part of the Flood Risk Assessment (FRA) received by the Council on 19 April 2018 - Covering letter and 27 April 2018 prepared by Brimble Lea & Partners), the Applicant acknowledges that the site falls within Flood Zone 3 (FZ) but considers that *'the nature and period of the proposed use, which is classified in the NPPG as being 'water-compatible', will not be placed at an unacceptable risk of flooding or increase the risk of flooding. The proposal is to provide a recreational activity for visitors to the park and it will therefore not increase the number of people present in an area at risk of flooding. The very nature of the park is that people will not visit if localised flooding is forecast ... Any run-off from recreational equipment will literally trickle off and drain through the ground. As such, the proposal will not increase the risk of flooding elsewhere'*. In this instance, it is considered that the Sequential Test has been passed as there is no other land

available within Promenade Park for development expansion to accommodate such proposed use to take place.

- 5.6.4 Having considered the temporary nature of the bungee trampoline and that its use would be seasonal (March - October), it is considered that proposal would be at low risk. The Environment Agency and Emergency Planner were both consulted. The Emergency Planner has no comment to make on this application.

5.7 Other Material Considerations

- 5.7.1 It is noted that the Town Council has raised concerns that the application is a retrospective application and that the bungee trampoline is in operation. The Applicant can operate on the land for 28 days, in total in any calendar year, which includes *'the provision on the land of any moveable structure for the purposes of the permitted use'* without planning permission under Schedule 2, Part 4, Class B (temporary use of land) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). After 28 days, the bungee trampoline would have to be removed from site. This is the reason why the bungee trampoline has been in operation without planning permission and therefore is not retrospective in nature.
- 5.7.2 The Council has considered to grant temporary consent for the bungee trampolines for a period of two years. The reason to impose this condition is to give the Council the opportunity to reassess the impact of the proposal after a set period of time, and to ensure that the development would not impact on nearby residential amenity and that no permanent harm is caused to the character and appearance of the local designated park in accordance with policies D1, D3 and N3 of the Maldon District Local Development Plan, and Guidance contained in the National Planning Policy Framework.
- 5.7.3 Promenade Park is a part of the locally designated Historic Park and Garden as contained in the LDP. As the park is a local designation and not a national designation which would normally require consultation with Historic England, the Conservation Officer has been consulted in this instance. It was assessed that the proposal would not cause harm to the setting or significance of the conservation area in accordance with policies D3 and N3 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/16/00629** - Temporary planning permission for two catering units. Approved: 28.07.2016
- **FUL/MAL/14/00819** - 18 hole adventure golf course with additional 19th free game hole. To include pirate themed props and structures with cafeteria and clad storage containers. Approved: 31.10.2014
- **FUL/MAL/14/00240** - Installation of 8 no. beach huts for leisure and recreational use. Approved: 29.05.2014
- **FUL/MAL/11/00811** - Amendment to **FUL/MAL/11/00334** - to increase boundary fence height from 2m to 3m. Increase length to incorporate east, south and partial west boundaries of depot site. Screen fencing by planting mixed native hedging inter-planted with standard native trees. Approved: 18.11.2011

- **FUL/MAL/11/00334** - Demolition of dilapidated vehicle and machinery storage sheds and garages. Erection of new and extension to existing agricultural style vehicle and machinery stores for secure parking of tractors, plant and machinery. Erection of staff welfare accommodation building. Associated landscape works, fencing and gates. Use of part of depot for overnight parking of waste contractors vehicles. Approved: 29.06.2011
- **FUL/MAL/10/00542** - Extension to existing clubhouse forming changing rooms, referees room, tennis club office with associated showers and toilets. Approved: 24.09.2010
- **FUL/MAL/09/01084** - Retention of the existing container store. Approved: 27.04.2010
- **FUL/MAL/09/00586** - Proposed extension to existing changing facilities at Promenade Park. Extension to accommodate lobby, store and changing rooms with additional showers and w/c's. Approved: 02.02.2010
- **FUL/MAL/07/01258** - Alterations and extension to existing clubhouse including new access ramp, replacement windows and doors and new roof. Approved: 23.01.2008
- **FUL/MAL/07/01141** - 6m x 3m (approx) storage container to house equipment. Approved: 23.01.2008
- **FUL/MAL/06/00747** - Demolition of changing rooms and erection of four changing rooms. Approved: 17.10.2006
- **FUL/MAL/05/01120** - Erection of Statue. Refused: 16.12.2005
- **FUL/MAL/05/00813** - Replacement fencing comprising galvanised weld mesh fencing to tennis courts. Approved: 04.10.2005
- **FUL/MAL/05/00811** - Increase in size of Pump House - amendment to planning permission **FUL/MAL/05/00185**. Approved: 04.10.2005
- **FUL/MAL/05/00490** - Erection of monument to the Battle of Maldon including bronze sculpture of Byrhtnoth. Refused: 05.08.2005
- **FUL/MAL/05/00185** - 1. Reconstruction of sea wall in order to raise flood defence level and maintain stability. 2. Installation of adventure and water play equipment in the valley area. Erect pump house and office store buildings. 3. Reconstruction of boating lake and deposition of excavated materials. Approved: 18.04.2005
- **FUL/MAL/04/01260** - Demolition of changing rooms and cricket pavilion and erection on same site of four changing rooms and sports pavilion. Approved: 20.01.2005
- **FUL/MAL/04/00894** - Proposed Cafeteria/restaurant and life guard station office. Approved: 09.12.2004
- **FUL/MAL/02/00769** - Demolition of storage sheds and erection of new shed for tractor storage. Approved: 07.10.2002
- **FUL/MAL/00/00474** - Proposed erection of a bronze Saxon Byrhtnoth statue. Approved: 28.07.2000

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No objection to the proposal but regrets that this is retrospective	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No comments received at the time of writing this report	Any comments received will be reported on the Members Update
Emergency Planner	No comments regarding this planning application	Noted
ECC Highways	No objection to the proposal	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	This application falls outside of the Maldon Conservation Area. The proposal will cause no harm to the setting or significance of the conservation area	Noted
Environmental Health Services	No observations to make the application	Noted
Economic Development Team	No objections to this temporary installation of bungee trampolines in the Promenade Park as it will attract visitors and additional economic spend to the Maldon District	Noted

7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
<ul style="list-style-type: none">• Not enough room on site for kiosk and bungee trampoline. It is important that this primary access from the car park is welcoming, spacious and easily read• This is a fee paying activity and the Splash Park is free• Whether this is the best location for it is less certain	<p>Noted in Section 5.4 of the officer report</p> <p>The fee paying activity is not a material consideration</p> <p>Noted in Section 5.2 of the officer report</p>

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawing 18064-02 dated 18.04.2018 and 18064-03 dated 16.05.2018 specifically referenced on this decision notice.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 2 The bungee trampoline hereby permitted shall be removed and the land restored to its former condition on or before 14 September 2020 unless before that date a formal planning application for the retention of the bungee trampoline has been approved by the local planning authority.
REASON It is not considered that the grant of a permanent planning permission would be appropriate and a temporary permission would be acceptable in this instance to enable the Local Planning Authority to reassess the impact of the development on the character and appearance of the area in accordance with policies policy D1 of the Maldon District Local Development Plan.



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

to
CENTRAL AREA PLANNING COMMITTEE
27 JUNE 2018

Application Number	FUL/MAL/18/00502
Location	Park Drive Fitness And Squash Club, Park Drive, Maldon
Proposal	Proposed 3No. padel courts with new glass & fencing panels built over existing tennis court.
Applicant	Mr Peter Alexander - Park Drive Health Club
Agent	Mr P R Harris
Target Decision Date	5 July 2018
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

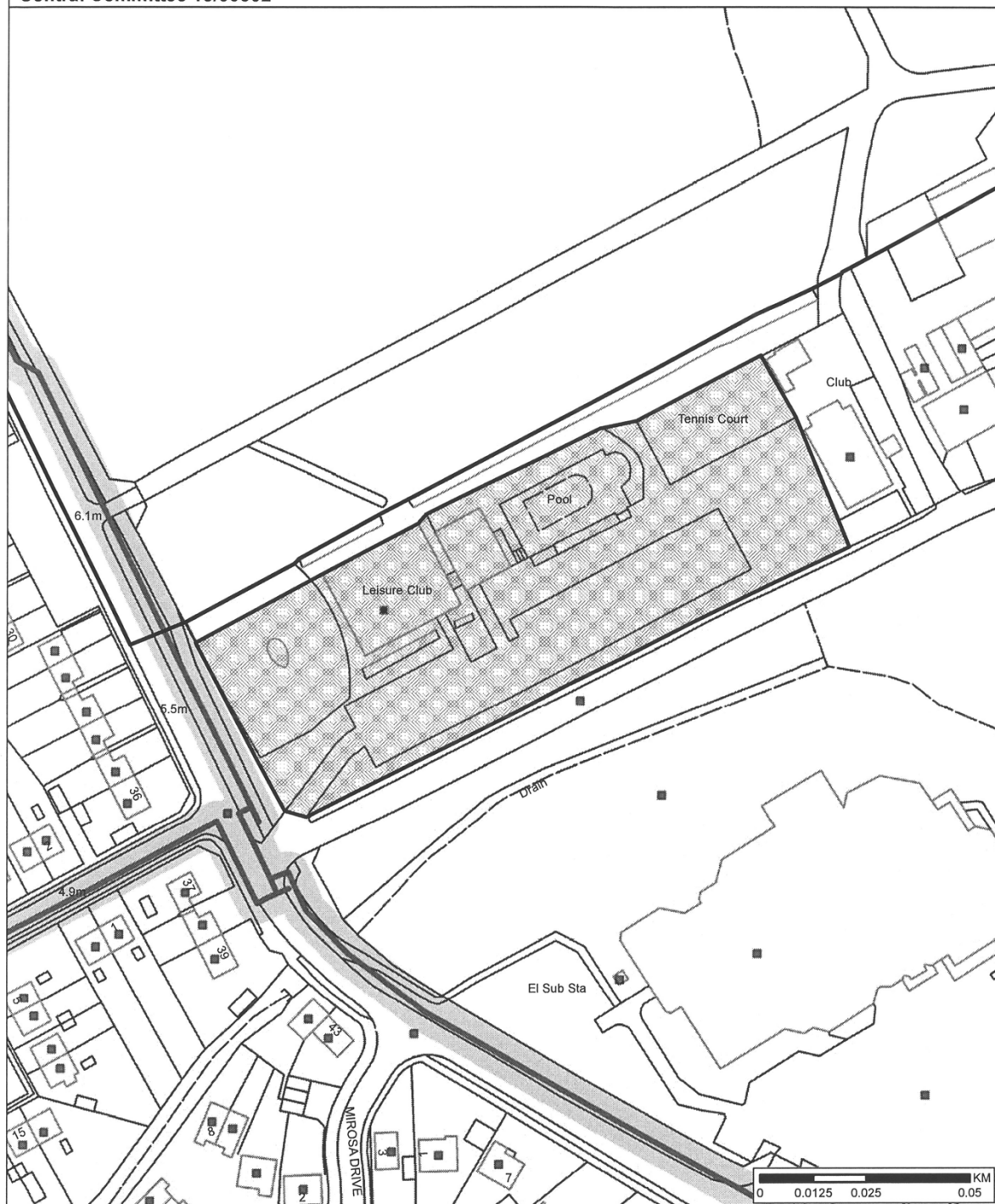
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Park Drive Fitness & Squash Club, Park Drive, Maldon
Central Committee 18/00502



Copyright

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

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: FUL/MAL/18/00502

Date: 15/06/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 It is proposed to create 3No. padel tennis courts with new glass and fencing panels built over an existing tennis court located in the northern corner of the site. The existing wire mesh around the tennis court would be replaced with a mixture of wire mesh, green coloured, and galvanized fencing with glass panels 3-4m high. Each court would measure 10m x 20m and be surfaced using artificial turf. The courts would continue to be floodlit; each court would be provided with four LED lights on 6m high poles. The floor area of the existing tennis court is stated as being 551sq.m.. The total area covered by the padel courts would be 673sq.m. It is proposed that the courts are available for use 8am to 10pm Monday to Friday and 8am to 8pm on Saturdays, Sundays and Bank Holidays. The application has been accompanied by a Design and Access Statement and a lighting report.

3.2 Conclusion

- 3.2.1 The proposed development would be acceptable in principle given the nature, scale and position of the proposal. The development would not cause material harm to the character and appearance of the area and, subject to the imposition of conditions, would not cause material harm to the amenity of the occupiers of local residences. The proposal is also considered to be acceptable in terms of highways and parking.

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:

- Core Planning Principles
- Section 3 Supporting a Prosperous Rural Economy
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- Policy S1 – Sustainable Development
- Policy S5 – The Maldon and Heybridge Central Area
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and the Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy D5 – Flood Risk and Coastal Management
- Policy E3 – Community Services and Facilities

- Policy N1 – Green Infrastructure Network
- Policy N3 – Open Space, Sport and Leisure
- Policy T1 – Sustainable transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 The main considerations in the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the occupiers of local residential properties and highways/parking.

5.2 Principle of Development

5.2.1 The application site is located within the development boundary for Maldon and forms part of the existing sporting facility at Park Drive Fitness and Squash Club.

5.2.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritizing development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, minimizing need to travel.

5.2.3 Policy E3 aims to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. 'Community services and facilities' include sporting facilities. The Policy goes on to state that encouragement will be given to proposals which will help to improve the provision of, and accessibility to, community services and facilities in a local area, including the relocation, co-location, modernization and expansion of existing services.

5.2.4 Policy N3 states that development must contribute towards improving the provision quality and/or accessibility of local and strategic open space, sports and associated community and leisure facilities.

5.2.5 The site is located within the Leisure Quarter identified in the Maldon and Heybridge Central Area Masterplan. Policy S5 of the Maldon District Development Plan (LDP) states that the Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities.

- 5.2.6 It is considered that the proposal would be acceptable in principle and complies with Policies S1, S5, E3 and N3 of the LDP.

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. Recognized principles of good design seek to create a high quality built environment for all types of development.

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

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

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

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).

- 5.3.5 The site is also located in an area annotated as being an historic park or garden (Promenade Park) in the LDP but is not nationally designated as a heritage asset and, therefore it has not been necessary to consult with Heritage England. Policy D3 requires that development proposals that affect heritage assets (whether designated or non-designated such as Promenade Park) and/or its setting will be required to preserve or enhance its special character, appearance, setting – including its streetscape and landscape value – and any features and fabric of architectural or historic interest.

- 5.3.6 As part of Policy N1, it is stated that there is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.3.7 The proposed means of enclosure for the new courts, at up to 4m in height, would be higher in places than the enclosure of the existing tennis court which varies between 2.76m and 3.3m in height. However, the 4m high elements of the proposed enclosure would be limited in extent and, given the position of the proposed courts in a rear corner of the site which benefits from existing tree screening, the visual impact of the development within the street scene would be minimal.
- 5.3.8 Whilst the proposal would be located within an area designated as a historic park or garden in the LDP (Promenade Park), given the nature of the use proposed, the discreet position of the proposed courts (which would replace an existing tennis court) and the materials proposed, it is considered that the proposal would not cause harm to the character or appearance of the area, in compliance with Policies D1, N1 and D3 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 There are no existing residential properties within the immediate vicinity of the proposed courts but there are residential properties on the opposite side of Park Drive which face the entrance to the sports club. However, given the nature, scale and position of the proposal and as it would form part of an existing sporting facility, it is not considered that the development proposed would materially harm the amenity of any existing residents, subject to the imposition of conditions. It is recommended that conditions are imposed requiring full details of the external illumination proposed (including the exact position of the lighting columns which is not shown on the submitted drawings) and the hours of use, as recommended by the EHT.
- 5.4.3 On the basis of the above, the proposal complies with Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.5.3 The adopted parking standard for sporting facilities is a maximum of 1 space per 22sq.m. of floorspace. The proposal would not result in the loss of any of the existing parking area and would not add any floorspace. Therefore, the proposal does not conflict with the adopted parking standards. As a result of the nature and scale of the development, the proposal would not result in a material change to the use of the existing vehicular access to the site from Park Drive and, therefore, would not raise any highway safety concerns.
- 5.5.4 On the basis of the above, the proposal complies with Policy T2 of the LDP.

5.6 Other Material Considerations

- 5.6.1 The site is part of a former landfill site and, therefore, it is recommended that an informative is added to any planning permission granted relating to contaminated land as recommended by the EHT (Policy D2)

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/10/01014** - Proposed new link passageway and new side window – Approved 09.03.2011
- **FUL/MAL/06/00062** - Proposed Retractable Telescopic Swimming Pool Enclosure. – Approved 06.03.2006
- **FUL/MAL/98/00594** - Proposed tarmac tennis court with floodlights to match existing - Approved 08.10.1998

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Cadent Gas	Notes that apparatus exists in the vicinity of the site (High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment; Low or Medium pressure (below 2 bar) gas pipes and associated equipment) and so recommends that an informative is added.	Noted

- 7.2.1 The Development Management Procedure Order 2015 states that Sport England must be consulted where the proposal would affect playing fields in ways that are described within the Order. A playing field is a site that includes a playing pitch and a playing pitch is described as being a delineated area that is used for one of a list of 15 sports, which does not include tennis. Therefore, there is no requirement to consult Sport England in relation to the proposed development.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions and informatives	Refer to section 5.4 of report
Emergency Planner	No comments	Noted
Conservation Officer	No response received at the time of writing report	

7.4 Representations received from Interested Parties

- 7.4.1 No letters of representation received.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 9B 2018; 9C 2018; 9A 2018
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No form of external illumination of the courts hereby permitted shall be provided other than in accordance with details (including the luminance and spread of light; and the design, position and specification of the light fittings) which shall have first been submitted to and approved in writing by the local planning authority. The external illumination shall be retained in accordance with the approved details.
REASON: In order to protect the amenity of the local residents and the character and appearance of the area, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
- 4 The courts hereby permitted shall only be used between 08:00 hours and 10:00 hours on Mondays to Fridays and between 08:00 hours and 20:00 hours on Saturdays, Sundays and Public Holidays.
REASON: In order to protect the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved 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. 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.
3. Considerations in relation to gas pipeline/s identified on site: Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 58.

This page is intentionally left blank



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

to
CENTRAL AREA PLANNING COMMITTEE
27 JUNE 2018

Application Number	HOUSE/MAL/18/00579
Location	15 Suffolk Road, Maldon
Proposal	Proposed two storey side extension and front porch extension. Erection of 2.2m high boundary close boarded fence and concrete gravel boards and posts. Replace detached garage at rear.
Applicant	Mr P Rowden
Agent	Terence Wynn
Target Decision Date	06/07/2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In by Councillor Mark Heard similar to other extensions nearby.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

15 Suffolk Road Maldon
Central Committee 18/00579



Copyright

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

www.maldon.gov.uk

Scale: 1:750

Organisation: Maldon District Council

Department: Department

Comments: FUL/MAL/18/00579

Date: 15/06/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located west of Suffolk Road, within the settlement boundary of Maldon. The site is a corner plot and comprises a two storey semi-detached dwelling. The surrounding area is residential in nature with properties of a similar design.
- 3.1.2 Planning permission is sought for a two storey side extension, a front porch extension, a boundary fence and a replacement detached garage.
- 3.1.3 The side extension will measure 4.1 metres wide at the front elevation and 4.4 metres wide at the rear, 9.3 metres deep, 4.5 metres high to the eaves and 7.5 metres tall overall. It would project 2.1 metres from the rear elevation. In terms of materials, the walls will be brickwork, the roof will use roof tiles and the windows and doors will be UPVC. All materials will match the existing.
- 3.1.4 The close boarded wooden fence will measure 1.8 metres along the shared boundary with the neighbouring dwelling and 2.2 metres high along the highway boundary. It is noted that the fence is already in place.
- 3.1.5 The front porch will project out 1.1 metres and will measure 2 metres wide. It will measure 2.1 metres to the eaves and 3.3 metres to the ridge. The brickwork and tiles will match the existing.
- 3.1.6 The garage will replace the existing garage to the rear of the dwelling. It will measure 6.3 metres deep, 4.2 metres wide, with an eaves height of 2.4 metres and a height of 3.8 metres to the ridge.
- 3.1.7 The application follows a previous application for a two storey side extension, a boundary fence, a front porch and a replacement garage. The reason for refusal was:

‘The two storey side extension, by reason of its design and bulk, is considered to be a visually incongruous and dominant addition, which is considered to detrimentally harm the character and appearance of the existing dwelling and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework and policies D1 and H4 of the Maldon District Local Development Plan.’

- 3.1.8 The only alteration in this application, from the previous refused application, is the change in roof style of the side extension, from a hipped roof to a gable roof. All external dimensions of the side extension have remained unaltered.

3.2 Conclusion

- 3.2.1 It is considered that the proposed porch, fence and garage are acceptable additions. Furthermore, the proposal is not considered to impact on residential amenity, parking or amenity space. However, the side extension, due to its large bulk and dominant nature, would cause harm to the visual amenity of the existing dwelling and surrounding area, and is considered to be an overdevelopment of the site. The

proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 56-68 Requiring Good Design

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with Policy D1 of the 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, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

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

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

5.2.4 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the Maldon District Design Guide (2017).

5.2.5 The only alteration in this application, from the previous refused application, is the change in roof style of the side extension, from a hipped roof to a gable roof. All external dimensions of the side extension have remained unaltered.

5.2.6 The proposed side extension is considered to be a large addition as it will measure over half the width of the existing dwelling. Its location on a corner plot exacerbates the visual impact of the extension, to the detriment of the character and appearance of the existing dwelling and surrounding area. The extension is set back from the principal elevation by 0.7 metres. However due to the width, it would appear as a dominant addition. The gable roof style is considered to be more in keeping with the streetscene. However, the dimensions have not been reduced and therefore it does not appear as a subservient addition. The change in roof style has improved the view of the principal elevation however the extension expanding the majority of the depth of the dwelling, and projecting to the rear, dominates the view looking towards the north elevation, particularly from the adjacent cul-de-sac.

5.2.7 It is considered that the change in roof style has not overcome the harm identified as the reason for refusal in the previous application.

5.2.8 It is noted that No. 1 Suffolk Road and No. 36 Suffolk Road have been subject to two storey side extensions, both granted permission in 1990. However these extensions are smaller in scale and do not project to the rear of the dwellings and therefore appear as subordinate additions which are more in keeping with the existing dwelling. Furthermore, the planning landscape has changed considerably since these developments were granted planning permission. It is therefore considered that these developments, which do not form the prevailing character of the area, should be attributed minimal weight in the determination of this application.

- 5.2.9 The porch is considered to be an acceptable addition to a dwelling. There are similar porches in the surrounding area and therefore it would not detrimentally impact on the streetscene to an extent that would justify the refusal of the application.
- 5.2.10 The garage will be located at the rear of the site and would be replacing an existing garage. The scale, design and layout of the garage is considered to be acceptable and therefore there is no objection to this element of the proposal.
- 5.2.11 The fence is considered to be an acceptable addition along the boundary of the site. It is noted that the fence is already in place, however dwellings in the surrounding area have similar wooden fences; namely No.35 Suffolk Road. Therefore the fence is not considered to have a detrimental impact on the streetscene. The concerns of Maldon Town Council are noted, but it is considered that the height is not objectionable in this case.
- 5.2.12 Overall, the proposed garage, porch and fence are considered to be acceptable however the side extension will result in a dominating addition, causing an overdevelopment of the site and therefore the proposal is contrary to policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.3.2 The neighbouring dwelling to the north, No.33 Suffolk Road, is located 10 metres from the proposed side extension. There will be two ground floor windows and one first floor window on the north elevation. Although the first floor window will face the neighbouring dwelling, it is not considered to materially increase overlooking when compared to the existing first floor window. The extension will not cause overlooking or overshadowing to an extent that would justify the refusal of the application. Due to the positioning of the proposed garage, porch and fence, they are not considered to impact on the residential amenity of this neighbour.
- 5.3.3 The neighbouring dwelling, No.13 Suffolk Road, adjoins the dwelling at the application site. The proposed side extension also projects to the rear of the dwelling. There is one ground floor glazed door, which would not cause unacceptable overlooking, and one first floor window on the south elevation facing the neighbouring dwelling, which would be subject to a condition requiring obscured glass, if this application were to be approved. Due to the extension being located 5.8 metres from the neighbouring dwelling; it is not considered to cause overlooking or overshadowing to an extent that would justify the refusal of the application.
- 5.3.4 The proposed side extension will have one ground floor window and one first floor window on the front elevation. Any outlook from these windows is not considered to materially worse than the existing windows on the principal elevation. Due to the distance from neighbouring properties across the road, the proposal is not considered to cause an unneighbourly form of development.

- 5.3.5 The neighbouring property of No.17 Suffolk Road is located south west of the application site. The proposed garage abuts the boundary with the neighbouring property. The proposed garage measures 3.8 metres to the ridge and will be situated forward of the neighbouring dwelling. There will be no windows on the south west garage elevation facing the neighbouring dwelling and there are no windows on the north east elevation of the neighbouring property. Therefore whilst projecting slightly further forward than the neighbouring dwelling, the proposal will not result in overshadowing or loss of privacy to an extent that would justify the refusal of the application. In this regard, it is noted that the neighbouring property is set at a slightly higher ground level which helps to reduce the impact of the proposed garage.
- 5.3.6 All other properties would be a substantial distance from the proposed development. It is consequently considered that the proposed development will not cause overlooking or have a harmful impact of the amenities of neighbouring residents and would therefore be in accordance with this aspect of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development to have sufficient parking facilities with regard to the Council's adopted parking standards. Similarly, policy D1 of the 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 and cycle routes.
- 5.4.2 The proposed developments are not reducing the amount of parking available at the site. There will be one added bedroom however there will be two parking spaces to the rear of the dwelling and therefore there is no objection in relation to parking provision.
- 5.4.3 Furthermore, the Highway Authority has not objected to the fence on the grounds of highway safety.
- 5.4.4 Therefore, there is no objection to the proposal in terms of car parking as it complies with this aspect of policy D1 of the LDP.

5.5 Amenity Space

- 5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100 square metres.
- 5.5.2 The current private garden measures 240 square metres. The proposed developments will result in the private garden measuring 205 square metres.
- 5.5.3 The resulting garden will measure above the standard and therefore the proposal is in accordance with this aspect of policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/18/00223** – Proposed two storey side extension and front porch extension. Erection of 2.2 metre high boundary close boarded fence and concrete gravel boards and posts. Replace detached garage at rear. – Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend refusal as the fence, by means of its height, bulk and scale, is out of keeping with the streetscene.	Comments noted. See section 5.2.6

7.2 Representations received from External Consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection.	Comments noted.

7.3 Representations received from Interested Parties

7.3.1 No letters of objection have been received at the time of writing this report.

7.3.2 No letters of support have been received at the time of writing this report.

8. REASON FOR REFUSAL

1. The two storey side extension, by reason of its scale and bulk, is considered to be a visually dominant addition which is considered to detrimentally harm the character and appearance of the existing dwelling and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework and policies D1 and H4 of the Maldon District Local Development Plan.