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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

11 May 2018

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 21 MAY 2018 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

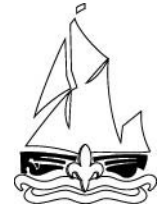
A handwritten signature in black ink, appearing to read 'Fiona Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP	CHAIRMAN	Councillor R P F Dewick
	VICE-CHAIRMAN	Councillor A S Fluker
	COUNCILLORS	Mrs B F Acevedo B S Beale MBE R G Boyce MBE Mrs P A Channer, CC Mrs H E Elliott P G L Elliott M W Helm R Pratt, CC N R Pudney

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.

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AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
MONDAY 21 MAY 2018

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

2. **Apologies for Absence**

3. **Minutes** (Pages 9 - 20)

To confirm the Minutes of the meeting of the Committee held on 9 April 2018 and special meeting held on 17 April 2018.(copies 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/18/00268 - Longmead, 1 Marine Parade, Mayland, Essex** (Pages 21 - 32)

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

6. **OUT/MAL/18/00277 - Land West Of Mill House, Mill End, Bradwell-On-Sea, Essex** (Pages 33 - 44)

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

7. **FUL/MAL/18/00280 - Land North West Of Riversleigh, Nipsells Chase, Mayland, Essex** (Pages 45 - 56)

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

8. **FUL/MAL/18/00285 - Casimir 134 Imperial Avenue, Mayland** (Pages 57 - 66)

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

9. **FUL/MAL/18/00289- 29 East Avenue, Althorne** (Pages 67 - 74)

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

10. **HOUSE/MAL/18/00308- Windward, Sandpit Lane, Burnham-on-Crouch** (Pages 75 - 84)

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

11. **FUL/MAL/18/00313 - Land North Of Asheldham Farm, Hall Road, Asheldham, Essex** (Pages 85 - 98)

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

12. **FUL/MAL/18/00333 - Springfield Nurseries, Steeple Road, Latchingdon, Essex, CM3 6LD** (Pages 99 - 116)

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

13. **FUL/MAL/18/00341 - 33 Princes Avenue, Mayland** (Pages 117 - 126)

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

14. **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 – 13.
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)

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
 - 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 (as amended)
 - The Town and Country Planning (Development Management Procedure) (England) Order 2015
- 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 (as amended)
- The Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 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 (Note: superseded by Maldon Design Guide)
- Essex and Southend on Sea Replacement Waste Local Plan 2017

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2016 / 17
- Maldon Design Guide - 2017
- Central Maldon and Heybridge Masterplan - 2017
- 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 –2006
- Wickham Bishops Village Design Statement – 2010
- Althorne Village Design Statement - 2015
- 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.

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
9 APRIL 2018**

PRESENT

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

977. CHAIRMAN'S NOTICES

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

978. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs B E Acevedo and Mrs H E Elliott.

979. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 12 March 2018 be received.

Minute No. 891 – Disclosure of Interest

Councillor M W Helm informed the meeting that he had declared a prejudicial interest in Agenda Item 6 – OUT/MAL/1701338 – Mapledean Poultry Farm and not a pecuniary interest.

Councillor Mrs P A Channer advised that she had also declared an interest regarding her work with Highways and Access.

RESOLVED

- (ii) that subject to the above amendments the Minutes of the meeting of the Committee held on 12 March 2018 be confirmed.

980. DISCLOSURE OF INTEREST

Councillor P G L Elliott declared a pecuniary interest in respect of Agenda Item 5 – FUL/MAL/17/00556 – AA Dog Rescue, Oldfield Lodge, Burnham Road, Latchingdon, Essex, CM3 6EZ as he had a previous business interest with one of the applicants. He informed the Committee he would leave the chamber for this item.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as she was a Member of Essex County Council and that was a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

Councillor M W Helm declared a non-pecuniary interest in respect of Item 5 – FUL/MAL/17/00556 - AA Dog Rescue, Oldfield Lodge, Burnham Road, Latchingdon, Essex, CM3 6EZ as he knew the agent.

Councillor R Pratt, CC, declared a non-pecuniary interest as a member of Essex County Council who was a consultee.

Councillor A S Fluker declared in the interest of openness and transparency in respect of Agenda Item 5- FUL/MAL/17/00556 - AA Dog Rescue, Oldfield Lodge, Burnham Road, Latchingdon, Essex, CM3 6EZ as he knew the applicant and some of the objectors and supporters. He also declared an interest in both Agenda Item 6 – OUT/MAL/18/00129 – Theedhams Farm, Steeple Road, Southminster, Essex, as he knew the objectors and Agenda Item 8 –TPO13/91 (WTPO/MAL/18/00210) - Acacia House, 80A Maldon Road, Burnham-on-Crouch as he knew the agent.

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.

981. FUL/MAL/17/00556 - AA DOG RESCUE, OLDFIELD LODGE, BURNHAM ROAD, LATCHINGTON

Application Number	FUL/MAL/17/00556
Location	AA Dog Rescue, Oldfield Lodge, Burnham Road, Latchingdon, Essex, CM3 6EZ
Proposal	Change of use of land and building to a mixed use of a dog rescue centre and equestrian use which will result in 27 kennels, isolation block and vet area and 11 stables and will include a detailed mitigation scheme, relocation of exercise areas, fencing and landscaping.
Applicant	Ms Charlene Nathan
Agent	Mr Ashley Wynn - Greenhayes Planning
Target Decision Date	12 th April 2018
Case Officer	Ian Harrison, TEL: 01621 875751
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Level of Public Participation

Councillor P G L Elliott left the chamber for this item.

A Members' Update was circulated that contained notice of additional letters of support but these submissions did not raise any grounds of support that have not been mentioned previously.

Following the Officer's presentation, Mr Anthony Fittock, an Objector, Ms Cathy Clarke, a Supporter, and Ms Charlene Nathan, the Applicant, addressed the Committee.

A debate ensued regarding the issue of noise nuisance and the adverse impact on neighbouring properties. Members agreed that everyone was entitled to enjoy peace and quiet in their own homes and that there was nothing in the report to demonstrate that the noise issue could be adequately mitigated.

Councillor R G Boyce, MBE, proposed that the application be refused in accordance with the Officer's recommendation. Upon a vote being taken the motion was carried.

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

- 1 The application relates to the use of the land for equestrian purposes and also the continued use of the land as a dog rescue centre with building operations and management regimes proposed to mitigate noise arising from the dog rescue use. From the information provided, it has not been demonstrated to the satisfaction of the Local Planning Authority that the noise arising from use would be adequately mitigated and, therefore, it has not been satisfactorily demonstrated that the proposed use would not cause significant and unacceptable harm to the amenities and quality of life of neighbouring residents. Taking a precautionary stance, the proposal is, therefore, deemed to be unacceptable and contrary to policies S1, D1 and D2 of the Maldon District Local Development Plan and advice contained within the National Planning Policy Framework and National Planning Practice Guidance.

982. OUT/MAL/18/00129 - THEEDHAMS FARM, STEEPLE ROAD, SOUTHMINSTER

Application Number	OUT/MAL/18/00129
Location	Theedhams Farm, Steeple Road, Southminster, Essex
Proposal	Removal of conditions 13 (Flood Response Plan) & 20 (two bus stops on link road) on approved planning permission OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre)
Applicant	David Wilson Homes (Eastern Counties)
Agent	Phase 2 Planning
Target Decision Date	27.04.18
Case Officer	Kathryn Mathews, TEL: 01621
Parish	SOUTHMINSTER

Reason for Referral to the Committee / Council	Member Call In – Councillor A S Fluker, due to public interest.
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Following the Officer's presentation, Ms Paula Neal, an Objector, and Parish Councillor, Mr Terry Cassells, Southminster Parish Council, addressed the meeting.

Members discussed Essex County Highways justification for removing the condition for two new bus stops. It was felt that this was unacceptable given the potential transport demand going forward as a result of the additional development. The lack of response from Essex County Highways was also considered unacceptable.

Councillor A S Fluker proposed that the application be refused in accordance with the Officer's recommendation. It was further agreed that an additional reason for refusal be included regarding the necessary inclusion of the original condition 20 for the provision of two new bus stops. This was duly seconded by Councillor B S Beale and agreed.

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

1. In the absence of a Flood Response Plan, it could not be ensured that the impacts of potential flooding were minimised as users of the site would be exposed to flood hazards, contrary to the NPPF, NPPG and Policy D5 of the Maldon District Approved Local Development Plan.
2. In the absence of a Deed of Variation or new Section 106 Agreement, the proposal would not make provision for affordable housing, open space, education, residential travel packs, health care or the highway works necessary to make the proposal acceptable in planning terms, contrary to the NPPF and Policies S1, D1, D2, H1, N3, T1, T2, I1 and I2 of the Maldon District Approved Local Development Plan.
3. The proposed removal of condition 20 of planning permission OUT/MAL/14/00613, enabling the development to occur without the previously approved bus stops, would result in the development including inadequate measures to promote sustainable modes and improve access for all in the community. The proposal would therefore not represent sustainable development and would be contrary to policies S1, T1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

983. HOUSE/MAL/18/00184 - 115 WEST AVENUE, MAYLAND

Application Number	HOUSE/MAL/18/00184
Location	115 West Avenue, Mayland
Proposal	Convert Chalet style dwelling to No.1 two storey house together with single storey rear extension and conservatory
Applicant	Mr Alan Harrison
Agent	Mr David Blacker – DSB Property Designs Ltd
Target Decision Date	11.04.2018
Case Officer	Devan Lawson, TEL: 01621 854477
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs P A Channer, CC Reasons: Public Interest, local knowledge and being aware of the Parish Council view.

The Development Management Team Leader presented the item.

Councillor A S Fluker proposed that this application be approved in accordance with the Officer's recommendation. This was duly seconded and agreed.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with approved drawing: 2018/01/01/115WA, 2018/01/02/115WA, 2018/01/03/115WA, 2018/01/04/115WA, Proposed Street Scene.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
4. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.

984. WTPO/18/00210 - ACACIA HOUSE, 80A MALDON ROAD, BURNHAM-ON-CROUCH

Tree Preservation Order	TPO 13/91 (WTPO/MAL/18/00210)
Location	Acacia House 80A Maldon Road, Burnham-on-Crouch
Proposal	TPO 13/91 T1 False Acacia - Remove dead & dying wood from canopy. Remove hollow limb on South Side & re-balance canopy. Reduce canopy by 3m due to proximity of dwelling and presence of perenniporia fraxinea.
Owner	Mr Robert Hammond
Agent	Mr John Foss – Manor Tree Services
Case Officer	Devan Lawson
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor N R Pudney. Reason - The tree requires attention regarding fungus and dead wood. The applicant wants to keep the tree, but it does need attention as there is a danger if not treated.

Following the Officer’s presentation Councillor Mrs Wendy Stamp, Burnham-on-Crouch Town Council and Mr Robert Hammond, the Applicant, addressed the Committee.

Members debated issues around the significance of the tree together with the need for the work to go ahead to reduce the height of the canopy. Concerns were raised regarding the potential risk of injury to the family due to the tree’s poor condition.

There followed a long discussion regarding the difference of opinions expressed, the fact that this tree has been subject to two planning applications already and that the work should be carried out before some significant damage occurs.

Councillor Pudney proposed that the application be approved contrary to the Officer’s recommendation and this was duly seconded and agreed.

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

1. The works hereby permitted shall be carried out in accordance with the British Standard Recommendations for Tree Works (BS3998:2010).
REASON: In order to safeguard the health and appearance of the trees.
2. The works hereby permitted shall be carried out within 2 years from the date of this permission.
REASON: To ensure that the works are carried out whilst they are still relevant to the condition of the trees

985. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

The Chairman drew attention to the ‘Reports for noting’ on the reverse of the agenda. He then went on to remind Members that a special meeting of the South Eastern Area Planning Committee to discuss Enforcement would take place on 17 April 2018 at 10

am, in the Council Chamber. Councillor Mrs P A Channer gave her apologies for this meeting.

There being no further items of business the Chairman closed the meeting at 8.51 pm.

R P F DEWICK
CHAIRMAN

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE (SPECIAL MEETING)
17 APRIL 2018**

PRESENT

Vice-Chairman Councillor A S Fluker
(in the chair)

Councillors Mrs B F Acevedo, B S Beale MBE, M W Helm and
 N R Pudney

993. CHAIRMAN'S NOTICES

The Chairman asked Members and Officers present to introduce themselves prior to the start of the meeting and that Members indicate which ward they represented to facilitate the discussion.

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

994. APOLOGIES FOR ABSENCE

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

995. DISCLOSURE OF INTEREST

There were no disclosures of interest at this time.

The Chairman suggested that should there be disclosures of interest pertaining to the private session business of the meeting, these should be disclosed at that time.

996. PLANNING ENFORCEMENT

To consider the report of the Director of Planning and Regulatory Services

The Director of Planning and Regulatory Services presented an overview of the Planning Enforcement report.

To set the context of enforcement at the start of the meeting he drew members attention to the salient sections of the report in particular sections 3.2, 3.3 and 3.4 outlining when enforcement action is to be taken and section 3.8 the Maldon District Enforcement Policy.

A discussion ensued regarding the Council's performance from 2013/14-2017/18 and concern was expressed regarding any further increases in outstanding cases going forward. It was noted that staff vacancies impacted on the performance levels and when they were addressed the turnover/closure rates of cases would increase. There would also be capacity to undertake a six month review of all cases with a view to either a) closure or b) settlement.

The Chairman put the recommendations in the report to the committee and they were duly agreed.

RESOLVED that the following recommendations be agreed:

- (i) Members note the recent staff vacancies and the actions being taken to address these issues;
- (ii) That a further review is undertaken in six months once the actions are embedded, with a view to considering further additional resource.

997. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

The proposal was duly seconded, the resolution was carried and the committee went into private session.

998. ENFORCEMENT UPDATE

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. These cases were discussed in detail and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

999. ENFORCEMENT CASE STUDY

The Committee received the report of the Director of Planning and Regulatory Services providing an update on current enforcement investigations in relation to a specific area of land within the District. The report provided background information including details of the planning history, its constraints and a review of enforcement actions.

Members discussed the content of the report and agreed that it was very useful bringing together, in one place, the range of issues involved in this matter.

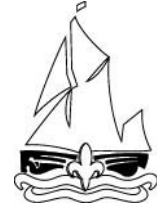
RESOLVED that a further report be brought back to this Committee within four months of the date of this meeting outlining alternative options in relation to the site.

The Chairman thanked Officers for their attendance and continued work with Members to address enforcement across the District.

There being no further items of business the Chairman closed the meeting at 12.43 pm.

A S FLUKER
CHAIRMAN

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00268
Location	Longmead, 1 Marine Parade, Mayland, Essex
Proposal	Erect two detached bungalows on No's 1 Marine Parade and 51A Imperial Avenue
Applicant	Mr and Mrs J Osborn
Agent	Chris Cumbers - CBS Cumbers MCIAT
Decision Date	08/05/2018 (Extension of time agreed: 24/05/2018)
Case Officer	Anna Tastsoglou 01621 875741
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In The application has been called-in by Cllrs Channer and Helm on the grounds of public interest, local knowledge and the views of the Parish Council.

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Longmead 1 Marine Parade Mayland
FUL/MAL/18/00268



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee
	Date:	08/05/2018
	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 to the north of Imperial Avenue and to the west of Marine Parade. The site is 'L' shaped with a frontage width of 15.6 metres to the south and 15.8 metres to the east. The site area measures 1070 square metres.

3.1.2 The application site is currently vacant scrub land.

3.1.3 The site surrounds the property of 51 Imperial Avenue which is a two storey detached dwelling. To the north of the site are two properties, 53 Imperial Avenue and 3 Marine Parade. To the west is 55 Imperial Avenue. These are single storey dwellings.

3.2 Proposal

3.2.1 Planning permission is sought for the construction of two dwellings at the application site, one fronting Marine Parade and one fronting Imperial Avenue.

3.2.2 The main part of each dwelling would measure 11 metres in depth and 7.3 metres wide with a pitched roof that would be built to an eaves height of 2.4 metres and a ridge height of 5.3 metres. A gable end projection would be provided at the side of the dwelling that would measure 7.1 metres deep and project by 0.2 metres with a matching eaves height and a ridge height of 5.2 metres. Single storey projections would be provided to the front and rear that would measure 5.3 and 4.4 metres wide respectively and 3.7 and 3 metres deep. The eaves height of these projections would match the remainder of the dwelling and the ridge heights would be 4.5 and 4.3 metres. Detached single garages would be provided to the side of each dwelling that would measure 5 metres deep and 3 metres wide with a maximum height of 3.7 metres and an eaves height of 2.2 metres.

3.2.3 The dwelling to the west would be positioned 4.9 metres from the west boundary, 2.7 metres from the south boundary and 5.8 metres from the north boundary. The dwelling to the east would be positioned 5 metres from the north boundary, 1.6 metres from the south boundary and 10 metres from the east boundary.

3.2.4 Two vehicle accesses would be provided to serve the site, one from each highway, being positioned at the westernmost and northernmost edges of the site.

3.3 Conclusion

3.3.1 The erection of dwellings within the settlement boundary of Mayland is considered to be acceptable in principle. In this case the proposals would not cause material harm to the character or appearance of the site or the surrounding area or the amenities of neighbouring occupants to an extent that would justify the refusal of the application. The proposed dwellings would be served by ample parking and amenity space. The proposals would therefore comply with the policies of the Local Development Plan

(LDP) and the 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:

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

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

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

- 5.1.2 Policies S1, S2 and S8 of the approved LDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.1.3 Policy H4 specifically addresses infill developments such as this and states that Backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the following criteria are met:
- 1) There is a significant under-use of land and development would make more effective use of it;
 - 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;
 - 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and
 - 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.
- 5.1.4 The application site is located within the defined settlement boundary of Mayland and therefore the principle of development is not objected to.
- 5.1.5 In respect of this, paragraph 17 of the NPPF sets out a core planning principle as part of its overriding sustainability agenda, stating that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. This is reflected in policy T2 of the Local Plan which relates directly to accessibility, by requiring all new development proposals to ‘*provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate*’. The proposal would comply with this requirement.

5.2 Housing need and Supply

- 5.2.1 The proposal would provide a pair of three bedroom dwellings. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide a three bedroom dwellings would not contribute towards the identified need for smaller houses.

5.2.4 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

5.3 Design and Impact on the Character of the Area

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

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

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

5.3.4 The NPPF states that:

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

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

5.3.5 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:-

- 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.

5.3.6 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).

5.3.7 The proposed bungalows would each have a frontage onto the public domain and would therefore sit reasonably comfortably within both streetscenes. It is noted that the main part of the westernmost dwelling would be positioned to stagger the differing building lines of 51 Imperial Avenue and 55 Imperial Avenue and therefore, whilst the single storey front projection would extend to align with 51 Imperial Avenue, it would appropriately 'bridge' the differing building lines and therefore sit appropriately within the streetscene. Likewise, whilst the proposed dwelling to the east would project slightly further forward of both neighbours, it would sit behind the building line of 5 Marine Parade and it is relevant to note that it is only the front projection that would extend beyond its neighbours, with the main part of the dwelling aligning with 3 Marine Parade. For these reasons it is considered that the positioning of the dwellings can be found acceptable.

5.3.8 The proposed dwellings would be bungalows. The surrounding area features a variety of single and two storey dwellings with no fixed design or scale to replicate. As such it is considered that the provision of single storey dwellings would not be out-of-keeping with the character of the wider area and would not look under-scaled within the surrounding context.

5.3.9 The dwellings are considered to be of acceptable design. Whilst the front, rear and side projections would result in the dwellings having a slight convoluted form, it is considered that this could equally be argued to be adding interest to the appearance of the dwellings and as such, despite the misalignment of the ridge lines at the frontages of the dwellings, it is not considered that the proposed bungalows are visually unacceptable. Given the mixed character and design of properties within the surrounding area it is considered that the dwellings would not harmfully conflict with the prevailing character of the area.

5.3.10 The proposed garages would be small scale additions to the site which would be discreetly located at the side of the dwellings, well recessed from the public highway. The garages would therefore not become dominant or visually unacceptable additions to the site.

5.4 Impact on Residential Amenity

5.4.1 The basis of policies D1 and H4 of the approved LDP seek 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 proposed dwellings would surround 51 Imperial Avenue which is a two storey, chalet style dwelling with a window, a conservatory and a door to the west elevation and two windows and two rooflights to the north. The proposed dwelling fronting Marine Parade would be positioned 1.6 metres from the easternmost part of 51

Imperial Avenue. It is noted that the north elevation of the neighbouring property features two rooflights to the first floor and two windows at ground floor. The plans approved in 2001 for that dwelling show that the ground floor windows serve a study and laundry room and the first floor windows serve a bedroom and a bathroom. Due to the separation distance and the single storey scale and positioning of the proposed dwelling, it is considered that the proposed bungalow would not cause a loss of light to the neighbouring property or result in harm by way of loss of privacy or outlook to an extent that would justify the refusal of the application on those grounds.

- 5.4.3 The proposed dwelling fronting Imperial Avenue would be positioned 13.6 metres from the rear elevation of 51 Imperial Avenue. Due to the separation distance and the single storey scale and positioning of the proposed dwelling, it is considered that the proposed bungalow would not cause a loss of light to the neighbouring property or result in harm by way of loss of privacy or outlook.
- 5.4.4 The neighbouring properties of 3 Marine Parade and 53 Imperial Avenue to the north are located 10.1 and 13.5 metres from the north elevations of the proposed dwellings. The main outlook for the neighbouring dwellings is to the west and east respectively and therefore, again due to the separation distances and the scale of the proposed dwellings, it is considered that the developments will not cause an unacceptable loss of light, privacy or outlook.
- 5.4.5 The access to 53 Imperial Avenue runs adjacent to the west boundary of the application site, separating 55 Imperial Avenue from that boundary. The neighbouring dwelling to the west is therefore 5 metres from the proposed garage and 9 metres from the proposed dwelling. The proposal would therefore not cause harm to the amenities of that property for similar reasons as set out above. Likewise, other properties further to the south and east would not be harmfully affected by the proposed development.
- 5.4.6 Therefore, it is not considered that the dwelling would cause harm to the amenities of the existing neighbouring occupiers.

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 Each dwelling would have an access to the public highway and the proposed accessed have been found acceptable by the Highway Authority. The access from Marine Parade is an existing access.

- 5.5.4 Each dwelling would be served by garages and hardstanding that would be more than adequate to enable the parking of more than 2 cars at each site. It is therefore considered that the provision of parking can be found acceptable and would not lead to on-street parking that would detract from highway safety.
- 5.5.5 The existing dwelling already has access from the Imperial Avenue frontage and space to park at least three cars. The proposal would therefore not cause that dwelling to have inadequate parking provision.
- 5.5.6 The use of the proposed accesses and parking areas would not cause unacceptable levels of disturbance to neighbouring residents.

5.6 Private Amenity Space and Landscaping

- 5.6.1. Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted 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 proposed dwellings would be served by amenity areas measuring 190 and 195 square metres. The existing dwelling would retain an amenity area measuring 152 square metres. The proposal would therefore comply with the abovementioned policies.

6. ANY RELEVANT SITE HISTORY

- 6.1 A bungalow was proposed on a small parcel of land to the west of 51 Imperial Avenue under the terms of application **FUL/MAL/10/00409**. That application was refused.
- 6.2 A 6ft fence was approved at the rear boundary of 51 Imperial Avenue under the terms of application **FUL/MAL/01/00931**.
- 6.3 Application **FUL/MAL/01/00931** sought the retention of two roof lights in the north elevation of 51 Imperial Avenue contrary to a condition of **FUL/MAL/98/0057**. That application was approved.
- 6.4 **FUL/MAL/98/00571** was approved to allow a three bedroom single storey dwelling at 51 Imperial Avenue.
- 6.5 A bungalow on land adjoining Longmead was approved under the terms of application **FUL/MAL/95/00144**.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority	No objection subject to the imposition of conditions.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection, subject to conditions regarding surface water and foul drainage.	Comments noted and condition imposed.
Tree Officer	No comments at the time of writing the report.	

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Two letters of **objection** have been received from the following objectors:

Derek Alfred Banks, 3 Marine Parade, Maylandsea
E T Mann & T M Mann, 53 Imperial Avenue, Mayland.

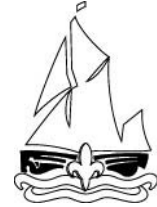
Objection Comment	Officer Response
Dormers have been included to enable future conversion of the roofspace. This would cause overlooking.	No dormers are proposed. There is a gable end, but this does not include windows. A condition could have been used to remove permitted development rights for the addition of dormers/rooflights at a later date, but it is considered that this is not necessary in this instance due to the relationship between existing and proposed dwellings.

8. **PROPOSED CONDITIONS**

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 546/01, 546/02, 546/03, 546/04A, 546/05A, 546/06A and 546/07A
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 No development shall take place until details of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 No development shall take place until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 5 The development hereby permitted shall not be occupied until details of the vehicle parking, including any parking spaces for the mobility impaired, have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and the vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework, policies D1 and T2 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
 - Measures to control the emission of dust, noise and dirt during construction
 - Hours and days of construction operations.
- REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not

- brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan.
- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.
REASON: To ensure that loose materials are not brought onto the highway in the interests of highway safety in accordance policies D1 and T2 of the Local Development Plan.
- 8 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 9 Prior to the commencement of the development details of the surface water and foul water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation of the development.
REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.
- 10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any act or order revoking and re-enacting that Order) the building hereby permitted shall not be extended in any manner whatsoever or have outbuildings of any type added without the prior receipt of express specific planning permission in writing from the Local Planning Authority.
REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	OUT/MAL/18/00277
Location	Land West Of Mill House, Mill End, Bradwell-On-Sea, Essex
Proposal	Rescinding of the lawful use of the single dwelling known as The Annexe and the construction of a replacement dwelling in relocated position.
Applicant	Mr Adrian Knight
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	02/05/18
Case Officer	Anna Tastsoglou TEL: 01621 875741
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Member Call In The item has been called in by Cllr Dewick on the grounds of public interest.

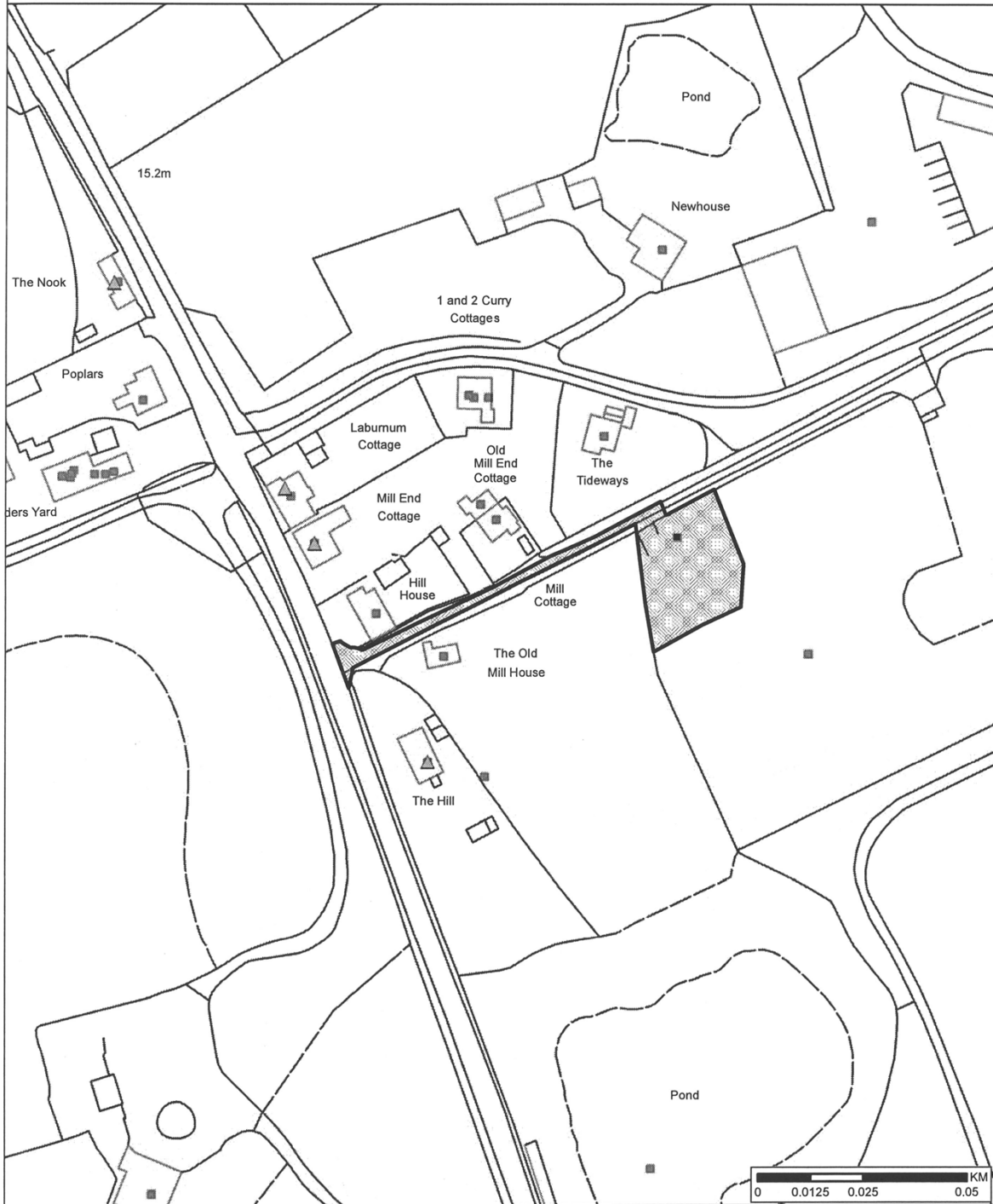
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Land West Of Mill House Mill End Bradwell On Sea
FUL/MAL/18/00277



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee
	Date:	08/05/2018
www.maldon.gov.uk	MSA Number:	100018588

3 Summary

3.1 Application Site

- 3.1.1 The application site is located in a rural setting on the southern side of Mill End which is a private road located outside of the settlement boundary of Bradwell-On-Sea.
- 3.1.2 The main part of the application site measures approximately 775 square metres in area, with a frontage width of 20 metres and a depth of 31 metres. This part of the application site currently forms part of the amenity space serving Mill House and is grassed with some tree coverage. The application site also includes the private road which extends to the west of the main part of the site and would provide access onto the public highway.
- 3.1.3 For reasons that will be set out below, it is relevant to note that the land edge blue (i.e. other land that is within the applicant's control) as shown on the Location Plan (Drawing Number 1117/01) includes Mill House and The Annex. Other plans have been submitted (1117/02 and 1117/03) which include The Annexe (spelt differently) with red hatching, but it is noted that these plans are both labelled as being 'Illustrative Only.' It is therefore the case that most weight is to be attached to the Location Plan (1117/0).
- 3.1.4 Mill House is a two storey dwelling that appears to have existed at the site for a substantial period of time. The Annexe is a part two storey, part single storey building that benefits from a Certificate of Lawfulness for its existing use as a dwellinghouse due to the approval of application LDE/MAL/16/01491.

3.2 Proposal

- 3.2.1 Outline planning permission is sought, with all matters reserved, for the erection of a dwelling at the application site. The application form indicates that the dwelling would be a two bedroom dwelling, but as all matters are reserved, there are no details available in relation to the layout, scale, appearance or landscaping of the proposed development. The indicatively submitted plan shows a building with a footprint of approximately 150 square metres, a parking area to the north west that would provide parking and turning facilities and an amenity area to the south that would measure approximately 279 square metres.
- 3.2.2 Access is also a reserved matter, but due to the shape of the application site and its relationship to the public highway, the means of accessing the site can be assumed with some confidence.
- 3.2.3 The premise of the application is that the lawful use of the existing dwellinghouse known as The Annex would be rescinded in favour of the occupation of the proposed dwelling. It is however relevant to note that The Annexe is not within the relevant application site and that the proposal only relates to the rescinding of the use of that building, not its demolition. As the lawful use is now as a dwellinghouse, its use would not automatically revert to its previous use and originally approved use as cartlodge/storage building to be used in associated with the adjacent dwelling of Mill House. No permissions are in place to change the use of The Annexe.

- 3.2.4 The applicant has submitted the draft heads of terms for a potential Section 106 agreement which sets out that the lawful development certificate would be rescinded and The Annexe would be stripped of all facilities and returned to use as a cartlodge and storage building. However, as set out above, no permissions are in place to convert the established dwelling to a cartlodge.
- 3.2.5 This application follows the refusal of application 17/01090. That application appears to have been identical to this application and was refused for the following reasons:
- 1 The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the National Planning Policy Framework.
 - 2 The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies S8, D1 and H4 of the Maldon District Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.

3.3. Conclusion

- 3.3.1 The proposed development would represent the erection of a new dwelling in the countryside which is considered to constitute an unsustainable form of development with an inherent visual impact on the countryside. The harm identified by the proposal is not mitigated by any other considerations and cannot be construed as a replacement dwelling. The proposal is therefore contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (MDLDP) and the 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:

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

- 29-41- Promoting sustainable transport
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1– Sustainable Transport
- Policy T2 – Accessibility

4.3 **Relevant Planning Guidance / Documents:**

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

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

5.1.1 The Council is required to determine planning applications in accordance with its approved Development Plan unless material considerations indicate otherwise [Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990) and paragraph 196 of the NPPF].

5.1.2 The site lies well outside the defined settlement boundaries of Bradwell-on-Sea and is therefore considered to be in a countryside location for the purposes of planning policies.

5.1.3 Policy S1 of the MDLDP states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*

- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*

- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*

5.1.5 Policies S1 and S2, Policy S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.6 The abovementioned policies are in compliance with the NPPF which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise. None of the stated special circumstances are applicable to this case.

5.1.7 The applicant is proposing that if the proposed dwelling is approved, the residential use of The Annexe would be rescinded. However, as set out above, the applicant does not go as far as stating that the existing building would be demolished and as such it is not considered that the proposal can be construed as a replacement dwelling. It would be an alternative dwelling, with the existing dwelling being put to use as a cartlodge/storage building. However, the existing building would not be removed and it is therefore the case that the proposed dwelling would not be a replacement building. Two buildings would be retained at the site; therefore, the proposal would result in additional built form in the countryside.

5.1.8 As discussed above, it is considered relevant that The Annexe is spelt differently and excluded from certain plans. Whilst it is trusted that this is purely a matter of drafting, this would present issues about the drafting of conditions and require that particular care and attention is paid to secure the rescinding that is suggested.

5.1.9 It is also important to reiterate that rescinding the use of The Annexe would not automatically put the building to a new use. Planning permission is likely to be required for the change of use of that building and this cannot be granted through the imposition of a condition or a Section 106 agreement. As such the suggestion that the use would be rescinded represents a somewhat hollow offering.

5.1.10 Policy H4 allows for the erection of replacement dwellings subject to the following criteria:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting; and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

5.1.11 Through the recent granting of a Certificate of Lawfulness, it is considered that the proposal would comply with criteria 1) and 2). Moreover, the existing building is not worthy of retention and therefore the proposal would comply with criteria 3). Given the outline nature of the proposal, it is not possible to assess the proposal in relation to criteria 5)

5.1.12 An assessment in relation to criteria 4 and 6 will be undertaken below. However, this is a largely moot point as, for the reasons set out above, it is not considered that the proposal can be considered to be a replacement dwelling.

5.1.13 As it is not considered that policy H4 is applicable, the dwelling has to be assessed as a new dwelling in the countryside. As noted above the site is located outside the settlement boundaries, approximately 1.3 metres away from the settlement boundary of Bradwell-on-Sea, which is the nearest village to the application site. The nearest bus stop from the site is located in reasonably close proximity to the site being at St Peter's Court. However, the bus stop only has infrequent links with main employment opportunities areas or areas providing local services and amenities and is not accessible by footpath. It is therefore considered that the day-to-day requirements of occupants to use services and facilities which are only available within settlements would primarily be achieved through the use of private vehicle.

5.1.14 In light of the above assessment, it is considered that the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*". This is reflected in policies T1 and T2 of the MDLDP. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the local development plan.

5.1.15 The Council has an up-to-date development plan which will generally deliver housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs

targets without recourse to allowing development which would otherwise be unacceptable.

- 5.1.16 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and guidance.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 5.2.3 Paragraph 64 also states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 5.2.4 This principle of good quality design is reflected in the approved MDLDP. The basis of policy D1 of the approved MDLDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.5 It should be also noted that policies S2 and S8 seek to avoid new development outside defined development boundaries, with policy S8 stating that development will only be approved *“where the intrinsic character and beauty of the countryside is not adversely impacted upon”*. Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.
- 5.2.6 The proposed dwelling would be located outside the defined settlement boundaries and by reason of its sitting would appear entirely at odds and out of keeping with the rural and open character of the area. In terms of the siting and layout of the proposed

dwelling, it would appear remote from the four existing dwellings to the south. This would be harmful to the distinctive character of the area and it would have an unacceptable impact on its surrounding.

- 5.2.7 This is an outline application and all matters are reserved for future consideration. All that is before the Council is an indicative site plan which shows the footprint and siting of the proposed dwelling, with a parking area to the front and area of private amenity space to the rear. Reserved matters would need to be submitted, if outline approval was to be granted, and detailed matters of layout, design and access would be dealt with at that stage.
- 5.2.8 Mill End accommodates a handful of dwellings, set within varying sized plots. It is a heavily vegetated and well treed area which adds to the rural setting. The application site currently forms part of the private amenity space for Mill House, it is considered to add to the rural countryside setting as it is bounded by trees and vegetation along the front boundary and accommodates no structures or residential paraphernalia.
- 5.2.9 The proposal would result in an encroachment and visual intrusion of built form into the open landscape which currently contributes to the rural character and appearance of the streetscene. The proposed development is considered to result in consolidation of the urban form eroding the rural character of the locality.
- 5.2.10 Whilst it is noted that it is proposed to rescind the lawful use of the single dwellinghouse 'The Annexe' and notwithstanding the fact this building is outside of the application site and therefore the proposal cannot represent a replacement dwelling; it not considered that the buildings would be comparable in terms of visual impact. 'The Annexe' is set within close proximity to the 'Mill House' and is considered to appear as an ancillary building. However, the proposed dwelling would be set around 100m from the 'Mill House' appearing isolated in comparison. Therefore, even if it is considered as a replacement dwelling, it is considered that the positioning of the dwelling would have a materially greater impact on the countryside contrary to criteria 4) of policy H4 of the approved MDLDP.
- 5.2.11 The proposed development is therefore considered contrary to adopted policies S1, S8 and D1 of the MDLDP and guidance contained within the NPPF which protect the rural landscape of the district and require new development to positively enhance the amenity and landscape character of the area.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved MDLDP 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 Limited detail has been submitted in respect of this proposal, given its outline nature. Therefore it is not possible to fully assess the impact of the development on neighbouring amenity and this would be considered at the reserved matters stage should the application be approved. However, the closest neighbouring dwelling is located opposite the site in excess of 20m from the front boundary of the application site. Therefore, it is not considered that the proposed development is likely to result in

a significant impact on the residential amenity of the occupiers of the neighbouring properties.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1, H4 and T2 of the approved MDLDP 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 Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising three bedrooms require a maximum of two off-street parking spaces.
- 5.4.3 The Highway Authority have assessed the proposal and raised no objection subject to a number of conditions. It is considered that these conditions would be able to be complied with and therefore imposing those restrictions on an outline permission would not be unreasonable. From this basis, noting that the matter of access is reserved, it is considered that no objection should be raised to the application on the grounds of highway safety, access or parking provision.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved MDLDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 These issues would be dealt with in detail by way of reserved matters submissions should the application be approved. However, the indicative site plan shows a private amenity area of 279m², which is in excess of the recommended standard.

5.6 Other Material Considerations

- 5.6.1 If approved, matters relating to surface and foul water drainage could be addressed through the imposition of conditions.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/17/01090** - Rescinding of the lawful use of the single dwelling known as The Annexe and the construction of a replacement dwelling in relocated position. Refused.
- **LDE/MAL/16/01491** - Claim for lawful development certificate for existing use for the continued use of "The Annexe" as a single dwelling unit separate from the main house at Mill House, Mill End, Bradwell on Sea, Essex, CM0 7HL. Approved.

- **FUL/MAL/06/00429** - Change of use of land to residential dog training/behavioural centre and erection of kennel building in connection with dog training centre. Approved.
- **FUL/MAL/05/01036** - Change of use of land to residential dog training/behavioural centre and erection of kennel building in connection with dog training centre. Withdrawn.
- **FUL/MAL/04/00305** - Demolition of two storey dwelling house and erection of a detached bungalow. Refused.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Bradwell-on-Sea Parish Council	Objection on the grounds of overdevelopment, no sustainable reason for demolishing the existing dwelling, the new character of the building and the contrast with the existing buildings.	Comments Noted and discussed where relevant above.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority	No objection subject to the imposition of conditions.	Noted and discussed above.

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

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Please refer to relevant paragraphs 5.6.1 of the report

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

7.4.1 No representations have been received by the Local Planning Authority.

8. REASONS FOR REFUSAL

1. The development of this site for housing is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised and would therefore represent an unsustainable form of development. Furthermore, the poor sustainability credentials of the site and its locality in combination with the fact that the location of the site would not encourage sustainable travel patterns would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Maldon District Local Development Plan policies S1, S8, D1, H4, T1 and T2 of the and guidance contained within the National Planning Policy Framework.

2. The introduction of a residential dwelling and associated paraphernalia on the site would represent the inappropriate urbanisation of the site and would have a harmful impact on the rural and open character of the area. The proposal is therefore considered to result in demonstrable harm to the character and appearance of the locality contrary to policies S8, D1 and H4 of the Maldon District Local Development Plan as well as the principles and guidance contained within the National Planning Policy Framework.



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00280
Location	Land North West Of Riversleigh, Nipsells Chase, Mayland, Essex
Proposal	Construction of an apple storage barn
Applicant	Mr Kenneth Paton & Susan White
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Decision Date	15 th May 2018
Case Officer	Anna Tastsoglou TEL: 01621 875741
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. RECOMMENDATION


REFUSE for the following reason (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Land North West Of Riversleigh Nipsells Chase Mayland
FUL/MAL/18/00280



 <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:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee
	Date:	08/05/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application is located on the western side of Nipsells Chase within a rural area outside the defined settlement boundaries and it is a designated wildlife site. The site currently forms an open green land, with a number of trees. It is known that the site until 1970s was an established orchard. The land was recently cleared of almost all trees and is now mostly grassed over.
- 3.1.2 At present there are a number of young trees planted on the site, which according to the applicant are two years old trees. The site forms a parcel of land on the southwest corner of a larger site owned by the applicant and measures approximately 0.61 hectares. Access to the site is proposed to be taken off of Nipsells Chase.
- 3.1.3 The surrounding area of the application site is largely undeveloped. There are some examples of dwellings to the north and south of the application site; however, the wider area appears to be used for agricultural purposes. To the west the application site abuts a woodland site.
- 3.1.4 Planning permission is sought for the erection of a barn. The barn would be of a T-shape and it would measure a maximum of 19m wide, 10.6m deep, 2.3m high to the eaves, with a maximum height of 4.4m. The applicant has stated that the barn will be used for storage of apples.
- 3.1.5 Internally the barn would accommodate an apple store, an office space and apple preparation area, an implement store, a smaller store and a shower/WC. Externally the proposed development is proposed to be finished in timber windows and doors, pantiles to the roof and the external elevations would be finished in timber weather boarding.
- 3.1.6 The application is supported by a Design and Access Statement which states that the proposed barn is required for the storage and preparation of fruit grown and produced onsite, within the Paton Place Orchard. An ancillary store has been shown on the submitted plans.
- 3.1.7 The site is proposed to be accessed off of Nipsells Chase traversing the land owned by the applicant.

3.2 Conclusion

- 3.2.1 Having taken all material planning consideration into account, it is considered that the development would not be acceptable in principle, given that the proposal would have a substantial and harmful visual impact on the open countryside that has not been adequately justified and would not be off-set by the benefits of supporting an established agricultural enterprise. Whilst the proposal is acceptable in all other respects, it is considered that the development is contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan (MDLDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- E4 Agricultural and Rural Diversification
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.1.2 The application site lies beyond the designated settlement boundaries, in a rural area and policies S1 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value

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

- 5.1.3 Given that the application site is located outside the settlement boundaries, it should be demonstrated that there is no adverse impact from the development upon the intrinsic character of the countryside. The impact of the proposed storage building on the appearance and character of the area is fully assessed below on the relevant 'Design and Impact on the Character of the Area' Section.
- 5.1.4 Policy S8 of the LDP includes a number of acceptable uses within the countryside, including agriculture and forestry and related development; however, this is only when the landscape, natural resources and ecological value of the countryside is protected and when the development is in accordance with policy E4.
- 5.1.5 Policy E4 states that *"The Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where:*
- 1) There is a justifiable and functional need for the building/activity;*
 - 2) The function of the proposed building/activity is directly linked, and ancillary to, the existing use; and*
 - 3) The building / activity could not reasonably be located in existing towns, villages or allocated employment areas."*
- 5.1.6 A Design and Access Statement has been submitted with the application which states that the purpose of the proposed building is for the storage and preparation of fruit grown within the application site. The statement also confirms that 45 trees are currently planted on site, which are 2 years old. Together with the application an apple tree guide has been submitted which suggests that crops can be expected between 2 to 4 years after planting and that the estimated yield is between 90-120lbs per tree (1.5 to 2 bushels per tree). Taking into account the age of the trees, their limited number and also the limited estimated yield, it is considered the size of the proposed barn (160sqm) has not been justified. Whilst it is accepted that the applicant proposes to prepare juice from the apples and an invoice has been submitted demonstrating the purchase of some related machinery, including an electric apple mill, a pasteuriser and a juice extractor, it is noted that the size of the purchased machinery is modest to justify the need of such a large sized barn. It is therefore considered that even once expanded upon, the agricultural use would be a relatively small-scale operation rather than an extensive agricultural trade or business and it has not been justified why the development cannot be located in existing towns, villages or allocated employment areas. In line with the abovementioned policy it is considered that the principle of erecting a building to support agriculture can be supported, however, the scale and form of the building should be functional and proportionate to the justification for the building. In this instance it is considered that the justification is limited and the site area of 0.61 hectares, including 45 fruit trees, would not enable an operation to occur that would require a building of the size proposed. Whilst it is not disputed that the future use of the building could be controlled through the imposition of conditions, it will be set out further below that the scale of the building and its visual impact is substantial and this therefore far exceeds the agricultural functions of the site. The proposal is therefore considered to be contrary to the abovementioned policies.

5.1.7 Other material consideration relating to the impact of the development on the amenity of the neighbouring occupiers, highways issues and impact on the landscape are assessed 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 basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

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

5.2.4 The NPPF states that:

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

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

5.2.5 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:-

- 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.

- 5.2.6 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).
- 5.2.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.8 The application site is located outside the defined settlement boundaries within a rural and undeveloped context. There are a couple of examples of buildings to the north and south of the application site; however, these are in a distance away from the application site, with the nearest being around 106m away (Riversleigh).
- 5.2.9 Although the site is located away from Nipsells Chase, the hedgerow along Nipsells Chase has been trimmed to a low height and therefore, the site is visible from a long distance. Furthermore, the majority of the trees within the applicant's ownership have been removed and the site and wider area are now mainly flat and grassed over. It is therefore considered that the visual impact of the building, due to the openness of the landscape and the size of the building, would be significant.
- 5.2.10 It is acceptable that agricultural buildings are common in the countryside. However, it is necessary to consider the impact of the development on the area.
- 5.2.11 The proposed building is of a relatively large scale and the proposal would result in an imposing building that would demonstrably change the character and appearance of the area as it would represent a substantial intrusion of the built development in the countryside. Therefore, it is necessary to consider the benefits of the proposal against the harm. There is little information submitted as part of the application as to how the building would be used in connection with the new enterprise, why the building (including the various separate components) is at such a large scale and about the enterprise generally. The supporting document indicates that it is intended to produce apple juice on site. However, it is possible that if this was the primary use of the building that the barn would fall within class B2 of the use class order. It is considered that this lack of detail and clarity weighs against the proposal.
- 5.2.12 With regard to the design of the building, it is considered that as proposed, including the level of fenestration proposed, it would not be representative of an agricultural building. To the contrary it could be argued that its overall appearance reflects more a residential rather than an agricultural building, given the high level of glazing and overall design. This would further weigh against the proposal, as it would result in a form of development that does not reflect its proposed function or the rural character, but rather results in an alien form of development. It is therefore, considered that this exacerbates the harm highlighted above.
- 5.2.13 Concerns have been also raised from the Countryside Officer regarding the impact on the development onto the open countryside and on what is still a designated Local Wildlife Site without sufficient justification demonstrating the need of such a large

building. In particular it is noted that most build element in the landscape are located in close proximity to Nipsells Chase and therefore, in landscape terms this building is inappropriately located. A response has been received by the applicant stating that there are remains of large agricultural and residential building at similar locations away from the main access road and that a brick stable block is located in close proximity to the south of the application site. It is noted that limited weight can be afforded to this argument, given that at present and since 2000 there are no buildings in the area that has been indicated by the applicant and also the stable block appears to be within the curtilage of the dwellinghouse known as Riversleigh.

- 5.2.14 In light of the above, the development would have a significant detrimental impact upon the appearance and intrinsic character of the countryside. The visual impact is not considered to have been off-set or justified by the benefits of supporting agricultural practices.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policies D1 and H4 of the approved LDP seek 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 proposed development would use an existing vehicular crossover onto Nipsells Chase and a new service road would need to be formed within the applicant's ownership land to given access to the site. Once the business is established, it may result in increased levels of activity; however, taking into account the small size of the agricultural land that it would be related to, on balance, it is not considered that the proposed development would have a materially harmful impact on the residential amenity of the neighbours, in terms of noise and disturbance.
- 5.3.3 As noted above, the development would be located a significant distance away from any other neighbouring residential dwelling. The nearest dwelling to the development is Riversleigh and it is located 100m away from the application site, therefore, it is not considered that the development would have any detrimental impact on the residential amenity of the nearby neighbours, in terms of loss of light, domination or sense of enclosure.
- 5.3.4 The application site is surrounded by open fields and as such, there would be no greater impact on residential amenity.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.

- 5.4.2 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 proposed development would be used for purposes in association with an agricultural use and therefore, there are no set requirements for parking provision.
- 5.4.4 The site would be accessed via a new vehicular access which will be formed within the applicant's land off of Nipsells Chase. The Highways Authority has been consulted and raised no objection to the proposed development.

5.5 Ecology

- 5.5.1 The site is a designated local Wildlife Site it would therefore be regarded as a 'sensitive site' where there is clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within policy N2 of the LDP which states that *"All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance"*.
- 5.5.2 For that reason, the applicant has submitted an a Phase 1 Habitat Survey, concluding the land which was recently cleared from the majority of the trees, is classified as improved grassland, having low ecological value, with the exception of some retained trees, which are of relatively elevated value in the context of the site and the new trees which are likely to increase in value as they mature. In terms of fauna the site is considered to be of limited value, although it is likely to support Great Crested Newts in their terrestrial phase, whilst reptile species may have colonised following removal of scrub and a typical range of breeding birds are likely to be present. Natural England and the Council's Coast and Countryside Officer have been consulted and raised no objection to the proposed development in terms of its impact on the ecological assets and the wildlife.

6. ANY RELEVANT SITE HISTORY

- 6.1 **FUL/MAL/17/00736**– Proposed construction of a new detached single storey dwelling. Application withdrawn.
- 6.2 **AGR/MAL/17/01043** – Prior notification for permeable hardstanding, with edging stones.. application refused 12.10.2017.
- 6.3 **DD/MAL/17/01060** – T1 - Elm - Fell. T2 - Wild Pear - Fell. T3 - Wild Pear - Fell. Can works proceed under 5 day D&D (5 Day Notice). Approved 16.10.2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	<p>Object to the application for the following reasons:</p> <ul style="list-style-type: none"> -Materials used for apple preparation area not suitable for drink production. -Washdown of preparation area would be required -Office space open to preparation area -Only one entrance to store area and prep area. - No means of escape for staff. no fire escape. - Entrance to store is not off hardstanding area - Cross contamination of fruits and nuts could be anise. -No ventilation in store, office and preparation area. -Layout of preparation area not defined. Equipment, sinks, fermentation area etc Small fermenter vessel size would suggest that many more would be required. -Access to hard standing from north, existing site has a southern entrance which would be more suitable. -Such a small building could affect the sustainability of cider production from info given. -No info on how equipment is to be sterilised, chemical or steam. 	<p>Comments noted; however, the majority of the comment relate to the business itself and are not material planning considerations.</p>

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority	No objection.	Noted.
Natural England	No objection.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Comment noted.
Countryside and Coast Officer	Objection raised, due to the unjustifiable impact of the development on the landscape.	Comment noted.

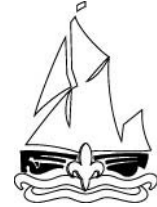
7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No representations were received for this application:

8. REASON FOR REFUSAL

- 1 The proposed development, by virtue of the scale, design and siting of the building within the open countryside, would cause substantial harm to the rural character of the area that has not been adequately justified that is to the benefit of supporting an established agricultural business. The proposal is therefore unacceptable and contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

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

to
**SOUTH EASTERN PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00285
Location	Casimir 134 Imperial Avenue Mayland
Proposal	Replacement Bungalow
Applicant	Mr D Cottee
Agent	Mr Mel Bajic – Iconico Ltd
Target Decision Date	EOT: 25.05.2018
Case Officer	Devan Lawson TEL:01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In Cllr Helm Reason: Public Interest

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Casimir 134 Imperial Avenue Mayland
FUL/MAL/18/00285



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	<p>www.maldon.gov.uk</p>	<p>Organisation: Maldon District Council</p>
	<p>Department: Department</p>	
	<p>Comments: SE Committee</p>	
	<p>Date: 08/05/2018</p>	
	<p>MSA Number: 100018588</p>	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Imperial Avenue, within the settlement boundary of Mayland. The site is occupied by a single storey, detached bungalow with a detached garage. The surrounding area is typically residential in nature, with an eclectic mix of dwellings ranging from one storey bungalows to three storey dwellings.
- 3.1.2 Planning permission is sought for a replacement bungalow with an integral garage. The proposed bungalow would have a maximum height of 5.6m, a width of 15.8m and a maximum depth of 16m, inclusive of the integral garage which will project 3m from the principal elevation. It will be constructed from red bricks and off white render which is not dissimilar to the existing. The windows and doors will be grey aluminum with the exception of the front entrance door which will be composite grey. The roof tiles will be composite slate in a dark grey colour which varies to the existing concrete tiles.
- 3.1.3 In terms of boundary treatments the existing hedges at the site are to be retained.

3.2 Conclusion

- 3.2.1 The proposal would replace a single bungalow with a three bedroom bungalow within the settlement limits for Mayland. The proposal would not substantially harm the character of the area or the amenities of neighbouring residents. Furthermore, the proposal provides sufficient car parking and amenity space at the site and is therefore considered to be in accordance with policies S1, D1, H4 and T2 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:

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

4.2 Maldon District Local Development Plan 2017:

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle of constructing a replacement dwelling is considered acceptable under Policy H4 of the approved LDP which states that planning permission for the replacement of an existing dwelling with a new dwelling will only be granted if:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting; and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

It is considered that the residential use of the dwelling has not been abandoned and the original structure is not temporary. Therefore, the principle of constructing a replacement of the dwelling at the site is considered acceptable. Other material considerations relating to points 3-6 will be 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 seek 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:

5.2.3 “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”.

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

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

5.2.5 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)..

5.2.6 The existing dwelling on site measures 10.7 metres in width, a maximum depth of 11.2 metres and a height of 4.8 metres. It is a single storey bungalow, with a detached garage, set in a generously sized plot. The proposed development would result in a larger property, but it would still be single storey with a height of 5.6 metres. The proposal would be in a similar position as the existing dwelling on site but with a larger footprint.

5.2.7 The existing bungalow on site is considered to make a limited contribution to the character and appearance of the area and is therefore, not considered to be worthy of retention. Although it is one of the few remaining bungalows within this area of Imperial Avenue, the proposed replacement dwelling would be single storey and constructed from similar materials to the existing dwelling which would prevent the erosion of the character of the site.

5.2.8 The streetscene is made up of an eclectic mix of properties which have varying scales and designs all set in similar sized plots. The application site is situated within a row of three detached single storey properties. However, each has an individual style. Therefore, given that the proposed replacement dwelling would be single storey in nature, it is proportionate in relation to the plot size and is of a typical design for a property of its type. Whilst the design of the new dwelling is considered to be of no specific architectural merit it is considered that the design would be in keeping with the surrounding area to an acceptable degree.

5.2.9 The proposed dwelling would have a maximum height of 5.6m, which is 0.8m greater in height than No.132 Imperial Avenue to the east of the site. However, as previously noted, the dwellings within the streetscene are varied in height, for example Nos. 97 and 97a opposite the site are three storey and No. 130 is two storey. Therefore, the differing ridge height in comparison to the neighboring dwellings would not detrimentally harm the character of the streetscene.

5.2.10 It is noted that the proposed garage will project 3m from the principal elevation of the property, which will be 0.5m forward of the neighbouring property to the east. However, the building line within the streetscene is varied and the proposal would not project beyond the building line of properties Nos. 112 – 106 Imperial Avenue.

Therefore, it is not considered that the forward projection would disrupt the prevailing pattern of development and cause material harm to the character of the area.

- 5.2.11 The proposed brick plinth with white render above and slate roof tiles is in keeping with the materials used on other dwellings within the streetscene and so would not appear out of character with the surrounding area. The proposed aluminum windows and doors are considered to be a modern addition. However, given the differing styles within the streetscene it is not considered to result in material harm to the appearance of the area.
- 5.2.12 The proposal will not involve the loss of any important landscape features, heritage features or ecological interests. The retention of the existing hedgerows to the site will ensure that a soft edge to the site is maintained and will preserve the character of the area. From the site plan it appears that the existing driveway and grass area will be retained and the application form states that a permeable material will be used for the driveway. However, to ensure that the soft and hardscaping proposed is acceptable in relation to the surrounding area a condition should be applied requesting these details.
- 5.2.13 The proposed replacement bungalow is considered to be of an appropriate scale and bulk in relation to the plot and is of a style and design which is in keeping with the character and appearance of the surrounding area to an acceptable degree, in accordance with policies S1, D1 and H4 of the approved 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 MDDG (2017).
- 5.3.2 The proposed property would be situated 1.2m from the boundary shared with No.136 Imperial Avenue to the west and 1.5m from the eastern boundary shared with No. 132 Imperial Avenue. Given the single storey nature of the dwelling, the lack of any windows in the side elevation of No. 132 Imperial Avenue and the dense mature hedgerow separating the application site and No. 136, it is not considered that the proposal would result in any increased overlooking or loss of privacy.
- 5.3.3 The proposal would extend 4.3m forward of No. 132 Imperial Avenue and 1m beyond the rear elevation. However, given the orientation of the dwelling and that it is single storey it is not considered to result in an unacceptable loss of light to the rear of No.132. Furthermore, as shown on plan 'site plan' the 45° line would not extend beyond the centre line of the window to the front of No.132 Imperial Avenue, this is also the same when carrying out the test in elevation. Therefore, it is not considered that there would be an unacceptable loss of light to the front of No. 132 Imperial Avenue.
- 5.3.4 It is therefore, considered that the development would not have a detrimental impact on the amenity of the adjoining neighbours to the south by way of being overbearing and visually dominant, contrary to policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 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 proposed bungalow will have three bedrooms. The Vehicle Parking Standards state that a three bedroom dwelling should provide 2 parking spaces. The proposed garage has space to park one vehicle and there is space for one car within the driveway of the site. Therefore there is no objection in regards to car parking provision.
- 5.4.4 It is not that the Highway Authority supports the application subject to the conditions. The condition requiring the provision of cycle storage is not considered to meet the 6 tests defined within the NPPF as there is sufficient space to store bicycles in the garage of the dwelling and the site is within the defined settlement boundary which is considered a sustainable location.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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.
- 5.5.2 Whilst the proposed development proposes the loss of some amenity space the remaining would still be in excess of the standard and therefore complies with D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

None

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Mayland Parish Council	The roof height is over and	Please see section 4.2

Agenda Item no. **8**

Name of Internal Consultee	Comment	Officer Response
	above the neighbouring properties Parking might be restricted	Please see section 4.4
Environmental Health	No objection subject to conditions	Noted.

7.2 External and Statutory Consultees

Name of Internal Consultee	Comment	Officer Response
Highway Authority	No objection subject to conditions	Please see section 4.4

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 shall be carried out in accordance with the following approved plans and documents: Drawings: location plan, existing elevations, proposed elevations, proposed floor plans, site plan.
REASON: To ensure that the development is implemented as applied for and to meet the requirements of policy D1 of the Maldon District Local Development Plan.
3. The external surfaces of the building(s) shall be constructed of the materials specified on plan Proposed Elevations and within the planning application.
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan
4. Details of the materials to be used for the hard surfacing of the site shall be submitted to and approved in writing by the local planning authority. 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.
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
5. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.
REASON: To protect the amenity of neighbouring occupiers in accordance with policies S1 and D1 of the Maldon District Local Development Plan

6. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

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

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure that the details of the proposal are satisfactory and will not increase the risk of surface water flooding in accordance with policy D5 of the approved Maldon District Local Development Plan.

7. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure that the details of the proposal are satisfactory and will not increase the risk of surface water flooding in accordance with policy D5 of the approved Maldon District Local Development Plan.

8. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T1 of the approved Maldon District Local Development Plan.

9. The garage(s) shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.

REASON: To ensure that alterations are not carried out which would deplete the provision of car parking facilities within the site, in accordance with policy T2 of the Local Development Plan.

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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00289
Location	29 East Avenue, Althorne
Proposal	Construction of platform, steps and additional paving. Installation of steplift and widen entrance door.
Applicant	Mr Robert Brett
Agent	Mrs C Dispirito – Home Improvements Team MDC
Target Decision Date	03.05.2018 (EOT 23.05.2018)
Case Officer	Devan Lawson Tel:01621 875845
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Council's own development proposals.

1. RECOMMENDATION


APPROVE subject to conditions set out in section 8 of this report.

2. SITE MAP

Please see overleaf.

29 East Avenue Althorne
FUL/MAL/18/00289



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee
	Date:	08/05/2018
MSA Number:	100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of East Avenue, outside of the defined settlement boundary, within Riverview Caravan Park, Fambridge Road, which has year round occupancy. The site is occupied by a mobile home.
- 3.1.2 Planning permission is sought to remove the existing steps on the northern elevation of the mobile home and to replace with a step lift and stairs. A platform is proposed at the top of the stairs/step lift and additional paving is proposed at ground level to provide access to the new stairs. It is also proposed to widen the entrance door to the mobile home.
- 3.1.3 The proposed platform will have an overall height of 0.6m, a width of 1.4m and a depth of 2.1m. The proposed stairs and steplift will be of the same height and will be 1m in width. The stairs will have a depth of 1m and the steplift will be 2m in depth.
- 3.1.4 The paving leading to the new stairs will be 1.2m in width and 1.8m in depth and the existing entrance doorway will be widened to 0.9m.
- 3.1.5 Planning permission is required for the proposed development as the property comprises a mobile home and therefore, has no permitted development rights.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its scale, bulk and siting would not harm the appearance or character of the application site or the surrounding area. In addition, the proposed development does not detrimentally impact on the car parking provision or private rear amenity space on site. It is therefore considered that the proposed development is in accordance with policies D1, D3 and H4 of the 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:

- 14 – Preservation in favour of Sustainable Development
- 17 - Core planning Principles
- 56 -58 – Requiring good design

4.2 Maldon District Local Development Plan:

- S1 – Sustainable Development

- S8 - Settlement Boundaries and Countryside
- D1 - Design Quality and Built Environment
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering residential accommodation to provide facilities in association with the existing use of the site is considered acceptable, in compliance 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 seek 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:
- 5.2.3 “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”.
- 5.2.4 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:-
- 5.2.5 Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;

- a) Height, size, scale, form, massing and proportion;
- b) Landscape setting, townscape setting and skylines;
- c) Layout, orientation, and density;
- d) Historic environment particularly in relation to designated and non-designated heritage assets;
- e) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- f) Energy and resource efficiency.

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

5.2.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.8 The proposed development would be located to the side of the mobile home and so would not be highly visible from within East Avenue. The only glimpses of the development would be between the application site and No.31 East Avenue. Therefore, the proposal is considered to have minimal impact on the character and appearance of the area.

5.2.9 Although the proposal will increase the level of hard standing on site, there is sufficient greenspace to the front of the site and next to the path. Therefore, it is not considered there would be an urbanising affect resulting from the development and so there would be no material harm to the application site, or the surrounding area in accordance with the Local Development Plan.

5.2.10 The widening of the entrance way would involve the replacement of the existing front door and glazing. Therefore, the proposal would not involve the overall widening of any openings to the side of the mobile home just the modification of the existing opening. Therefore, it is considered that the proposal is acceptable and is in accordance with polices S1, D1 and H4 of the Local Development Plan.

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 would be situated 1.4m from the boundary with No. 31 East Avenue. The neighbouring property has 3 windows situated adjacent to the development. However, given that there is already an existing access to the mobile home in this location, the nature of the development and its distance from the neighbouring

property it is not considered the development will result in any loss of privacy and will not have an overbearing impact on any neighbours. Therefore, the proposal is in accordance with policy D1 of the Local Development Plan.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposed development does not include the addition of any extra bedrooms and does not alter the car parking provision on site. Therefore, there is no objection to the proposal in terms of car parking.
- 5.4.3 The proposal will involve the addition of a steplift and widening of the doorway to the property which will result in improved and safer access for wheelchair users to the mobile home. Therefore, it is considered that the proposal is in accordance with Policy D1 of the Local Development Plan.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 50sq.m. of private amenity space for dwellings with two bedrooms.
- 5.5.2 The existing private amenity space on the site is below the recommended standard contained within the Essex Design Guide. The proposed development will result in a minor loss of the amenity space on the northern side of the site. However, it is not considered that the proposal would impact on the private amenity space to the rear. Furthermore, the benefit gained from the improved wheelchair access to the site, is considered to outweigh the harm caused by the minor loss of amenity space. Therefore, given the limited size of the development it is not considered that the minor loss of amenity space would result in a reason for refusal.

6. ANY RELEVANT SITE HISTORY

- 6.1 None

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Statutory Consultees

Name of Consultee	Comment	Officer Response
Althorne Parish Council	No response at the time of writing this report.	Noted

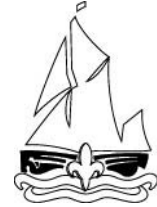
7.2 Other Interested Parties

7.2.1 No letters of representation were received at the time of writing this report.

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: ATS/559/01, ATS/559/02, ELEV. 1, ELEV. 2, ELEV. 3, ELEV. 4, EX 1, SK 2, SD02 Q, Overall Sites & Road View.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

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

to
**SOUTH EASTERN PLANNING COMMITTEE
21 MAY 2018**

Application Number	HOUSE/MAL/18/00308
Location	Windward, Sandpit Lane, Burnham-on-Crouch
Proposal	Resubmission of Application HOUSE/MAL/17/01444 for Side/front extension including cladding of existing dwelling. Replacement Garage and raise existing ground levels at rear including new 1.8m high close boarded fence to West & South boundaries.
Applicant	Mr and Mrs Swallow
Agent	Mr Kevin Green – Anglia Design Services
Target Decision Date	EOT: 25.05.2018
Case Officer	Devan Lawson TEL: 01621 875845
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In Cllr Pratt Reason: Public Interest

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

Windward Sandpit Lane Burnham On Crouch
HOUSE/MAL/18/00308



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	08/05/2018
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Sandpit Lane, within the settlement boundary of Burnham-on Crouch. The site is occupied by a single storey, detached bungalow. The surrounding area is typically residential in nature, with dwellings sited to the north, west and south of the site. To the east of the site lies an allotment garden.
- 3.1.2 Planning permission is sought to construct front and side extensions to the property and a replacement garage. The works will also include the cladding of the existing dwelling in weatherboard and the construction of a 1.8m closer boarded fence to the rear and south of the site. It is also proposed to raise an area of 92m² in the rear garden of the site by 1.2m to level the rear garden.
- 3.1.3 The proposed side and front extension would measure a maximum of 4.9m in height, 7.2m in depth and 3.5m in width. The extension would have a front gable which would project 0.6m forward of the principal elevation.
- 3.1.4 It is also proposed to construct a porch to the front of the dwelling. The porch would measure 1.9m in width and 1.1m in depth and it will have a maximum height of 3.4m.
- 3.1.5 The proposed garage would measure 2.7m in width 5.5m in depth and a maximum height of 3.8m to the top of the gable roof. The garage is currently an attached garage, situated on the northern elevation of the property. It is proposed to replace the garage a distance of 0.2m from the northern boundary, being detached from the dwelling.
- 3.1.6 It is proposed to clad the walls of the dwelling and garage in Marley Cedral weatherboarding in cream white. The roof will be constructed from interlocking concrete roof tiles and lead for the flat roof canopy. The windows will be UPvc and the doors painted hardwood.
- 3.1.7 The application represents a resubmission a previously refused application HOUSE/MAL/17/01444. That application was refused for the following reasons:
1. The proposal due to its siting and design would result in a dominant and incongruous form of development which would be materially at odds with the prevailing pattern of development within the vicinity. Furthermore, the proposal would introduce new architectural features to the dwelling and the surrounding area which would be materially harmful to the character and appearance of the dwelling and the locality. The proposal is therefore contrary to the criterion of approved policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide (2017) and the guidance and provision as contained within the National Planning Policy Framework.
 2. The proposed raising of the ground levels to the rear of the site by reason of the relationship with the adjacent dwelling to the south of the site would give rise to the perception of overlooking and result in a loss of privacy that would be an unneighbourly form of development. Therefore, the proposed

development would be contrary to policies D1 and H4 of the Local Development Plan and the guidance and provisions as contained within the NPPF.’

3.1.8 The most significant changes to the proposal from the previous application (HOUSE/MAL/17/01444) are:

- A flat roof canopy has been omitted from the front elevation
- The front gable projection projects 0.6m beyond the principal elevation opposed to 1.8m.
- A 1.8m close boarded fence is proposed on the southern elevation.

3.2 Conclusion

3.2.1 It is considered that, the raising of the ground level to the rear of the site combined with the addition of a 1.8m high fence on the southern boundary is considered to result in an overbearing and visually intrusive form of development to the detriment of the occupiers of the property to the south. Therefore, the proposal is contrary to Policy D1 of the Maldon Local Development Plan (LDP) and guidance contained with the Maldon District Design Guide (MDDG) and the National Planning Policy Framework (NPPF). Therefore, the previous reason for refusal has not been overcome.

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:

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

4.2 Maldon District Local Development Plan 2017:

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

4.3 Burnham-on-Crouch Neighbourhood Plan

- HO.8 Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide

- National Planning Policy Framework (NPPF)
- Maldon District Design Guidance

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, 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.

- 5.2.2 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 within 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.

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

- 5.2.5 The proposal is a revision of previously refused application (**HOUSE/MAL/17/0144**). Therefore, permission should only be granted if the previous reasons for refusal have been overcome. As shown above the previous application was refused planning permission for two reasons. In design terms it was refused because *‘The proposal due to its siting and design would result in a dominant and incongruous form of development which would be materially at odds with the prevailing pattern of development within the vicinity. Furthermore, the proposal would introduce new architectural features to the dwelling and the surrounding area which would be materially harmful to the character and appearance of the dwelling and the locality. The proposal is therefore contrary to the criterion of approved policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide (2017) and the guidance and provision as contained within the National Planning Policy Framework. ‘*

Front and Side Extension

- 5.2.6 The character and style of the dwellings within Sandpit Lane, varies with a mixture of single and two storey detached dwellings. Whilst the single storey dwellings mainly have simple pitched roofs, the two storey dwellings tend to have forward projecting gables on the principal elevations. On that basis and given the character of the area, the principle of a forward projecting gable would be in keeping with the surrounding area to an acceptable degree.

- 5.2.7 The front gable projection has been reduced in depth by 1.2m in comparison to the previous proposal, thereby reducing the extent to which the development projects beyond the principal elevation. It is noted that despite the reduction this element will still extend beyond the front elevations of the neighbouring properties to the north and south. However, it is noted that the dwellings towards the north of Sandpit Lane include forward projections and given the natural curve of the road to the east towards the end of the lane, the 0.6m gable projection proposed would not appear to extend beyond the building line. Therefore, although the proposal would be situated 0.3m away from the neighbouring boundary to the south, which would exacerbate the visual impact of the 0.6m projection, given the characteristics of the streetscene which includes dwellings which are situated on the boundaries and the presence of other front projections towards the north of the road, on balance, it is not considered that this part of the proposal would result in significant harm as to warrant a reason for refusal.

Porch

- 5.2.8 The proposed porch is considered to be of a typical style and design for residential development and is not considered to result in any material harm to the character and appearance of the area.

Garage

- 5.2.9 The existing garage, which is attached to the northern side of the dwelling will be demolished. The proposed garage is of some architectural merit and is of a typical design and style for a detached garage. Whilst it is noted that the proposed garage is located within close proximity to the neighbouring site (0.2m) given that it would be set back 7.1m from the highway and 3.7m from the neighbouring dwelling, it is not considered that it would have a dominant impact on the site or the surrounding area. Furthermore, the proposal is of an acceptable scale and bulk in comparison to the

dwelling. Therefore, it is not considered that the garage will result in material harm to the character and appearance of the area.

Materials

- 5.2.10 The existing dwelling is currently constructed from render and timber windows and doors. Given that there is a vast mix of materials within the streetscene and weatherboard is used on some properties, it is not considered that the use of cream coloured weatherboard would materially harm the character and appearance of the area.

Raising of the Ground

- 5.2.11 The raising of part of the rear garden by 1.2m to level the rear garden is not considered to cause harm to the character and appearance of the area, as the development would not be highly viewable from the streetscene and the development is considered to result in a minor change to the rear of the site.

Fence

- 5.2.12 The proposed 1.8m fence to the south and west elevations would be situated on top of a 1.15m retaining wall. However, given the resulting ground levels as part of the wider application the fence would only project 1.8m above ground level when viewed from the application site. Furthermore, the fence is situated to the rear of the site and so there are no views available from the public realm. Therefore, there are no objections in regards to the impact on the character and appearance of the area.

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 MDDG (2017).
- 5.3.2 The proposed extension will be located 0.3m from the boundary with the neighbouring property to the south. Although this is close to the neighbouring boundary, the property to the south does not have any windows on the northern elevation and the extension would not project beyond the rear of the existing dwelling of the neighbouring site. Furthermore, the proposal is single storey, whereas the neighbouring property is two storeys in height. Therefore, it is not considered that the proposed extensions would have an overbearing or overpowering impact on the neighbouring occupiers and nor would they result in a loss of light.
- 5.3.3 It is noted the proposal includes a high level window that serves a living room. The plans state that this will be obscure glazed. However, given the lack of windows on the northern elevation of the neighbouring property, it is not considered necessary to apply a condition in this respect as there is not an increase in overlooking to either occupier.
- 5.3.4 The garage will be situated 0.2m from the boundary with the neighbouring property to the north and will project 1m beyond the rear of the neighbouring property. Given that there are no windows proposed within the garage and no ground floor windows within the side elevation of the neighbouring property, it is not considered that there will be an increased loss of privacy. Furthermore, the proposal would have a height

of 3.8m which is not considered to be overbearing to the neighbouring occupiers, particularly as the development only extends 1m beyond the rear elevation. In addition, given the orientation of the dwellings it is also not considered that the proposal will result in detrimental overshadowing or loss of light.

- 5.3.5 The raising of the rear garden by 1.2m will increase the opportunity for overlooking into the rear garden of No.4 Arcadia Road, and the properties located to the north and south of the site. No.4 has a substantially sized rear garden that is screened from the application site by a dense row of vegetation and the proposed development would be located to the far end of the neighbouring garden. Furthermore, the dwelling in the neighbouring site is located to the south of the application site. Therefore, there are no direct views available into the dwelling at No.4 Arcadia Road.
- 5.3.6 The proposed fence will be sited 1.8m above the newly formed ground level at the rear and south of the application site. However, it is noted that the ground levels to the rear and south of the site drop by approximately 1.2m. Therefore, the fence would be situated 3m above ground level from No.4 Arcadia Road and Quantocks, Sandpit Lane. The development would be a significant distance from the neighbouring dwelling to the west (No.4 Arcadia Road) and the garden is of a significant size. Therefore, it is not considered that the development would be overbearing or overpowering to the occupiers of No.4 Arcadia Road.
- 5.3.7 The 1.8m fence proposed on the southern elevation of the site will reduce the levels of overlooking into Quantocks as a result of the raised ground levels (which was previously a concern). However, given that the ground levels in the neighbouring site are lower than existing within the application site, the additional 1.2m increase in ground level and an additional 1.8m high of closeboard fence on top of this would result in an overall height of 3m at the boundary of the site which would be imposing and visually unacceptable (unlike the fence to the rear which would be mitigated by landscaping). This is further exacerbated by the shallow nature of the neighbouring amenity space which is a maximum of 7.8m in depth. Consequently, the 5.3m length of fencing on this boundary would extend over half the depth of the neighbouring garden. Therefore, the proposed raising of ground levels and addition of a 1.8m high fence on the southern elevation will result in a visually intrusive and dominant form of development to the detriment of the neighbouring occupiers.
- 5.3.8 It is not considered that the raising of the ground level will increase overlooking into the neighbouring property to the north, as the ground levels would be similar as within the neighbouring property and the sites are bounded by a significantly sized hedge.
- 5.3.9 The raising of the ground levels might also increase views into the rear of No.37 Hester Place, which is situated to the rear of the site. However, the distance from the rear garden of the application site to the neighbouring dwelling is 39.7m. Therefore, given the significant separation distance, it is not considered that there will be an increase in overlooking or loss of privacy to No.37 Hester Place.
- 5.3.10 It is therefore, considered that the development would have a detrimental impact on the amenity of the adjoining neighbours to the south by way of being overbearing and visually dominant, contrary to policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 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 current parking provisions will not be decreased by the proposed development and the development proposes no additional bedrooms therefore, it is considered that the proposed development will not have a detrimental impact on the provision of vehicle parking on the site.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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.
- 5.5.2 Whilst the proposed development proposes the loss of some amenity space the remaining would still be in excess of the standard and therefore complies with D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **BUR/66/0040** – Approved Bungalow and Garage.
- **HOUSE/MAL/17/01444** - Side/Front extensions including cladding of existing dwelling. Replacement Garage and raise existing ground levels at rear including new 1.8m high close boarded fence to boundary. Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

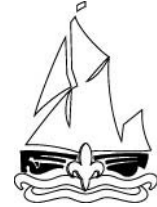
Name of Internal Consultee	Comment	Officer Response
Burnham-on-Crouch Town Council	Support – Compliant application	Noted

7.2 External and Statutory Consultees

Name of Internal Consultee	Comment	Officer Response
Highway Authority	No objection.	Noted

8. REASON FOR REFUSAL

1. The proposed raising of the ground levels to the rear of the site combined with the addition of a 1.8m fence on the southern side of the site would result in a visually intrusive, overbearing and dominant form of development that would be an unneighbourly form of development to the detriment of the neighbouring occupiers to the south of the site. Therefore, the proposed development would be contrary to policy D1 of the Local Development Plan and the guidance and provisions as contained within the NPPF.'



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00313
Location	Land North Of Asheldham Hall Farm, Hall Road, Asheldham, Essex
Proposal	Erection of chalet bungalow in association with livery business.
Applicant	Mr & Mrs D Henson
Agent	Mrs Hayley Webb - Smart Planning Ltd
Target Decision Date	03/05/18
Case Officer	Anna Tastsoglou TEL: 01621 875741
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Member Call In The item has been called in by Cllr Dewick on the grounds of public interest.

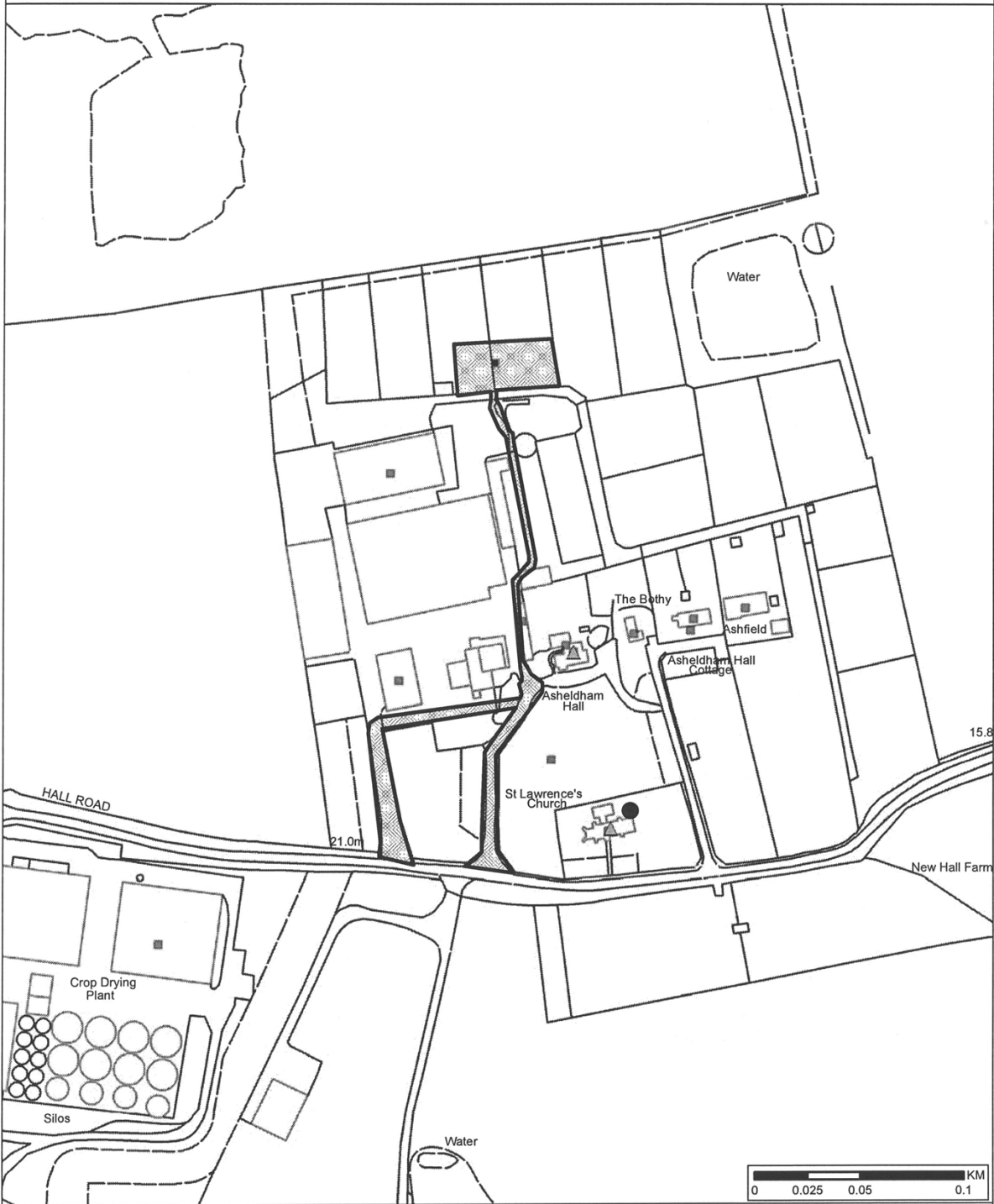
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Land North Of Asheldham Hall Farm Hall Road Asheldham
FUL/MAL/18/00313



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee
	Date:	08/05/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Application Site

- 3.1.1 The site is located to the north of Hall Road, north of Asheldham Hall Farm. The main part of the application site covers an area of approximately 0.13 hectares and it is paddock, which is part of a larger area comprising stables, an outbuilding and grazing land associated with the equestrian use of the site. The applicant states that the site currently stables 21 horses.
- 3.1.2 The application also includes a long finger of land that measures 250 metres long and connects to the public highway of Hall Road with a separate branch at a point 80 metres from the south boundary that is ‘dog-legged’ and also connects to the public highway. This was not previously included within the application site.
- 3.1.3 A number of large sized storage units are sited to the southeast of the application site. To the south of the application site there are four detached dwellinghouses, one of which is a Grade II listed building (Asheldham Hall).

3.2 Proposal

- 3.2.1 Planning permission is sought to erect a detached chalet style dwelling. The dwelling would have a gabled roof with pitched roof dormers to front and rear and an entrance porch and bay windows to the front.
- 3.2.2 The dwelling would measure a maximum of 9.1m wide, 10.7m deep, 2.5m high to the eaves with a maximum height of 8.3m. The porch would measure 2.5m wide and project 0.8m. The proposed chalet style dwelling would have an internal floor area of 160sqm.
- 3.2.3 The dwelling would accommodate an open plan kitchen/dining/family room, a study, a lounge and a WC at ground floor and three bedrooms (two en-suite) and a bathroom at first floor.
- 3.2.4 The applicant states that the reason for the proposed dwelling in this location is to provide 24-hour care and security on the site and reduce the applicants’ daily commuting need.
- 3.2.5 No off-street parking has been shown to the plans submitted and the site does not benefit from direct access from the public highway.
- 3.2.6 Materials to be used to the external elevations of the dwelling would include UPVC windows and doors, plain roof tiles and the external walls would be finished in brickwork.
- 3.2.7 This application follows the refusal of application FUL/MAL/17/00840. That application was refused for the following reasons:
- 1 “The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements

of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Insufficient information has been submitted to demonstrate the essential need for a workers accommodation in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, E1 and H4, H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

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

3.3 Conclusion

- 3.3.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development, which by reason of its location outside the defined settlement boundary, represents an unsustainable and isolated form of development which would result in material harm to the rural character of the area. Insufficient information has been submitted to demonstrate an essential need for the workers accommodation in this location. The planning history of the site is a material consideration of substantial weight when determining this application and whilst concerns in relation to access have been overcome, it cannot be considered that the proposal includes a robust and detailed argument as to why there is a need for workers accommodation in this location. In light of the above, it is considered that the development would substantially harm the visual amenity and character of the area and be contrary to the policies of the development plan to an extent that cannot be outweighed by the positive aspects of the proposal that have been set out by the applicant.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development

- 17 - Core planning principles
- 28 - Supporting prosperous rural economy
- 29-41- Promoting sustainable transport
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

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

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal is to erect a new dwellinghouse at the land to the north of Asheldham Hall Farm, which is currently a paddock. The site is part of a larger area which existing use relates to a commercial equine business.
- 5.1.2 The site lies well outside the defined settlement boundaries. The nearest village to the application site is Southminster, which is approximately 3km away from the application site.
- 5.1.3 Policy S1 of the Local Development Plan (LDP) states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*

- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 7) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 8) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

5.1.4 The requirement to focus strategic growth to the District’s main settlements is also reiterated in Policy S2. The reason for that is that these areas constitute the most suitable and accessible locations in the District. It is also noted that *“Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.”*

5.1.5 Policies S1 and S2, Policy S8 of the approved LDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

5.1.6 The abovementioned policies are in compliance with the NPPF which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise, such as in case there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. This is supported by policies H7 and S8 which support agricultural and essential workers accommodation in certain circumstances.

5.1.7 Policy H7 of the LDP states that *“Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:*

- 1) *Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;*
- 2) *There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;*
- 3) *It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;*
- 4) *The size and nature of the proposed structure is commensurate with the needs*

- of the enterprise concerned; and*
- 5) *The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.”*

5.1.8 It further continues stating that *“In addition to the above requirements, where on-site accommodation is essential to support a new agricultural or forestry or other rural business-related enterprise, permission will only be granted in the first instance for a temporary structure which can easily be removed within three years of the date of planning consent. Any further proposals following this period will be considered using the criteria above.”*

5.1.9 The application site is currently a paddock, comprising of no buildings and it is considered that the proposed residential dwelling would compromise the identity and rural character of the area. Although there are four existing dwellings in the immediate area to the south of the site and other storage buildings closer to the west of the application site (within and outside the applicants control), it is considered that the development, by reason of its location outside the settlement boundaries, existing open character and current rural nature would be harmful to the character of the countryside and contrary to the development plan policies.

5.1.10 A planning statement accompanies the application where it is stated that the reason for the proposed dwelling is to allow a 24-hour care and security of the site as well as avoid the applicants’ daily commuting. It is stated that the applicants have a requirement to visit the site twice a day and they currently reside in Mayland. This results in a total of 18 miles per day. It is also suggested that the security of the site is crucial and the applicant considered that their presence on site would reduce possibility of theft incidents.

5.1.11 Another reason given by the applicant is that a 24-hour surveillance and care of the horses would be able to support a full livery service which would assist the applicants’ business plan. Unlike the previous application, a business plan and has been submitted along with additional financial records which set out the following:

- Net Profits of £1,634, £9,179 and £14,700 for the past 3 years (with no staffing costs being shown).
- A business plan allowing for the use of 19 stables, 5 of which are rented.
- A proposal to charge £500 a month for a partial livery instead of the current £110 a month for DIY livery.
- A service of exercising horses
- A service including horse care and cleaning.
- The potential offering of dressage and jumping clinics.
- A proposal to implement the business plan 6 months after the completion of the proposed dwelling.
- The employing of 2 part-time members of staff and 1 full-time member of staff.

5.1.12 Although officers are satisfied that the site hosts an equine business-related function it is not considered that the evidence submitted is sufficient to demonstrate the essential need for a workers dwelling. Assessing the proposal against each of the abovementioned criteria of policy H7, the following comments are made:

1. The application site and in particular the stables, have planning permission dated from 2002 to be used as a private DIY livery business and not a full livery. The 2004 variation of that permission permitted access between 8.00 and 20.00 hours weekdays, 8.00 and 20.30 on Saturdays and Sundays (April to October) and 8.00 and 19.00 hours (November to March). This is to protect the amenities of the area in terms of noise and general disturbance. It is understood that the business has operated as a DIY livery business for a period of approximately 15 years and it has not been demonstrated that the business requires worker accommodation. Therefore, the application fails to meet criterion 1 from policy H7.

In this regard it is considered relevant to note that planning permission would be required to change the use of the equine business and/or the hours when the stables can be occupied to enable 'full' livery to occur. Without such a permission in place, it is considered that there is no basis to accept that full livery can occur and as such no basis to support an argument that a functional need for full-time occupation of the site exists. It is considered that it would be unreasonable to apply weight to a business plan that does not have planning permission to be implemented.

2. Although no evidence has been submitted by the applicant demonstrating that there are no available dwellings to serve the need of the applicant, it is considered that this is likely to be true. Furthermore, officers have no evidence to suggest otherwise.
3. Through submitting a business plan, the applicant has attempted to address one of the previous grounds of objection that was raised previously. As set out above, it is considered that the business plan is flawed as it relies on the use of the site in a manner that would not comply with the existing planning permissions in place. It is also noted that the business plan is not intended to be implemented until 6 months after the occupation of the dwelling. Moreover, the business plan appears to be a largely hypothetical exercise with no financial forecasting or evidence to demonstrate that the services intended to be provided are sought after or reasonably priced. It is therefore considered that the submitted business plan can be given limited weight and cannot be taken as evidence that the business would be viable in the long-term or able to support the cost of erecting the dwelling at the application site.
4. In relation to criterion 4, the applicant states that the proposed dwelling would house two adults and two children. It was previously a concern that the provision of a four bedroom dwelling would have exceeded the minimum requirements of the family that intended to operate the business at the site. The applicant has addressed this concern by amending the proposal to show a three bedroom dwelling. This is considered to have addressed the abovementioned concern.
5. As fully assessed in the 'design' section below, the proposed dwelling, by reason of its location would result in an isolated residential development which would be materially harmful to the rural character of the area.

- 5.1.13 Policy H7 clearly states that the provision of a workers accommodation where it relates to a new enterprise would only be granted permission as a temporary structure, which would be able to be removed within a permission of three years. It is only after this period when a permanent structure would maybe considered acceptable, should it comply with all the above mentioned criteria. Although it is noted that the DIY livery has been operating for a substantial period of time, the proposed business would be materially different and for the purposes of this assessment, it must be considered a new business. If this was not the case, the previous use of the site without full time, on-site accommodation would have to be construed as evidence that there is no functional need for the dwelling. Therefore, it is considered that the proposed permanent dwelling would be contrary to policy H7.
- 5.1.14 It is noted that the applicant has submitted an incomplete Section 106 agreement which would link the occupation of the dwelling to the livery business at the site. This proposed limitation is noted. However, this is considered to be of only marginal difference to a conventional condition that limits the occupation of a dwelling to agricultural/rural workers and would have been imposed if the previous permission had been granted. Being secured by Section 106 agreement rather than condition is of slight procedural difference and would limit occupation in a more strict manner. However, this would not give grounds to reach a different conclusion in respect of the principle of the development. At this time, given the objection that remains in place, no abortive work towards the completion of the Section 106 has been undertaken by Officers. Given that the Section 106 agreement is not complete, it is considered that it can be afforded no weight.
- 5.1.15 Where the proposal does not accord with the exception policy H7, it is considered that the proposal must be assessed as a conventional dwelling within the countryside. As noted above the site is located outside the settlement boundaries, approximately 3km distance away from Southminster, which is the nearest village to the application site. The nearest bus stop from the site is located approximately 1km distance away from the application site. The bus stop has no frequent links with main employment opportunities areas or areas providing local services and amenities, considering that there are only two bus connections to Burnham-on-Crouch and Southminster, providing 9 services per day between 7.25am and 6.23pm. Although the applicant would no longer have to commute, there would still be a requirement for occupants to use services and facilities which are only available within settlements and it is considered unlikely that the future occupiers would use public transportation for those day to day needs.
- 5.1.16 In light of the above assessment, it is considered that the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. This is reflected in policies T1 and T2 of the LDP. The proposal would therefore be contrary to the guidance contained within the NPPF as well as the aforementioned policies of the local development plan.
- 5.1.17 The Council has an up-to-date development plan which will generally deliver housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of

housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

5.1.18 For the reasons stated above, an objection is raised to the principle of the proposed development. The development would be against the objectives of the relevant development plan policies and guidance.

5.2 Design and Impact on the Character of the Area

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

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.

5.2.3 Paragraph 64 also states that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.

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

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

5.2.5 It should be also noted that policies S2 and S8 seek to avoid new development outside defined development boundaries, with policy S8 stating that development will only be approved “*where the intrinsic character and beauty of the countryside is not adversely impacted upon*”. Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.

- 5.2.6 The proposed dwelling would be located outside the defined settlement boundaries and by reason of its siting would appear entirely at odds and out of keeping with the rural and open character of the area. In terms of the siting and layout of the proposed dwelling, it would appear remote from the four existing dwellings to the south. This would be harmful to the distinctive character of the area and it would have an unacceptable impact on its surrounding.
- 5.2.7 Although the proposed dwelling is not of an exceptional or innovative design, its overall scale and design are not considered to be unacceptable in design terms. The building would be dwarfed by the existing storage units in the area, but given that it is intended to be used for residential purposes, it is not considered that a comparison between the two types of buildings can be drawn.
- 5.2.8 If considered, with no regard being had to the proposed location of the dwelling, the proposed dwelling would not be of a design that would jar with the character of the dwellings in the surrounding area. No objection is raised to the proposed finishing materials. The general character of the dwelling in the surrounding area is for red roof tiles and red brick finish. Therefore, the proposed materials are considered to be appropriate and in keeping with the finishing materials in the wider area. However, regardless of the design of the dwelling, it is considered that this positive aspect does not overcome the inherent harm caused by erecting a dwelling in the countryside.
- 5.2.9 By reason of the distance of the proposed development from the Grade II Listed Buildings to the south (Asheldham Hall and Church of St Lawrence) it is not considered that it would have a detrimental impact on the heritage assets that would warrant the refusal of the application on these grounds.
- 5.2.10 On the basis of the above, it is considered that the proposed development, by reason of its siting in an open rural area, would result in an isolated development being out of keeping with the character of the countryside.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The proposal is to erect a detached chalet style dwelling to the north of Asheldham Hall Farm within the existing open countryside. The nearest residential dwelling to the application site sits approximately 115m away and this separation distance is considered to be sufficient to mitigate any adverse impact caused to the nearby neighbours in terms of dominance, overshadowing or overlooking.
- 5.3.3 Although the development would result in a level of activity from the future occupants of the dwelling, given the separation distance to the nearest residential units, it would not result in a materially harmful impact on the nearby occupants' residential amenity, in terms of noise and disturbance.
- 5.3.4 The proposed development would not have any greater impact on the other nearby residential property.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1, H4 and T2 of the approved LDP 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 Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising three bedrooms require a maximum of two off-street parking spaces.
- 5.4.3 The application site is located to the rear of Asheldham Hall Farm. Following an objection being raised to the previous application, the site area has been increased to include two points of direct access to the public highway. Previous concerns in relation to the inability to access the site from the public highway have therefore been addressed.
- 5.4.4 Although parking provision has not been defined within the application site, it is considered that there would be ample space at the site to provide car parking and therefore, subject to the imposition of a suitable condition, it is considered that the proposed development would be able to comply with the abovementioned requirements.
- 5.4.5 For these reasons it is considered that one of the previous reasons for the refusal of the application has been satisfactorily overcome and therefore this application should not be refused for that reason.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 Based on the Site Plan submitted, it appears that the garden size for the proposed dwelling would be in excess of the minimum standards. Therefore, the outdoor amenity provided would be sufficient to meet the needs of the future occupiers.
- 5.5.3 The size of the proposed dwelling would be large enough to provide a good level of accommodation. Furthermore, adequate light, ventilation and outlook would be provided to all habitable rooms of the proposed dwellings and thus, no objection is raised regarding the living conditions of the future occupiers.
- 5.5.4 The site is located within close proximity to large storage units. By reason of the proximity of the site to these storage units, it is considered that when in use, the amenities of the future occupants of the dwelling would be compromised. However,

it is not considered that this impact would be to an extent that would justify the refusal of the application.

- 5.5.5 No landscaping has been shown to the submitted plans and this is a requirement of all new developments of this type. Although no details have been submitted with the application, had the granting of planning permission been recommended by officers, this could have been dealt with by condition.

5.6 Other Material Considerations

- 5.6.1 If approved, matters relating to surface and foul water drainage could be addressed through the imposition of conditions.
- 5.6.2 The applicant has submitted three letters of support from neighbouring residents who set out positive aspects of the proposal such as 24 hour occupation reducing the risk of theft and damage, horse care and welfare, the benefit of supporting the existing business and the benefit to housing provision within the District.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/02/01193** - Erection of stable building incorporating 10 loose boxes, a tack and a feed room. Construction of a menage. All to be used as a private DIY livery business between the hours of 8.00 - 18.00 on any day. Planning permission granted.
- **FUL/MAL04/00506** - Non-compliance with Condition No. 2 of planning permission 02/01193 (hours of use) to increase. Operational times to 8.00-20.00 Mon-Fri, 8.00-20.30 hours Sat and Sun (April to October) and 08.00-19.00 hours Sat and Sun (November to March). Planning permission granted.
- **FUL/MAL17/00840** – Erection of chalet bungalow – Refused Planning Permission for the reasons discussed above.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection.	Noted.
ECC Sustainable Drainage System (SuDS)	No bespoke comments received for the proposal.	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	The development should comply with the standards requirements.	
Anglia Water Services	No comments received at the time of writing.	
Essex and Suffolk water	No objection.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Please refer to relevant paragraphs 5.6.1 of the report

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No representations have been received by the Local Planning Authority.

8. REASON FOR REFUSAL

- 1 The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Insufficient information has been submitted to demonstrate the essential need for a workers accommodation in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, E1 and H4, H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00333
Location	Springfield Nurseries, Steeple Road, Latchingdon, Essex, CM3 6LD
Proposal	Construction of two bungalows
Applicant	Mrs M Anderson
Agent	TMA Chartered Surveyors
Decision Date	10 th May 2018 (Extension of time agreed: 24 th May 2018)
Case Officer	Anna Tastsoglou TEL: 01621 875741
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Springfield Nurseries Steeple Road Latchingdon
FUL/MAL/18/00333



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee
	Date:	08/05/2018
	MSA Number:	100018588

3. SUMMARY

3.1 Application Site

- 3.1.1 The site is located to the south of Steeple Road, outside of the defined settlement boundary of Latchingdon and measures approximately 0.33 hectares in size.
- 3.1.2 The site is accessed by a service road on the south side of Steeple Road, extending around “Lawland Bungalows” which front onto Steeple Road. There are also other residential properties within proximity of the application site, including two large detached chalet style dwellings either side. To the rear the site abuts the open countryside.
- 3.1.3 The site was previously occupied by three concrete and steel buildings. At the time of the site visit, the site was cleared and the footings of the previously approved dwellings (FUL/MAL/14/00360) had been dug. The site has extensive history which is further discussed below.

3.2 Proposal

- 3.2.1 Planning permission is sought for the erection of two detached bungalows at the land known as the Springfield Nursery Site.
- 3.2.2 The bungalows would be sited a minimum of 10.7m back from the highway and they would be a T-shape, measuring a maximum of 19.6m deep and 12.3m wide. The height to the eaves would be 2.5m, with a maximum height of 5.4m.
- 3.2.3 The dwellings would have a main gabled roof with a deep rear gable projection and a front projecting feature, incorporating a canted bay window. A pitched roof canopy would be erected to the front of the main entrances of the dwellings.
- 3.2.4 Both properties would benefit from large rear gardens measuring approximately 880sqm for plot 1 and 760sqm for plot 2. At least two off-street parking spaces would be provided per dwelling.
- 3.2.5 Internally the dwellings would accommodate a lounge, an open plan kitchen/diner, three bedrooms (one en-suite) and a bathroom.
- 3.2.6 Materials to be used to the external elevations would include brown UPVC windows and doors, multi red Tudor clay roof tiles and the external walls would be finished in Maradale antique red sand faced bricks. Gutters and downpipes would be squared brown plastic, while driveways and parking areas would be finished in light brown permeable bound resin gravel. With regard to boundary treatments a 1800mm close boarded timber fence with concrete gravel boards would be erected to east and west boundaries with adjoining land and between both plots 1 and 2, a 1000mm post and rail fence would be installed to south boundary with fields and a 1500mm post and two rail fence to north boundary (front) with timber country style 5 bar entrance gate.

3.3 Planning History

- 3.3.1 The site has an extensive planning history relating to proposed residential development of this site, commercial uses, and enforcement matters.
- 3.3.2 The most recent planning history relates to the approval an application to erect two bungalows within the application site (FUL/MAL/14/00360). This application was approved at the Committee Meeting on the 13th October 2014. The decision was issued on 20th October 2014 and expired on 20th October. Although works commenced, conditions that go to the heart of the permission (conditions precedent) had not been discharged and therefore, the permission had not been lawfully implemented and therefore, the site no longer benefits from extant permission.
- 3.3.3 It is noted though that the bungalows previously approved were identical to those currently proposed. Although the application site of the previous application was larger, including a squared parcel of land to the southwest of approximately 1700sqm, this area was proposed to be used as paddock and not as part of the curtilages of the dwellinghouses. A number of applications to comply with the imposed conditions of application FUL/MAL/14/00360 were subsequently submitted, with some but not all conditions being discharged.
- 3.3.4 The previous history of the site includes a claim for a Lawful Use Certificate for a residential dwellinghouse on this site which was allowed on appeal on 15 August 2011. Following this application planning permission was granted for a replacement dwelling (FUL/MAL/13/00350) on land to the west of the application site.

3.5 Conclusion

- 3.5.1 In this particular instance, whilst representing a departure from the policies of the development plan, given the special circumstances of the application site which constitutes a redundant brownfield site and taking into consideration that planning permission was previously approved for an identical proposal by, the erection of two dwellings in this location is considered to be acceptable. The development would not cause material harm to the character or appearance of the site or the surrounding area or the amenities of neighbouring occupants to an extent that would justify the refusal of the application. The proposed dwellings would be served by ample parking and amenity space. The proposals would therefore comply with the policies of the Local Development Plan (LDP) and the 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:

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles

- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 Policies S1, S2 and S8 of the approved LDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.1.3 The abovementioned policies are in compliance with the NPPF which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.

- 5.1.4 The application site is located outside the defined settlement boundaries and not in close proximity to public transportation or local amenities. Policy S8 includes a list of acceptable developments in the countryside, which does not include open market housing. Therefore, unless other material considerations and circumstances indicate otherwise, the development of the site would be contrary to the development plan policies.
- 5.1.5 Whilst at the time of the site visit the application site was cleared, it is noted that a number of structures were previously located within it. The site was historically used in connection with a landscape contractors' business, including a workshop, offices and stores, as well as use of the external area for parking purposes and storage of plant and materials. Various attempts to regularise the use were made but all applications were refused, with the exception of one to use the site for light industrial purposes (B1 use class) (Application number: FUL/MAL/03/00738), preventing from outdoor storage and outdoor working. Whilst it is acknowledged that the site was in an employment use as landscape contractors, it is unknown whether the approved B1 development was implemented or the landscape contractors' use was continued, which due to the passing of the time would likely to be lawful.
- 5.1.6 Policy E1 of the LDP states that *“Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*
- 1) *The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
 - 2) *The site would have a greater benefit to the local community if an alternative use were permitted; or*
 - 3) *The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.”*
- 5.1.7 Whilst it is accepted that the site was in an employment use, it is unknown whether that was a lawful use. As noted above, the historic use of the site as a landscape contractors' business was never considered acceptable, due to the unacceptable impact on the character of the area and the harm caused on the residential amenity of the neighbouring occupiers. On that basis, it is considered that the previous use and activity on the site was harmful to the the character and amenity of the adjacent area; thus, its loss would accord with the exceptions of policy E1. Furthermore, the loss of the employment land was found acceptable previously and the site cleared to the extent that it would no longer be possible to use the site for those purposes in its current condition.
- 5.1.8 Policy S1, in compliance with the core principles of the NPPF, states that the Council will *“Promote the effective use of land and prioritise development on previously developed land”*. The proposed development, whilst outside the defined settlement boundaries, where development should be directed to, would reuse a site that has

previously been the subject of development, in accordance with policy S1 and the guidance contained within the NPPF.

5.1.9 Policy H4 specifically addresses infill developments such as this and states that backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the following criteria are met:

- 1) *There is a significant under-use of land and development would make more effective use of it;*
- 2) *There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;*
- 3) *There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and*
- 4) *The proposal will not involve the loss of any important landscape, heritage features or ecology interests.*

5.1.10 Given the position of the site in between residential units, it is considered that the proposed use would be more effective and it would have an acceptable impact on the amenity and living conditions of the neighbouring properties. Considering also that the development would not result in loss of land which is of local social, economic, historic or environmental significance and the site is not of a landscape, heritage or ecologic value, the development would accord with the requirements of policy H4.

5.1.11 Although permission for the previously approved application for the erection of two bungalows was expired five months before the submission of this application, it is noted that attempts to discharge the previously imposed conditions were made during the period of the three years and also the development had commenced at the time of the site visit, albeit not lawfully. Given that the development is identical to that previously approved (with the exception of the provision of a paddock), on balance, it is reasonable, in this particular instance, for consideration to be given to the previous decision of the Council to approve two dwellings on site, which was made by the Members of the South Eastern Area Planning Committee. Furthermore, the Council considered the site to be sustainable at the time of the last application and the site on less sustainable at this time.

5.1.12 If not approved, it is considered that the site could be left vacant, in whatever condition (within reason) that the applicant sees fit. This could become an unsightly gap within the string of dwellings and as such, there would be an environmental benefit to development.

5.1.13 For the reasons stated above, in this particular instance, no objection is raised to the principle of the erection of two dwelling at the application site. Other material planning considerations are discussed below.

5.2 Housing need and Supply

5.2.1 The proposal would provide a pair of three bedroom dwellings. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and

address the increasing need for smaller properties due to demographic and household formation change.

- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide three bedroom dwellings would not contribute towards the identified need for smaller houses.
- 5.2.4 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable. This is a substantial and fundamental change in comparison to the time when the previous application was considered. However, for the reasons stated in the above section of this report, it is considered unjustified to raise an objection to the principle of the proposed development.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.3.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.3.4 The NPPF states that:

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

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

5.3.5 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:-

- 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.

5.3.6 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).

5.3.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.3.8 The proposed bungalows would each have a frontage onto the public realm and would therefore sit reasonably comfortably within the streetscene. In terms of their positioning, the dwellings would not have a prominent appearance, given that they would be sited almost in line with the established front building line, created by the neighbouring properties. Both dwellings to the east and west are chalet style dwellings, providing roof accommodation and thus, the proposed bungalows would not unacceptably break the continuity of the ridge line by detrimentally raising the roof height or resulting in a double storey appearance.

5.3.9 The proposed development would be of the same width, height and overall appearance with the neighbouring dwelling to the west (Reference Number: FUL/MAL/13/00350), except for the pitched roof dormers to the front and rear of the neighbouring property that are not hereby proposed. Although the nearby dwelling to

the east is a comparably larger dwelling than those currently proposed and that accommodated in the adjacent site to the west, the surrounding area features single storey dwellings, and it is therefore considered that the proposed development appears in keeping with the overall character and appearance of the streetscene and the wider area and it would not appear disproportionate within the wider context.

- 5.3.10 With regard to their design, the proposed dwellings would have an overall acceptable appearance. The front and rear projections would break down the mass of the buildings and the bay window features and canopies to the front would provide some architectural interest and articulation to the dwellings. The projections to the front would be set lower from the main gable roof which runs horizontally, mitigating the prominence of the projection. Sufficient level of fenestration is proposed to be provided to all elevations and the development does not result in unattractive blank walls. The proposed external finishing materials would match those of the neighbouring dwelling to the west and as such, they would appear in keeping with the surrounding area. Thus, no objection is raised with regard to proposed the finishing materials.
- 5.3.11 Overall, given the mixed character and design of properties within the surrounding area it is considered that the dwellings would not harmfully conflict with the prevailing character of the area.
- 5.3.12 The proposal would result in built form and domestic paraphernalia extending into the countryside. The visual impact of this would erode the character of the countryside contrary to policy S8. However, given the former use and the abovementioned comments about the benefits of the development, it is considered that the visual benefits outweigh the harm. Furthermore, this has not altered between this and the last application, where it was considered not to raise harm to such a degree as to warrant refusal.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policies D1 and H4 of the approved LDP seek 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 MDDGuide (2017).
- 5.4.2 The proposal is to convert a previously commercial yard to two residential dwellings. Given the nature of the former use of site, although the development would result in a level of activity from the future occupants of the dwelling, this would be likely to result in less activity and associated noise than the previous commercial use. Therefore, it would not result in a materially harmful impact on the residential amenity of the nearby neighbours, in terms of noise and disturbance and in some respect would represent an improvement.
- 5.4.3 The proposed dwellings would be sited 5.3m and 6.3m away from the shared boundaries to the west and east, respectively and further separation distance would be maintained to the neighbouring dwellings. Taking into consideration the limited height of the dwellings and the separation distance maintained to the side boundaries and adjacent properties, it is not considered that the proposed bungalows would result in unacceptable loss of light or domination. It is also noted that the deepest section of

the dwellings would be kept away from neighbouring sites, thus the development would not be have an undue sense of enclosure or appear obtrusive. With regard to windows, given that no first floor windows are proposed and high fence and vegetation separated the application site with the neighbouring sites, it is considered that the development would not result in overlooking or adversely affect the privacy of the neighbours.

- 5.4.4 No other properties are considered to be affected by the proposed development, given that sufficient separation distance would be maintained to the properties to the north (minimum of 23m) and considering that the site abuts the open countryside to the south.
- 5.4.5 The proposed dwellings would be orientated in a way that their interrelationship would be acceptable in terms of overshadowing or dominance. There are windows to habitable rooms fronting the shared boundary; however, a distance of approximately 3m would be retained to the boundary to provide sufficient light and outlook and a 1.8m high fence is proposed to be erected along the shared boundary to protect from direct overlooking. This will be secured by condition.

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 Access to the site would be gained via an existing crossover onto the service road off of Steeple Road and it has been found to be acceptable by the Highway Authority
- 5.5.4 Each dwelling would be served by at least two off-street parking spaces, in accordance with the parking requirements as set out in the Vehicle Parking Standards SPD. It is therefore considered that the provision of parking can be found acceptable and would not lead to on-street parking that would detract from highway safety.
- 5.5.5 No details of cycle parking have been submitted. Such facilities can be accommodated within the proposed garages. However, in order to secure that sufficient cycle parking is provided for the future occupiers, a condition would be imposed for cycle parking details to be submitted and approved in writing by the local planning authority.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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 proposed dwellings would be served by large amenity areas and sufficient soft landscaping has been shown to the front of the dwellings, in accordance with abovementioned policy and guidance.
- 5.6.3 With regard to fences and gates, a 1.8m high timber fence is proposed to be erected along the east and west boundaries as well as between plots 1 and 2. A one metre post and rail fence is proposed along the southern boundary with the countryside and a wrought iron fence and gate to the northern boundary. It is considered that the proposed boundary treatments are acceptable and would blend in with the character of the surrounding area. Further details with regard to hard and soft landscaping would be requested to be submitted and agreed in writing by the local planning authority.

5.7 Other matters

Drainage System

- 5.7.1 Details of a drainage scheme have been submitted for both foul and surface water. The Environmental Health Services have been consulted and found the details submitted acceptable. The installation of the proposed drainage system would be secured by the imposition of a condition.

Contamination

- 5.7.2 A contamination investigation report has been submitted stating that from the analysis results obtained, there are no contaminants remaining (asbestos fibres) that are likely to impact human health. The Environmental Health Team has been consulted and found the details submitted acceptable. Therefore, the development would be acceptable in terms of contamination and no further details are required to be submitted.

Lighting

- 5.7.3 An external lighting scheme has been submitted with the application, which appears to be modest and not materially harmful to the residential amenity of the neighbouring occupiers. Thus, no objection is raised in that respect.

6. ANY RELEVANT SITE HISTORY

- 6.1 **MAL/32/53** – Greenhouse for agricultural holding. Approved 24/03/53.
- 6.2 **MAL/254/55** – Agricultural building. Approved 21/02/56.
- 6.3 **MAL/50/66** – Greenhouses. Approved 22/02/66.

- 6.4 **FUL/MAL/90/00823** – Temporary planning permission limited for five years personal to A&B Contractors to use land for the parking of three lorries and temporary storage of surplus building materials and civil engineering materials with ancillary use of existing storage and workshop buildings. Refused 08/11/90.
- 6.5 **FUL/MAL/02/01269** – Retain use of buildings as workshops, offices and stores with ancillary external vehicle parking and storage of plant and materials in connection with landscape contractors business. Refused 12/05/03.
- 6.6 **FUL/MAL/03/00760** – Discontinue commercial uses, demolish all buildings and greenhouses; erecting two detached houses and associated garages and form vehicular access onto Steeple Road. Refused 09/12/2003.
- 6.7 **FUL/MAL/03/00738** – Change of use of buildings for class B1. Approved 09/12/2003.
- 6.8 **FUL/MAL/04/00264** – Retain use of buildings as workshops, offices and storage with ancillary external vehicle parking and storage of plant and materials. Withdrawn 29/06/2004.
- 6.9 **FUL/MAL/04/00696** - Retain use of buildings as workshops, offices and storage with ancillary external vehicle parking and storage of plant and materials in connection with landscape contractors. Refused 11/10/2004.
- 6.10 **FUL/MAL/05/00903** - Demolition of all existing buildings and structures, the cessation of commercial uses of the land and erection of three detached dwellings with garages. Refused 26/09/2005 and appeal dismissed 08/12/2006.
- 6.11 **FUL/MAL/08/00967** - Demolition of existing structures and replace existing residential unit with one detached three bedroom bungalow and landscaping. Refused 11/11/2008.
- 6.12 **FUL/MAL/08/01313** - Extension of time for consent 03/00738/FUL: Change of use of existing buildings for class B1 (business purposes). Retention of existing managers dwelling. Refused 19/02/2009.
- 6.13 **LDE/MAL/10/00307** - Claim for Lawful Development Certificate for existing use of residential dwelling. Refused 15/07/10 and appeal allowed 29/06/2011
- 6.14 **FUL/MAL/12/00877** - Continuation of B1 light industrial use for existing buildings A, B and C and replacement dwelling. Withdrawn 08/04/13
- 6.15 **FUL/MAL/12/00948** - . Temporary mobile home. Withdrawn 08/04/13
- 6.16 **FUL/MAL/13/00348** – Temporary Mobile home to provide accommodation. Pending consideration
- 6.17 **FUL/MAL/13/00350** – Replacement Dwelling. Approved 05.08.2013
- 6.18 **FUL/MAL/14/00360** – Construction of two bungalows. Approved 20.10.2014

- 6.19 **DET/MAL/15/05060** – Compliance with Conditions notification ref **FUL/MAL/13/00350** - Replacement Dwelling. Condition 5. External Surfaces. Condition 6. Landscapes Condition 7. Siting, height, design & materials of treatment of all boundaries. Condition 10. Sewage. Condition 11. Surface Water. Condition cleared 15.12.2015
- 6.20 **FUL/MAL/15/00914** - Temporary storage of 3 Mobile Caravans and 3 Heavy Goods Vehicles - limited to two years. Application withdrawn.
- 6.21 **FUL/MAL/15/01348** - Retention of 3 static caravans (2 of which are to be occupied as residential) and retention of temporary storage of 3 touring caravans and 2 heavy goods vehicles - limited to six months. Refused 08.02.2016.
- 6.22 **DET/MAL/16/05093** - Compliance with conditions notification **FUL/MAL/14/00360** (Construction of two bungalows) Condition 5 - Samples. Condition 6 - Siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers. Condition 7 - Hard & soft landscaping. Deemed consent.
- 6.23 **DET/MAL/ 17/05114** - Compliance of conditions notification of approved application **FUL/MAL/14/00360** (Construction of Two bungalows). Condition 8 - Site Clearance. Condition cleared 12.09.2017
- 6.24 **DET/MAL/17/05125** - Compliance of condition notification of approved application **FUL/MAL/14/00360** (Construction of two bungalows). Condition 9 - Contamination investigation and risk assessment. Condition 10 - Remediation scheme. Condition 11 - Remediation. Condition 13 - Surface water drainage scheme. Condition 14 - Foul drainage scheme. Condition 15 - Illumination details. Conditions part cleared/pat refused 07.11.2017
- 6.25 **FUL/MAL/ 17/01168** - Variation of conditions 9, 10, 11, 13, 14, 15 on approved planning permission **FUL/MAL/14/00360** (Construction of two bungalows). Application withdrawn.
- 6.26 **DET/MAL/ 17/05125** - Compliance of condition notification of approved application **FUL/MAL/14/00360** (Construction of two bungalows). Condition 9 - Contamination investigation and risk assessment. Condition 10 - Remediation scheme. Condition 11 - Remediation. Condition 13 - Surface water drainage scheme. Condition 14 - Foul drainage scheme. Condition 15 - Illumination details. Application pending consideration.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

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

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection subject to the imposition of conditions.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions to secure that the development is implemented in accordance with the submitted details for the drainage scheme.	Comment noted and conditions imposed.
Economic Development	Objection raised, due to the loss of future opportunities to create jobs on site.	Comment noted and addressed in section 5.1 of the report.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No representations were received for this application:

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: Location Plan, Proposed Block Plan (received 08.05.2018), Lighting Plan (received 08.05.2018), TMA/738/01A (received 08.05.2018), TMA/738/1 Rev C, TMA/738/05 (received 08.05.2018), Building B Elevations, Building C Elevations and Building B & C Floor Plans.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the dwellings hereby approved shall be constructed of the materials specified on Materials Document received 08.05.2018.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 Prior to the occupation of the development full details of hard landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. Full details of soft landscape works to be carried out shall

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be submitted to and approved in writing by the Local Planning Authority, prior to the first planting season after first occupation of the dwellings. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 5 The Kingspan Klargester Biodiscs for the treatment of foul water and associated drainage scheme as detailed on Drawing Number TMA/738/1 rev B shall be installed and be fully operational prior to the first occupation of the dwellings and maintained in accordance with manufacturers instructions throughout the occupation of the dwellings.

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

- 6 The surface water drainage schemes as detailed on drawing number TMA/738/1 rev B shall be installed and be fully operational prior to the first occupation of the dwellings and maintained throughout the occupation of the dwellings.

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

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any act or order revoking and re-enacting that Order) the building hereby permitted shall not be extended in any manner whatsoever or have outbuildings of any type added without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

INFORMATIVES

- 1 The access route to Plot 1 from the connection to the highway should be at least 4.2m in width across the frontage of both Plots to enable convenient and efficient vehicular access.
- 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 should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

- 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.

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**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00341
Location	33 Princes Avenue, Mayland
Proposal	Erection of 2No. 3 bedroom dwelling to replace existing dwelling.
Applicant	Royal Day Investments
Agent	Ken Judge & Associates Ltd
Target Decision Date	25/05/2018
Case Officer	Devan Lawson TEL: 01621 875845
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In & Previous Decision. Cllr. P Channer Reason: Local knowledge and parish interests.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

33 Princes Avenue Mayland
FUL/MAL/18/00341



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 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee

Date: 08/05/2018

MSA Number: 100018588

3. SUMMARY

Application Site

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

3.2 Proposal

- 3.2.1 It is proposed to demolish the existing bungalow and erect a pair of semi-detached, three bedroom, chalet style properties. The main part of the building would measure 9 metres deep and 12.3 metres wide with a pitched roof built to an eaves height of 3.4 metres and a maximum height of 6.8 metres. To the rear would be a single storey flat roof projection that would measure 4 metres deep with a flat roof built to a height of 3.3 metres. Four dormers are proposed to the front of the building and two box dormers are proposed to the rear.
- 3.2.2 Four parking spaces are proposed to the frontage of the site with two points of access that would be shared with the neighbouring properties, as already exist.
- 3.2.3 The proposal follows the refusal of similar application FUL/MAL/17/01289, which was refused for the following reason:

The proposed development, by virtue of the proposed first floor, flat-roofed rear projection would be of inadequate design and result in an unacceptable bulk and mass at the rear of the dwellings, thereby being an incongruous and visually unacceptable element, to the detriment of the site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies D1 and H4 and the Maldon District Design Guide (2017).

- 3.2.4 The proposed building is different from the previously refused development in the following respects:
- The depth of the main part of the building would be 1.8m greater, which prevents the box dormers extending beyond the eaves of the roof as before. This creates a shallower roof pitch.
 - There are 2 rear dormers, one for each dwelling, with a reduced depth of 2.9m opposed to 4.14m.
 - The two rear dormers each have a width of 5.8m, opposed to one continuous dormer with a width of 11.8m.

3.3 Conclusion

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

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:

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

4.2 Maldon District Local Development Plan 2017:

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

4.3 Supplementary Planning Guidance

- Maldon District Design Guide
- Vehicle Parking Standards.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposed dwellings would be located within the settlement boundaries for Mayland and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements thereby preserving the appearance and character of the countryside. Mayland is recognized as being a “larger village” which has a range of service facilities as well as public transport links. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling. It is noted that the principle of replacing the existing dwelling with two additional dwellings has previously been supported under the terms of application FUL/MAL/17/00318 and the subsequent changes in policies do not give grounds to alter the position of the Local Planning Authority in respect of the principle of the development.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development. This is supported by policies D1 and H4 of the LDP and the Maldon District Design Guidance (MDDG).
- 5.2.2 As set out above, it has previously been accepted that the replacement of one dwelling with two can be found to be visually acceptable without causing material harm to the character and appearance of the site and the area. This planning permission provides a fallback position of substantial weight. It is also noted that the proposal makes changes to the previously refused application (FUL/MAL/17/01289) as set out above. It is therefore, necessary to consider the impact of these alterations on the character and appearance of the area and whether the revisions overcome the reason for refusal.
- 5.2.3 The bulk of proposed dwellings would be 1.8m greater in depth, than the previously refused application, which would create a more exaggerated and shallow roof pitch. However, it is noted that the depth of the dwelling is equal to approved application FUL/MAL/17/00138 and although the roof height will be reduced by 0.2m in comparison to the approved scheme, the pitch of the roof would be similar to that of No 35 Princes Avenue and would therefore, not be out of keeping within the character of the area. Therefore, given that the proposal is not fundamentally different in scale to the originally approved application, that the reduced roof pitch would be located to the sides of the building and it would not be highly prominent within the streetscene, it is not considered that there would be material harm to the character and appearance of the surrounding area.
- 5.2.4 In contrast to the previously refused application, this application proposes two box dormers, opposed to one, which will align with the eaves, rather than extending beyond them. It should also be noted that the principle of constructing two box dormers was established as part of approved application FUL/MAL/17/00138.
- 5.2.5 It is not considered that the alterations mentioned above prevent the dormers appearing as a two storey flat roofed projections, which was a concern raised as part of the previous application. However, the bulk and mass at the rear of the dwellings would be reduced as a result and they would no longer extend beyond the eaves to create a two storey flat roofed projection. Therefore, the dormers are considered to be subservient features of the rear elevation of the dwellings. Furthermore, as this element would be at the rear of the building it is considered that the change in comparison to the original planning permission would not materially alter the impact on the streetscene. Therefore, on balance and giving substantial weight to the fallback position of erecting two box dormers, it is considered that this change would not result in the building being harmful to visual amenity to an extent that would conflict with the abovementioned policies.
- 5.2.6 It is noted that storm porches are now proposed above the front doors of the properties in contrast to the original application and the level of hard standing proposed in comparison to the approved development has increased as a result of the front lawn

area being omitted. However, given that further soft landscaping has been incorporated along the sides of the driveways and that the design of the Front elevations, proposed parking and hard and soft landscaping does not differ to the previously refused application (FUL/MAL/17/01289), of which there was no objection to, it is not considered that there are any material alterations that would alter this stance.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 As set out above, it has previously been accepted that the replacement of one dwelling with two can occur without causing material harm to the amenities of neighbouring dwellings. That planning permission provides a fallback position of substantial weight. Furthermore, there were no concerns in regards to neighbor amenity raised as part of the previously refused application. It is noted that the proposal is different to the refused application in the ways that are set out above and it is therefore necessary to consider the impact of these alterations on the amenities of neighbouring residents.
- 5.3.3 It was previously noted that the bungalow to the west has a garage/workshop on the boundary so there will be no loss of light to habitable rooms. It was also highlighted that the dwelling to the east is a chalet with a recess in the front elevation and a habitable room facing south. Therefore it was deemed that the proposal would not be likely to cause a significant loss of light to habitable rooms and it was noted that there would have been no windows in the side elevations at first floor level.
- 5.3.4 It was also previously noted that the proposed dormers would be situated approximately 25.6m from the rear of No.26 and No. 38 Wembley Way and that given the separation distance between the neighbouring properties and the proposed dormers there would not be an increase in overlooking or the loss of privacy to the occupiers of Nos 26 and 38 Wembley Way.
- 5.3.5 The same is true in respect of this application and it is considered that the alterations to the dimensions of the building do not materially alter the overall impact on neighbouring residents. It is therefore considered that the proposal is in accordance with the abovementioned policies.

5.4 Access, Parking and Highway Safety

- 5.4.1 The existing dwelling has two access points and these are to be widened and re-used to provide a driveway to each and retain a small area of grass to the front. It is shown that 2 spaces for each dwelling will be provided, but it appears that a third car parking space would be available for each property. The level of parking provision and the means of accessing the site, which would not be altered in comparison to the previous proposal, is considered to be acceptable.
- 5.4.2 The Highway Authority has raised no objection to the application subject to conditions.

5.5 Private Amenity Space and Landscaping

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

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00138** - Replace existing dilapidated bungalow with a pair of semi- detached chalets. Approved.
- **FUL/MAL/17/01289** - Erection of 2No. 3 bedroom dwelling to replace existing dwelling. Refused for the reasons outlined in paragraph 3.2.3

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object: <ul style="list-style-type: none">• Overdevelopment• May lead to increase in parking requirements• Could cause added congestion on bus route	Each of these matters are addressed above.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways Dept	No objections subject to conditions	Noted

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

7.4.1 No submissions 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 shall be carried out in accordance with the following approved plans and documents: Drawing Nos 2416/1 A, 2416/3
REASON: To ensure that the development is implemented as applied for and to meet the requirements of policy D1 of the Maldon District Local Development Plan.
3. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
4. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
5. No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme within 3 months following the first occupation of the development hereby permitted and retained and maintained as such thereafter.
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
6. The development shall not be commenced/first occupied unless and until the vehicular access as shown on the plan attached to and forming part of this permission has been constructed, surfaced and made available for use and shall be provided with a dropped kerb vehicular crossing of the footway/highway verge The access shall be retained as such at all times thereafter.
REASON: In the interests of highway safety and in accordance with policies T1 and T2 of the Maldon District Local Development Plan.
7. Prior to the commencement of the development details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

REASON: To reduce the risk of flooding or the presence of ice on the highway and in the interests of highway safety.

8. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no window or other form of opening shall be formed in the side gable walls of the at first floor level of the dwellings hereby permitted without planning permission having been obtained from the local planning authority.

REASON: In the interests of the residential amenity of adjacent properties and in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

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

REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

10. Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.

REASON: To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

11. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure that adequate provision is made for foul water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

INFORMATIVES

1. The applicant suggests that a soakaway or soakaways will be used to collect the surface water from this development. Essentially this will satisfy building control measures however, more of these systems fail due to capacity during periods of heavy rainfall. In a development of this size and type it would be favourable to include a more sustainable surface water option than a soakaway which might include water harvesting systems or similar.

Where a soakaway is intended soil percolation tests should be undertaken in or calculated for winter months to mimic saturates soils.

2. 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.

3. If the existing structure was built before 2000, prior to demolition it is recommended that an appropriate Asbestos Type survey of the buildings shall be undertaken. Where asbestos is found the HSE must be notified and a scheme shall be implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 including the use of licensed contractors.
It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.
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. 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