

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

08 June 2018

Dear Councillor

You are summoned to attend the meeting of the;

## **SOUTH EASTERN AREA PLANNING COMMITTEE**

on **MONDAY 18 JUNE 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 blue ink, appearing to read 'F. R. Marshall', enclosed within a large, 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 18 JUNE 2018**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 22)

To confirm the Minutes of the meeting of the Committee held on 21 May 2018, (copy enclosed).

4. **Disclosure of Interest**

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

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

5. **HOUSE/MAL/18/00319 - Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU**  
(Pages 23 - 32)

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

6. **FUL/MAL/18/00389 - T J's Riding School, Burnham Road, Southminster, Essex, CM0 7BL** (Pages 33 - 48)

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/18/00415 - Land Adjacent Springwood, Rectory Lane, Latchingdon, Essex** (Pages 49 - 70)

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

8. **OUT/MAL/18/00544 - Stapleton, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA** (Pages 71 - 90)

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

9. **HOUSE/MAL18/00562 and LBC/MAL/18/00563 - Trusses Waterside Road, Bradwell-on-Sea** (Pages 91 - 106)

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

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

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## 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
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### **Note:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

## **NOTICES**

### **Sound Recording of Meeting**

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

### **Fire**

In event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

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

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

## **Supplementary Planning Guidance and Other Advice**

### **i) Government policy and guidance**

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

### **ii) Essex County Council**

- Essex Design Guide 1997
- Essex and Southend on Sea Replacement Waste Local Plan

### **iii) Maldon District Council**

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

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

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**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
21 MAY 2018**

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**PRESENT**

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

**84. CHAIRMAN'S NOTICES**

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

**85. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs H E Elliott and P G L Elliott.

**86. MINUTES**

**RESOLVED** that the Minutes of the meetings held on 9 April 2018 and the Special Meeting held on 17 April 2018 be approved and confirmed.

**87. DISCLOSURE OF INTEREST**

Councillor R P F Dewick declared an interest in Agenda Item 6 – OUT/MAL/18/00277 – Land West of Mill House, Mill End, Bradwell-on-Sea, Essex as he was a near neighbour of the applicant. He also declared an interest in Agenda Item 12 – FUL/MAL/18/00333- Springfield Nurseries, Steeple Road, Latchingdon, Essex, CM3 6LD as he had business dealings with the applicant in the past. He informed the meeting that he would leave the chamber for these items.

Councillor Mrs PA Channer, CC, declared a non-pecuniary interest as she was a Member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily. She further disclosed the following in the interest of openness and transparency:

- Agenda Item 6 – OUT/MAL/18/00277 – Land West of Mill House, Bradwell-on-Sea, Essex, as she knew the agent.

- Agenda Item 7 - FUL/MAL/18/00280 – Land North West of Riversleigh, Nipsells Chase, Mayland, Essex, as she knew the agent and applicant.

Councillor Mrs B E Acevedo declared a non-pecuniary interest in Agenda Item 7 - FUL/MAL/18/00280 – Land North West of Riversleigh, Nipsells Chase, Mayland as she knew one of the applicants.

Councillor R Pratt, CC, declared a non-pecuniary interest as a Member of Essex County Council, a consultee on planning application matters.

Councillor M W Helm declared a non-pecuniary interest in Agenda Item 7- FUL/MAL/18/00280- Land North West of Riversleigh, Nipsells Chase, Mayland , Essex, as he knew the applicant.

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

- Agenda Item 6 - OUT/MAL/18/00277 – Land West of Mill House, Mill End, Bradwell-on-Sea, Essex, as he knew the agent.
- Agenda Item 7 - FUL/MAL/18/00280 – Land North West of Riversleigh, Nipsells Chase, Mayland, Essex, as he knew the agent and applicants.
- Agenda Item 10 - HOUSE/MAL/18/00308 – Windward, Sandpit Lane, Burnham-on-Crouch, as he knew the applicants.
- Agenda Item 11 – FUL/MAL/18/00313 – Land North of Asheldham Hall Farm, Hall Road, Asheldham, Essex, as he knew the applicants.
- Agenda Item 12- FUL/MAL/18/00333 – Springfield Nurseries, Steeple Road, Latchingdon, Essex, CM3 6LD, as he knew both the agent and applicants.

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.

## 88. **FUL/MAL/18/00268 - LONGMEAD, 1 MARINE PARADE, MAYLAND, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/00268</b>
<b>Location</b>	Longmead, 1 Marine Parade, Mayland, Essex
<b>Proposal</b>	Erect two detached bungalows on No's 1 Marine Parade and 51A Imperial Avenue
<b>Applicant</b>	Mr and Mrs J Osborn
<b>Agent</b>	Chris Cumbers - CBS Cumbers MCIAT
<b>Decision Date</b>	08/05/2018 (Extension of time agreed: 24/05/2018)
<b>Case Officer</b>	Anna Tastsoglou 01621 875741
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	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.

Following the Officer's presentation, Parish Councillor Barry Edwards, Mayland Parish Council, addressed the Committee.

There was some discussion around 'backland development' and possible conflict with planning policy. The Development Management, Team Leader, advised that the proposed dwellings did not constitute 'backland development' and given that each would have a frontage they would sit reasonably comfortably within both streetscenes. He suggested that an additional condition be placed on the approval to ensure/prevent further development in the roof space.

Councillor M W Helm proposed that this application be approved in accordance with the Officer's recommendation. This was duly agreed.

**RESOLVED** that this application be **APPROVED**, subject to the existing 10 conditions and additional condition 11 outlined below:

- 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 drawings 546/01, 546/02, 546/03, 546/04A, 546/05A, 546/06A and 546/07A.
- 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.
- 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.
- 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.
- 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.
- 7 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

- 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.
- 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.
- 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.
11. Notwithstanding the content of Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any act or order revoking or re-enacting that order) the roof of the dwellings hereby approved shall not be subject to any alterations through the insertion of any windows or extensions.

In accordance with the earlier declarations of interest, Councillor R P F Dewick, Chairman, left the Chamber for this Agenda Item. Councillor A S Fluker, Vice-Chairman assumed the Chair for this Agenda Item.

IN THE CHAIR: COUNCILLOR A S FLUKER

**89. OUT/MAL/18/00277 - LAND WEST OF MILL HOUSE, MILL END, BRADWELL-ON-SEA, ESSEX**

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

Following the Officer's presentation Members unanimously agreed to refuse this application as per the Officer's recommendation.

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

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

Councillor R P F Dewick, Chairman of the Committee, returned to the Chamber and resumed the Chair for this Agenda Item.

IN THE CHAIR: COUNCILLOR R P F DEWICK

**90. FUL/MAL/18/00280 - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND, ESSEX**

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

Following the Officer's presentation Parish Councillor Barry Edwards, Mayland Parish Council and Mr Kenneth Paton, the Applicant, addressed the Committee.

A brief debate ensued around the size of the site and the need to support rural enterprise. Councillor Helm proposed that this application be approved contrary to the Officer's recommendation. This was duly seconded and agreed .

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1117/01, 1117/02 and 390  
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.  
REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy D1 of the Maldon District Local Development Plan.
4. Notwithstanding the content of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any act or order revoking or re-enacting that order) the building hereby approved shall only be used for purposes related to or ancillary to agricultural operations occurring at the application site.  
REASON: In the interests of sustainability in accordance with policies S1, S8, E4 and D1 of the Maldon District Local Development Plan 2015.

**91. FUL/MAL/18/00285 - CASIMIR 134 IMPERIAL AVENUE, MAYLAND**

<b>Application Number</b>	<b>FUL/MAL/18/00285</b>
<b>Location</b>	Casimir 134 Imperial Avenue Mayland
<b>Proposal</b>	Replacement Bungalow
<b>Applicant</b>	Mr D Cottee
<b>Agent</b>	Mr Mel Bajic – Iconico Ltd
<b>Target Decision Date</b>	EOT: 25.05.2018
<b>Case Officer</b>	Devan Lawson <a href="tel:01621875845">TEL:01621 875845</a>
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Cllr Helm Reason: Public Interest

Following the Officer's presentation, Parish Councillor Barry Edwards, Mayland Parish Council, addressed the Committee.

Members unanimously agreed to approve this application in accordance with the Officer's recommendation.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development 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.
3. The external surfaces of the building(s) shall be constructed of the materials specified on plan Proposed Elevations and within the planning application.
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.
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.
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.

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.
8. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
9. The garage(s) shall not be used other than for the accommodation of private motor.

## 92. FUL/MAL/18/00289- 29 EAST AVENUE, ALTHORNE

<b>Application Number</b>	<b>FUL/MAL/18/00289</b>
<b>Location</b>	29 East Avenue, Althorne
<b>Proposal</b>	Construction of platform, steps and additional paving. Installation of steplift and widen entrance door.
<b>Applicant</b>	Mr Robert Brett
<b>Agent</b>	Mrs C Dispirito – Home Improvements Team MDC
<b>Target Decision Date</b>	03.05.2018 (EOT 23.05.2018)
<b>Case Officer</b>	Devan Lawson <a href="tel:01621875845">Tel:01621 875845</a>
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Council's own development proposals.

It was noted that the Members' Update contained a supporting comment from Althorne Parish Council, a statutory consultee.

Following the Officer's presentation Members approved the application in accordance with the Officers's recommendation.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.



2. The development hereby permitted shall be carried out in complete accordance with 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.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

**93. HOUSE/MAL/18/00308- WINDWARD, SANDPIT LANE, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>HOUSE/MAL/18/00308</b>
<b>Location</b>	Windward, Sandpit Lane, Burnham-on-Crouch
<b>Proposal</b>	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.
<b>Applicant</b>	Mr and Mrs Swallow
<b>Agent</b>	Mr Kevin Green – Anglia Design Services
<b>Target Decision Date</b>	EOT: 25.05.2018
<b>Case Officer</b>	Devan Lawson TEL: 01621 875845
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Cllr Pratt Reason: Public Interest

Following the Officer's presentation Mr David Lidstone, representing the applicant, addressed the Committee.

Councillor Pudney disclosed an interest in this Agenda Item as he had been to School with the applicant.

A debate ensued regarding the amount of work that had been completed since the original submission. It was noted that all previous reasons for refusal had now been overcome.

Councillor R Pratt proposed that the application be approved contrary to the Officer's recommendation. This was duly seconded and agreed.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of the Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 3190.01, 3190.04 and 3190.05.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. The development shall be carried out using materials as specified on plans hereby approved unless otherwise agreed by the Local Planning Authority.

REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy D1 of the Maldon District Local Development Plan.

**94. FUL/MAL/18/00313 - LAND NORTH OF ASHELDHAM FARM, HALL ROAD, ASHELDHAM, ESSEX**

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

It was noted from the Members' Update that Asheldham Parish Council supported the application.

Following the Officer's presentation, Mr David Wallis, the Agent, addressed the Committee.

Members debated the merits of the application and acknowledged the need to support rural diversification. It was agreed that in order to secure a solid business there needed to be permission for both the dwelling house and the business on the same site. Currently the application was 'Cart before the Horse' so to speak. Members agreed that they did not have enough information to make an informed decision.

Councillor A S Fluker moved to defer the application to allow the applicant to submit a more robust application and this was seconded. Upon a vote being taken and there being an equality of votes the Chairman used his casting vote in favour of the deferral.

**RESOLVED** that the application be **DEFERRED** to the next meeting for the following reason:

1. In order for the applicant to submit more information.

In accordance with the earlier declarations of interest, Councillor R P F Dewick, Chairman, left the Chamber for this Agenda Item. Councillor A S Fluker, Vice-Chairman assumed the Chair for this Agenda Item.

IN THE CHAIR: COUNCILLOR A S FLUKER

**95. FUL/MAL/18/00333 - SPRINGFIELD NURSERIES, STEEPLE ROAD, LATCHINGDON, ESSEX, CM3 6LD**

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

Following the Officer's presentation Member unanimously agreed to approve the application in accordance with the Officer's recommendation.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with 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.
- 3 The external surfaces of the dwellings hereby approved shall be constructed of the materials specified on Materials Document received 08.05.2018.
- 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 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.
- 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.
  - 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.
  - 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.

Councillor R P F Dewick, Chairman of the Committee, returned to the Chamber and resumed the Chair.

IN THE CHAIR: COUNCILLOR R P F DEWICK

**96. FUL/MAL/18/00341 - 33 PRINCES AVENUE, MAYLAND**

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

Following the Officer's presentation Mr Day, the Applicant, addressed the Committee.

Members had a brief discussion where it was noted that all previous concerns had now been addressed.

Councillor M W Helm proposed that the application be approved in accordance with the Officer's recommendation. This was duly seconded and agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos 2416/1 A, 2416/3
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
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.

There being no further items of business the Chairman closed the meeting at 9.15 pm.

R P F DEWICK  
CHAIRMAN



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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JUNE 2018**

<b>Application Number</b>	<b>HOUSE/MAL/18/00319</b>
<b>Location</b>	Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU
<b>Proposal</b>	Demolish existing garage and workshop and replace with one new timber framed building
<b>Applicant</b>	Mr & Mrs Acevedo
<b>Agent</b>	Mrs Lynne Fornieles - Febo Designs
<b>Target Decision Date</b>	06.06.201 (extension of time agreed: 22.06.2018)
<b>Case Officer</b>	Anna Tastsoglou, <a href="tel:01621875741">TEL:01621 875741</a>
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

# **Fiddlers Rest - The Endway** **Althorne HOUSE/MAL/18/00319**



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	South East Area Committee
	Date:	07/06/2018
www.maldon.gov.uk	MSA Number:	100018588



### **3. SUMMARY**

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

##### *Site Description*

- 3.1.1 The application site is located on the south side of The Endway outside of the development boundary of Althorne. The site is located in a rural and widely open setting characterised by small clusters of low density development along the road which forms a small developed area surrounded by the open countryside.
- 3.1.2 The application site is located within the domestic curtilage of Fiddlers Rest which is a detached, two storey, white weatherboard dwelling. The host dwelling lies on the northeast corner of the application site. To the west is a residential dwelling (Brownleas House), whose outbuilding located adjacent to the western boundary of the application site. A detached two storey dwelling known as Oaktree Bungalow is located opposite the application site. To the south of the site there is open and undeveloped land.
- 3.1.3 The area where the proposed detached outbuilding is to be erected is currently occupied by two outbuildings. The western boundary of the site is defined by a 1.8 metre high timber fence which screens the application site from Brownleas House. The area around the existing outbuildings is enclosed by post and rail fencing. The north and west boundaries are defined by a low hedgerow and sections of post and rail fencing along the public highway.

##### *Description of proposal*

- 3.1.4 Planning permission is sought to demolish the existing single storey outbuildings and erect a detached L-shaped outbuilding to be used as a garage and workshop.
- 3.1.5 The outbuilding would have two joined gable roofs, with a canopy projecting forward of the proposed workshop. Externally the building would measure 14.6m wide, 7.5m deep, 2.5m high to the eaves, with a maximum height of 4.4m and it would be set 5.2m back from the highway. Double garage doors would be installed to the north elevation and fenestration would be incorporated to all elevations, except of the west elevation.
- 3.1.6 Materials to be used to the external elevations would include hardwood windows, slate roof and the walls would be finished in timber boarding.

##### *Background of application*

- 3.1.7 It is noted that two applications (ref no's: FUL/MAL/12/00016 and FUL/MAL/17/01010) to demolish the existing outbuildings and erect a dwellinghouse in a similar location as the currently proposed outbuilding were previously refused, one dismissed on appeal.

#### **3.2 Conclusion**

- 3.2.1 Having taken all material planning considerations into account, it is found that the development, although large, would be acceptable in terms of its impact on the appearance of the streetscene and it would have an acceptable impact on the residential amenity of the neighbouring occupiers. The development would not

adversely impact upon the highway network or on-street parking capacity. Therefore, the development is considered acceptable and in accordance with the aims of the Local Development Plan (LDP).

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

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

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

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

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

- Policy S1 – Sustainable Development
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1– Design Quality and Built Environment
- 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 principle of providing facilities/structures in association with residential accommodation is considered acceptable and in line with policies S1 and H4 of the approved LDP. Other material planning consideration, including the impact of the development on the character of the area, the residential amenity of the neighbouring occupiers and any impacts on the highway 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 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 Maldon District Local Development Plan (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 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 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.
- 5.2.7 The application site is located on the southern side of The Endway outside of the defined development boundary of Althorne. As noted above, development along the Endway is of low density with dwellings located sporadically along either side of the road following the road layout as a form of ribbon development. At present there are two outbuildings located on the northwest corner of the application site, positioned closer to the highway, almost in line with the outbuildings of the neighbouring property to the west. The outbuildings cover an area of approximately 83.5sqm. Although the proposed replacement outbuilding would have a larger footprint (101.4sqm) than the existing structures on site and it would be taller, it is considered that due to its position further back from the highway, it would not result in an

obtrusive visual impact on the streetscene and by reason of its scale and height it would maintain its subservience to the main two storey building.

- 5.2.8 Whilst the proposed building would introduce a number of windows, which are more reflective of a domestic building rather than an ancillary outbuilding, it is considered that the proposed double garage doors to the elevation fronting the highway would be representative of a garage and also fenestration would add some architectural interest to the building. Overall the design and scale of the outbuilding is considered acceptable and on balance, given its incidental and subservient use, it is not considered that it would result in a materially harmful impact on the visual amenity of the streetscene of the character of the area more widely. There are a number of examples of outbuildings in the immediate area of the application site and taking also into consideration the existing situation (two existing outbuildings on site), it is considered that the development would not appear out of keeping with the character of the wider area.
- 5.2.9 It is noted that two applications were previously refused (one dismissed on appeal) on site which were proposing to erect a new dwelling. Although concerns were raised regarding the impact that the new dwelling would have to the rural character of the area, it is noted that these applications were materially different from the current proposal which is only for a structure immediately associated with and supplementary to the main dwelling. The development does not introduce a new domestic development, with all its associated paraphernalia and thus, it is not considered to result in a harmful impact on the undeveloped and open 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 proposed single storey outbuilding would be located 3.5m away from the neighbouring property to the west. An outbuilding is currently located adjacent to the shared boundary and the neighbouring dwelling sits a considerable distance away from the boundary. Whilst the development would project rearwards of the neighboring dwelling, the separation distance between the development and the adjacent residential property would be sufficient to mitigate against any overshadowing or overbearing impact. No windows are proposed to be installed on the west elevation of the proposed outbuilding and thus, the adjoining neighbours' privacy would not be compromised by the proposal.
- 5.3.3 There would be a significant separation distance between the proposed development and all other nearby dwellings to the north. Thus the development would not have any greater impact on the amenity of the nearby neighbours.

### **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 Highway Authority have assessed the proposal and raised no objection in terms of highways safety, given that the existing access to the site would remain unaltered.
- 5.4.4 In terms of parking provision, the proposed development would provide parking spaces in excess of the standards as set out in the Vehicle Parking Standards. Furthermore, the distance maintained between the development and the highway would be increased and thus, the development would not result in obstruction of the free flow of traffic. It is therefore considered that the development is unlikely to increase on-street parking need or result in an unacceptable impact on highway safety.

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

- **FUL/MAL/99/00428** - Proposed erection of play equipment in rear garden (retrospective application) – approved No Conditions - 27.07.1999.
- **FUL/MAL/99/00690** - Proposed enclosed swimming pool extension to dwelling – Approved - 03.11.1999.
- **FUL/MAL/99/00778** - Proposed replacement of existing chain link fence with ranch style fence – Approved - 30.11.1999.
- **FUL/MAL/12/00016** - Demolition of existing sheds with road side frontage and development of a new separate dwelling within the existing garden curtilage. – Refused - 05.04.2012 – Appeal Dismissed - 15.02.2013.
- **FUL/MAL/17/01010** - Demolition of existing sheds with road side frontage and development of a new, separate dwelling within the existing garden curtilage. – Refused - 05.12.2017
- 

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Althorne Parish Council	Support the application	Noted

## 7.2 Statutory Consultees and Other Organisations

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

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding surface water drainage and foul drainage.	It is noted that as shown on the submitted plans, the development is to be used as garage and workshop and there is no provision for sanitary facilities. Thus, it is considered that the imposition of a condition requesting details of foul to be unreasonable and unnecessary.

## 7.4 Representations received from Interested Parties

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

## 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) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 02 Rev A; 03 Rev A and 04 Rev A.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the outbuilding hereby approved shall be as set out within the application form/plans hereby approved.  
REASON: In the interest of the character and appearance of the conservation area in accordance with policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.
- 4 The outbuilding hereby permitted shall only be used for purposes incidental to the residential use of the dwelling at Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU.

REASON: To safeguard the character and amenities of the area and the amenities of adjoining residential properties, in accordance with the National Planning Policy Framework (2012), policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017)

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

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

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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JUNE 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00389</b>
<b>Location</b>	T J's Riding School, Burnham Road, Southminster, Essex, CM0 7BL
<b>Proposal</b>	Permanent retention of manager's dwelling following temporary consent granted 17 October 2014
<b>Applicant</b>	Ms Bridge Jennings - TJs Riding School
<b>Agent</b>	TMA Chartered Surveyors
<b>Target Decision Date</b>	28 <sup>th</sup> June 2018
<b>Case Officer</b>	Anna Tastsoglou, TEL: 01621 875741
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In The item has been called in by Cllr Fluker on the grounds of public interest and equine security.

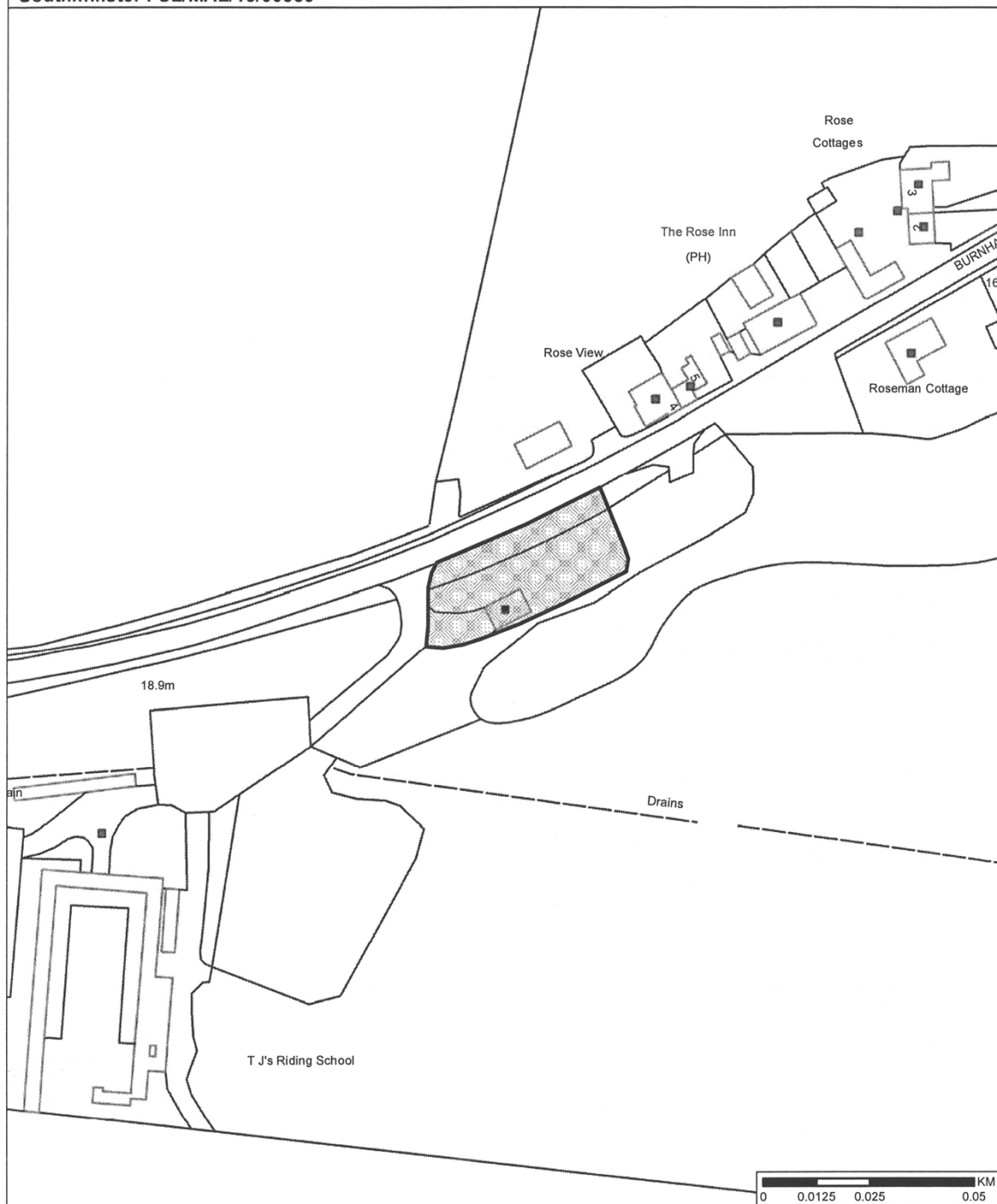
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**T J's Riding School - Burnham Road**  
 Southminster FUL/MAL/18/00389



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	South East Area Committee
	Date:	07/06/2018
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

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

##### *Site description*

- 3.1.1 The application site is located on the southern side of Burnham Road, outside the development boundary and it comprises a detached log cabin and other single storey timber structures.
- 3.1.2 The site is contained within a larger area under the applicant ownership that has two entrances, one opposite the Rose and Crown Public House and another one near the previously approved temporary dwelling, which was formerly part of Ratsborough Farm. The riding school comprises a “U” shaped stable block which, according to the applicant’s statement, accommodates 35 animals and an outdoor ménage. These elements are located to the west of the site and close to the Burnham Road.
- 3.1.3 Topographically the site drops downwards to the southwest and the stables are below the level of the main access point. The closest residential dwellings are clustered by the Public House and the Burnham Road, there are open agricultural fields to the south and the Ratsborough Farm complex to the south east of the site. The highway boundary comprises a mature hedgerow and landscape belt which screens it from the road.
- 3.1.4 The temporary dwelling, previously approved to be erected and maintained for a period of three years (FUL/MAL/14/00510) is located in close proximity to Burnham Road, on the northern side of the applicant’s ownership and it is a timber structure raised from the natural ground level.

##### *Description of proposal*

- 3.1.5 Planning permission is sought to permanently retain the previously approved temporary dwellings at T J's Riding School. The temporary single storey residential unit, which is a form of a log cabin, was previously approved to be erected on the 17<sup>th</sup> October 2014 for a time period of three years until 1<sup>st</sup> November 2017.
- 3.1.6 The previous temporary permission was given on the basis of the owner’s need to live on site for safety, security and welfare of the animals purposes. A Planning Statement has been submitted with the application stating that the owner wishes to permanently retain the temporary structure on site, in order to continue providing security and welfare to the animals. Further evidence in relation to the functional need of a workers dwelling and accounts of the last three years has been submitted in support of the application.
- 3.1.7 The timber building is located to the east of the entrance to the site and 10m back from the highway. The cabin accommodation measures 10.3m by 6.8m with an overall height of 5.4m. There is also an external deck to the front and side of the dwelling, with a ramp providing access to the raised structure, which projects a further 1.5m under an overhanging roof. Internally the cabin comprises two bedrooms, a bathroom, a utility room and an open plan kitchen/dining room.

- 3.1.8 Externally, the cabin is finished in timber cladding, bituminous felt roof tiles and brown UPVC fenestration.
- 3.1.9 The residential curtilage of the proposed dwelling forms part of the wider area under the applicant's ownership and it measures approximately 821sqm. No designated parking spaces for the dwelling are shown in the submitted plans.
- 3.1.10 It is noted that at the time of the site visit timber structures had been erected to the southwest of the temporary dwelling. These structures have not been shown on the submitted plans and appear to require planning permission.

*Background of the application*

- 3.1.11 The site has authorised planning use as an equestrian centre, including stabling for 24 horses, office, first aid room, toilet, barn, ménage, car park and access, as a result of the approval of application FUL/MAL/05/00212.
- 3.1.12 Conditions imposed upon this permission state that there shall be no more than 24 horses stabled on the site, that the site shall not be open to visitors, except staff outside of 08:00 to 20:00 Monday to Friday and 08:00 to 19:00, Saturday, Sunday or on Bank Holidays.
- 3.1.13 Following the above permission, an application for the erection of a temporary structure to be used as a worker's dwelling on the land was approved for a temporary period of three years. A condition requiring the removal of the structure and the restoration of the site on or before 01 November 2017 was imposed.
- 3.1.14 An application to retain the timber structure on site for an a further three years was recently submitted and withdrawn before its presentation to the South Eastern Area Planning Committee Meeting.

### **3.2 Conclusion**

- 3.2.1 Having taken all material planning consideration into account, an objection is raised to the principle of the proposed development which, by reason of its location outside the defined settlement boundary, it's out of keeping appearance to the surrounding area and its unsustainable and isolated form of development, would result in a development that is materially harmful to the rural character of the area. Furthermore, insufficient information has been submitted demonstrating the essential need or viability of the workers accommodation in this location and thus, the development does not accord with the purposes of exception policy H7. In light of the above, it is considered that the development is substantially harmful to the visual amenity and character of the area to an extent that it cannot outweigh the positive aspects of the proposal that have been set out by the applicant.

## **4. MAIN RELEVANT POLICIES**

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

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

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development

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

#### **4.2 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 permanently retain a temporary timber structure used as a worker’s dwellinghouse for an additional three years period at the entrance of the T J’s Riding School in Southminster. The site is part of a larger area and the existing use relates to a commercial equine business.
- 5.1.2 The site lies outside the defined settlement boundaries. The nearest village to the application site is Southminster, which is approximately 800m 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;*
- 12) Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

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

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

5.1.6 The abovementioned policies are in compliance with the 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 MDLDP 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 It is noted that planning permission for the erection of a temporary timber cabin to be used as a dwellinghouse for a temporary period of three years was granted on 17 October 2014, including a condition to remove the structure and restore the land to its former condition on or before 1 November 2017 unless before that date a formal planning application for the retention of the building has been approved by the local planning authority. This was attached in order for the Local Planning Authority (LPA) to be able to reassess the impact of the development on the character and appearance of the area. The application for the permanent retention of the existing temporary structure was made valid 3 May 2018; therefore, after the period set out in the imposed condition of the previous permission (FUL/MAL/14/00510). At the time of the site visit, the timber cabin was still on site, together with other structures that do not benefit from planning permission and the applicant is therefore advised that the local planning authority is aware of the unauthorised structure and an informative would be added as a reminder for the applicant of the Council's power to consider enforcement action against the unauthorised development.
- 5.1.10 The application site lies within a rural area and distant from the development boundary of Southminster. Although there are some existing dwellings in the vicinity to the northeast of the site, there is no identifiable settlement in this area or local community support services or facilities. Whilst it is accepted that a bus service is provided near the site, which can also be accessed via an established pedestrian/cycle route, all community services and support facilities that need to be reached are away from this site which is sited in a remote location to the settlement boundary. It is therefore considered that by reason of its location and impact on the character of the open countryside the temporary dwelling does not constitute sustainable development.
- 5.1.11 A planning statement accompanies the application where it is stated that the reason for the permanent retention of the log cabin is to allow a 24-hour security of the site as well as easier management of the health and welfare of the animals. It is stated that the presence of the applicant on site has improved the security of the site, the animals' welfare and breeding of the animals. It is noted that from the 35 horses that live onsite, some are in 'full' liveries, there are mares, young horses and also older horses that require further care. It is suggested that were the applicant to move off the site the previous problems with safety and risks to animal welfare would recur. According to the applicant the business has changed recently focusing on more specialist and profitable areas, such as mares in foal and breaking young horses.

Although it is suggested that in the recent years the business has moved away from offering time consuming and less profitable lessons to focus on the livery business, a summary of the income and expenditure accounts has been submitted that clearly shows a reduction of £8,705 to the income and an reduction of £4,125 to the profit in the last year (between 2016 and 2017) which does not reflect the applicant's argument regarding the profitability of the new direction of the business. Therefore, concerns are raised regarding the viability of the business and its ability to support a new dwelling.

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

- 1) The application site and in particular the stables, have planning permission to be used as an equestrian centre between 08:00 to 20:00 Monday to Friday and 08:00 to 19:00, Saturday, Sunday or on Bank Holidays. This is to protect the amenities of the area in terms of noise and general disturbance.

A condition was also restricting the number of horses stabled on site to a maximum of 24 (condition 07) to ensure that control over any future expansion of the equestrian centre and in order to protect the amenities of nearby residential properties and the rural character and appearance of the area was imposed. The applicant states that 35 horses are currently kept on site and that the business comprises 28 stables. In this regard it is considered relevant to note that planning permission would be required to vary the condition of the permission that allows the operation of the equine business. Such permission would be required to allow the stabling of 35 horses and also regularize any additional stables that may have been erected, given that the original permission was for 24 stables only.

Permission was granted in 2005 it is understood that the business has operated as such for a period of approximately seven years (since 2007) until an application for a temporary dwelling was submitted in 2014. Permission was thereafter granted in 2014 for the erection of a dwelling for a temporary period of three years. The applicant has submitted information in support of the application to demonstrate the functional need of the equestrian business. This is as stated above and relates to the security and care of the sensitive animals (mares in foal, young horses and old horses). Although it is acknowledged that on the basis of the information submitted, there may be a need for a workers accommodation on-site, concerns are raised regarding the lawfulness of the use of the site in accordance to its original permission and it would have been unreasonable to apply weight to a business plan that cannot be lawfully implemented.

- 2) The applicant within his planning statement suggests that there are five dwellings in the nearby area which are all owner occupied and therefore there are no available dwellings to serve the need of the applicant. Officers have no evidence to suggest otherwise and therefore, no objection is raised in that respect.
- 3) As noted above, a summary of income and expenditure accounts has been submitted with the application. However, the figures given do not reflect the applicant's argument that a recent shift of the business focus has made it more



profitable. To the contrary a considerable reduction of the income and profit is shown between 2016 and 2017. There are also other inadequacies in the submitted accounts that make the applicant's submission fail. These include the lack of information regarding annual wages and also a considerable amount spent of rent of premises, which make it questionable whether the business can support a worker's dwelling. It is not made clear what is rented and what premises may be made available in the future.

Given the changes to the business model and the fact that no forecast on business plan appears to have been submitted, it is considered that a new business plan should be provided to demonstrate the usability of the business this has not occurred.

Although the submitted accounts confirm that the business is profitable; they cannot demonstrate that the business is able to support the erection of a permanent dwelling. Furthermore, no business plan providing financial forecasts of the business has been submitted and therefore, it has not been demonstrated that the business would continue to be viable and secure future prospects. It is considered that the proposal fails to meet criterion 3.

- 4) In relation to criterion 4, the applicant states that the proposed dwelling would house one adult and a dependent child and therefore, no objection is raised to the size of the temporary dwelling to accommodate the family. However, an objection is raised to the permanent retention of an otherwise temporary structure.
- 5) It is important to note that following the expiry of the three years of a temporary structure on site and given that it can be demonstrated that there is a functional need for an established and viable use, a permanent dwelling should replace the temporary structure. The proposal is to retain the existing timber log cabin, which is not a permanent structure. The reasons such a structure was originally approved on site, was based on the fact it would be removed after a period of three years in order to be able to reassess the impact of the development on the character and appearance of the area.

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 states that after a period of the first three years, the provision of a permanent structure would be assessed on the basis of the abovementioned criteria (para 5.1.7). A period of three years has lapsed and it is therefore considered reasonable that should a need of residential accommodation be demonstrated, a permanent structure should replace the temporary one previously approved.

5.1.14 Paragraph 14 of the Planning Practice Guidance regarding permissions for a use for temporary period states that "*It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission should be granted permanently*"

- 5.1.15 On the basis of the above paragraph and assessment against policy H7 of the LDP, it is considered that the development as proposed would not accord with the purposes of the exception policy H7 and it is not appropriate to grant a second temporary permission.
- 5.1.16 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 800m distance away from Southminster, which is the nearest village to the application site. Whilst there is a bus stop near the application site and there is access to pedestrian/cycle route, given that the site is located far from all public services and other local amenities, it is considered unlikely that the occupiers would use public transportation for their day to day needs.
- 5.1.17 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.
- 5.1.18 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.
- 5.1.19 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 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”*.

- 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 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 of the LDP seek to avoid new development outside defined development boundaries, and LDP Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.
- 5.2.6 The proposed dwelling, albeit a temporary structure, essentially constitutes a residential dwelling, which is located outside the defined settlement boundaries and by reason of its siting appears entirely at odds and out of keeping with the rural and open character of the area. In terms of the siting and layout, the structure appears remote from the existing dwellings to the north and east, to the detriment of the distinctive character of the area and its surrounding. The installed domestic paraphernalia (shed, gas tank and fence around the cabin) exacerbates the adverse impact of the development on the open countryside and it results in clear domestication of this part of the site.
- 5.2.7 The structure is disproportionately small when compared to the rest of the dwellings in the vicinity and its finishing materials do not satisfactorily relate with the finishing materials used in the existing dwellings on Burnham Road. It is therefore considered that the permanent retention of this structure on site would set a precedent of unacceptable development in a rural area and also it would cause a perpetual unacceptable harm to the wider area.
- 5.2.8 On the basis of the above, it is considered that the proposed development, by reason of its siting in an open rural area, installed domestic paraphernalia and overall design and character, results 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 and its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The introduction of a residential dwelling in this location is not considered to result in loss of significant residential amenity to the existing residential occupiers of dwellings within the vicinity, which are located a reasonable distance away from the nearest residential properties to the north and east (around 16m and 24.5m respectively).

### **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 two bedrooms require a maximum of two off-street parking spaces.
- 5.4.3 The submission has not included any details of vehicle access or parking. Whilst there is an existing vehicle access into the site, no further details regarding vehicle parking in relation to the residential use have been submitted. However, at the time of the site visit, a car was parked adjacent to the dwelling, within the area bounded by the fence. Although off-street parking has not been shown on the submitted plans to be designated to the dwelling, there is ample space within the application site, adjacent to the dwellings, that can be used for such purposes and therefore, no objection is raised in terms of development adversely impacting upon on-street availability. The site benefits from an existing access, which is wide enough to allow vehicles to enter and leave the site safely. The Highways Authority has been consulted and raised no objection to the proposal. Therefore, no objection is raised in terms of the impact of the development on the highway network or highway safety.

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

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 Whilst the curtilage of the dwelling has not been clearly marked on the plans submitted, it appears that the area around the dwelling is of such size that can meet the needs of the occupiers in terms of outdoor amenity area. The details of the curtilage of the dwelling, as previously approved, were submitted as part of

application DET/MAL/15/05001, comprising a usable amenity area larger than 400sqm, which is in excess of the minimum requirements for the size of the dwelling.

- 5.5.3 The size of the proposed dwelling is 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 No landscaping has been shown to the submitted plans and there are no formal landscaped areas immediately adjacent to the site. Although the lack of formal soft landscaping was assessed as part of discharging condition 4 of the previously approved application (FUL/MAL/14/00510) and in that particular instance was considered to be acceptable it is considered that in this instance, given the permanency of the development, details of landscaping to mitigate the impact of the development should be submitted.

## **5.6 Other Material Considerations**

- 5.6.1 It is noted that a new application site showing solely the curtilage of the dwelling and not the equestrian site as a whole has been submitted. It is noted that should permission be granted, a condition to limit the occupation of the dwelling to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or widow or widower or surviving civil partner of such a person, and to any resident dependants would have been imposed.

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

- **FUL/MAL/05/00212**- Establishment of an equestrian centre including stables, office, first aid room, toilet, barn, ménage, car park and access. . Planning permission granted in 10.05.2005.
- **FUL/MAL/14/00510** - Proposed dwelling for Owner/Manager on a temporary basis limited to three years. Planning permission granted in 17.10.2014.
- **DET/MAL/15/05001** - Compliance with Conditions Notification: Condition 3 - Details of the extent of the residential curtilage. Condition 4 - Hard and soft landscape. Condition 5 - Scheme for the parking of motor vehicles. Condition 6 - Detailed drawings showing the finished ground and finished floor levels (**FUL/MAL/14/00510** - Proposed dwelling for Owner/Manager on a temporary basis limited to three years.). Details agreed.
- **FUL/MAL/17/01179** - Retention of manager / owners dwelling for a further three years. Application withdrawn.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Southminster Parish Council	Support the application, subject to it being tied to the business.	Comment noted

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highway Authority (ECC)	No objection to the proposal.	Comment noted

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection to the proposal, subject to clarification of the foul drainage arrangement	Comment noted

## 7.4 Representations received from Interested Parties

- 7.4.1 The neighbouring occupiers have been consulted and site notices posted on site and no letters of objection has been received.

<b>Objection Comment</b>	<b>Officer Response</b>

## 8. REASON FOR REFUSAL

- The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development, due to its location, design and associated domestic paraphernalia, would substantially alter the open character of the area and it would be out keeping with the development in the surrounding area. Furthermore, by reason of the location of the site, it is disconnected and isolated from the existing settlement, providing 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, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

## **INFORMATIVE**

- 1      The Council is aware that the temporary permission for the dwelling has lapsed and the structure should have been removed on the 1<sup>st</sup> November 2017 in accordance with condition 1 of permission FUL/MAL/14/00510. You are reminded of the Borough Council's power to consider enforcement action against the unauthorised development.

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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JUNE 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00415</b>
<b>Location</b>	Land Adjacent Springwood, Rectory Lane, Latchingdon, Essex
<b>Proposal</b>	Re-submission of planning application for 3 dwellings with access off Burnham Road
<b>Applicant</b>	Foxley Corporate Ltd
<b>Agent</b>	Mr David Wallis - Smart Planning
<b>Target Decision Date</b>	01.06.2018 (Extension of time agreed: 22.06.2018)
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>LATCHINGDON</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Development Plan 2017

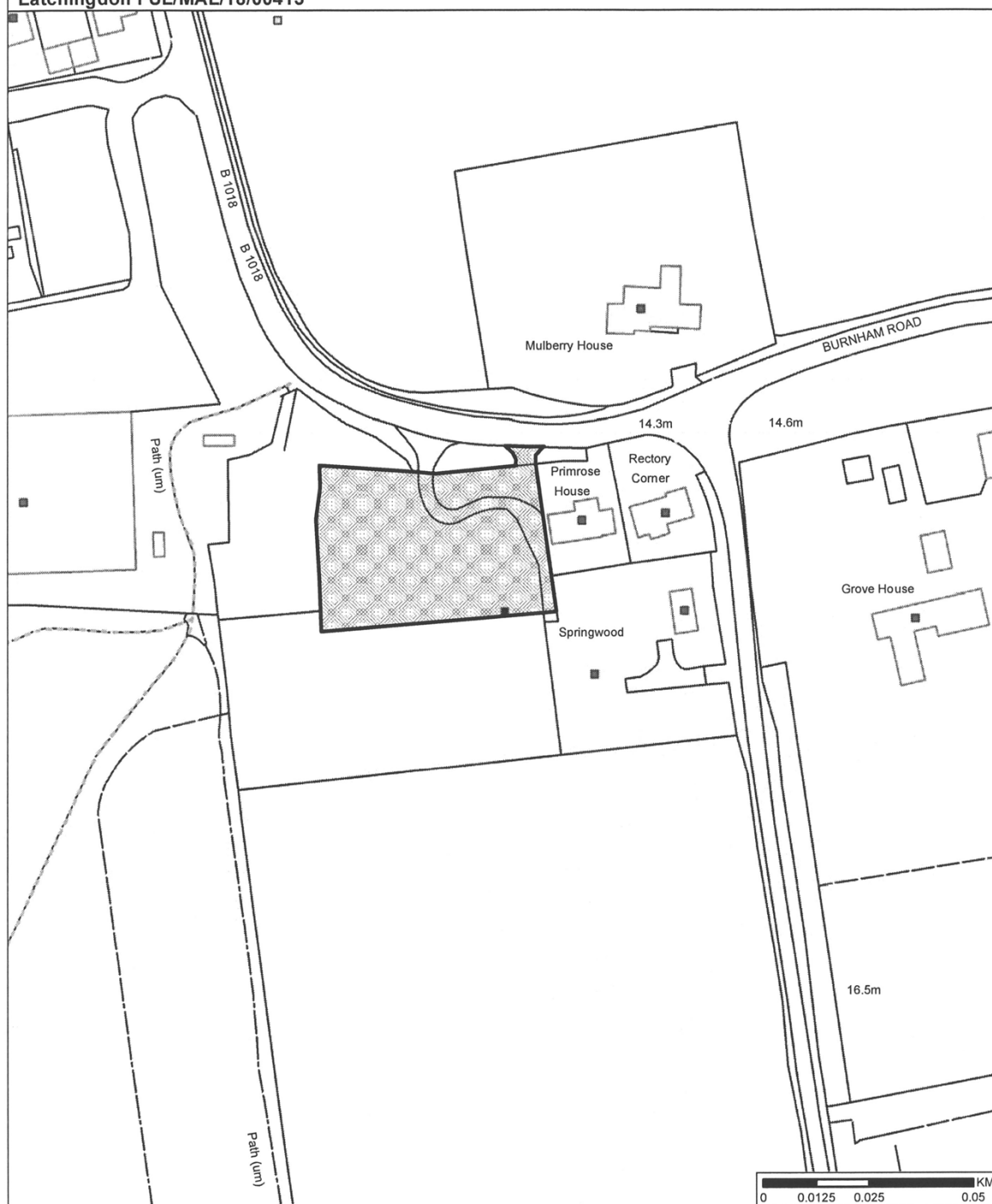
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

# **Land Adjacent Springwood - Rectory Lane** **Latchingdon FUL/MAL/18/00415**



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	South East Area Committee
	Date:	07/06/2018
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

##### *Site description*

- 3.1.1 The site is located to the south of Burnham Road, west of Rectory Lane. Part of the site, although an open field, appears to be used as an amenity area for the neighbouring dwelling of Springwood. The area is mainly grassed over and bounded by a hedgerow along the north and west boundaries. The site has an established access onto Burnham Road.
- 3.1.2 It is noted an application (Ref No.: OUT/MAL/17/00869) to erect six dwellings, in an area including the application site and extending further to the south, was recently refused. Concurrently with this application, another application (Ref No.: OUT/MAL/17/00868) to develop the area to the rear of Springwood, providing four additional dwellings was also refused. An area smaller than the application site (approximately 500sqm) benefits from approval for the erection of two dwellings (Ref No.: OUT/MAL/15/01080). This application followed the refusal of a similar proposal when the dwellings proposed were larger in scale (Ref No.: OUT/MAL/15/000635). The most recent application (Ref No.: FUL/MAL/18/00014) on site, which is currently the subject of an appeal, relates to the erection of three dwellings on the same land as currently proposed and it was refused due to the layout, width, height, scale and design of dwellings. The development has now been amended and the differences compared to the last refused application are discussed below.
- 3.1.3 The site is located outside the defined settlement boundary of Latchingdon, which is approximately 300 m to the north of the site.
- 3.1.4 To the east of the proposed site are two large detached recently constructed dwellings, while to the south of these dwellings is the existing property of Springwood. Further to the north of the site on the opposite side of Burnham Road is an agricultural field which has outline approval for 10 dwellings and east of the field is a large residential property on a large plot. To the north of that property is land which benefits from planning permission for the erection of 30 dwellings. Those dwellings are currently being constructed. To the northwest of the site, an application for the erection of 41 dwellings benefits from a resolution to grant planning permission, subject to completion of a S106 agreement. South of the site are agricultural fields, and to the west of the site is the Jacks Centre bowls complex contained within a large building and adjacent car park.

##### *Description of proposal*

- 3.1.5 Planning permission is sought to erect three four bedroom, two storey dwellings on the land to the south Burnham Road, west of Primrose House, with associated off-street parking and landscaping.
- 3.1.6 Two types of dwellings are proposed to be erected and their details are as follows:
- House type 1 – plots 1 and 2: The dwellings would be of a T-shape, with a main gable roof running in a west-east direction and two lower gable projections to front and rear. The dwelling would measure a maximum of 11.2m wide, 10.2m

deep, with a maximum height of 8.3m. Internally the dwelling would accommodate an open plan kitchen/lounge/breakfast area, a dining room and a WC at ground floor and four bedrooms (one en-suite) and a bathroom on the first floor.

- House type 2 - plot 3: The dwelling at plot 3 would be of an L-shape with gable roofs running north-south and east-west directions. The property would measure a maximum of 11.5m wide, 9.9m deep, with a maximum height of 8.4m. The dwelling internally would be in a form of an open plan kitchen/breakfast area, a lounge, a dining room, a WC, a study room and a utility at ground floor and four bedrooms (one en-suite) and a bathroom at first floor.

- 3.1.7 The dwellings would have gardens measuring approximately between 227sqm and 265sqm.
- 3.1.8 The site would be accessed via an existing access onto Burnham Road, to the west of Primrose House. The access road within the application site would be formed almost parallel with the highway along the front building line of the proposed dwellings.
- 3.1.9 All properties would benefit from detached single garages measuring 7m deep by 3.5m wide, with a maximum height of 4.8m. An additional two off-street parking spaces would be provided per dwelling.
- 3.1.10 Limited information has been submitted in relation to the external finishing materials. The roofs would be tiled and the external walls would be finished in render and brick facing forming plinth.
- 3.1.11 The most important amendments from the previously refused scheme are as follows:
- Overall the height and scale of the dwellings has been reduced. The dwellings as previously proposed had a maximum height between 8.3m and 8.8m, whilst now their ridge height varies between 8.3m and 8.4m. In terms of their width, the dwellings were previously varying between 12m and 16.2m wide, while the width of the dwellings as currently proposed is between 11.2m and 11.5m.
  - In terms of their design and appearance the dwellings now proposed have eaves which are aligned.
  - There is a general uniformity and consistency in the external appearance of the dwellings and the gaps maintained between them.
  - The garages would be detached from the dwellings and they would be set back from the dwellings, allowing wider gaps between the dwellings.

## 3.2 Conclusion

- 3.2.1 In this particular instance, whilst representing a departure from the policies of the development plan, given the planning history of the application site and the surrounding area and the amendments incorporated to the development, it is considered that, on balance, the proposal would be acceptable in terms of its impact on the character of the rural area and the streetscene. Following amendments the harm to the character and appearance of the site or the surrounding area has been addressed and the amenities of neighbouring occupants would not be compromised by the development. The proposed dwellings would be served by ample parking and

amenity space. It is therefore considered that having regard to all the above matters, the development would be acceptable.

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

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

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

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

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

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

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

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

#### **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 Policy S1 of the Local Development Plan states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*
- 2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
  - 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
  - 4) Support growth within the environmental limits of the District;*
  - 5) Emphasise the importance of high quality design in all developments;*
  - 6) Create sustainable communities by retaining and delivering local services and facilities;*
  - 12) Maintain the rural character of the District without compromising the identity of its individual settlements;*
  - 13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”.*
- 5.1.3 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”.*
- 5.1.4 Along with policies S1 and S2, Policy S8 of the approved Maldon District Local Development Plan (MDLDP) seeks to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and when it is for a purpose that falls within a defined list of acceptable development.
- 5.1.5 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. Open market residential development is not within the defined list.
- 5.1.6 The site is sited outside the defined settlement boundary of Latchingdon and it is therefore contrary to the Policies S1, S2 and S8 of the LDP. However, it is noted that two dwellings were approved on land within the application site, on a smaller application site, under the terms of application (OUT/MAL15/01080) and also no objection was previously raised to the principle of the erection of three dwellings on the application site (FUL/MAL/18/00014).
- 5.1.7 The proposed three residential dwellings would be sited in a plot of a larger width than that previously approved to accommodate two dwellings in a linear form continuing the existing built form. Taking into consideration that it would not further

encroach onto the open countryside to the south, as the previous development for the erection of six dwellings did, it is considered that the extent of sprawl into the countryside would not be substantially worse than the previously approved development. Therefore, given that an extant permission for two dwellings exists on a comparable site, no objection is raised to the principle of the proposed development.

5.1.8 Whilst residential development would normally be unacceptable, support for two dwellings at the site is considered to carry substantial weight, as are the other permissions in the surrounding area. The additional dwelling would not reduce the sustainability of the site and the additional dwelling would be equally accessible and sustainable.

5.1.9 As noted above, the layout, scale and design of the dwellings proposed has been amended and thus, the design and impact of the proposed development on the area is to be assessed in order to justify that it would not have a detrimental impact on the streetscene or the character of the locality. This along with other material planning consideration including the impact of the development on the amenity of the neighbouring occupiers, the living conditions of the future occupiers and highways issues are assessed below.

## 5.2 Accessibility

5.2.1 Policies T1 and D2 seek to encourage sustainable development within settlement boundaries, increased use of sustainable modes of transport (walking, cycling, public transport) and reduced reliance on the car to access essential services and facilities. LDP Policy T2 relates more 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'*. In addition, paragraph 35 of the NPPF sets out that *'developments should be located and designed where practical to...give priority to pedestrian and cycle movements, and have access to high quality public transport facilities'*.

5.2.2 On the basis of the above, an important element when considering the appropriateness of a proposed development is the ability of future residents to access essential services and facilities through sustainable modes of transport. The site is located approximately 300m away from the settlement boundary of the Latchingdon. To the north and west of the site there are public footpaths which could be used by residents of the proposed development to access services and facilities within the village of Latchingdon. The footpath to the north is opposite the application site, while the distance to the footpath to the west is approximately 50m. Unlike the application for the erection of four dwellings to the south of Springwood, the occupiers of the currently proposed development would be able to easily access this footpath. Therefore, given that the distance to the convenience store is at the limit of what is considered to be an appropriate walking distance, it is considered that residents would not be discouraged from walking or cycling.

5.2.3 In terms of use of public transportation, the nearest bus stop to the site is The Village Hall which is located around 350m away from the site. The bus stop served by two service routes connecting Latchingdon with Burnham-on-crouch, Althorne, Maldon, Danbury and Chelmsford. The first bus is at 6.16am and the last is at 8.40pm. The links are not very frequent; however, on balance, they can provide a level of

connection with main employment opportunities areas and areas providing local services and amenities. Opposite the application site there is an existing pavement which would be able to be used by the occupiers to access the nearest bus stop. Therefore, on balance, it is considered that future occupiers would be able to use public transportation for their day to day needs and for commuting to work. Therefore, the current proposal is considered acceptable in terms of accessibility to services and public transportation.

### **5.3 Housing need and Supply**

- 5.3.1 The proposal would provide three, four 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.
- 5.3.2 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.
- 5.3.3 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, four bedroom dwellings would not contribute towards the identified need from smaller houses.
- 5.3.4 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.
- 5.3.5 Although the council is able to demonstrate housing supply in excess of five years, taking also into consideration the extant planning permission for the erection of two dwellings, it is considered that in this particular instance, no objection is raised to the principle of residential development for three dwellings in this location.

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

- 5.4.1 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.



- 5.4.2 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.
- 5.4.3 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.
- 5.4.4 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.”*
- 5.4.5 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) *Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
  - b) *Height, size, scale, form, massing and proportion;*
  - c) *Landscape setting, townscape setting and skylines;*
  - d) *Layout, orientation, and density;*
  - e) *Historic environment particularly in relation to designated and non-designated heritage assets;*
  - f) *Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
  - g) *Energy and resource efficiency.*
- 5.4.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.7 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.
- 5.4.8 The proposed site is located outside of the southern settlement boundary of Latchingdon, west of Rectory Lane. The site is currently open grass fields,

approximately 0.2 hectares in size. Immediately adjacent to the east of the application site there are two large detached recently constructed dwellings, approved in planning application 15/01080, and south of these dwellings is the existing property of Springwood. To the south of the application site are agricultural fields, and west of the site is the Jacks Centre bowls complex contained within a large building and adjacent car park.

- 5.4.9 The area of Burnham Road south of the Latchingdon development boundary was characterised by dispersed and sporadic development including large residential properties on large plots, and hotel, recreational, and light industrial uses in buildings of a range of styles and designs. Between developed sites, grass fields, large open agricultural fields, large hedges and dense vegetation surrounding existing development created a more rural character in comparison to the pattern of development further north within the Latchingdon settlement boundary, which comprises predominantly smaller plots containing detached and semi-detached dwellings.
- 5.4.10 This scattered form of development along the southern section of Burnham Road distinguishes the countryside from the village boundary, acting as a village fringe, creating a gradual transition into the countryside. As noted above the site forms an open grass field which separates the existing development of the Jacks Centre and the two recently developed dwellings fronting Burnham Road. However, it is noted that there are three substantial development sites in close proximity to the site which will change the character of the area.
- 5.4.11 An application to erect two houses within part of the application site was approved in the past (Ref. No.: OUT/MAL/15/01080) to continue the linear form of development along this section of Burnham Road and therefore, it was considered to be in keeping with the character of the area.
- 5.4.12 The current proposal is to erect three dwellings within a plot that is larger than that previously approved application. The proposed development would be built to continue the linear form of development along Burnham Road. In terms of the position of the dwellings, their front building line would be almost in line with the frontages of the existing dwellings to the east. Therefore, no objection is raised to the provision of three dwellings orientated as shown in the submitted plans.
- 5.4.13 With regard to the layout of the proposed dwellings, it is noted that following amendments, wide gaps of 6m between the proposed dwellings and 7m to the neighbouring dwelling to the east would be maintained. Furthermore, the width of the proposed dwellings, although marginally larger from what was previously approved on site (Ref. No.: OUT/MAL/15/01080), would be narrower than the existing dwellings to the west and also those shown within the last refused application. Taking also into consideration the reduction of the height of the proposed dwellings and the provision of wide gaps, it is considered that the development would consistently continue the linear form of development and it would not appear out of keeping with the semi-rural character of the development along the road. It is therefore considered that previous objections regarding the layout of the development have been overcome.

- 5.4.14 Although the proposed dwellings would be set marginally higher from the existing dwellings to the east (the nearest proposed dwelling to the adjacent property would be 300m higher), given that the height increase would be only limited, taken together with the gap which would be retained between the development and the adjacent property and the set back from the public highway, it is considered that the development would not appear overly dominant or disproportionately larger than the existing built form along the road. The proposed dwellings would be narrower than the adjacent dwellings and as such, this would reduce their visual impact and perception of their scale when viewed together with the existing dwellings. The plans submitted show that existing vegetation along the northern boundary of the application site would be maintained and this would screen the development and alleviate its visual impact. In particular the westernmost dwelling would be largely screened by the existing dense planting.
- 5.4.15 With regard to design of the dwellings, following amendments, the houses' eaves and ridge height would be almost aligned, providing a consistency and unbroken continuity to the development. All dwellings would have main gable roofs of similar pitch which would result in a uniform appearance. Two types of dwellings are proposed, which would have front projecting features and canopies projecting forward of the entrance doors. Sufficient fenestration would also be incorporated, providing the hierarchy between the ground and first floor. As such, the development proposed would create a neat and architecturally attractive frontage.
- 5.4.16 Whilst of two storey appearance, the development would not appear out of keeping with the neighbouring dwellings to the east, given that a similar scale, height, width and projecting feature would be continued through to the development within the application site.
- 5.4.17 The garages would be set well back from the highway (minimum of 24m) and thus, they would be limitedly visible from the public vantage points. Due to their limited scale, height and position, they would appear subservient to the main dwellings. The garages would have gabled roofs and they would complement the design of the proposed residential units.
- 5.4.18 In light of the above, it is considered that the previous reason for refusal has been overcome and the development would not detrimentally impact upon the appearance of the streetscene or the semi-rural character of the area more widely.

## **5.5 Impact on Residential Amenity**

- 5.5.1 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).
- 5.5.2 The proposed development would result in increased levels of activity, by reason of the erection of three dwellings on land which is currently an open grassed area. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the neighbours to the east, west or north, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area.

- 5.5.3 The two storey dwelling at plot 1 would be sited 7m away from Primrose House, while a 2.4m separation distance would be maintained from the single storey detached garage. Although the proposed dwelling would project rearwards of the existing property to the east, given the separation distance, it is not considered that it would result in any adverse impact in terms of loss of light or domination. Furthermore, the development would not breach a notional 45° angle taken from the two storey rear projection and extending horizontally towards the neighbouring dwelling to east. Given the limited height of the garage, it is not considered that it would be unacceptable, in terms of being overbearing or resulting in undue loss of light. A window to the bathroom is proposed to be installed at first floor on the east elevation of the dwelling at plot 1, which would be conditioned to be glazed in obscure glass, to protect the neighbours' privacy.
- 5.5.4 No other dwelling in the surrounding area would be affected by the development, given its position.
- 5.5.5 The proposed dwellings would be quite comfortably located within their plots and thus no objection is raised in terms of their interrelationship. By reason of their position and orientation, they would have an acceptable impact by way of loss of light and overbearing impact. There are windows proposed at first floor on the side elevations of the proposed dwellings, which are windows to bathrooms and a secondary window to a bedroom. Therefore, to obviate overlooking, a condition is considered reasonable to be imposed to protect the amenities of the future occupiers.

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

- 5.6.1 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.
- 5.6.2 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.
- 5.6.3 The site benefits from an existing access which as shown on the submitted plans is approximately 7m wide. The access would be wide enough to allow access and egress from the site without obstructing the free flow of traffic. The Highways Authority has been consulted and subject to conditions, raised no objection in terms of highway and transportation perspective.
- 5.6.4 In terms of parking provision, at least three off-street parking spaces would be available per dwelling and thus, the development would accord with the Council's adopted parking standards. It is therefore considered that development would be acceptable in terms of off-street parking provision and it would not result in an increase in on-street parking demand.

- 5.6.5 No details of cycle parking have been submitted; however, given that all dwellings would benefit from reasonably sized garages, no objection is raised in terms of secure and accessible cycle parking provision.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.7.2 Based on the Site Plan submitted, it appears that the garden sizes for each proposed dwelling would accord with the minimum amenity area standards. Therefore, the outdoor amenity provided would be sufficient to meet the outdoor needs of the future occupiers.
- 5.7.3 The level of accommodation provided, in terms of size of the dwellings and provision of adequate light, ventilation and outlook to all habitable rooms, would be acceptable and it would not result in cramped or poor quality living conditions.
- 5.7.4 Although there are no protected trees within the application site, it benefits from some mature vegetation on the outer periphery. Some of the existing soft landscaping has been shown to be retained and additional is proposed to be planted to enhance the appearance of the development, screen it and reduce its impact on the countryside. The retention of the existing hedgerows can be secured through the imposition of a condition, as well as details of the proposed soft landscaping.

## **5.8 Sustainability**

- 5.8.1 Paragraph 7 of the Framework outlines that there are three dimensions to sustainable development; economic, social and environmental. To fully assess the sustainability of the scheme, it would be appropriate to consider the proposal against the three dimensions.
- 5.8.2 In relation to the economic role, the development of three new dwellings would provide employment during construction. Future residents would also be likely to make use of the existing services in the area. Although some would be temporary, there would be some economic benefits for the local area derived from the scheme.
- 5.8.3 With regards to the social role, the development would not contribute towards the required type of housing in the District (one and two bedroom houses). It is therefore considered that there would be limited social benefit derived from the provision of housing.
- 5.8.4 In relation to the environmental role, the impact of the development on the character and appearance of the area is assessed above. Following amendments to the previously refused scheme on site and given consideration of the fallback position of the approved application, it is considered that the development would not have an unacceptable impact on the semi-rural character of the area or the locality more

widely. In terms of the accessibility of the site, on balance, and on the basis of the accessibility assessment above, it is considered that the development would not discourage the use of alternative to vehicle means of transport and thus, no objection is raised in terms of transport sustainability.

- 5.8.5 In order for a proposal to constitute sustainable development all three aforementioned dimensions should be met. Therefore, on balance, it is considered that the development, whilst a departure from the policies of the development plan, in this instance, for the reasons stated above would constitute an acceptable form of development.

## 5.9 Other Material Considerations

### *Drainage System*

- 5.9.1 No details of a drainage scheme have been submitted for both foul and surface water and thus, full details would be required to be submitted and approved in writing by the local planning authority, avoid the risk of water flooding and pollution.

### *Archaeology*

- 5.9.2 The Historic Environment Officer was consulted and based on cartographic evidence; Burnham Road had its origins as a linear green with post-medieval settlement gradually. The application site is therefore likely to contain multi-period archaeological deposits. Thus, an archaeological condition securing the submission of an archaeological investigation would be imposed

## 6. ANY RELEVANT SITE HISTORY

- 6.1 **OUT/MAL/15/00297** – Erect 2no. two storey detached dwellinghouses with garages, parking and amenity areas, stop up existing vehicular access onto Burnham Road and form new vehicular and pedestrian access onto Rectory Lane and new pedestrian accesses onto Burnham Road. Application withdrawn.
- 6.2 **OUT/MAL/15/00635** – Erect 2No. two-storey detached dwellinghouses with garages, parking and amenity areas, stop-up existing vehicular access onto Burnham Road and form new vehicular and pedestrian access onto Burnham Road. Planning permission refused.
- 6.3 **OUT/MAL/15/01080** – Erect 2No. two storey detached dwelling houses with garages, parking and amenity areas. Stop-up existing vehicular access onto Burnham Road and form new vehicular and pedestrian access onto Burnham Road (amended proposal). Planning permission granted. The dwellings approved were proposed to be sited in line with the front building line of the neighbouring dwellings to the east and their scale was reduced from the previously refused application (15/00635/OUT).
- 6.4 **PREAPP/MAL/17/03051** – Erection of 12 dwellings.
- 6.5 **OUT/MAL/17/00869** – Outline application for 6 dwellings with access off Burnham Road. Planning permission refused. Appeal in progress.

- 6.6 **OUT/MAL/17/00868** - Land To Rear Of Springwood (land within the applicant's ownership, south of the application – Outline application for 4No. dwellings with access off Rectory Lane. Planning permission refused. Appeal in progress.
- 6.7 **FUL/MAL/18/00014** – Planning application for 3 dwellings with access off Burnham Road. Planning permission refused for the following reason:

- The proposal development by reason of the layout, width, height, scale and design of dwellings, would result in an incongruous, obtrusive and contrived form of development that would be harmful to the character and appearance of the area and have a discordant visual impact on the streetscene contrary to the National Planning Policy Framework and policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (2017 and guidance contained within the Maldon District Design Guide (2017).*  
Appeal in progress.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Latchingdon Parish Council	Object to the proposed development, due to the lack of information regarding the changes from the previously refused application.	Comment noted ; however, it is considered that the plans submitted clearly show the differences between the two developments.

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highway Authority (ECC)	No objection subject to the imposition of conditions.	Noted and relevant conditions are imposed
Natural England	No comments	
Archaeology	The Historic Environment Characterisation indicates the potential for multi-period archaeological deposits in the area. Thus, condition are suggested to be imposed.	Noted and relevant conditions are imposed.
Essex and Suffolk Water	No objection, subject to compliance with their requirements	Noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	It has been confirmed that the comments attached to the previous application OUT/MAL/17/00869 remain relevant to this proposal. No objection was previously raised, subject to conditions in relation to surface water and foul drainage.	Comments noted and relevant condition is imposed

### 7.4 Representations received from Interested Parties

#### 7.4.1 Two letters of **objection** have been received.

Objection Comment	Officer Response
Loss of light, overbearing impact and sense of enclosure cause by the proposed garage at the easternmost plot.	Addressed in section 5.5 of the report.
Concerns regarding the development being outside the development boundary.	Addressed in section 5.1 of the report.
The application should have been submitted as an amendment to the previously approved application.	There is no such planning requirement.
All previous applications were refused	The planning history of the site is assessed above.
Other application recently approved in the immediate area should be taken into consideration.	The history of the adjacent site is also taken into consideration for the determination of the application.
There are no material changes from the previously refused application.	The differences of the current proposal with the previous submissions are stated in the 'Proposal' section of the report. Comparison of the two proposals is made within the main body of the report.
Concerns regarding highway safety and access to the site.	The Highways Authority has been consulted and raised no objection regarding highways safety and vehicular access proposed.
Consideration of infrastructure improvement should be considered prior to the approval of further developments	It is considered that the proposal of three dwellings would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the 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: 16.3664/M001; 17/2910/03; 18/0405/05; 18/0405/04 and 18/0405/03.  
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 No development shall take place until details/samples of the facing materials to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.  
REASON: 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 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 first floor windows on the side of each dwelling shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of

multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

REASON: To protect the privacy and environment of people in neighbouring residential properties, in compliance with the National Planning Policy Framework and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 6 No development shall commence until details of surface water and foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

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

- 7 No development shall take place, including any ground works or 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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities.

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 BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

- 8 Prior to occupation of the development, the site access shall be constructed at right angles to the highway boundary and to the existing carriageway. As shown in drawing 17/2910/03, the width of the access at its junction with the highway shall not be less than 6.0 metres and shall be provided with an appropriate vehicular crossing of the highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 9 Prior to the occupation of the development, the site access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To ensure adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 10 The existing access shall be suitably and permanently closed incorporating the reinstatement of the highway verge immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of

highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 11 No unbound materials shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 12 Prior to occupation of the proposed development, details of a Residential Travel Information Pack to be provided for each dwelling for sustainable transport shall be submitted to and approved in writing by the local planning authority.  
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T1 of the submitted Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.  
REASON: In the 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.
- 14 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.  
REASON: To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.
- 15 If archaeological features are identified on site, no development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise archaeological trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor.

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

## **INFORMATIVES**

- 1 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
- 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](mailto:development.management@essexhighways.org) or by post to:

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

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

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

- 4 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:  
a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors; b) No dust emissions should leave the boundary of the site; c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site; d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

- 5 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk).

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start

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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JUNE 2018**

<b>Application Number</b>	<b>OUT/MAL/18/00544</b>
<b>Location</b>	Stapleton, Stoney Hills, Burnham-On-Crouch, Essex, CM0 8QA
<b>Proposal</b>	Demolition of existing dwelling, buildings and removal of a caravan and erection of three single-storey dwellings and associated parking.
<b>Applicant</b>	M & M Developments Limited
<b>Agent</b>	Mrs Lisa Skinner - Bidwells
<b>Target Decision Date</b>	09.07.2018
<b>Case Officer</b>	Anna Tastsoglou, TEL: 01621 875741
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Development Plan 2017

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Stapleton - Stoney Hills**  
Burnham On Crouch OUT/MAL/18/00544



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Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Area Committee

Date: 07/06/2018

MSA Number: 100018588



### **3. SUMMARY**

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

##### *Site description*

- 3.1.1 The site forms the south end parcel of land of Stoney Hills road, abutting Fairview to the north, Appleberry to the east and Grove Farm to the south. To the southwest the site abuts open fields.
- 3.1.2 The site contains a dwelling and associated detached garage and hard surfacing. The rest of the site is mainly grassed over including a number of mature trees, secluded by dense vegetation.
- 3.1.3 The area of Stoney Hills, within which the application sits sites, is located outside of the settlement boundary of Burnham-on-Crouch and comprises of mainly large detached dwellings, set within large plots. The area has been the subject of many redevelopment proposals over recent years which have changed its character, from a rural character to a more suburban style and it is no longer characterised by scattered development. The changes that have occurred over time have led to a less homogeneous appearance across the area. Instead of the original single dwellings in large plots, a number of groups of dwellings have been recently built, notably at land west of Mirfield, the three dwellings permitted at The Hollies and two dwellings to the rear of Sunnyside. Overall the character of the area has been turned into a more suburban residential area, with a large number of properties being accessed via cul de sacs.

##### *Description of proposal*

- 3.1.4 Outline planning permission with all matters reserved, except for access, is sought to demolish the existing dwelling and outbuildings and remove an existing caravan and erect three detached bungalows, with associated off-street parking and amenity areas.
- 3.1.5 The access to the site would be as existing off of Stoney Hills. A shared access would be formed to provide access to all three dwellings which would be erected fronting the new service road.
- 3.1.6 An indicative layout has been submitted along with a Planning Statement in support of the application.
- 3.1.7 The site is approximately 0.24ha and the indicative plan submitted show that two, three bedroom and one, two bedroom dwellings would be erected, which would be of single storey height. It is indicatively shown that they would all have integral garages, as well as off-street parking. Their private amenity areas would vary between 440sqm and 330sqm.
- 3.1.8 The indicative streetscene elevation and floor plans submitted show that the proposed bungalows would be of limited height, with no provision of accommodation in the roof and the Planning Statement submitted confirms that the ridge height of the dwellings would not exceed the height of the neighbouring dwelling to the north

(Fairview). The submitted plans show that the existing mature vegetation secluding the site would be retained.

### **3.2 Conclusion**

- 3.2.1 The proposed development is located outside the settlement boundary for Burnham on Crouch and therefore, it would be a departure from the Local Development Plan. However, recent appeal decisions and approvals in the area of Stoney Hills have resulted in a relatively large number of new dwellings being permitted in the area, which has led to in a change to its character and appearance and to a more urban nature. Therefore, on the basis of the previous decisions and redevelopment of the wider area, it is considered that the proposal would not result in detrimental harm to the character of the area to such a degree as to warrant the refusal of the application. The indicative plans submitted demonstrate that three bungalows can comfortably accommodated within the application site, subject to other materials planning considerations would be fully assessed at the reserved matters stage.

## **4. MAIN RELEVANT POLICIES**

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

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

- 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 (July 2017) Policies:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 **Burnham-on-Crouch Neighbourhood Development Plan (7 September 2017):**

- Policy HO.1 – New Residential Development
- Policy HO.8 – Housing Design Principles

4.4 **Relevant Planning Guidance / Documents:**

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

**5. MAIN CONSIDERATIONS**

**5.1 Principle of Development**

5.1.1 The application site lies beyond the development boundaries of Burnham-on-Crouch. Stoney Hills forms a separate ‘suburban’ style development extending into the open countryside.

5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan 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. Policy S8 sets out a list of acceptable development in the countryside, which does not include open market dwelling.

5.1.3 Policy HO.1 of the Burnham Neighbourhood Plan states that *“Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan.”* By being outside the settlement boundary, the proposal is therefore contrary to local and neighbourhood planning policies.

5.1.4 It is noted that a number of new dwellings have been approved in the area in recent years, some of which on appeal. On each occasion it has been acknowledged that whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is considered to be in a sustainable location in terms of accessibility. It has also been acknowledged that the character of the area has evolved over time so it is no longer an area of scattered residential development but a more suburban residential one.

5.1.5 Although there is no relevant history of redevelopment of the application site, there are a number of planning applications that have been approved or allowed on appeal in the surrounding area that are considered to be of relevance to the proposed development. As noted above, the character of the area of Stoney Hills has significantly evolved over the recent years and that has been highlighted by the Inspectors assessing recent appeals in the surrounding area. In particular the Inspector dealing with erection of four dwelling at the land to the rear of Charwood stated that

*“The original character of Stoney Hills was predominantly single dwellings within large plots, but changes that have occurred over time have led to a less homogeneous appearance across the area”.* The similar approach was taken by the Inspector who assessed the proposal for the erection of two dwellings to the rear of Sunnyside, taking into consideration other recent appeal decisions to allow the erection of dwellings at the back land of existing dwellings, namely three dwellings to the rear of Hillcrest House and the approved dwellings at the land to the side of Mirfield. Other Inspectors have also recently allowed appeals against refusals for three dwellings to the rear of “The Hollies” (Ref. FUL/MAL14/00591), a further three dwellings to the rear of “Hillcrest” (Ref. OUT/MAL/16/00196) and an additional 5 bungalows between Appleberry and Linden Lea (Ref. OUT/MAL/15/01082). It must be noted that when allowed the appeal for the rear of the “Hollies” the Inspector stated *“I find the appeal site as part of an established residential area. It can be readily distinguished from the countryside to the rear, which is far more open and agricultural in character”.*

- 5.1.6 It is therefore considered that the acceptability of the principle of additional residential accommodation in the area of Stoney Hills has been established from previous decisions. The application site is clearly contained within the notional boundaries of this residential area, as it continues the rear boundary line of the westernmost dwellings of Stoney Hills. Therefore, the development would not unacceptably impinge or sprawl into the open countryside. Furthermore, the accessibility of Stoney Hills to public transportation and other local amenities was previously considered by the Local Planning Authority and the Planning Inspector to be acceptable.
- 5.1.7 For the reasons stated above, whilst being contrary to the development plan, it is considered that the principle of the provision of residential development within the application site is acceptable and due to the planning history of the surrounding area, it is considered that it would have been unreasonable to be objected to.
- 5.1.8 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.
- 5.1.9 Although the Council is able to demonstrate housing supply in excess of five years, taking also into consideration the planning history of the area of Stoney Hills as discussed above, it is considered that in this particular instance, no objection is raised to the principle of residential development for three dwellings in this location.
- 5.1.10 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. In this instance, taking also into considered the extant planning permission on site, it is considered that three additional dwellings would not impose

an additional burden of existing infrastructure to an extent that would justify the refusal of the application.

- 5.1.11 Other materials planning consideration relating to the impact of the development on the living conditions of the future and neighbouring occupiers, highways issues and ecology are assessed below.

## 5.2 **Housing Mix**

- 5.2.1 The proposal would provide two no. three bedroom dwellings and one no. two bedroom dwelling. 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 Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide one, two bedroom dwelling would limitedly contribute towards the identified need from smaller houses.

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

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

- 5.3.3 This principle has been reflected 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.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.3.5 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.
- 5.3.6 As stated previously, the character of the area has significantly changed over recent years, as planning permissions have been granted or appeals upheld on a number of sites within the wider area around the application site, so that the area is no longer characterised by scattered development where infilling has taken place. This has been noted and highlighted by a number of Inspectors.
- 5.3.7 The proposed development would result in redevelopment of the site and in an increase of two additional dwellings on site. Whilst this would alter the character of the site as existing, it would not result in a dissimilar character to the nearby sites of Grove Farm to the South and the Sunnyside, the Hollies, Charwood and Murrayfields to the north. All these developments have resulted in groups of dwellings around shared driveways, in some cases constituting backland development. As such, the proposed group of three dwellings currently proposed would not be out of keeping with this mixed character of the wider area.
- 5.3.8 With regard to the formation of the access road off of Stoney Hills parallel with the northern boundary of the site, whilst it is accepted that it would somewhat urbanise the appearance of the application site, given all other similar examples stated above, it is not considered that it would appear at odds with the established character of the area. There are a number of dwellings in the surrounding area that are accessed from private drives rather than fronting directly onto Stoney Hills.
- 5.3.9 The boundaries of the application site are contiguous with the residential curtilages of neighbouring properties to the north and west and the development would not further impinge to the open countryside to the east, as it would still be contained within the boundaries of the existing dwelling curtilage. It is therefore considered that the site is clearly delineated as part of the wider Stoney Hills area and its visual and physical association is with the neighbouring properties rather than the adjacent open countryside to the west.

- 5.3.10 In terms of the layout of the development, although only indicative, it appears that as shown, the proposed development would result in three bungalows with sufficient gaps between them with large landscaped front gardens so as not to appear cramped. Whilst the development would be of increased density, as the number of dwellings on site and built coverage would increase, as noted above, there are other similar examples within the wider area of Stoney Hills where groups of houses have been formed in a similar manner. It is therefore considered that the development would not represent an overdevelopment of the site, as the houses appear to be comfortably contained within their individual plots and the application site itself.
- 5.3.11 The proposal is to erect three bungalows and although indicative only, the streetscene elevation submitted show that an acceptable design and scale can be achieved. The dwellings proposed are two and three bedroom bungalows which is appropriate for development adjacent to the countryside. It is shown that reasonable distances could be maintained to the boundaries with the countryside and it is considered that there is an opportunity for additional soft landscaping and also retention of the existing mature vegetation. Although outline in nature, the provision of single storey height dwellings and retention of existing landscape features could be secured by condition. This would ensure that development would be appropriate for its location in close proximity to the countryside and also it would ensure that the site continues to be secluded by dense vegetation to minimise the visual impact of the domestic use to the open countryside.
- 5.3.12 In light of the above, it is considered that the development, as currently proposed, would not be out of keeping with the character of the area and it would not result in a harmfully greater impact to the grain of the area. Further consideration of the layout, scale, appearance and landscaping of the development would be undertaken at a reserve matters stage.

#### **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 Maldon District Design Guide (2017).
- 5.4.2 The proposed development would result in increased levels of activity, by reason of the increased number of houses on site. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the neighbours to the west, south or north, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area.
- 5.4.3 Given the size and siting of the proposed bungalows in conjunction with the size of the site, it is considered unlikely that there will be any demonstrable harm relating to overlooking, overshadowing or domination that cannot be resolved at the reserve matters stage. An indicative site plan has been submitted that shows three dwellings can be accommodated on site without resulting in unneighbourly form of development.

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

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 The site benefits from an existing access which as shown on the submitted plans is approximately 4.3m wide. An 8m by 8m turning area would be formed at the entrance of the application site to provide sufficient turning facilities within the application site to ensure safe access and egress of the site. Although no comments from the Highways Authority have been received at present and are unlikely to be received as the site is accessed from a private road, it is considered that as shown on the submitted plans, the development would not obstruct the free flow of traffic.
- 5.5.4 The indicative plan submitted demonstrates that sufficient area for off-street parking can be provided to meet the needs as set out in the Vehicle Parking Standards SPD. However, it is noted that the issue of off-street parking will be dealt with in full at the reserved matters stage.

## **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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 Private amenity and landscaping issues would be dealt with in detail by way of reserved matters submissions. However, the site, as shown in the indicative site plan, is likely to be capable of accommodating a level of private amenity space in excess of the minimum standards. The size of the proposed dwellings would be also large enough to provide a good level of accommodation.
- 5.6.3 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with as part of the submission of a reserved matters application.



## 5.7 Ecology

- 5.7.1 The NPPF states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.7.2 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.”*
- 5.7.3 A phase 1 Habitat Survey accompanies the application, which identifies that the site comprises amenity grassland, buildings, bare ground/hard standing with species-poor hedgerow boundaries and a section of ditch. The survey concludes that subject to appropriate mitigation and targeted enhancements, a positive change in the biodiversity could potentially be achieved and the potential impact of the development upon specified protected species/habitats can be mitigated. Precautionary methods are suggested in the submitted survey which within others include retention and protection of the woodland and potential off-site veteran tree, submission of a method statement for great crested newts, reptiles and hedgehog in case the boundary hedgerows and section of ditch are affected by the development, provision of precautionary construction techniques sensitive to badgers and installation of bat sensitive lighting. It is therefore considered that the development, subject to compliance with the mitigation recommendations, would not have a detrimental impact on protected species or habitats.

## 5.8 Sustainability

- 5.8.1 Paragraph 7 of the Framework outlines that there are three dimensions to sustainable development; economic, social and environmental. To fully assess the sustainability of the scheme, it would be appropriate to consider the proposal against the three dimensions.
- 5.8.2 In relation to the economic role, the development of three new dwellings would provide employment during construction. Future residents would also be likely to make use of the existing services in the area. Although some would be temporary, there would be some economic benefits for the local area derived from the scheme.
- 5.8.3 With regards to the social role, the development would only partially contribute towards the required type of housing in the District (one, two bedroom house). It is therefore considered that there would be some social benefit derived from the provision of housing; albeit, limited.
- 5.8.4 In relation to the environmental role, the impact of the development on the character and appearance of the area is assessed above and further assessment of the impact on the appearance and character of the area would be assessed in full at the reserve matters stage. Given consideration of the planning history of the surrounding area, it is considered that the development would not have an unacceptable impact on the semi-rural character of the area or the locality more widely. In terms of the accessibility of the site, on balance, it is considered that the development would not

discourage the use of alternative to vehicle means of transport and thus, no objection is raised in terms of transport sustainability.

- 5.8.5 In order for a proposal to constitute sustainable development all three aforementioned dimensions should be met. Therefore, on balance, it is considered that the development, whilst a departure from the policies of the development plan, in this instance, for the reasons stated above would constitute sustainable development.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/07/00298** - Single storey side extension to existing bungalow. Planning permission approved.
- **DET/MAL/08/05161** - Compliance with Conditions Notification -  
**FUL/MAL/07/00298** - Condition 4 (replacement tree). Condition discharged.  
*(Wider area)*
- **OUT/MAL/15/00978** - Land Rear Of Charwood Stoney Hills - Outline planning permission for a proposed development of 4no. two bedroom bungalows. – REFUSED [22.12.2015] – APPEAL ALLOWED [19.10.2016]
- **RES/MAL/15/00718** – Land Adjacent Charwood Stoney Hills - Reserved Matters application for the approval of appearance, landscaping and layout for the erection of one new dwelling. Following Approved Outline Planning Permission OUT/MAL/14/01049 - APPROVED [18.09.2015]
- **OUT/MAL/14/01049** – Land Adjacent Charwood Stoney Hills - One new dwelling - APPROVED [16.01.2015]
- **OUT/MAL/13/00674** – Land Adjacent Charwood Stoney Hills - Erection of one new dwelling - REFUSED [01.10.2013]
- **OUT/MAL/17/00103** – Land Rear Of Charwood Stoney Hills - Proposed development of two bungalows - APPROVED [11.04.2017]
- **FUL/MAL/14/00610** – Land Adjacent Myrtle Cottage Stoney Hills - Proposed new dwelling house - APPROVED [22.09.2014]
- **FUL/MAL/12/00775** – Myrtle Cottage Stoney Hills – New dwelling house – APPROVED [08.11.2012]
- **OUT/MAL/14/01152** – Land South Of Anson Stoney Hills - Two storey dwelling of an area of 232 square metres or 2500 sq feet – APPROVED [12.02.2015]
- **RES/MAL/15/00839** - Land South Of Anson Stoney Hills - Reserved Matters application for the approval of appearance, landscaping, layout and scale for a two storey dwelling of an area of 232 square metres or 2500 sq feet. Following approved outline planning permission OUT/MAL/14/01152 – APPROVED [12.10.2015]
- **FUL/MAL/14/00662** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – REFUSED [02.09.2014]
- **FUL/MAL/14/00956** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.02.2014]
- **OUT/MAL/12/01038** – Land Opposite Linden Lea Stoney Hills - Erection of Four Dwellings – APPROVED [12.03.2013]

- **OUT/MAL/15/00420** – Land Opposite Linden Lea Stoney Hills - Outline application for one dwelling including determination of access – REFUSED [02.09.2014] APPEAL ALLOWED [21.07.2016]
- **RES/MAL/16/01187** – Land Opposite Linden Lea Stoney Hills - Reserved matters application for the approval of appearance, landscaping, layout and scale OUT/MAL/15/00420 – APPROVED [22.12.2016]
- **OUT/MAL/15/00445** – Outline application for one dwelling including determination of access – ALLOWED ON APPEAL [31.10.2016]
- **OUT/MAL/15/01082** – Outline application for the erection of five bungalows in lieu of existing commercial and agricultural buildings. ALLOWED ON APPEAL [31.10.2016]
- **OUT/MAL/16/00418** – Land to the rear of Sunnyside - Demolition of existing garage and erection of two dwellings on land to the west of Sunnyside and associated access from Stoney Hills. ALLOWED ON APPEAL [05.06.2017]
- **FUL/MAL/18/00217** - Land Rear Of Charwood - Construction of 6 bungalows. APPROVED [25.05.2018]

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-On-Crouch Town Council	No comments received at the time of writing of the report.	

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highway Authority (ECC)	No comments received at the time of writing of the report.	
Natural England	No comments. The Standing Advice should be used instead.	Noted

### 7.3 **Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection in principle. Contaminated land conditions shall be applied along with conditions about surface and foul	Comments noted.

Name of Internal Consultee	Comment	Officer Response
	water drainage.	

#### 7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
The proposed development is not needed and will urbanise a currently rural setting and will have a negative impact on the area.	Addressed in section 5.1 of the report.
The proposed development site is in the back garden of Stapleton so constitutes backland development.	It is noted that the development is to redevelop the site and not to erect development to the rear of the existing dwelling. Therefore, the comment is not relevant.
The development is not located in an accessible location.	Addressed in section 5.1 of the report.
The development would have a detrimental impact on the landscape and harmful effect in wildlife.	The comments are addressed in sections 5.1 and 5.7 of the report.
The development would result in overlooking, loss of privacy, extra traffic and noise generation.	The comments are addressed in sections 5.4 and 5.5 of the report.
The development is outside the settlement boundaries and constitutes overdevelopment.	The comments are addressed in section 5.1 of the report.
Concerns regarding highway/pedestrian safety and impact on Mill Road.	The comments are addressed in section 5.5. It is also noted that similar concerns were previously raised for other developments on Stoney Hills and the Highways Authority raised no objection on the impact on the Mill Road.
Access to our property would be compromised because of the development, due to construction traffic and the extra traffic involved	The comments are addressed in sections 5.4 and 5.5 of the report.
The value of the neighbouring property will decrease considerably	It is noted that the value of a property is not a material planning consideration.
If this development is allowed it would set an unacceptable precedent.	It is noted that the precedent has been set from previous development approved or upheld on appeal in recent years
The sewer and drainage cannot cope with any more development in Stoney Hills.	Conditions are imposed for details of foul and surface water drainage to be submitted to avoid any adverse impacts caused from flooding or pollution.
The water pressure and supply cannot cope with any more development in	Although consideration is given to the comment raised, on its own it cannot

<b>Objection Comment</b>	<b>Officer Response</b>
Stoney Hills.	justify refusal of the application.
Concerns raised regarding the increased need of maintenance of the private road due to the additional development.	Comment noted. However, this is not a material planning consideration.

## 8. **PROPOSED CONDITIONS**

- 1 Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.  
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Replacement Local Plan.
- 3 The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme’s implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the

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

REASON: To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

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

- 5 The development shall be single storey only comprising of one floor of accommodation and no more than 3 dwellings. The total floor area of the proposed bungalows and associated outbuildings shall not exceed 999sqm.

REASON: To ensure that the development is as applied for and that it does not exceed the minimum threshold for affordable housing contribution in accordance with Policy H1 of the approved Maldon District Development Local Plan.

- 6 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The report of the findings must include:

- i) A preliminary risk assessment to include historical information of how each part of the site has been used in the past;
- ii) A survey of the extent, scale and nature of contamination;
- iii) an assessment of the potential risks to:
  - a) Human health,
  - b) Properly (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
  - c) Adjoining land,
  - d) Groundwaters and surface waters,
  - e) Ecological systems
  - f) Archaeological sites and ancient monuments;
- iv) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of

Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 7 In the event of discovery of potential contamination, no development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 8 The approved remediation scheme must be carried out in accordance with its terms prior to the erection of the development above slab level, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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

- 9 No development shall commence until details of surface water and foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

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

- 10 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 BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

## **INFORMATIVES**

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) No dust emissions should leave the boundary of the site;
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 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



- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

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

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

to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JUNE 2018**

<b>Application Number</b>	<b>HOUSE/MAL18/00562</b>
<b>Location</b>	Trusses Waterside Road, Bradwell-on-Sea
<b>Proposal</b>	Construction of a garden room, porch, cart lodge, a swimming pool and associated pool house. Erection of 1.8m high close boarded fence, timber entrance gates and posts and picket fencing.
<b>Applicant</b>	Mr and Mrs Geoff Pearce
<b>Agent</b>	Mr Anthony Cussen – Cussen Construction Consultants
<b>Target Decision Date</b>	03.07.2018
<b>Case Officer</b>	Devan Lawson, TEL: 01621875845
<b>Parish</b>	<b>BRADWELL-ON-SEA</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Cllr. Dewick Reason: Public Interest

<b>Application Number</b>	<b>LBC/MAL/18/00563</b>
<b>Location</b>	Trusses Waterside Road, Bradwell-on-Sea
<b>Proposal</b>	Construction of a garden room, porch, cart lodge, a swimming pool and associated pool house. Erection of 1.8m high close boarded fence, timber entrance gates and posts and picket fencing.
<b>Applicant</b>	Mr and Mrs Geoff Pearce
<b>Agent</b>	Mr Anthony Cussen – Cussen Construction Consultants
<b>Target Decision Date</b>	03.07.2018
<b>Case Officer</b>	Devan Lawson, TEL: 01621875845
<b>Parish</b>	<b>BRADWELL-ON-SEA</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Cllr. Dewick Reason: Public Interest

## 1. RECOMMENDATION

### **HOUSE/MAL18/00562:**

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

### **LBC/MAL/18/00563:**

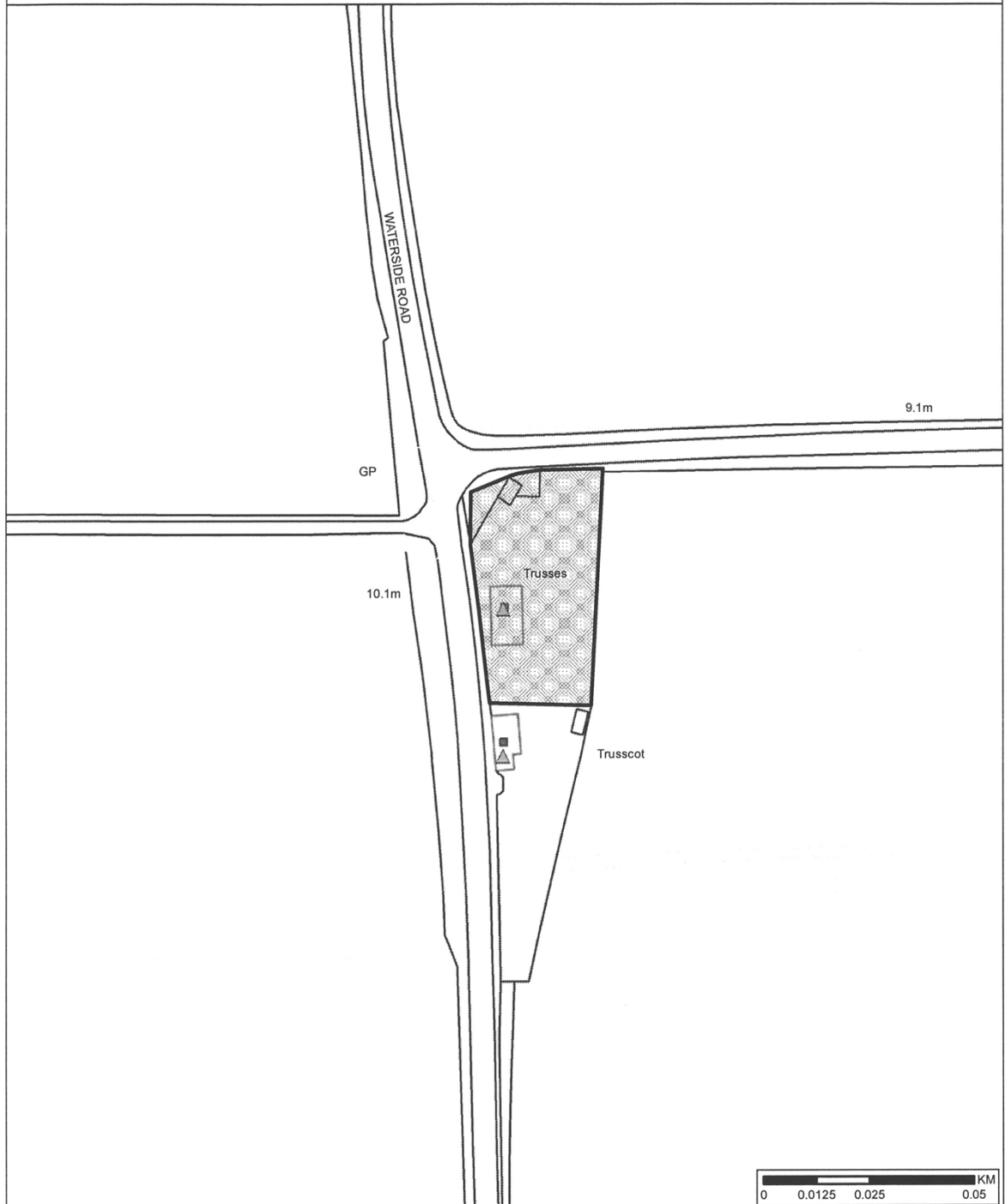
**GRANT** listed building consent subject to conditions as detailed in Section 9.


## 2. SITE MAP

Please see overleaf.

## Trusses - Waterside Road

Bradwell On Sea HOUSE/MAL/18/00562 & LBC/MAL/18/00563



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	South East Area Committee
	Date:	07/06/2018
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is a corner plot which is located on the eastern side of Waterside Road and the southern side of Trusses Road, outside of a defined settlement boundary. The site is occupied by a two storey detached cottage, which was designated as a grade II listed building in 1986.
- 3.1.2 The property represents a former row of three single-cell labourer's cottages. The building remained in use as three cottages into the 20<sup>th</sup> century. By 1975 the cottages had been combined to make a single house and the size of the plot had been enlarged. The building is an attractive and highly typical example of Georgian vernacular architecture. Its significance derives mainly from its age, history, modest scale, quality materials and detailing, well-preserved condition, picturesque character and presence in the street-scene.
- 3.1.3 The surrounding area is rural in nature and there is one neighbouring property to the south of the site, Trusscot Waterside Road.
- 3.1.4 Planning permission is sought to construct a garden room on the rear elevation and a porch on the southern elevation. It is also proposed to construct a swimming pool and associated pool house to the south of the dwelling within the rear amenity space and a cart lodge towards the northern boundary of the site, adjacent to Trusses Road.
- 3.1.5 The proposed garden room would project 5.6m from the rear (east) elevation of the dwelling and would have a width of 5.3m. It would have a ridge height of 4.6m with an eaves height of 2.1m to match the height of the existing gable situated to the rear of the property. The walls would be constructed from an oak frame and glazing with a red brick plinth at ground level. The roof would be constructed from reclaimed tiles.
- 3.1.6 The proposed porch would have a maximum height of 2.7m a width of 2.7m and would project from the southern elevation by 1.2m. It would be constructed from reclaimed red brick and reclaimed plain roof tiles.
- 3.1.7 The proposed pool house would have a height of 4m, a width of 5m and a depth of 4m. It would be situated towards the southern boundary. The proposed swimming pool would be situated in front of the proposed pool house and would measure 17.5m length and 8.8m in width.
- 3.1.8 The proposed cart lodge would be situated on the northern boundary of the site and would measure 8.3m in width, 6m in depth with a height of 2.1m to the eaves and 4.8m to the ridge. The cart lodge would be constructed from timber weatherboarding and reclaimed plain clay tiles with 2 conservation style roof lights within the roof, one timber window on the front elevation and two double timber doors to the front.
- 3.1.9 As part of the development a new picket fence with a height of 0.9m is proposed on the northern boundary with new timber gates to the access. The gates will have a maximum height of 1.8m, with timber posts either side. It is also proposed to construct a 1.8m close board fence measuring 14.1m in length on the western

boundary to the front of the site and to lay sandstone paving to the rear of the property.

### **3.2 Conclusion**

- 3.2.1 The proposed cart lodge by reason of its design, scale, bulk, siting and appearance is considered to result in an overly large and dominant addition to the streetscene, eroding the openness of the countryside, with this impact being exacerbated by the scale, bulk and siting of the proposed 1.8m gates. Moreover, the proposed 1.8m close boarded fence on the western side of the site will detract from the historic character of the listed building and will dominate the site, thereby causing harm to the character and appearance of the site and the surrounding locality. The proposal is therefore considered to be contrary to the requirements of policies S1, S8, D1, D3 and H4 of the approved Local Development Plan (LDP), guidance contained within the Maldon District Design Guide (MDDG) and the National Planning Policy Framework (NPPF).
- 3.2.2 However, the extension and porch are considered to be acceptable. Listed Building Consent is only required for these works and not the other developments. Therefore, it is considered that the elements of the proposal that require Listed Building Consent are acceptable and therefore that consent can be granted without affecting or prejudicing the refusal of Planning Permission.

## **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 Principals
- 56 -58 – Requiring good design

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

- S1 – Sustainable Development
- S8 – Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D3- Conservation and Heritage Assets
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

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

- Maldon District Design Guide (MDDG)
- 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 principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with policy D1 of the LDP.

### **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 to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

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

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

- 5.2.5 Policy H4 of the LDP also states that development which includes the alteration, extension and/or the addition to a building must:

- 1) Maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area;
  - 2) Be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and
  - 3) Not involve the loss of any important landscape, heritage features or ecology interests.
- 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 In addition Policy S8 of the LDP states that the countryside will be protected for its intrinsic character and beauty. Planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.2.8 In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.2.9 Policy D3 of the approved Maldon District Local Development Plan states that development proposals that affect a heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

#### Garden Room

- 5.2.10 The proposed garden room would be a large addition to the cottage as a result of its 5.6m depth which projects over half of the depth of the original property. Furthermore, views of the proposal would be possible from within Trusses Road, which are exacerbated by the loss of significant and mature trees on the northern boundary of the site. However, the design of the proposed rear extension makes reference to the height and roof profile of the existing rear gable which is considered to integrate the proposal into the dwelling to an acceptable degree. Furthermore, the proposed oak frame and glazing is considered to ensure that the proposal is subordinate to the dwelling and is sympathetic to its historic character and appearance. Therefore, although a large addition, it is not considered that the proposed garden room would harm the character and appearance of the countryside and would preserve the special character of the listed building. Should the application be approved a condition should be imposed, requiring samples of the proposed materials to ensure that they are of a quality suitable for the use upon the listed building.

#### Porch

- 5.2.11 The proposed porch is a modest addition to the southern elevation of the property. The proposed design reflects the elongated roof slope of the existing rear elevation of



the property and the proposed materials are characteristic of those used on the existing dwelling. Therefore, it is considered that the porch will preserve the historic character of the listed building.

#### Pool House and Swimming Pool

- 5.2.12 The pool house would be situated on the southern boundary of the site, with the proposed pool situated between the pool house and the southern side of the dwelling. The design and character of these elements are considered to be acceptable in this instance. Furthermore, given the limited scale of the pool house and the traditional use of materials it is considered appropriate in its surroundings. It is also noted that the proposed pool house would not be highly visible from within the streetscene as a result of the proposed 1.8m close boarded fence on the western boundary. The design and character of the fence will be discussed in greater detail in later paragraphs.

#### Cart Lodge

- 5.2.13 The proposed cart lodge as a result of its scale, bulk, siting and design is considered to be a large and dominant addition to the site, particularly when viewed from within Trusses Road. The proposal would be situated 1.47m from the site boundary and would have an overall height of 4.8m and a depth of 8.3m. Given that the 8.3m bulk of the northern elevation would be situated along the boundary with Trusses Road and due to the significant height of the proposal, it is considered that the cart lodge would have a dominating impact on the streetscene.
- 5.2.14 Whilst it is noted that there is a hedgerow along this boundary of the site, it is not of a size which would suitably mitigate against the visual impact of the proposal. Furthermore, regard is given to the open countryside situated to the north of Trusses Road. A structure of this size in such close proximity to this level of vast open space is considered to erode the openness of the countryside and materially harm its intrinsic character and beauty. Therefore, whilst the proposal as a result of its distance from the listed building (18.8m) is not considered to harm the significance of the listed building, due to the detrimental impacts on the countryside and the surrounding locality the proposal is considered to be contrary to policies S1, S8, D1 and H4 of the LDP and C19 of the MDDG.

#### Boundary Treatments and landscaping

- 5.2.15 The boundaries of modest cottages such as Trusses tended to be lined with low picket fences, hedges or brick walls. Therefore, the proposed picket fence on the northern elevation is considered to preserve the historic character of the listed building. However, the proposed timber gates with a maximum height of 1.8m when considered alongside the proposed cart lodge and the addition of the picket fence in this location will further dominate the northern boundary of the site and will result in an intrusive form of development along Trusses Road. Therefore, whilst the picket fence is not objected to, the level of development on the northern boundary of the site as a result of the cart lodge and gates will result in a dominant and intrusive form of development to the detriment of the countryside contrary to policies S1, S8, D1 and H4 of the LDP.

- 5.2.16 The proposed 1.8m close boarded fence on the western and southern boundaries would screen views of the swimming pool and pool house from Waterside Road. However, the fence would be situated on the highway boundary, forward of the principal elevation of the dwelling which would result in a dominate feature within the streetscene and would detract from the historic character of both Trusses and the neighbouring dwelling Trusscot. Therefore, the fence is considered to be contrary to policies S1, D1, D3 and H4 of the LDP.
- 5.2.17 There is an existing patio situated to the rear and side of the dwelling, which is proposed to be increased as part of the proposal. Given the presence of the existing patio and the substantial size of the plot, it is not considered that the proposed hard standing would harm the character and appearance of the area and would preserve the special character of the listed building.

### Conclusion

- 5.2.18 The proposed cart lodge by way of its scale, bulk and siting would result in a dominant feature to the site which would harm the intrinsic character and beauty of the countryside. This is further exacerbated by the erection of 1.8m timber fences on the northern boundary of the site. The cumulative impact of these elements is considered to erode the openness of the countryside and result in obtrusive structures abutting Trusses Road. Furthermore, the erection of a 1.8m fence on the western side of the site would dominate the streetscene and would detract from the historic character of the listed building. Therefore, the proposal is contrary to policies S1, S8, D1, D3 and H4 of the LDP and guidance contained within the MDDG and therefore planning permission should be refused. However, as Listed Building Consent is only required for the proposed rear extension and porch, both of which are considered to be acceptable on heritage grounds, it is considered that Listed Building Consent can be granted.

## **5.3 Impact on Residential Amenity**

- 5.3.1 Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 There is one neighbouring property to the application site, Trusscot Waterside Road. The proposed cartlodge would be situated 48m from the boundary shared with Trusscot, the proposed garden room would be 24m away and the proposed porch 13.8m from the boundary. Given the significant separation distance between these elements and the neighbouring site, it is not considered that these parts of the proposal give rise to any undue harm by way of loss of privacy or by being overbearing.
- 5.3.3 The proposed swimming pool would be situated 6.5m from the shared boundary with Trusscot and the pool house would be 0.5m away. Whilst it has not been included as part of the submission, upon conducting a site visit there were mature trees depicting the boundary between the 2 sites, which would be lost as a result of the development and replaced with a 1.8m fence.
- 5.3.4 Regard is given to the comments made by the occupiers of Trusscot regarding a loss of light as a result of the proposed fence and the proposed pool house. However, it is not considered that the proposed fence and pool house would result in any increase in

loss of light, in comparison to the existing trees which will be likely to be lost as part of the development. Therefore, it is not considered that the proposal will result in any undue increase in loss of light to the ground floor windows on the rear elevation of the neighbouring property or the rear garden.

- 5.3.5 It is also noted that the neighbouring occupier has raised concerns in regards to the potential noise arising from the proposed swimming pool. However, it is not considered that a swimming pool will generate a material increase in noise as this area of the rear garden can currently be used at any time for the recreation of any of the occupiers of the application site.
- 5.3.6 For the reasons discussed it is not considered the development would have a detrimental impact on the amenity of the neighbouring properties by way of loss of light, overlooking or forming an unneighbourly development. In this respect, the proposal would be in accordance with policy D1 of the LDP.

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

- 5.4.1 Policy T2 seeks to provide appropriate off-street parking provision in accordance with the District's adopted vehicle parking standards (Adopted Supplementary Planning Document (SPD) July 2006).
- 5.4.2 The proposed development would not increase the number of bedrooms within the property. Furthermore, there will not be a reduction in the level of parking provided on site and the proposed cart lodge would provide space to park up to 2 vehicles. Therefore, there is sufficient parking within the site and there are no concerns raised in relation to parking provision.

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

- 5.5.1 Policy D1 of the LDP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m<sup>2</sup>. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.5.2 The existing private amenity space on the site is in excess of the standard contained within the Design Guides, and although the proposed development would result in a loss of some of the private amenity space of site, the remaining space would still be larger than the standard. Therefore, there is no objection to the proposal in relation to amenity space.

#### **5.6 Trees and Landscaping**

- 5.6.1 Limited information regarding landscaping of the site has been provided as part of the application. However, it is noted that a number of mature trees are likely to be lost on the northern boundary of the site, where the proposed pool house would be located and that some trees have already been felled within the application site.
- 5.6.2 The conifer trees to the northern side of the site do offer some amenity value to the surrounding area due to their size. However, given that they are set back from the streetscene and that Waterside Road is characterized by mature hedgerows and

vegetation. It is not considered the loss of these trees would have material impact on the character and appearance of the area. However, should the application be approved a schedule of landscaping should be provided by way of a condition to ensure that the site maintains its rural character and that suitable landscaping is used along Trusses Road to help mitigate against the visual impact of the increased built form in this location

## 5.7 Waste

- 5.7.1 There has been no information provided which states how the waste produced as a result of constructing the swimming pool will be dealt with. Therefore, should the application be approved a condition requiring details of how the waste will be dealt with will be required.

## 6. ANY RELEVANT SITE HISTORY

- **LBC/MAL/10/00794** - Fit 2 Velux conservation roof light windows to existing rear roof. Listed Building Consent Granted
- **HOUSE/MAL/17/01359/LBC/MAL/17/01360** - Construction of an oak framed garden room, oak framed porch, oak framed and timber boarded cart lodge, a swimming pool and associated pool house and new boundary treatments consisting of 1.8m high privacy wall, entrance gates and piers and painted timber picket fencing. Withdrawn
- **HOUSE/MAL/18/00298/LBC/MAL/18/00299** - Construction of a garden room, porch, cart lodge, a swimming pool and associated pool house. Erection of 1.8m high close boarded fence, timber entrance gates and posts and picket fencing. Withdrawn.

## 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	No Objection	Noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Conservation Officer	These applications follow the refusal of a similar scheme. This revised scheme largely follows my recommendations and addresses my concerns.	Please see section 5.2

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p><u>Oak-framed garden room</u> No objection, subject to the use of high quality material and detailing.</p> <p><u>Side porch</u> No objection</p> <p><u>Cartlodge</u> No objection to the design of the cartlodge. Although large, it is sufficiently distant from the listed building so as not to harm its setting.</p> <p><u>Swimming pool and associated pool house</u> No objection.</p> <p><u>New boundary treatments</u> Welcome the proposal to reinstate picket fencing along much of the boundary.</p> <p>Concerned that the 1.8m boundary fence would appear an imposing feature in the streetscene. Fence should be painted or stained a dark brown or black to match the finish of the neighbouring fence, as this will help soften its presence. On balance, no objection to this element of the application.</p> <p>Overall, the proposal would not cause harm to the significance of the listed building and that it would therefore be compliant with the policies set out in chapter 12 of the NPPF and policy D3 of the</p>	

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>Maldon District LDP.</p> <p><b>Recommended conditions:</b></p> <ul style="list-style-type: none"> <li>• Samples of tiles and bricks to be used in the development shall be submitted for approval prior to their use in the construction of the buildings</li> <li>• Brickwork shall be laid in a Flemish bond to match the house unless otherwise approved in writing prior to commencement of the brickwork</li> <li>• The colour finish of the various fences and timber cladding shall be agreed in writing prior to their use on the development</li> <li>• Rainwater goods shall be of case metal finished black</li> </ul>	

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highway Authority (ECC)	It is noted that the red line in Drawing 1119/ 03 C is incorrectly aligned at the north- western corner of the site. The area between the western flank of the garage and junction of Trusses Road and Waterside Road is part of the publicly	The applicant has submitted a revised location plan (1119/01 A) which addresses these concerns.

Name of Internal Consultee	Comment	Officer Response
	<p>maintainable highway and not in the ownership or control of the applicant.</p> <p>Notwithstanding this issue, the documents accompanying the application have and, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to the following requirement:</p> <p>1. All development shall be provided entirely clear of the limits of the highway</p>	

#### 7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
Increasing height of the proposed fence from 1.43m to 1.8m, located 2.1m from the neighbouring ground floor bedroom will result in a loss of light	Please see section 5.3
The pool house will result in a loss of light and be obtrusive as a result of its height, depth and differing ground levels	Please see section 5.3
Concern removal of conifers will damage foundations of the house.	This is a civil matter which will need to be resolved between the applicant and the neighbour.
The plans that have been submitted do not show the actual position of the swimming pool. Concern over ground movement as a result of the removal of subsoil.	The position of the swimming pool is shown on plan 119/03 C. If the application is approved a construction method statement will be required via a condition. However, the concern raised is considered to be a civil matter which will need to be resolved between the applicant and neighbour.
Noise resulting from the swimming Pool	Please see section 5.3

- 7.4.2 A letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

<b>Supporting Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"><li>• Development would benefit the dwelling</li><li>• Like for the design of the garden room and the Cart Lodge.</li><li>• The extensions blend well into the fabric of the listed building and will add to interest and setting.</li><li>• The cart lodge has been designed well to look like an agricultural building and will blend in well to the established gardens of Trusses. It is of the correct size and height and is located on a very substantial plot and will not cause overdevelopment.</li><li>• The rear garden of Trusses seems overly exposed and has no proper boundary separating it from Trusses Road. The cart lodge will provide this boundary and add to the setting of the building.</li></ul>	Please see section 5.2

## **8. REASON FOR REFUSAL OF PLANNING APPLICATION**

- 1 The proposed cart lodge by reason of its design, scale, bulk, siting and appearance is considered to result in an overly large and dominant addition to the streetscene and eroding the openness of the countryside, which is exacerbated by the scale, bulk and siting of the proposed 1.8m gates. Therefore the proposal will cause harm to the intrinsic character and a beauty of the surrounding countryside. Moreover, the proposed 1.8m close boarded fence on the western side of the site will detract from the historic character of the listed building and will dominate the site, thereby causing harm to the character and appearance of the site and the surrounding locality. The proposal is therefore, contrary to the requirements of policies S1, S8, D1, D3 and H4 of the approved Local Development Plan, guidance contained within the Maldon District Design Guide and the National Planning Policy Framework

## **9. PROPOSED CONDITIONS SUBJECT TO WHICH LISTED BUILDING CONSENT CAN BE GRANTED**

- 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 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 The development hereby permitted shall be carried out in complete accordance with plans: 1119/01 A, 1119/02 A, 1119/03 D, 1119/04 A, 1119/05 A.



- REASON: To protect the character and amenity of the listed building in line with policy D3 of the Local Development Plan approved by the Secretary of State and guidance contained within the National Planning Policy Framework.
- 3 Prior to the construction of the development hereby approved samples of the tiles and bricks to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- REASON: To protect the architectural and historic value of the building in accordance with policies D1 and D3 of the Local Development Plan.
- 4 Prior to the construction of the development hereby approved details of the colour finish of the fences and timber cladding to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- REASON: To protect the architectural and historic value of the building in accordance with policies D1 and D3 of the Local Development Plan.
- 5 The Brickwork used in the construction of the rear extension and porch hereby approved shall be laid in Flemish bond to match the existing dwelling unless otherwise approved in writing by the local planning authority prior to commencement of the brickwork.
- REASON: To protect the architectural and historic value of the building in accordance with policies D1 and D3 of the Local Development Plan.
- 6 All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.
- REASON: To protect the architectural and historic value of the building in accordance with policies D1 and D3 of the Local Development Plan.

### **INFORMATIVE**

1. Listed Building Consent and Planning Permission are required for the proposed development. Therefore, the granting of Listed Building Consent does not overcome the need to obtain Planning Permission for the proposed development.

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