

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

06 July 2018

Dear Councillor

You are summoned to attend the meeting of the;

## **SOUTH EASTERN AREA PLANNING COMMITTEE**

on **MONDAY 16 JULY 2018 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, enclosed in a light blue oval. The signature reads "F. R. Marshall".

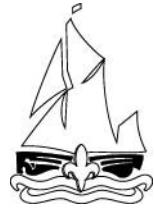
Chief Executive

### 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 16 JULY 2018**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 18 June 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/18/00448 - 85 Nipsells Close, Mayland** (Pages 15 - 22)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

6. **TPO 4/18 - Paton Place, Nipsells Chase, Mayland** (Pages 23 - 30)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

7. **TPO 8/91 - The Orchard, Nipsells Chase, Mayland** (Pages 31 - 36)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

8. **FUL/MAL/18/00230 - Asheldham Pit, Southminster, Asheldham, Essex** (Pages 37 - 60)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

9. **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 and 8 only.
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 previous 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.



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
18 JUNE 2018**

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**PRESENT**

Chairman	Councillor A S Fluker
Vice-Chairman	In the Chair
Councillors	Mrs B F Acevedo, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, P G L Elliott, M W Helm and R Pratt, CC

**193. CHAIRMAN'S NOTICES**

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

**194. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R P F Dewick, Mrs H E Elliott and N R Pudney.

**195. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 21 May 2018 be approved and confirmed.

**196. DISCLOSURE OF INTEREST**

Councillor Mrs B F Acevedo disclosed a pecuniary interest in Agenda Item 5 - HOUSE/MAL/18/00319 - Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU as she was one of the applicants. She informed the meeting that she would leave the chamber for this item.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she was a Member of Essex County Council, 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 5 - HOUSE/MAL/18/00319 - Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU as she knew the applicant;

- Agenda Item 9 - HOUSE/MAL18/00562/LBC/MAL/18/00563 - Trusses Waterside Road, Bradwell-on-Sea as she knew the agent.

Councillor P G L Elliott declared a non-pecuniary interest in Agenda Item 5 - HOUSE/MAL/18/00319 - Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU as he knew the applicant and Agenda Item 9 - HOUSE/MAL18/00562/LBC/MAL/18/00563 as he knew the agent.

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

Councillor B S Beale, MBE disclosed a non-pecuniary interest in Agenda Item 5 - HOUSE/MAL/18/00319 - Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU as he knew the applicant and Agenda Item 9 - HOUSE/MAL18/00562/LBC/MAL/18/00563 as he knew the agent.

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

- Agenda Item 5 - HOUSE/MAL/18/00319 - Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU as he knew both the applicant and agent.
- Agenda Item 6 – FUL/MAL/18/00389 - a T J's Riding School, Burnham Road, Southminster, Essex, CM0 7BL as he knew both the applicant and the agent
- Agenda Item 9 - HOUSE/MAL18/00562 and LBC/MAL/18/00563, Trusses Waterside Road, Bradwell-on-Sea, as he knew the agent.

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

**197. HOUSE/MAL/18/00319 - FIDDLERS REST, THE ENDWAY, ALTHORNE, ESSEX, CM3 6DU**

<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:01621 875741</a>
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

Councillor Mrs B F Acevedo left the Chamber for this Item of business.

Following the Officer's presentation Councillor R G Boyce, MBE, moved the Officer's recommendation to approve and this was unanimously 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) 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.

**198. FUL/MAL/18/00389 - T J'S RIDING SCHOOL, BURNHAM ROAD, SOUTHMINSTER, ESSEX, CM0 7BL**

<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.

Councillor Mrs B F Acevedo returned to the Chamber.

It was noted from the Members' Update that a letter of support had been received subsequent to publication of the Officer's report.

Following the Officer's presentation Mr Tim Matthews, the Agent, addressed the Committee.

A debate ensued around temporary accommodation and security issues for rural businesses. Members noted that this rental business was diversifying, should be given the opportunity to develop as it had potential and that a presence on site was essential for its security. Furthermore, it was not detrimental to the street scene and there were no objections from the Parish Council, Essex County Council or residents.

Councillor Boyce proposed that contrary to the Officer's recommendation the application be approved for a further three years temporary consent, to prove the viability of the business. This was seconded and agreed with the proviso that the conditions applied to the temporary consent be determined between the Chairman and Ward Members.

**RESOLVED** that the application be **APPROVED** subject to conditions as agreed in consultation with the Chairman and Ward Members.

**199. FUL/MAL/18/00415 - LAND ADJACENT SPRINGWOOD, RECTORY LANE, LATCHINGDON, ESSEX**

<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

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

Members had a lengthy discussion on this application. It was noted that when the previous application for two properties on the site was approved the Local Development Plan policies were not in operation. Furthermore the previous application for three dwellings had been refused. There were grave concerns that this represented overdevelopment, altering the character of the area.

Councillor R G Boyce proposed that the application be approved according to the Officer's recommendation which was seconded by Councillor R Pratt. The Chairman

then put the proposal to the Committee. A vote was taken, the proposal was not agreed and the Chairman called for a second proposal.

Councillor Mrs P A Channer then proposed that the application be refused contrary to the Officer's recommendation and this was duly seconded. The Chairman put this proposal to the Committee, a vote was taken and the recommendation to refuse was carried. It was further noted that this was agreed with the proviso that the wording of the reasons for refusal be determined by the Chairman and Ward Members, taking into consideration the reason for refusal of the previous application as outlined in paragraph 6.7 of the report.

**RESOLVED** that the application be **REFUSED** and that the reasons for refusal be agreed in consultation with the Chairman and Ward Members.

**200. OUT/MAL/18/00544 - STAPLETON, STONEY HILLS, BURNHAM-ON-CROUCH, ESSEX, CM0 8QA**

<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

It was noted from the Members' Update that Burnham-on-Crouch Town Council objected to the application as it was outside the development boundaries and contrary to the Burnham-on-Crouch Neighbourhood Plan.

Following the Officer's presentation, Ms Lisa Skinner, the Agent, addressed the Committee.

Members debated the application, the overdevelopment of the area and the major alterations to the landscape. It was noted that this application was contrary to both the Burnham-on-Crouch Neighbourhood Plan and the Maldon District Local Development Plan. The Committee acknowledged the work that had been invested in these plans and the need to adhere to the planning policies contained therein

Councillor P G L Elliott proposed that the application be refused contrary to the Officer's recommendation. A vote was taken and the recommendation to refuse was agreed.

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

1. The application site lies outside of the defined settlement boundary of

Burnham-on-Crouch where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would represent an intensive and urban form of development that would be materially harmful to the character of the application site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies S1, S2, S8, D1, H4 and policies HO.1 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan (2017).

**201. HOUSE/MAL18/00562 AND LBC/MAL/18/00563 - TRUSSES WATERSIDE ROAD, BRADWELL-ON-SEA**

<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

It was noted from the Members' Update that the applicant had submitted supporting information in response to objections received.

Following the Officer's presentation Mr Ian Fennell, an Objector and Ms Purdy Pearce, the Applicant, addressed the Committee.

A debate ensued concerning both the planning application, **HOUSE/MAL18/00562** and the listed building consent application, **LBC/MAL/18/00563**. It was noted that the Conservation Officer had no concerns regarding the listed building works in relation to the extension and the porch.

Members raised concerns regarding the planning application, in particular, the potential loss of light and outlook in the neighbouring property. There were strong objections to the fence, gates and the overly large cart lodge as these would be detrimental to the street scene.

The Chairman put the recommendations to the committee proposing that in accordance with the Officer's recommendations the planning application be refused, based on the reasons outlined in section 8 of the report, and that the listed building consent be granted subject to the existing conditions. Upon a vote being taken this was agreed.

**RESOLVED** that the planning application **HOUSE/MAL18/00562** be **REFUSED**, for the following reason:

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.

**RESOLVED** that the listed building consent application **LBC/MAL/18/00563**, 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 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.

There being no further items of business the Chairman closed the meeting at 9.05 pm.

A S FLUKER  
CHAIRMAN



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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
16 JULY 2018**

<b>Application Number</b>	<b>HOUSE/MAL/18/00448</b>
<b>Location</b>	85 Nipsells Chase, Mayland
<b>Proposal</b>	Part two storey, part single storey front and side extension
<b>Applicant</b>	Mr David McWilliams
<b>Agent</b>	Mr Matthew Kitching
<b>Target Decision Date</b>	17.07.2018
<b>Case Officer</b>	Devan Lawson
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Councillor M Helm, Reason: Public Interest

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**85 Nipsells Chase, Mayland**  
HOUSE/MAL/18/00448



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Maldon District Council 100018588 2014

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 18/00448/HOUS

Date: 04/07/2018

MSA Number: 100018588

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

Agenda Item no. 5

### **3. SUMMARY**

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

3.1.1 The application site is located to the western side of Nipsells Chase, within the settlement boundary of Mayland. The site is occupied by a two storey, semi-detached dwelling which is symmetrical to the neighbouring property. The pair of semi-detached properties have a pitched roof, black weatherboarding to the front first floor elevation and entrances within the side elevation. They also have single storey, flat roof projections to the front. The application site has converted the single storey front projection from a garage into habitable space. The site frontage has minimal landscaping and is block paved for parking.

3.1.2 Planning permission is sought for a part two storey, part single storey side and front extension. The proposal can be viewed as three parts. Part of the two storey side extension will project 2.2m from the southern side elevation and will match the ridge height of the existing dwelling. On the rear elevation this part of the proposal will have an eaves height of 7m, in contrast to the existing dwellings eaves height of 5m.

3.1.3 A two storey front facing gable projection is proposed forward of the southern side element which will project 3.9m from the existing southern elevation and 3m beyond the main front elevation. It will have an eaves height of 5m and a ridge height of 6.6m.

3.1.4 In front of the gable projection will be a single storey pitched roof extension which will incorporate the existing front projection. The southern side of the single storey extension will consist of a garage and will project 1.2m forward of the gable extension and the existing front projection. The overall width of the front extension will be 6.8m which includes the existing front projection.

3.1.5 The submitted plans indicate that the materials used in the proposed extensions would match the existing dwelling.

#### **3.2 Conclusion**

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

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

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

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

- 56
- 58
- 59

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

- S1 – Sustainable Development
- D1 - Design Quality and Built Environment.
- D5 – Flood Risk and Coastal Management
- H4 – Effective Use of Land
- T2 - Accessibility

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

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

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

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

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

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

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development. This is supported by policies D1 and H4 of the LDP and the Maldon District Design Guidance (MDDG).

5.2.2 The proposed extensions are considered to be proportionate to the size and scale of the original dwelling as it would not result in a significant increase in floor area. However, the scale and positioning of the extensions mean that it would have a significant impact on the character and appearance of the structure. Moreover, the proposal, by way of its design, is considered to be a contrived form of development that bears little relation to the architectural character of the host dwelling as a result of the number of differing roof forms. The harm is further intensified by the squat form of the proposed single storey pitched roof and the two storey gable projection which

overlaps the side of the southern elevation. Furthermore, the extent of the alterations would erode the architectural symmetry between the pair of semi-detached dwellings which has predominately been unaltered. It is considered that the proposed extensions would form inconsistent and incongruous features to the side and front of the dwelling and would detract from the symmetric style of the dwellings to the detriment of the character of the area and the streetscene.

5.2.3 The rear of the two storey side projection as a result of the extensive eaves height, which is 2m greater than the existing rear elevation, is considered to be poorly integrated into the host dwelling. Although it is noted this element will be stepped back from the rear elevation, the expanse of walling beyond the existing eaves height and the squat roof form will dominate the existing rear of the property and will detract from the architectural character of the host dwelling. This is further exacerbated by the size of the first floor windows which are disproportionately small in the context of the other fenestration and the scale of the extension. Given the openness of the site frontage and the single storey nature of the dwelling to the south of the site, there are glimpses of the southern elevation, which include the differing eaves heights and roof forms, within the streetscene. Therefore, these elements will not only result in material harm to the character and appearance of the host dwelling but also the wider streetscene within Nipsells Chase.

5.2.4 Therefore, it is considered that the proposal, by virtue of the scale and design of the proposed extensions, would detract from the appearance of the streetscene and be materially harmful to the character and appearance of the site and the surrounding area contrary to policies S1, D1 and H4 of the LDP, the NPPF and the MDDG.

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

5.3.1 The basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.

5.3.2 The application site is located within a residential setting and shares a boundary with No. 87 Nipsells Chase to the north and No. 83 Nipsells Chase to the south. The rear of the proposed development would be screened from No. 87 Nipsells Chase as it is set back from the existing rear elevation. The forward projection of the proposal to the front of the site would be situated 8.4m from the boundary shared with No. 87 Nipsells Chase. Given the separation distance and siting of the proposal it is not considered that there would be any adverse impacts on the amenity of the occupiers of No. 87 Nipsells Chase as a result of the development.

5.3.3 The proposal would be situated a minimum of 0.3m and a maximum of 1.4m from the southern boundary shared with No. 83 Nipsells Chase. The northern side elevation of No. 83 has a ground floor window which serves a bedroom. There is also a window on the front elevation of the neighbouring property which serves another bedroom as shown on the plans approved under the terms of **FUL/MAL/01/00318**.

5.3.4 The proposed development would be situated forward of the window on the principal elevation. However, given that the proposal is partly single storey in nature to the front of the neighbouring property and that the window would be approximately 2.7m from the development, it is not considered that there would be a material loss of light to the neighbouring window on the front elevation.

5.3.5 The ground floor window on the neighbouring northern elevation would be situated at a distance of 3m from the neighbouring development and would be set further back than the proposal. Furthermore, it is noted that there are existing structures/sheds located between the neighbouring property and the proposal on the neighbouring side of the boundary. Although it is noted these structures can be moved at any time, it is not considered that the loss of light as a result of the development would be materially worse than the loss of light resulting from the existing structures.

5.3.6 Regard is given to the proximity of the development to the neighbouring window and the significant height of the proposal which has the potential to reduce the outlook from the neighbouring window. However, given that the window currently looks out onto existing structures and would not look directly out onto the development, it is not considered that the proposal would result in increased material harm by way of being overbearing or overpowering.

5.3.7 Therefore, for the reasons outlined, it is not considered that the proposed development would result in a demonstrable impact on the amenities of neighbouring occupiers of No. 83 Nipsells Chase.

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

5.4.1 Policies D1 and T2 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.

5.4.2 The resultant dwelling would have four bedrooms, an increase of one, and the Council's adopted Parking Standards require a dwelling of this size to provide a maximum of three spaces. Upon visiting the site it was noted that there is space to park at least three cars at the frontage of the property. Furthermore, the proposed garage will provide space for one vehicle. Therefore, it is considered that the proposal is in accordance with policies D1, T1 and T2 of the LDP.

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

5.5.1 Policy D1 requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100 m<sup>2</sup>.

5.5.2 The proposed development will result in the loss of some of the rear amenity space to the side of the dwelling. However, the resulting amenity space will be approximately 94m<sup>2</sup>. Given that the resulting amenity area will be just 6m<sup>2</sup> below the recommended standard and that the site is situated approximately 500m from the local playing fields, it is not considered that a relaxation in the required amenity space is acceptable.

#### **5.6 Flood Risk**

5.6.1 Part of the site lies within Flood Zone 2 as defined by the Environment Agency. The applicant has provided a flood risk assessment which states that the floor levels within the proposed development will be set no lower than existing levels and flood proofing

of the proposed development is incorporated where appropriate. Although it is noted that no details of the flood proofing or resilience techniques have been included, it is noted that the development would be located within part of the site which is outside of the designated Flood Zone. Therefore, it is considered that the proposal will not adversely impact upon flood risk in accordance with Policy D5 of the LDP.

## 5.7 Other Material Considerations

5.7.1 The Council has received a letter from a neighbour to the Environment Agency raising concerns that the proposal would be sited over an existing culvert and seeks the Environment Agency's advice. This letter has not been treated as a representation as it is not addressed directly to the Council. However, it is worth noting that the Environment Agency were consulted on the application and provided no comment in relation to the culvert. Furthermore, should the application be approved the granting of planning consent does not negate the need for Environment Agency consent and does not mean that the Environment Agency will necessarily grant consent for the works in relation to the culvert.

## 6. ANY RELEVANT SITE HISTORY

- **MAR/1/69/2** – 4 Houses/garages. Approved
- **MAR/1/69/3** – Amendments to MAR/1/69/2. Approved.
- **FUL/MAL/01/00318** – 83 Nipsells Chase, Proposed single storey side extension. Approved. This application relates to the neighbouring site but is relevant in terms of neighbouring amenity.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Mayland Parish Council	<ul style="list-style-type: none"><li>• Overdevelopment of the site</li><li>• Increased parking requirements</li><li>• Eaves overhang the boundary</li><li>• Detrimental to the streetscene</li></ul>	<ul style="list-style-type: none"><li>• Please see section 5.2</li><li>• Please see section 5.4</li><li>• This is a civil matter which is not a material planning consideration.</li><li>• Please see section 5.2</li></ul>

### 7.2 External and Statutory Consultees

Name of Consultee	Comment	Officer Response
Environment Agency	No comment	Noted
Highway Authority	No comment	Noted

**8. REASON FOR REFUSAL**

1. The proposed development, as a result of its scale, design and siting fails to reference the architectural style and character of the original dwelling and neighbouring properties. It is therefore considered that the proposal would result in an incongruous and contrived addition and would be detrimentally harmful to the existing character and appearance of both the dwelling and the surrounding area, contrary to Policies S1, D1 and H4 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework and the Maldon District Design Guide,



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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
16 JULY 2018**

<b>Tree Preservation Officer</b>	<b>TPO 4/18</b>
<b>Location</b>	Paton Place, Nipsells Chase, Mayland
<b>Proposal</b>	Confirmation of TPO 4/18
<b>Confirmation by</b>	11.11.2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

**1. RECOMMENDATION**

**CONFIRM Tree Preservation Order (TPO) 4/18 without any modifications.**

**2. SITE PHOTOS**

Please see overleaf.

View into Paton Place from Nipsells Chase:



View in woodland area (W1):



### **3. SUMMARY**

3.1 An objection has been received relating to the serving of TPO 4/18 on twelve individual trees, three groups of trees and one woodland at Paton Place, Nipsells Chase, Mayland. The TPO protects the following trees:

- W1 – hawthorn with wild cherry, oak, apple pear and sloe trees
- G1 – 26 apple, 1 pear, 4 cherry and 5 plum trees
- G2 – 22 hornbeam trees
- G3 – 4 cypress trees
- T1, T2, T3, T4, T5, T7, T8, T9, T10, T11, T12, T13 – oak trees

3.2 This TPO is to replace a blanket area TPO 8/91. The current proposal is a more specific TPO that includes woodland, two groups of trees and twelve individual trees whose removal would have a significant negative impact on the local environment and its enjoyment by the public.

3.3 The objections remain unresolved; therefore the question of whether or not to confirm the TPO has been brought before members to determine

#### **3.4 The Site**

3.4.1 The trees which are subject to this TPO are located on the area of land that has recently been named as Paton Place and the woodland to the west between Nipsells Chase and North Drive. The area is located outside of the settlement boundary of Mayland. It is also listed as a local wildlife site 'Nipsells Chase Scrub' in the Local Development Plan (LDP) Policy N2, Natural Environment and Green Infrastructure.

#### **3.5 Ownership**

3.5.1 Land registry searches have been undertaken. All land affected is believed to be privately owned and all interested parties have been given the opportunity to comment on the serving of the TPO.

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

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

#### **4.1 Corporate Plan 2015-2019**

- Corporate Goals: 2. Protecting and shaping the District – 2.b. Protection and enhancement of the District's distinctive character, natural environment and heritage assets.

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

- National Planning Policy Guidance (NPPG)

### **4.3 Government Guidelines**

4.3.1 Government guidelines advise that the Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.3.2 If Members decide to confirm TPO 4/18, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. that the TPO is not within the powers of the Act, or,
2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.

4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

### **5. MAIN CONSIDERATIONS**

5.1 The trees which are the subject of the proposed TPO 4/18 are located at Paton Place between Nipsells Chase and North Drive and on the land behind Sea View Parade. The trees at this location are currently protected under the TPO 8/91 which is an 'area order' however, in line with government guidance, the Council believes this should be updated to better suit the characteristics of the current site. This is because the area order only covers trees standing at the time the TPO was made in 1991 but does not identify what trees are covered; this could lead to uncertainty about whether particular trees were present at the time of making the TPO and therefore TPO 4/18 would give a more accurate picture of the trees on the site. The government guidance document 'Tree Preservation Orders: A Guide to the Law and Good Practice' states that in the Secretary of State's view LPAs are encouraged to resurvey their existing TPOs which include the area classification with a view to replacing them with individual or group classifications where appropriate. Furthermore, the site has significantly changed since 1991 and it is considered that trees located on-site post 1991 now have a positive impact on the area.

5.2 The east part of the site nearest to Nipsells Chase is open in nature with a number of oak and fruit trees. The west part of the site, bordering properties on North Drive, is a more dense woodland area. There is a public right of way to the north of the area covered by the TPO linking the roads North Drive and Nipsells Chase however the majority of this path does not appear to be in use and is overgrown.

5.3 TPO 17/17 was served on 21.11.2017 for a similar area of land. In the process of considering appropriateness of confirming the TPO it was noted that a small number of trees to the north had not been included within the new TPO but were protected through the original TPO 8/91. The Council has therefore, decided to withdraw TPO 17/17 and serve a new TPO to include these other trees.

5.4 The trees on this site were assessed by an external consultant using the Tree Evaluation Method for Preservation Orders (TEMPO) with the trees scoring between 12 and 14 resulting in the conclusion being reached that a TPO would be defensible.

5.5 Woodland as described by the Forestry Commission, is 'land under stands of trees, with a canopy cover of at least 20% (or having the potential to achieve this), including integral open space and including felled areas that are awaiting restocking.' The quality of woodland depends on many things, amongst which are the age/species ranges of the trees, the presence and species diversity of ground flora and shrub layer. The TPO does not place any additional burden upon the owner to carry out works, it does however, require a formal application to be submitted and approved before carrying out works that may involve felling of trees and changes in the vegetative character of the area. If the owner prefers to submit a management plan, an application for a programme of works over time can be approved for up to a 5 year period.

5.6 Within the objection to the TPO (summarised below) it was stated that the woodland order W1 is not comprised of trees however the qualified arboriculturalist who assessed the site listed the present tree species as hawthorn with wild cherry, oak, apple, pear and sloe. Furthermore the existing area TPO 8/91 on the site also covers the area now listed as W1. The trees within this area in 1991 were specified as willow, oak, thorn and conifer. The objection also questions the amenity value and expediency of the group order G1. These two points have been assessed using the TEMPO methodology mentioned in section 5.4 and scored satisfactorily to warrant the issuing of a TPO. A second external tree consultant was asked to review the TPO and confirmed that the woodland is worthy of a TPO.

5.7 The area of trees and woodland covered by this TPO is large in size and is visible in the public realm from Nipsells Chase, Sea View Parade and North Drive. There are also a number of residential properties surrounding the site on both Nipsells Chase and North Drive. Due to the size of the site and its public location it is considered that the trees have a positive impact on the character of the area and their amenity value is considered to be significant. Therefore, the trees and woodland are considered to be important to the character of Mayland because of the large area they cover, their prominent position and their high amenity value.

## 6. ANY RELEVANT SITE HISTORY

Land South West of Nipsells Chase:

- **WTPO/14/01276** - TPO 08/91 Area 1 - Area marked by pink boundary on plan - Remove Blackthorn, Hawthorn and area of diseased/dead Elm. Retain 1-2m wide rooting area of boundary vegetation. Clear a 3m x 4m area for new access gate. T1 Blackthorn - Remove. T2 Hawthorn – Remove – Approved.
- **WTPO/14/00657** - TPO 08/91 - Area 1. Erect fence along line marked in red on plan JEP/MDC/TPOM/14/01 removing to ground level, any trees along this line. On plan land labelled EX14344 - all trees apart from viable fruit trees and perimeter trees plus any significant 'quality' to be cut down to ground level i.e.. roots removed to create a partially clear area which will then be planted with trees such as Horse Chestnut, Beech, Hazel, Sycamore et al. Viable fruit trees to be dealt with on an individual basis and selective pruning undertaken, where necessary and none removed. Area A as on plan - filter out the existing trees to produce an appropriate density. Further information submitted to clarify trees to be removed - Plan 1 re EX14344 and plan 3 re Area A. Trees to remain shown on Plan 2 re EX14344 and Plan 4 re Area A – Approved.

- **WTPO/08/00724** - TPO 08/91 Area 1 - If necessary, remove some trees to enable erection of boundary fence, others along boundary to be coppiced to hedge. Area A on plan - remove all trees apart from viable fruit trees and perimeter trees. Area B - coppice 50% of trees. (NB TPO only applies to trees that existed as trees at the time of serving 1991) – Approved.

Land North of Riversleigh:

- **DD/17/01060** - T1 - Elm - Fell. T2 - Wild Pear - Fell. T3 - Wild Pear - Fell. Can works proceed under 5 day dead and dangerous trees notice - Approved

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Interested Parties

7.1.1 One letter was received **objecting** to the TPO 4/18, the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
No objections to the individually listed oak trees T1-T13 inclusively or the hornbeams which comprise G2.	Comments noted
It is difficult to understand why the trees in G1 are considered now to have or in the future be likely to attain sufficient amenity value so as to warrant preservation in the public interest.	G1 scored '3 - fair/satisfactory' in the TEMPO amenity assessment which suggests that it would be 'suitable' for a TPO. Although G1 on its own may not be considered of suitable amenity value to warrant a TPO, the group of trees contribute to the amenity value of the site as a whole and therefore are considered suitable for preservation.
The trees in G1 have recently been planted and there is no expedient need to make them a subject of a TPO. I object to protection being applied to G1.	The TEMPO assessment for W1 lists the tree species as hawthorn with wild cherry, oak, apple, pear and sloe, which are all considered to be acknowledged as trees (see site photo).
The woodland W1 is not comprised of 'trees' or referable as 'woodland'. It is a scrub of thicketed thorn and damson and therefore cannot be called woodland. TPOs do not protect plants that are not properly referable as trees and therefore W1 is ultra vires and cannot stand.	

7.1.2 A further two letters of objection were received for the previous TPO 17/17 which was withdrawn. However, as TPO 17/17 related to the same area and trees, the objections have still been considered in the table above.

7.1.3 No letters were received **in support** of the TPO 4/18, however, one letter was received in support of the previous TPO 17/17 and therefore this will still be considered. The reasons for support are summarised as set out in the table below:

<b>Supporting Comment</b>	<b>Officer Response</b>
We strongly support a tree preservation order on these trees as they have a major impact on the local wildlife including short eared owls, kestrels, sparrow hawks and woodpeckers.	Comments noted

7.1.4 No letters were received **commenting** on the TPO 4/18, however, one letter was received commenting on the previous TPO 17/17 and therefore will still be considered. This letter is summarised in the table below:

<b>Comment</b>	<b>Officer Response</b>
I agree with good old oak trees being preserved but they must be allowed to breathe and be healthy and not smothered. Disease will be rife if choked. They will grow too tall if not cleared at ground level.	Comments noted

## 8. CONCLUSION

8.1 The trees and woodland, which are the subject of this TPO, offer a significant contribution to the character and appearance of the area on Nipsells Chase in Mayland, due to their prominent positioning and the large area they cover.

8.2 Therefore it is considered that the TPO should be confirmed to ensure that the local planning authority can assess any proposed works to the trees or felling of the trees which may affect the health or amenity value of the site.

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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
16 JULY 2018**

<b>Tree Preservation Order</b>	<b>TPO 8/91</b>
<b>Location</b>	The Orchard, Nipsells Chase, Mayland
<b>Proposal</b>	Revocation of TPO 8/91
<b>Target Decision Date</b>	N/A
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on the revocation of a Tree Preservation Order as per the Council's scheme of delegation.

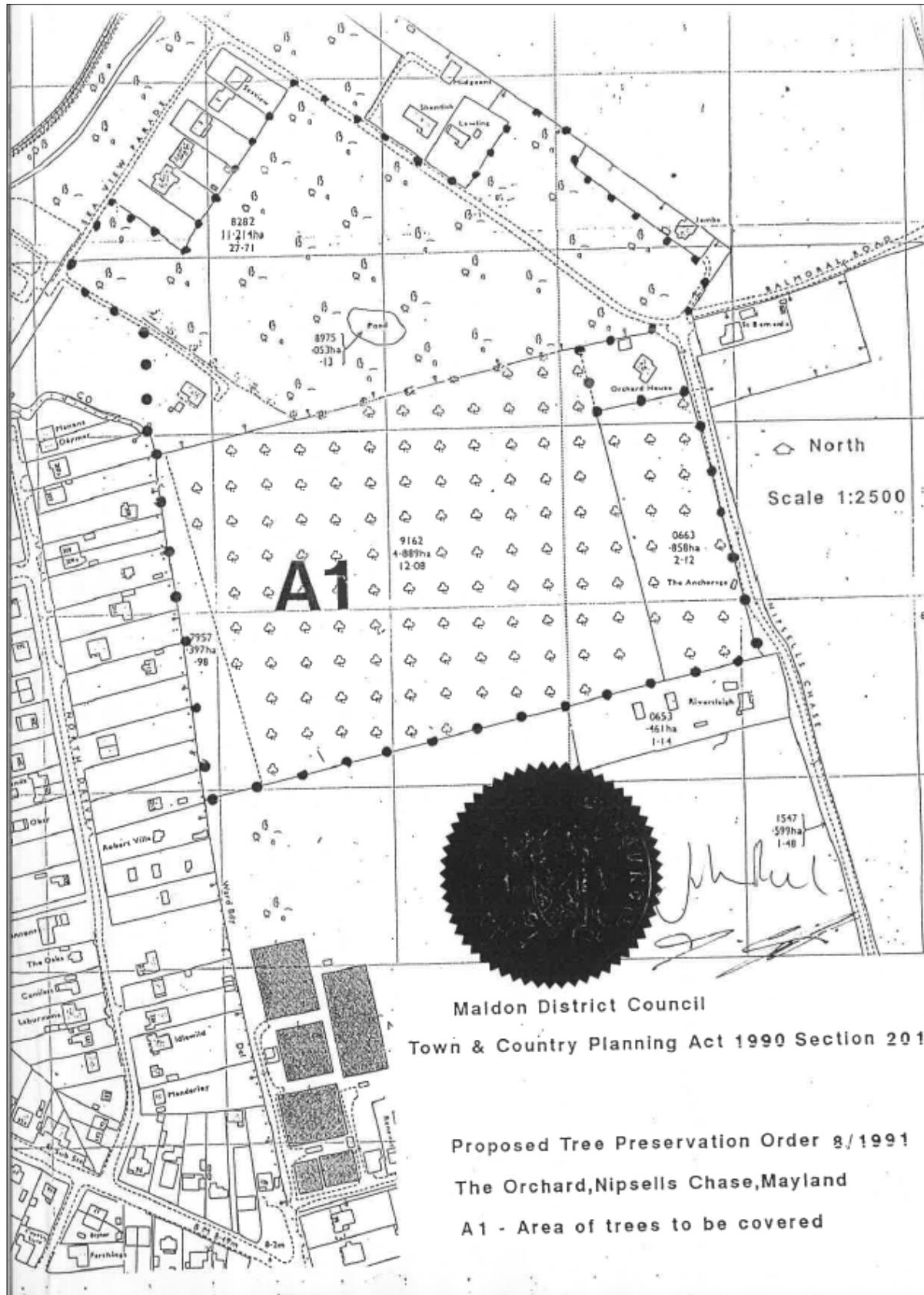
**1. RECOMMENDATION**

**REVOKE Tree Preservation Order (TPO) 8/91 subject to the confirmation of TPO 4/18.**

**2. SITE MAP**

Please see overleaf.

Area Covered by TPO 8/91



### **3. SUMMARY**

- 3.1 The trees located at The Orchard, Nipsells Chase, Mayland are currently protected under the area classification TPO 8/91. An 'area order' covers all the trees within the specified area at the time of serving the order. Any new trees which are planted or that grow after the TPO is served are not protected. In line with government guidance the council believes that this TPO should be updated to better suit the current site and the TPO 4/18 has been served for the same site, intended to replace the TPO 8/91.
- 3.2 In line with the scheme of delegation, the revocation of the TPO 8/91 has been brought before members to decide.

### **3.3 The Site**

- 3.3.1 The site referred to as The Orchard runs between the dwelling Riversleigh on Nipsells Chase up to the rear of the properties on Seaview Parade and to the rear of the properties on North Drive.

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

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

#### **4.1 Corporate Plan 2015-2019:**

- Corporate Goals: 2. Protecting and shaping the District – 2.b. Protection and enhancement of the District's distinctive character, natural environment and heritage assets.

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

- National Planning Policy Guidance (NPPG)

#### **4.3 Government Guidelines**

- 4.3.1 The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states that:

Where an authority revokes an order they shall—

- (a) endorse the original order with a statement to the effect that the order has been revoked, specifying the date of the revocation;
- (b) notify the persons interested in the land affected by the order that the order has been revoked; and
- (c) withdraw from public inspection the copy of the original order made available in accordance with regulation 5.

- 4.3.2 Government guidelines advise that before revoking a TPO the Local Planning Authority are not required to publicise their intention to do so or consult local people or groups.

## 5. MAIN CONSIDERATIONS

5.1 The area of land which is the subject of the existing TPO 8/91, is located on Nipsells Chase in Mayland. The TPO is currently an area classification which protects all trees in place when the TPO was served, which in this case is 1991. The drawbacks of an area classification include the possibility that trees will be included in the TPO which do not merit protection and the difficulty in determining which trees were standing at the time the TPO was served. Recent government guidance states that 'In the Secretary of State's view the area classification should only be used in emergencies, and then only as a temporary measure until the trees in the area can be assessed properly and reclassified. LPAs are encouraged to resurvey their existing TPOs which include the area classification with a view to replacing them with individual or group classifications where appropriate.'

5.2 In line with the above guidance, the site was re-assessed by a qualified arboriculturalist and a new TPO 4/18 was served in a similar location. This included a woodland section, three groups of trees and twelve individually listed trees. The confirmation of the TPO 4/18 is also being decided by members of the South East Area Planning Committee. Therefore, as it is recommended that the new and updated TPO for this location be confirmed, the current TPO 8/91 is outdated and is no longer required.

5.3 It is noted that a public consultation was not carried out prior to this request to revoke TPO 8/91 as it is not a statutory requirement. However should the TPO be revoked then all interested parties will be notified and served the revocation order which is required under the Town and Country (Tree Preservation)(England) Regulations 2012.

## 6. ANY RELEVANT SITE HISTORY

Land South West of Nipsells Chase:

- **WTPO/14/01276** - TPO 08/91 Area 1 - Area marked by pink boundary on plan - Remove Blackthorn, Hawthorn and area of diseased/dead Elm. Retain 1-2m wide rooting area of boundary vegetation. Clear a 3m x 4m area for new access gate. T1 Blackthorn - Remove. T2 Hawthorn – Remove – Approved.
- **WTPO/14/00657** - TPO 08/91 - Area 1. Erect fence along line marked in red on plan JEP/MDC/TPOM/14/01 removing to ground level, any trees along this line. On plan land labelled EX14344 - all trees apart from viable fruit trees and perimeter trees plus any significant 'quality' to be cut down to ground level i.e.. roots removed to create a partially clear area which will then be planted with trees such as Horse Chestnut, Beech, Hazel, Sycamore et al. Viable fruit trees to be dealt with on an individual basis and selective pruning undertaken, where necessary and none removed. Area A as on plan - filter out the existing trees to produce an appropriate density. Further information submitted to clarify trees to be removed - Plan 1 re EX14344 and plan 3 re Area A. Trees to remain shown on Plan 2 re EX14344 and Plan 4 re Area A – Approved.

- **WTPO/08/00724** - TPO 08/91 Area 1 - If necessary, remove some trees to enable erection of boundary fence, others along boundary to be coppiced to hedge. Area A on plan - remove all trees apart from viable fruit trees and perimeter trees. Area B - coppice 50% of trees. (NB TPO only applies to trees that existed as trees at the time of serving 1991) – Approved.

Land North of Riversleigh:

- **DD/17/01060** - T1 - Elm - Fell. T2 - Wild Pear - Fell. T3 - Wild Pear - Fell. Can works proceed under 5 day dead and dangerous trees notice - Approved.

## 7. **CONCLUSION**

- 7.1 TPO 8/91 is intended to be updated by the serving of the new TPO 4/18 in line with government guidance to review all area TPOs with a view to replacing them with individual or group classifications were appropriate.
- 7.2 The serving of TPO 4/18 does not automatically supersede TPO 8/91. Therefore it is considered that the TPO 8/91 should be revoked to ensure that the trees within this location have effective protection against any proposed works or felling which may affect the amenity value that they provide without the confusion of two TPOs covering the same location.

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

**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
16 JULY 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00230</b>
<b>Location</b>	Asheldham Pit, Southminster Road, Asheldham, Essex
<b>Proposal</b>	Erection of an education centre, tea room, 6x holiday log cabins, 1x staff/workers accommodation, 1x welfare cabin, 6x fish breeding pods and associated hard-standing, parking and access point.
<b>Applicant</b>	Mrs Lisa Brown
<b>Agent</b>	Mr Chris Moore - Plainview Planning LTD
<b>Target Decision Date</b>	31 <sup>st</sup> July 2018
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>ASHELDHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Member Call In The item has been called in by Cllr Dewick on the grounds of public interest.

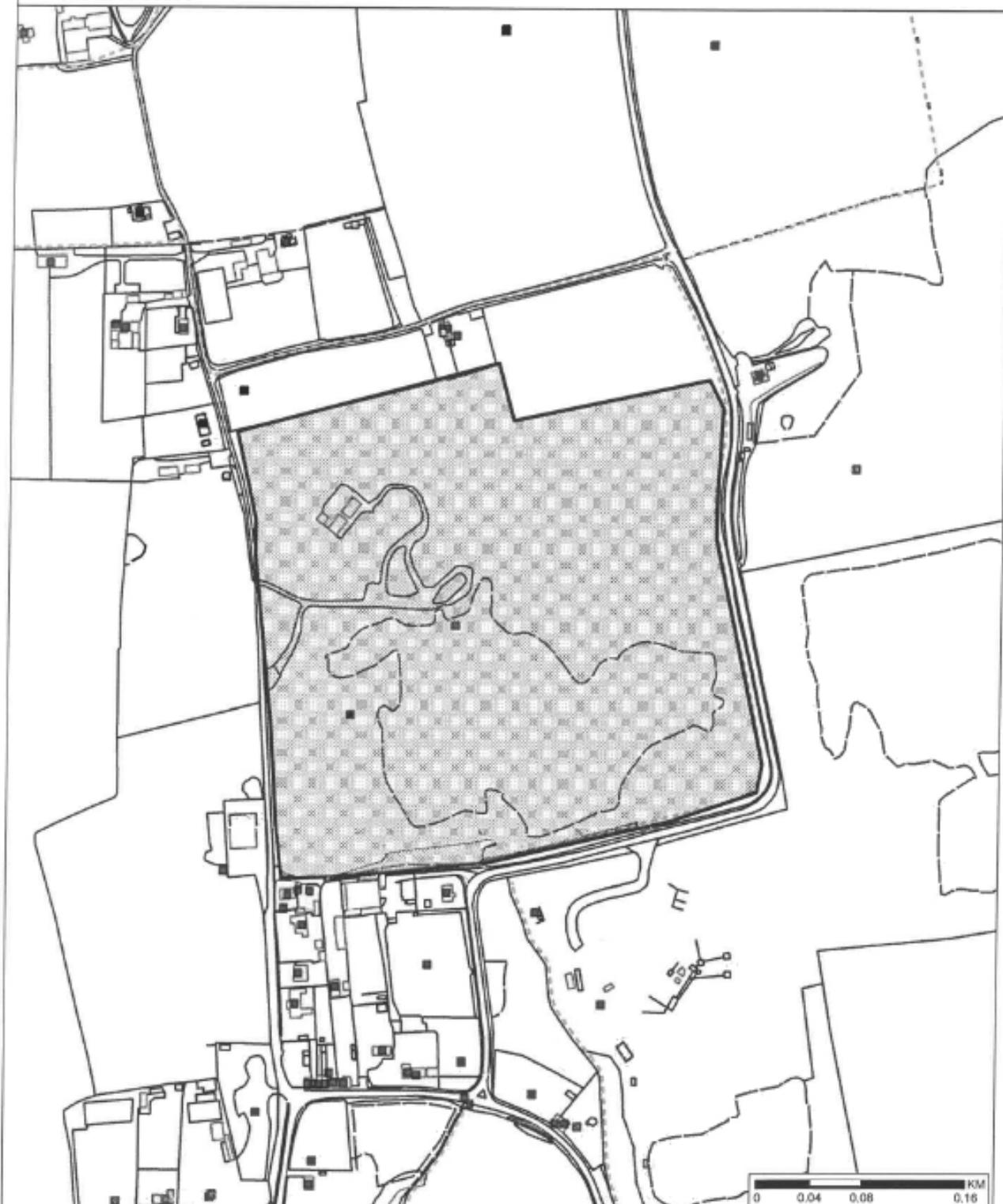
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Asheldham Pit, Southminster Road, Asheldham**  
FUL/MAL/18/00230



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Maldon District Council 100018588 2014

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### 3. **SUMMARY**

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

##### *Site description*

3.1.1 The site covers an area of approximately 12.9 hectares and it is a designated nature reserve. It is broadly square in shape and it is located to the northwest of Tillingham Road, outside the settlement boundaries.

3.1.2 The site is predominantly covered by woodlands and contains three lakes/ponds. The Silver Lake is sited to the southern part of the site. It is a natural habitat for fish and wildlife, which according to the applicant was previously managed by Wildlife Trust and it was purchased by the applicant in 2015.

3.1.3 There are three access points available to the site, two along Rushes Lane and one off Tillingham Road. The site is mainly gated; however, a public footpath which is accessed from the southern entrance runs along the southwestern boundaries of the application site.

3.1.4 To the southeast of the site is a former quarry. Residential properties are sited mainly to the south of the application site, while to the north and east the area is primarily used for agricultural purposes.

3.1.5 It should be noted that without the necessary planning permission the erection of a number of structures (lodges and outbuildings) and the change of use of the site to residential use has taken place. It is noted that at the time of the site visit six fish breeding pods have been installed on site and it has been confirmed by the applicant that the site is already used for educational/tourist purposes. The current application is not for the same purposes and it has not been submitted to regularise the existing development on site.

##### *Description of proposal*

3.1.6 The proposal is to use the application site at Asheldham Pit, which is a designated Local Wildlife Site, as a leisure/education/fishing centre, including visitor accommodation. Main facilities/attractions provided on site would include a tea room, an education centre, the log cabins and fishing in the lake. At present there are four unauthorised buildings on site and an additional four small scale storage sheds, which are proposed to be retained on site, although one of them in an alternative location. An additional seven buildings are proposed to be erected. The buildings, both existing and proposed, would be used as follows:

- A workers dwelling with associated outbuilding to rear
- A welcome centre
- A tea room
- An education centre
- Six holiday log cabins

3.1.7 As part of the proposal a new car park is proposed to be formed at the southern part of the application site as stated above. Six fish breeding pods have already been installed on site.

3.1.8 The proposed buildings would be finished in timber and they would be as follows:

- The proposed tea room would be approximately 14.8m wide, 9.8m deep with a maximum height of 3.4m. A raised decking is proposed to be erected adjacent to the tea room, measuring 3m deep and 14.8m wide. The tea room would be located to the south of Silver Lake at the position where there is a redundant pump room. The tea room would provide approximately 52 covers including the outdoor seating area.
- The proposed holiday log cabins would be located along the west side of Silver Lake. Five of the lodges would be one bedroom cabins with an open plan kitchen/lounge/diner and a bathroom. Each log cabin would measure around 5.8m wide, 5m deep, with a maximum height of 3.2m. One of the existing outbuildings to the northwest of the site would be relocated to the Silver Lake to form the sixth log cabin. This would be a two bedroom lodge, with an open plan kitchen/lounge/diner and a bathroom. All cabins would be ‘floating’ on the lake and they would have a veranda wrapping around the cabins, having an approximate depth of 3m. The cabins would be accessed via small walkways linked to the main existing path.
- The education centre would be sited at the north point of the dipping pond and would measure approximately 9.1m wide, 3.8m deep, with a maximum height of 3.9m. A small class room would be formed, with a store/cloaks room and WC. A maximum of 20 pupils/people would be able to attend the classes concurrently, due to the size of the room.
- As noted above, there are four existing structures on site and an additional four small storage sheds. One of them would be retained on site at its current position to be used as the workers accommodation dwelling. This building is already used for such purposes unlawfully. Externally the building is of a standard rectangular shape and it measures 13.4m wide, 7.4m deep, with a projecting porch measuring 1.5m x 2.3m. The maximum height of the structure is 3.4m. Internally the building accommodates three bedroom (one en-suite), an open plan kitchen/lounge/diner and a bathroom. The existing outbuilding to the rear of the dwelling and the small four structures would be retained at their current position.
- The second structure adjacent to the proposed worker accommodation is proposed to be used as a welcome centre. This building is of the same design and dimensions with the proposed residential unit. Internally the building would be in a form of a store, an office, a meeting room including a kitchen, a utility and a bathroom.

3.1.9 Various supporting information have been submitted with the application, including a Planning Statement, a Tourism Report, a Fishery Development Report, a Business Plan, an Ecological and an Arboricultural Reports and a Flood Risk Assessment. A letter from the Forestry Commission has also been submitted.

3.1.10 The applicant has gone through the pre-application process and a number of concerns were raised at that stage. These related to the submission of further details in support of the application to demonstrate the need of such development in this location, its access to other leisure uses and sustainable transport, as well as details of the need for a workers accommodation on site. Numerous concerns were raised regarding the submitted business plan, which was considered to be frail. Other matters raised related to the impact of the development upon the countryside, the visual impact of the tea room, due to its proximity to the highway, the impact of the development on the existing fauna and flora and the landscape. Additional information in relation to the parking provision and access to the site were also requested to be submitted with the application.

3.1.11 It is noted that following a site visit, a number of structures which have not been shown in the originally submitted plans have been identified. Following discussion with the applicant, the plans have been amended accordingly to include all existing, retained and proposed structures.

### **3.2 Conclusion**

3.2.1 Having taken all material planning consideration into account, although a positive approach is taken to the provision of local tourism and other proposed facilities, an objection is raised to the principle of the proposed development, given that insufficient information has been submitted to justify the need of such tourist accommodation and facilities in the area, a good connection with other tourist attractions and sustainable modes of transport. An objection is also raised to the lack of evidence to demonstrate that the development would not adversely impact upon protected species and wildlife. Inadequate information has been also submitted to justify an essential need for a workers accommodation within the site. In light of the above, it is considered that the development would be contrary to the aims of the development plan and in particular those expressed in policies S1, S2, S8, E5, H7 and N2. For those reasons it is considered that the benefits arising from the proposed development cannot outweigh the potential harm caused by the development in the local wildlife site and locality more widely.

## **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
- 56-68 - Requiring good design
- 69-78 - Promoting healthy communities
- 109-125 - Conserving and enhancing the natural environment

- 196-197 - Determining applications

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Community
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy E1 – Employment
- Policy E5 – Tourism
- Policy E6 – Skills, Training and Education
- 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**

*Principle of development – tourist accommodation/destination*

5.1.1 The LDP has been produced in light of the NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.

5.1.2 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside. The policy states that "*The Council will support sustainable developments within the defined settlement boundaries*". The policy goes on to state that "*development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacts upon and provided it is for.....b) employment generating proposals (in accordance with policy E1) ...f) rural diversification, recreation and tourism proposals (in accordance with Policies E4 and E5); g) Agricultural and essential workers' accommodation (in accordance with Policy H7)*"

5.1.3 The application site is located outside the defined settlement boundaries and therefore, the impact of the development on the intrinsic beauty of the countryside should be assessed along with exception policies E5, E6 and H7.

5.1.4 Paragraph 28 of the NPPF states that to promote a strong rural economy, local and neighbourhood plans, within others, should:

- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;*

5.1.5 Policy E5 states that “*The Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District’s landscape, heritage and built environment.*”

5.1.6 The policy goes on stating that “*Development for new tourist attractions, facilities and accommodation will be supported across the District where it can be demonstrated that:*

- 1) *There is an identified need for the provision proposed;*
- 2) *Where possible, there are good connections with other tourist destinations, the green infrastructure network and local services, preferably by walking, cycling or other sustainable modes of transport;*
- 3) *There will not be any significant detrimental impact on the character, appearance of the area and the quality of life of local people; and*
- 4) *Any adverse impact on the natural and historic environment should be avoided wherever possible. Where an adverse impact is unavoidable, the proposal should clearly indicate how the adverse impacts will be effectively mitigated to the satisfaction of the Council and relevant statutory agencies. Where a development is deemed relevant to internationally designated sites, the Council will need to be satisfied that a project level HRA has been undertaken and that no potential significant adverse impact has been identified.”*

5.1.7 The site is a designated nature reserve and local wildlife site and the development proposes to provide facilities to be used in association with the existing use of the site. It is noted that although the Council will support the growth of local tourism, that should only be allowed when it is in a sustainable manner, not adversely impacting upon the character of the area and developments that benefit local businesses, communities and visitors. For that reason, evidence is necessary to be submitted to demonstrate the need of such type of tourism in the area along with other justifications regarding the sustainable access of the site and relevant business plan and programme to demonstrate the viability of the proposal. To support the proposal, the applicant has submitted a number of supporting information, as stated in the ‘Description of proposal’ section.

5.1.8 In relation to the first requirement of policy E5, the ‘Site Development Assessment’ submitted includes information in relation to the need of the tourism industry in

Essex. The proposed development would provide accommodation in a form of self-catering and the supply of similar type of accommodation (11 holiday centres) within a 10km radius from the site have been looked at. Nonetheless, it is noted that the details submitted relate to the need of self-catering accommodation are on a broader than local level, given that it assesses the visitor accommodation trends in Essex and England rather than the local need of the District. Whilst it is accepted that the information provided suggests that for out-of-season months (between October and May) there is a preference of high quality (4 star) visitor accommodation (similar to what is currently proposed on site) in rural locations in England, when the occupancy of visitor accommodation in Essex is lower, that does not necessarily demonstrate a need of such accommodation in the local area. Other statistics in relation to the increase of holiday lodge accommodation at a national level have been included within the assessment. Whilst all the above information is acknowledged, it is considered that by reason of the lack of information regarding the need of this type of accommodation at a local level, the need of such accommodation in the district and in the area more particularly has not been adequately justified.

- 5.1.9 With regard to the second requirement of policy E5, the outcomes of a Destination Research Economic Impact of Tourism Model have been submitted. This suggests that visitor expenditure on actual accommodation in Maldon accounts to about 34% and the rest is going towards other tourist business, such as food and drink, shopping, entertainment and transport. The findings of the report endorse the argument of the second requirement of policy E5, which requires the development to be in close proximity to other tourist destinations, the green infrastructure network and local services.
- 5.1.10 A number of other tourist attractions in the wider area are identified within the Tourism Report and Planning Statement submitted. Maps have been included showing the extent of the public footpaths. All suggested tourist attractions, including walking to St Lawrence, to Burnham-on-Crouch or to St Peter's Chapel in Bradwell-on-Sea are destinations that can generally be accessed from any location within the Southeast area of Maldon District. The site itself is not located within walking distance from the defined settlements and the majority of the destinations proposed are in a distance away from what would be considered a walking distance (some of them between 5 to 10 miles away from the site – this is around one and a half to two and a half hours away from the site on foot). Whilst the development itself would be a tourist attraction, it is considered necessary that a good level of connectivity with other tourist attractions and facilities is necessary to attract visitors and secure the viability of the site, as well as ensuring that it is a sustainable form of development.
- 5.1.11 Asheldham, the nearest village to the site, is a rural village with no defined settlement boundary and the nearest settlement infrastructure and related services in Southminster are significantly away from the site (around one and a half miles away). The nearest bus stop to the site is around 0.3miles away and it provides limited and infrequent links to with local services, amenities or other attractions. The nearest train station is in Southminster, which is approximately 1.5miles away from the site. On that basis, it is considered unlikely that the users would use public transportation for their trips. To the contrary it is considered that future visitors and staff would be dependent on private vehicles to access facilities or tourist destinations.

5.1.12 The third criterion relates to the impact upon the character and appearance of the area, which is further assessed below.

5.1.13 The site is a nature reserve and therefore, under the terms of criterion 4, consideration should be given to the impact of the development on the natural environment. It is stated that since the applicant purchased the site, the land has been maintained, given that it was previously mismanaged and left unkempt. Furthermore, as part of the development it is proposed to preserve and enhance the site. In support of criterion 4 a Phase 1 Habitat Survey, an Ecological Report and an Arboricultural Report have been submitted. The details of this requirement are further assessed below in the relevant section of the report.

5.1.14 To demonstrate viability of the proposed development, the applicant has submitted a business development plan. The plan includes information in relation to the short, mid and long terms objectives of the proposed development, a competition analysis, financial information based on comparable businesses and details of the initial layout costs.

5.1.15 Although initial concerns were raised at the pre-application stage in relation to the business plan submitted, limited attempt has been made to create a more robust business plan. Whilst it is accepted that some additional potential costs, such as food purchase, have been included in the business plan, there are still a number of concerns in relation to the content of the submitted business plan, which appear to be rather ambitious and frail. Concerns particularly relate to the following:

- The location of the site would suggest that 75 covers for 5 hours a day for 312 days of a year is particularly ambitious, meaning that the tea room would be almost one and half times fully covered every opening day. No information of the covers of similar café/tea rooms in the southeast area of Maldon District has been submitted as comparable to demonstrate that this is a realistic number of covers.
- It is noted that the income from the lodges is based on a 78% occupancy rate. This occupancy rate has been suggested by 'Visit England' relating to expected occupancy of lodges. It is considered that it would have been more appropriate for the occupancy levels to be justified on the basis of the occupancy of similar type of accommodation in the district, given that tourist attraction is very relevant to the destination and thus, occupancy may vary from place to place quite significantly. Furthermore, it is likely that any new enterprise will need time to build up to their optimum capacity.
- Six fish breeding pods are already located on site. Although it is accepted that fish would breed on site, there would still be a stocking cost. This has been confirmed by the Fisheries Management Consultant in the submitted Fishery Development Report which states that a minimum initial stock would be required. It is noted that an introduction of various fish sizes is advisable from which large sized fish could be very expensive. The report also confirms that management of the lake and early checks of the water quality would be required. A number of management options are given within the report. The costs of sales forecasts appear to be a little simplistic in that respect, lacking information in relation to these necessary costs.
- There are a number of 'multiplications' within the fishery calculations that have not been explained. The income of the lake is compared to the income generated in three other lakes (Lakeland Fishery, Clavering Lakes and Oak Lakes) which

size and level of use may be different. Although the potential income per acre generated by the proposed lake has been calculated, the same has not been done for the comparable lakes and thus, it is impossible to come to an accurate conclusion as to whether the suggested income generated by the lake is realistic. Furthermore, the level of use might also require further explanation, particularly as it is noted that the three examples given are in much closer proximity to towns with larger populations of potential customers which is not necessarily the same for the application site, which is also not established for such purposes yet.

- There appears to be no allowance (depreciation) for any form of financing for the initial outlay of £247,000.
- There is no reference to there being any costs associated with the initial provision of the worker's dwelling, the education centre and welfare cabin that are proposed.
- It appears that the electricity and water costs for the fishery element of the development are very low (£150 and £200 respectively) considering the existence of six breeding pods on site. The submitted fishery report states that fish breeding through a controlled system requires aerated tanks and high oxygen levels in the water to ensure no loss of fish. Continuous power supply is a requirement to achieve that. It is therefore considered that the cost of electricity required for this element of the development has not been taken into consideration.
- Other inconsistencies within the business plan include the lack of consideration of costs in relation to national insurance and pension costs of the employees.
- The submitted Fishery Development Report states that angling station would be formed on site and no consideration the cost of associated works has been given consideration.
- The above omissions and simplistic approaches result in a profitability of 85.99% (Cost of Sales compared to profit) which appear to be rather optimistic.

5.1.16 For the reasons stated above, it is considered that there are reasonable grounds to question the content of the business plan and subsequently the viability of the scheme that is for consideration.

5.1.17 One of the mid-term objectives of the proposal is to erect an education centre and policy E6 of the LDP states that "*The Council will work with its partners to support the provision and enhancement of training and educational facilities and opportunities in the District*". Part of the scheme is to offer the site for use by local schools and other educational organisations. A number of letters from Green Earth Learning, Essex Outdoors (Essex County Council), Southminster Guides and Duke of Edinburgh have been received expressing their interest in using the site for various purposes, including engaging young people with the nature, using the site and the education centre for expeditions for the Duke of Edinburgh, using the lake for canoeing and utilising the site for overnight camps. It is therefore considered that this element of the development is positive and in full accordance with the aims of policy E6.

5.1.18 The site is proposed to be used all year around. No closing period is proposed with the exception of the tea room which would be closed on Mondays. The site is to be used for holiday purposes only and not residential accommodation, as this would be a departure from the 'seasonal occupation' approach currently proposed. It is common practise for conditions to be imposed to restrict the use of a site for holiday purposes only and not as a person's sole or main place of residence. Although it is expected

that the enforceability of any conditions in relation to restricting the use of site to holiday purposes only would be time consuming, there are cases where a full year round occupation was secured by the imposition of conditions restricting the holiday accommodation by the same person or persons to no more than 28 days and securing an up to date register of the names and home addresses of all occupiers of the site (Appeal ref: APP/X1545/A/10/2131783, Site: Eastland Meadows Caravan Park, East End Road, Bradwell-on-Sea CM0 7PP, Application Ref: FUL/MAL/09/01061). Taking into consideration the above, no objection is considered reasonable to be raised in relation with regard to the proposed year-round occupancy of the holiday log cabins.

*Principle of development - workers accommodation*

5.1.19 A building used for residential purposes is located on site which is proposed to be used as a workers dwelling. It is noted that outside the development boundaries the Council will only support residential development when it can be demonstrated that there is an essential need for full-time employees to live at their location of work, that would only be allowed for a temporary period of three years in the first instance and only after this period on a permanent basis. This should be in accordance with policy H7, which 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.”*

5.1.20 The planning statement submitted suggests that the workers accommodation is required to be on site to manage the fishstock and breeding tanks, manage the visitor accommodation, assist local schools and other educational organisations' visits and for security purposes.

5.1.21 Although it is accepted that the site, if developed as proposed would require management, it is noted that it is not an established business and the submitted business plan for the reasons detailed above cannot justify the functional need of a workers accommodation on site. The abovementioned reasons given by the applicant regarding a permanent retention of a dwelling on site are not considered sufficient to demonstrate a need. Primarily, there are various ways that security of the site can be addressed and this solely as a reason cannot justify the need of a permanent worker accommodation on site. Furthermore, with regard to management of fishstock and breeding tanks, it is considered that the installation of a portable power generator could be an alternative, more cost effective way to manage fish than the provision of a

dwelling on site option. The proposal is for self-catering holiday accommodation and thus, it is considered that there would be limited need for a manager to be there at all times. As stated above it is considered that the business plan is rather optimistic and due to a number of omissions or simplistic approaches, it is considered that it cannot carry much weight in terms of the short or long term sustainability of the scheme. It is therefore considered that the proposed workers dwelling is contrary to the requirement of criterion one as set out in policy H7.

- 5.1.22 With regard to criterion 2, no evidence has been submitted by the applicant demonstrating that there are no available dwellings in the surrounding area or nearby villages to serve the need of the applicant, until the business is established.
- 5.1.23 The content of the business plan has been assessed in full above. There are numerous reasons why the business plan is considered inadequate in terms of providing a robust document demonstrating the viability of the business. For that reason and whilst it is recognised that the business would be profitable once established, the level of profitability is in doubt and this questions the need for a worker's dwelling on site.
- 5.1.24 The proposed dwelling is a three bedroom house. No details of the occupants of the dwelling have been submitted and therefore, the need for such a size of dwelling cannot be fully assessed.
- 5.1.25 Criterion five together with the rest of the impact of the development on the character of the nature reserve and the wider undeveloped area is assessed in the relevant section of the report below.
- 5.1.26 In light of the above and subject to assessment regarding the impact of the development on the character and appearance of the countryside and nature reserve, whilst the policies of the Local Development Plan provide a positive steer towards and encouragement of local tourism and other related uses subject to compliance with the policies set out above, concerns are raised regarding the justification for the proposed tourist attraction and workers accommodation on site. For that reason and on the basis of the submitted details an objection is raised to the principle of the proposed development.
- 5.1.27 Whilst the building is already positioned on site, it constitutes an unlawful use and therefore, this does not carry any weight, as it is in the Council's power to consider the expediency of taking enforcement action against the structure and request its removal from the site.

## **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 site is a nature reserve and it is located outside the defined settlement boundaries. Given the sensitive nature of the site, careful consideration should be given to the design and scale of the proposed log cabins. At present four timber cabins are already unlawfully located on site. An additional seven timber cabins are proposed to be sited on site in various locations mainly at the southwestern part of the site around Silver Lake.

5.2.7 The proposed development would increase levels of activity and human presence on site and the introduction of built structures, which would contrast the general character of the local wildlife site. Although it is recognised that the site is at present largely undeveloped, covered with mature trees and that it would be expected to be seen at nature reserve sites, it is considered that the introduction of a limited number of relatively small scale structures, which materials would not detract from the character of the area would not result in a materially harmful impact on the character and visual appearance of the site.

5.2.8 With the exception of the proposed tea room and the existing residential units, which are proposed to be used as a worker’s dwelling and welcome centre, the rest of the proposed log cabins are of modest scale. Even when taken the development as a whole, whilst some of the log cabins are larger in scale, the overall coverage of the buildings would be limited when compared to the application site, which spreads in around 12.9 hectares.

5.2.9 Concerns were initially raised regarding the size of the proposed tea room, which is in close proximity to the proposed car park and would be the structure that is closer to public vantage points. To address these concerns, a section showing the ground levels and the topography of the site which slopes downwards to the lake has been submitted. This section drawing shows that the ridge of the proposed tea room, which a single storey building, would be sited around 1.4m lower than the parking level. Whilst the development would maintain some visibility from the hard standing area (proposed car park) and when approaching the site from footpath no. 8 to the south of the site and from footpath no. 5, given the sloping ground levels, it is not considered that the visual impact to the streetscene would be reduced to some extent.

5.2.10 To assess the visual impact and effect of the development on the landscape, a Landscape and Visual Impact Assessment has been submitted with the application. Six viewpoints mainly along the southern part of the site have been selected, from the proposed hard surfaced area, and two viewpoints of footpath no. 5 which runs along the south-eastern part of the application site. The development would be readily visible mainly from these two viewpoints, but also from along footpath 5, predominantly during winter season. The structure that would be closest to the footpath would be the tea room, which would maintain a minimum distance of 20m from the public right of way. Additional distance would be maintained between the structures and the viewpoints along the southern part of the footpath. Nonetheless, it is considered that the development would alter the appearance of the wildlife site and it would also alter the rural character currently experienced by users. Although no objection is raised to the design of the proposed structure, there are concerns in relation to the impact of the development on the existing character of the site and the visual impact from public vantage points.

5.2.11 This distance is considered to be adequate to overcome any adverse impacts caused by the proposed buildings on site.

5.2.12 The proposed log cabins would not be exceptional in design terms; however, as timber structures they would blend in with the overall character of the area. The cabins would have shallow pitched roofs, with front overhanging elements. Sufficient level of fenestration is proposed to be provided to all buildings and therefore, the development would not result in blank walls and unattractive elevations. It is also not ideal that all cabins are very similar design and no distinctive design of the tea room or the education has been considered to define the alternative to holiday accommodation uses. Whilst it would be more interesting to see a higher quality design to support the proposed high quality accommodation and business plan submitted, on balance, notwithstanding concerns in relation to justification for the erection of built form in the countryside, it is considered that the design of the proposed timber log cabins, when considered in isolation, would be acceptable.

5.2.13 The site has three existing accesses, one onto Tillingham Road and two onto Rushes Lane. The proposal is to use the access onto Tillingham Road as the main access for visitors. A car park for 44 vehicles is also proposed to be formed adjacent to the access. No objection is raised to the proposed access arrangement. The area where the car park is proposed to be erected is mainly open, partially hard surfaced and partially grassed over. Although it is accepted that the proposed car park would result in a car dominated entrance, taking into consideration that at present there is no

mature vegetation that would require retention and this is also the most sensible location to accommodate this element of the development, on balance, no objection is raised in that respect. It is noted that concerns have been raised by the Coast and Countryside Officer regarding views into the car park. Landscaping the area would be a requirement to soften its appearance and visual impact. Furthermore, grasscrete is proposed as finishing material of the parking area which is considered to be appropriate for the site. Should permission be granted, the details of landscaping would have been secured by condition.

- 5.2.14 A smaller car park is also proposed at the Rushes Lane entrance, which would be for three vehicles solely in relation to the proposed workers accommodation. Whilst three parking spaces are not required for the dwelling, this element of the proposed development would have minimal impact on the character and appearance of the site.
- 5.2.15 Six fish breeding tanks have already been installed on site. These are located in the middle of the site and would only be visible from the existing paths within the application site. Given their limited scale and utilitarian purposes, no objection is raised regarding this element of the development.
- 5.2.16 Concerns have been raised by the Urban Design Officer in relation to layout of the proposed development and in particular the position of the Welcome Centre. That was mainly due to its remoteness from the visitor parking and the main access to the site. Although this is a reasonable point raised by the Urban Design Officer, as the location of the 'Welcome Centre' is not in a discreet/hidden part of the site it is considered to be wholly illogical, it is not considered to result in detrimental visual impact as to warrant refusal of the application on those grounds.
- 5.2.17 The site is a local wildlife site outside the defined settlement boundaries and the proposed development would introduce built form in an area which would otherwise be an open woodland site. The Development Plan contains exception policies where developments outside the defined settlement boundaries could be acceptable, given that the benefits of the development would outweigh the harm, always subject to protection of the intrinsic character and beauty of the countryside. On that basis, it is only when the Council is satisfied by the principle of development, when the impact on the countryside could be considered acceptable as an exception. In this instance, if the development was in accordance with the exception policies the impact of the proposed structures would not constitute a reason for refusal. However, given the current circumstances, it is considered that the impact of the development has not been justified in a way that would be able to outweigh the harm.

### **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 It is apparent that the proposed development would increase the levels of activity on site. Residential properties are sited to the south and northwest of the application site, some of which are in close proximity to the proposed car park, which would be affected by the noise and activity of the site, mainly from the vehicle movements. It is noted that a quarry is located to the southeast of the application site, in very close

proximity to these properties and noise and disturbance would be generated by this use and surrounding highways during day time. Therefore, the development is not expected to generate an increase in noise levels greater than that caused by the existing surrounding uses at day time within week days. However, part of the proposal is to use the site all year-round, including weekends, during day and night times. Fishing in the lake is also proposed during night times as well as the use of the site for holiday purposes. Whilst restriction of the opening hours is proposed by the Environmental Health Officer, it is noted that this element of the development is fundamental to the proposal and any such restriction would materially alter the principle of the proposed development and it would also impact upon the expected revenue. Furthermore, it would be neither reasonable nor enforceable for a condition to be imposed limiting the number of fishermen or visitors on site at any one time. It is a reasonable expectation for adjoining residents to be able to enjoy their properties, particularly at weekend and night-time when ambient background noise is at its lowest, without the disturbance of unregularised and intermittent noise pollution. On that basis, it is considered that the use of the site, as proposed, would potentially cause noise and disturbance, from the uses proposed within the site and vehicular movements, to an extent that would be detrimental to the amenities of the neighbouring occupiers.

- 5.3.3 By reason of the distance of the proposed structures from the nearest residential properties it is not considered that they would result in a detrimental impact on the amenity of the neighbours in terms of loss of light, dominance or overlooking. On the basis of that, no objection is raised to the impact of the development on the amenity of the nearby occupants.
- 5.3.4 It should be noted that with the exception of the potential impact of the development caused by the use of the Rushes Lane (which as explained below is not proposed to be used by visitors), general support has been expressed regarding the development from local people.

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

- 5.4.1 Policies D1 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.

##### *Car parking provision*

- 5.4.2 A car parking area is proposed to be formed to the southern part of the application site providing parking for 44 vehicles. A smaller parking area for three vehicles is proposed to serve the residential unit. In terms of the parking requirements the following would apply for the proposed development, in accordance with the Authority's Vehicle Parking Standards:

- Visitor accommodation (C1) – 1 space per bedroom
- Tea room (A3) – 1 space per 5sqm
- Dwelling – a maximum of two parking spaces for a two or three bedroom dwelling.

- There are no specific parking standards for the proposed education centre; however, given that this element of the proposal would potentially attract a number of tourists, schools and other organisations, it is considered reasonable that provision of parking and turning facilities for vehicles and coaches would be required.
- Parking provision would also be required to be provided for the fishery use of the site and presumably there would be a need to cater for other visitors to the site.

5.4.3 On the basis of the above standards, excluding the parking requirement for the education centre and the fishery use, a total of 37 parking spaces would be required. The development would provide a total of 47 parking spaces. It is considered unlikely that the tea room and log cabins would always be in full occupancy to result in a requirement of 35 parking spaces. It is therefore considered that the provision of 47 parking spaces would be sufficient and it would be able to meet the off-street parking needs of the proposed use, without adversely impacting upon on street parking provision.

5.4.4 Although the above-mentioned standards are expressed in maximum and overprovision of parking is contrary to policy, it is considered that due to the needs and isolated location of the site, the proposed level of parking is considered acceptable.

*Trip generation*

5.4.5 It is apparent that the proposed use would increase vehicle movements. A transport statement has been submitted with the application including a TRICS assessment for the holiday accommodation element of the development, which concludes that the development would increase the current vehicle movement on Tillingham Road by approximately 2%, which is considered to be an insignificant increase. However, it is noted that apart from the holiday log cabins, the development would involve the use of the site for a number of other purposes and no consideration has been given to that in the trip generation assessment. The business plan and planning statement submitted suggest that the site would attract a number of groups, such as local schools and other educational organisations, a large amount of the annual income is expected from day tickets which would be available for fishermen and anglers, an approximate 400 night-fishing sessions per annum are expected from young people, anglers with disabilities, family groups and the elderly, which is a small part of the fishery element of the development. It is also suggested that the tea room would produce 75 covers per day. No consideration has been given to these elements of the development which are expected to generate a much higher volume of trips from those generated by the log cabins. The submitted Transport Assessment due to the lack of information cannot demonstrate the impact of the development on the highway network. Nonetheless, following discussion with the Highways Authority, it has been confirmed that the development, when taken as a whole, is unlikely to result in unacceptable impacts on the highway network and thus, no objection is considered reasonable to be raised in that respect.

*Access*

5.4.6 Access to the site is proposed to be gained mainly via Tillingham Road. As noted above there is also another access onto Rushes Lane, which is proposed to serve only

the worker's dwelling. Both accesses are existing and the access arrangement off Tillingham Road is proposed to be upgraded to ensure that suitable visibility splays can be provided. The Highways Authority has been consulted and raised no objection to the proposed access, subject to the imposition of a condition providing sufficient visibility splays.

#### *Sustainable transport*

5.4.7 It is stated that the site would be easily accessible by bus, train and on foot. Concerns have been raised above in relation to the accessibility of the site to alternative to private vehicle transportation and therefore, the Local Planning Authority maintains its objection with regard to the accessibility of the site.

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

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.

5.5.2 The standards for private amenity space only apply to the proposed workers accommodation. Although no defined boundaries have been shown around the proposed worker's accommodation to form its curtilage, there is sufficient space for the future occupants of the dwelling to meet their outdoor requirements. Given the nature of the site and the existing formalised area to the rear of the building, no objection is raised in relation to the amenity area provision.

### **5.6 Ecology and trees**

5.6.1 The site is a designated Local Wildlife Site and therefore, consideration should be had to conserving and protecting the natural environment. These principles are reflected within policy N2 of the LDP which states that *"All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance."*

5.6.2 To address the above and in order to demonstrate that development would not adversely impact upon designated sites or protected species, the applicant has submitted a Preliminary Ecological Appraisal and an Arboricultural Report.

5.6.3 The Preliminary Ecological Appraisal concludes that the impact of the development on the local wildlife site would be minimal, as the proposal would affect small, focussed areas and the majority of the site would remain unaffected. Any potential impacts could be managed through the production of a site-specific Construction Management Plan. It is noted that further monitoring has been advised within the submitted appraisal in respect of bats, reptile, great crested newt, invertebrate and botanical species. This is proportionate to the scale of the proposal and it is to ensure that management can be appropriately tailored to inform restoration and future management. It is noted that detailed surveys are required to be part of the

application when first submitted and no details for the suggested monitoring have been submitted to demonstrate that the development would not adversely impact upon protected species. As such, although it is acknowledged that the development would be localised and not expand upon the whole site, in the absence of a further protected species survey, an objection is raised to the potential impact that the development would have on these species and an objection has been raised by the Coast and Countryside Officer. In these circumstances, the impact of the development cannot be fully assessed and thus, it has not been demonstrated that the development would accord with the aims of policy N2. Prior to a full survey being undertaken, the Local Planning Authority would be unable to condition the necessary mitigation measures.

5.6.4 The site has a Tree Protection Order across the woodlands. A number of trees are proposed to be felled and a licence has been granted in that respect. The applicant has submitted an Arboricultural Report that which suggests that protection of all trees that would be impacted is important and it should be done in accordance with the submitted Method Statement. The proposed development would result in limited loss of trees. The bankside willow trees that would be used for the construction of the cabins would not constitute loss of trees of significant arboricultural value or loss of major tree stock. The Tree Officer has been consulted for the proposed development and works to trees and raised no objection.

## **5.7 Contamination**

5.7.1 The application is accompanied by a Phase 1 Geoenvironmental Assessment, which in summary states that no significant plausible pollutant linkages exist in the site. The impact on waters, ecology and human health is considered to be low as no significant sources of pollution have been identified on site. For that reason a Phase 2 Risk Assessment is not recommended. The Environmental health Services have been consulted and raised no objection in relation to potential impacts from land contamination.

## **5.8 Flood Risk Assessment**

5.8.1 The site is located within flood zone 1. A Flood Risk Assessment has been submitted due to the site area of the application site, which has investigated the possibility of ground water flooding and flooding from other sources, such as surface water and sewer flooding. It is stated that the risk of flooding would be low. Sustainable Urban Drainage System measures have been suggested to mitigate any potential impacts caused by surface water runoff. Should permission have been recommended the Suitable Urban Drainage Systems (SUDS) details would be been dealt with by condition. Subject to the imposition of such condition, no objection is raised with regard to flood risk.

## **5.9 Waste Management**

5.9.1 A waste management plan has been submitted in support of the application. This provides information regarding the position of refuse and recycling bins for the tea room, the holiday cabins and the welcome centre. Although the positions of the bin stores have not been shown on the submitted plans, should permission have been granted, the details of the bin stores would have been conditioned to be submitted and agreed by the local planning authority.

5.9.2 The site is not connected with the mains sewer and for that reason biomass systems would be installed to provide foul drainage solution. It is noted that the treatment plants are low maintenance. Subject to the submission of details in relation to the foul drainage, no objection is raised by the Council's Environmental Health Services.

## 6. ANY RELEVANT SITE HISTORY

- **PREAPP/17/03160** - Erection of an Education Centre, Tea Room, 6 X Holiday Log Cabins, 1 X Staff/Workers and 1 X Welcome Centre Cabin and associated hardstanding and access points..
- **FUL/MAL/17/01314** - Application for Felling Licence. No objection raised.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	Support the application, due to the benefits that the development would have to the local community the wildlife and tourism.	Comment noted and addressed in section 5.1 of the report.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority (ECC)	Although the applicant's submission was not robust, consideration has been given to all potential impacts of the development on the highway network and safety and no objection was raised by the Highways Authority, subject to conditions.	Comment noted
Emergency Planner	The development has a very low flood risk at zone 1 and therefore, no comments have been made in terms of emergency planning.	Comment noted
Essex and Suffolk Water	No objection.	Comment noted
Essex Wildlife Trust	The development should	Comment noted and

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	ensure net biodiversity. A rolling management plan should be secured by condition for the lifetime of the development.	addressed in section 5.6 of the report
Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.	Comment noted and addressed in section 5.6 of the report
Environment Agency	No comments received at the time of righting the report	
SUDS	No comments received at the time of righting the report	
Anglia Water	No comments received at the time of righting the report	

### 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 conditions regarding operating hours, surface water and foul drainage details	Comment noted
Urban Design Officer	Whilst no objection is raised to the principle of the proposed development, the proposed layout requires revision to be functional and practical. Further consideration should be had to the design of the education centre, the tea room and the welcome centre.	Comments noted and addressed in sections 5.1 and 5.2 of the report.
Tree Officer	No objection to this proposal. The better quality trees are located far enough away from the	Comments noted and addressed in section 5.6 of the report.

Name of Internal Consultee	Comment	Officer Response
	<p>building layouts so as not to be affected. The scheme provides the opportunity for new planting and management to help enhance it back to benefiting the local wildlife and landscape amenity.</p> <p>The tree protection measures outlined will need to be adhered to, to ensure every effort to protect the trees is undertaken.</p>	

#### 7.4 Representations received from Interested Parties

7.4.1 The neighbours have been notified and site notices have been posted on site and one letter **objecting** to the application was received and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concerns regarding the use of Rushes Lane to access the site. An increase in traffic would further damage the unmade road and impact on highway safety.	
An increase in traffic on Rushes Lane would also have a huge detrimental effect on the enjoyed of the neighbours' properties creating a loss of privacy, disturbance, traffic noise and air pollution caused by vehicles movements.	All matters raised are noted and addressed within the main body of the report.
A condition restricting the use of Rushes lane should be imposed, should permission is granted.	

7.4.2 Sixteen letters **supporting** the application were received and the reasons for support are summarised as set out in the table below:

Support Comment	Officer Response
The development would support tourism and employment.	
The development would help correctly manage the nature reserve site.	
The site would be a nice place to visit.	
The site would provide needed facilities in the area, such as fishing and learning opportunities for all ages.	
The development would improve knowledge about the environment and wildlife.	All matters raised are noted and addressed within the main body of the report.
The development would save the wildlife site and it would bring revenue to the area.	
The proposed development would reduce the need for travelling to reach such facility.	
Support is expressed by educational organisations that they have already used the site for various activities, including volunteering.	

7.4.3 One letter **commenting on** the application was received and the comments are summarised below:

Comment	Officer Response
No objection to the proposed development. If the application is approved a condition restricting deliveries and traffic movement along Rushes Lane is requested to be imposed.	Comment noted and addressed in section 5.4 of the report.

## **8. REASON FOR REFUSAL**

- 1 The application site, which is a Local Wildlife Site, lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The proposed development would result in an unsuitably located tourist accommodation within the countryside with associated visual impacts and insufficient information has been submitted to demonstrate that there is an identified need of such tourist accommodation and facility in the area. Therefore, the development is unacceptable and contrary policies S1, S2, S8, and E5 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 2 The application site, which is a Local Wildlife Site, lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the Wildlife Site and it would result in a development disconnected and isolated from the existing settlements. By reason of its location, it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Insufficient information has been submitted to demonstrate the essential need for a workers accommodation in this location and therefore, the development would be unacceptable and contrary to policies S1, S2, S8, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 3 It has not been demonstrated to the satisfaction of the Local Planning authority that the proposed development would not harm or pose a threat to protected species. The development is therefore unacceptable and contrary to policies S1 and N2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).
- 4 The proposal would introduce noise and disturbance, in close proximity to existing residential properties, at unsociable times of the day. It has not been demonstrated to the satisfaction of the Local Planning authority that the proposed development would not cause material harm to the amenity of the occupiers of residential properties. The development is therefore unacceptable and contrary to policies S1 and H4 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).