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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

13 May 2019

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **TUESDAY 21 MAY 2019 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

COMMITTEE MEMBERSHIP

COUNCILLORS

M G Bassenger
B S Beale MBE
V J Bell
R G Boyce MBE
Mrs P A Channer, CC
R P F Dewick
A S Fluker
M W Helm
A L Hull
N Skeens
W Stamp

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
TUESDAY 21 MAY 2019

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 18)

To confirm the Minutes of the meeting of the Committee held on 8 April 2019 (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. **OUT/MAL/18/01476 - Tillingham Hall Farm, North Street, Tillingham, Essex**
(Pages 19 - 60)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

6. **FUL/MAL/19/00142 - Land Adjacent 104 Imperial Avenue, Mayland** (Pages 61 - 76)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

7. **FUL/MAL/19/00195 - 1 Kings Road, Southminster, Essex CM0 7EJ** (Pages 77 - 102)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

8. **FUL/MAL/19/00224 - Land Rear of 32 Steeple Road, Mayland** (Pages 103 - 128)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

9. **HOUSE/MAL/19/00396 - Lunendales Cottage, Foxhall Road, Steeple** (Pages 129 - 136)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

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

Reports for noting:

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

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

Note:

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

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

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. 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)

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- 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 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- 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 SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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
8 APRIL 2019**

PRESENT

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

2029. CHAIRMAN'S NOTICES

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

2030. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R G Boyce, MBE.

2031. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 11 March 2019 be approved and confirmed.

2032. DISCLOSURE OF INTEREST

Councillor M W Helm declared a pecuniary interest in Item 5 – OUT/MAL/18/01034 – Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex – as the applicant was known to him and he informed the Committee that he would leave the Chamber for this item of business.

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

Councillor R Pratt, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

2033. OUT/MAL/18/01034 - MAPLEDEAN POULTRY FARM, MAPLEDEAN CHASE, MUNDON, ESSEX

Application Number	OUT/MAL/18/01034
Location	Mapledean Poultry Farm, Mapledean Chase, Mundon, Essex
Proposal	Redevelopment of poultry farm for approximately 5,030m ² of B1 commercial floorspace with associated access arrangements
Applicant	B.J. Rock Ltd & S.P.Bardwell Ltd
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	28 th November 2018 (EOT agreed: 15.03.2019)
Case Officer	Anna Tastsoglou
Parish	MUNDON
Reason for Referral to the Committee / Council	Major Application The application is presented to Members to agree the conditions suggested by Officers.

The Chairman reminded the Committee that this application had been approved subject to conditions at the South Eastern Area Planning Committee held on 11 March 2019. It was before the Committee this evening for approval of the conditions and heads of terms only.

Councillor Fluker proposed that the conditions and heads of terms be approved in accordance with the Officer's recommendation and this was duly seconded by Councillor Mrs Acevedo.

The Chairman put the proposal to the Committee and it was agreed.

RESOLVED that the heads of terms and conditions be **APPROVED** as follows: -

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Prior to first use of the site, the existing bus stops on either side of Maldon Road nearest the proposed site access shall be improved. The northbound stop (towards Mundon) shall be provided with a new pole and flag, timetable information and raised kerbs to facilitate pedestrian and wheelchair access. The southbound stop (towards Latchingdon) shall be provided with a new pole, flag and timetable information. Full details are to be agreed with the Highway Authority.
- A new two-metre-wide pedestrian footway shall be provided along the eastern side of Maldon Road from a point opposite the aforementioned northbound bus stop to the main Mapledean Industrial Estate site access. Dropped kerbs and tactile paving shall also be provided to connect to the existing footway on the south side of the access junction.
- A monitoring fee of £5,000 (plus the relevant sustainable travel indexation) will be payable on first use of the development, to cover the 5-year period.

PROPOSED CONDITIONS

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

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

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

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter.
- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, including retention of the existing hedgerows, which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard-landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

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

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

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

- 4 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- 5 Prior to their use in the construction of the development, details or samples of all materials to be used in the construction of the external surfaces of the

development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

- 6 No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

The scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems design Guide, and should include but not be limited to:

- Verification of the unsuitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure. Please submit infiltration tests that satisfy BRE 365 requirements or similar approved.
 - Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events.
 - Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
 - Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event. Provide details of pre- and post 100 year, 6 hour runoff volume.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- 7 No building shall be occupied until details of foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first use of the development.
- 8 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
- 10 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation

which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by qualified persons and a written report of the findings must be produced. The report of the findings must include:

- i) A survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc., woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- iii) An appraisal of remedial options, and proposal of the preferred option(s).

This shall include timescales and phasing of remediation works

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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

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

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

- 12 The approved remediation scheme shall be carried out prior to the commencement of the development unless where commencement is required to carry out remediation. The approved remediation scheme must be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

- Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
 - 14 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 07:30 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
 - 15 The premises shall only be used for industrial purposes which are defined within Classes B1 (b) and (c) of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
 - 16 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
 - 17 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted Vehicle parking standards (2018). Prior to the first use of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
 - 18 Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility shall be secure, convenient, covered and retained at all times.
 - 19 Prior to the first use of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the users of the development hereby approved, which shall be submitted to and approved in writing by the Local Planning Authority.
 - 20 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse storage including details of any bin stores shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first use of the development and retained for such purposes in perpetuity.
 - 21 No development shall commence until species surveys, such as Great Crested Newts, Reptiles, and Water vole, including mitigation and enhancement measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such in perpetuity.

2034. OUT/MAL/18/01387 - RED LYONS BUSINESS CENTRE, BURNHAM ROAD, LATCHINGDON

Application Number	OUT/MAL/18/01387
Location	Red Lyons Business Centre, Burnham Road, Latchingdon, Essex
Proposal	Erection of buildings to be used as mixed B1 (business) and B8 (storage or distribution) use, demolition of existing units 1 and 2 and relocation of existing access.
Applicant	Mr & Mrs Umran Khan - CVC Chelmer Valve Co Ltd
Agent	Mr Mark Jackson - Mark Jackson Planning
Target Decision Date	27 th February 2019 (EOT agreed: 12.04.2019)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Major Application Not Delegated to Officers Councillor R P Dewick has asked this application to be presented at South Eastern Area Planning Committee on the grounds that the decision should be made by Members.

A Members' Update was submitted that detailed additional representations from Parish/Town Councils and interested parties.

The Chairman informed the Committee he had previously done business with the applicant, but it did not constitute an interest.

Following the Officer's recommendation, Mr Mark Jackson, the Agent, addressed the Committee.

A discussion ensued where Members discussed both the potential merits and demerits of this application. Some felt that it could be to the detriment of the rural environment whilst others saw it as an opportunity for increased employment and rural enterprise. It was acknowledged that not having details of consultees was unhelpful.

Councillor Mrs Acevedo, a Ward Member, said she was supportive of rural enterprise but not to the detriment of the area, therefore, she agreed with the Officer's recommendation. Councillor Helm supported the need for developing business units that increased rural employment, reduced car usage and resulted in less pollution.

Councillor Fluker concurred with this and pointed out that whilst this was not a designated employment site within the Local Development Plan (LDP) employment land did not have to come forward in line with housing land. He then referred to the Corporate Plan where the Council had committed to delivering strategic employment sites in accordance with the LDP, together with supporting rural businesses and diversification.

Councillor P G L Elliott expressed surprise around the issue of noise as the existing developed site operated without causing undue disturbance. He proposed that the application be approved contrary to the Officer's recommendation and this was seconded by Councillor Pratt who saw this as a great opportunity to extend a local existing business.

It was agreed that hours of operation be conditioned to ensure there was no detriment to neighbouring properties during weekends and bank holidays.

The Chairman put the proposal to approve to the Committee. This was approved, contrary to the Officer's recommendation and subject to conditions, including one on hours of operation, being delegated to Officers, Ward Members and the Chairman for agreement.

RESOLVED that the application be **APPROVED** subject to conditions being agreed by Officers, Ward Members and the Chairman outside of the meeting.

2035. HOUSE/MAL/19/00116 - 8 THE COBBINS, BURNHAM-ON-CROUCH

Application Number	HOUSE/MAL/19/00116
Location	8 The Cobbins Burnham-on-Crouch
Proposal	Proposed detached double garage with room within roof with 2 No. pitched roof dormers.
Applicant	Mr & Mrs Lambert
Agent	Mr Ashley Robinson
Target Decision Date	28.03.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor Peter Elliot Reason: Public Interest

A Members' Update had been submitted that detailed revisions to the application form and further supporting information from both the applicant and agent.

Following the Officer's presentation, Mr David Mc Hattie, an Objector, and Mr Ashley Robinson, the Agent, addressed the Committee.

A discussion ensued where Members debated the adverse impact of the garage on local amenity and conversely, the fact that there were other existing examples that were even bigger.

Councillor Pudney, a Ward Member, reported he had visited the site and was in agreement with the Officer's recommendation of refusal.

Councillor Pratt said that the demonstrable harm was caused by the overbearing nature of the size of the garage, which would block natural light to all recreation areas outside property number 6.

Councillor P G L Elliott addressing the issue of the size of the development stated that there were other examples on the estate that were even bigger. He said that people were taking the opportunity to extend their properties and proposed that the application be approved, contrary to the Officer's recommendation. This was seconded by Councillor Acevedo.

The Chairman asked the Committee for reasons for approval. Councillor P G L Elliott felt that the development fitted with the street scene and it was not a separate dwelling.

The Chairman put the proposal to approve contrary to the Officer's recommendation to the Committee. Upon a vote being taken this was rejected.

The Chairman then put the Officer's recommendation of refusal to the Committee including an additional reason covering the negative impact on light and overbearing. Upon a vote being taken this was carried.

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

- 1 The proposed development, by virtue of its scale and mass, siting forward of the host dwelling and proximity to the boundaries of the site, would result in a dominant addition to the application site and cause harm to the character and appearance of the site, the streetscene of The Cobbins and the locality in general. The proposal is therefore unacceptable and contrary to policies D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the NPPF.

2036. FUL/MAL/19/00120 - LAND REAR OF ST. VINCENT, 2A KING EDWARD AVENUE, BURNHAM-ON-CROUCH

Application Number	FUL/MAL/19/00120
Location	Land Rear of St Vincent 2A King Edward Avenue Burnham-on-Crouch
Proposal	Erection of 2-bedroom bungalow with a detached garage and a new access
Applicant	Ms Emma Regan
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	EOT: 12.04.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor R Pratt. Reason: Public Interest

A Members' Update was submitted that detailed comments from an External and Statutory Consultee.

Following the Officer's presentation, the Applicant, Ms Emma Regan addressed the Committee.

Councillor Pudney, having visited the site, said he could not support the application as he had concerns regarding the narrow access. He proposed approval of the Officer's recommendation to refuse. Councillor Mrs Acevedo added that the parking space was inadequate.

Councillor P G L Elliott felt that whilst a lot consideration had gone into the application the access was problematic and he seconded the proposal.

The Chairman put the Officer's recommendation to refuse to the Committee and it was agreed.

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

1. The proposed development would result in an unacceptable form of backland development which would detrimentally impact on the existing character and appearance of the site and on the prevailing pattern of development within the area. The development would therefore be unacceptable and contrary to policies S1, D1 and H4 of the Maldon District Local Development Plan (2017), policy HO.8 of the Burnham-on-Crouch Neighbourhood Development plan and guidance

contained within the National Planning Policy Framework (2019) and the Maldon District Design Guide (2017).

2. The site is located in a backland location and would be served by a substandard, contrived and dangerous means of access and vehicle parking spaces which would adversely affect the safe and convenient passage of vehicular and pedestrian users of the access. This would discourage future occupiers to use alternative to vehicle modes of transport and it would be indicative of the unsuitability of the site to accommodate the proposed residential development. The proposal would be therefore unacceptable and contrary to the National Planning Policy Framework and policies, S1, D1, T1 and T2 of the Maldon District Local Development Plan (2017), and guidance contained within the Maldon District Design Guide (2017).

Councillor Mrs Channer declared a personal interest in the Agenda Item 9 – HOUSE/MAL/19/00122 – Oakleigh, 48 Mountview Crescent, St. Lawrence, and informed the Committee that she would remove herself from the Chamber for this item of business.

2037. HOUSE/MAL/19/00122 - OAKLEIGH, 48 MOUNTVIEW CRESCENT, ST. LAWRENCE

Application Number	HOUSE/MAL/19/00122
Location	Oakleigh 48 Mountview Crescent St Lawrence
Proposal	Extensions and alterations to existing bungalow to convert to a chalet style property
Applicant	Mr and Mrs Lear
Agent	Elisa Hampson – E.H Planning Services
Target Decision Date	EOT 09.04.2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In by: Councillor Mrs P A Channer Reason: Local Knowledge and Public Interest

A Members' Update was submitted that detailed a further letter of objection.

Following the Officer's presentation, Mr Mark Jackson, an Objector, and Mrs Fallon Lear, the Applicant, addressed the Committee.

Members debated the application and concluded that its style and design was acceptable and would not have a detrimental impact on the locality. In addition, the proposal was not considered to have an overbearing impact on the amenity of neighbouring residents.

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with approved drawing: MOUNTVIEW/01, MOUNTVIEW/04, MOUNTVIEW/02, MOUNTVIEW/03, MOUNTVIEW/05, MOUNTVIEW/06, MOUNTVIEW/07, MOUNTVIEW/08.

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed on plans MOUNTVIEW/07, MOUNTVIEW/08.
4. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.
5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of a motor car in connection with the residential use of the property.
6. Prior to the first occupation of the extension hereby permitted, the first-floor window(s) in the northern elevation shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
7. The roof area of the single storey element of the extension hereby approved shall not be used as a storage area, balcony, roof garden or similar amenity area.

Councillor Mrs Channer returned to the Chamber.

2038. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

Councillor Dewick, the Chairman, took the opportunity to extend thanks to the Committee and Officers for all their hard work and attention over the past four years and wished all well in the future.

Councillor Fluker, as Vice-Chairman and on behalf of the Committee, expressed thanks to the Chairman for his expedient and professional management of the meetings over the past four years.

Councillor Mrs Acevedo thanked all Members of the South Eastern Area Planning Committee for their support over the past four years with special thanks to Councillor Boyce as he had been the best joint Ward Member she could have asked for.

There being no further items of business the Chairman closed the meeting at 8.49 pm

CHAIRMAN
R P F DEWICK

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2019**

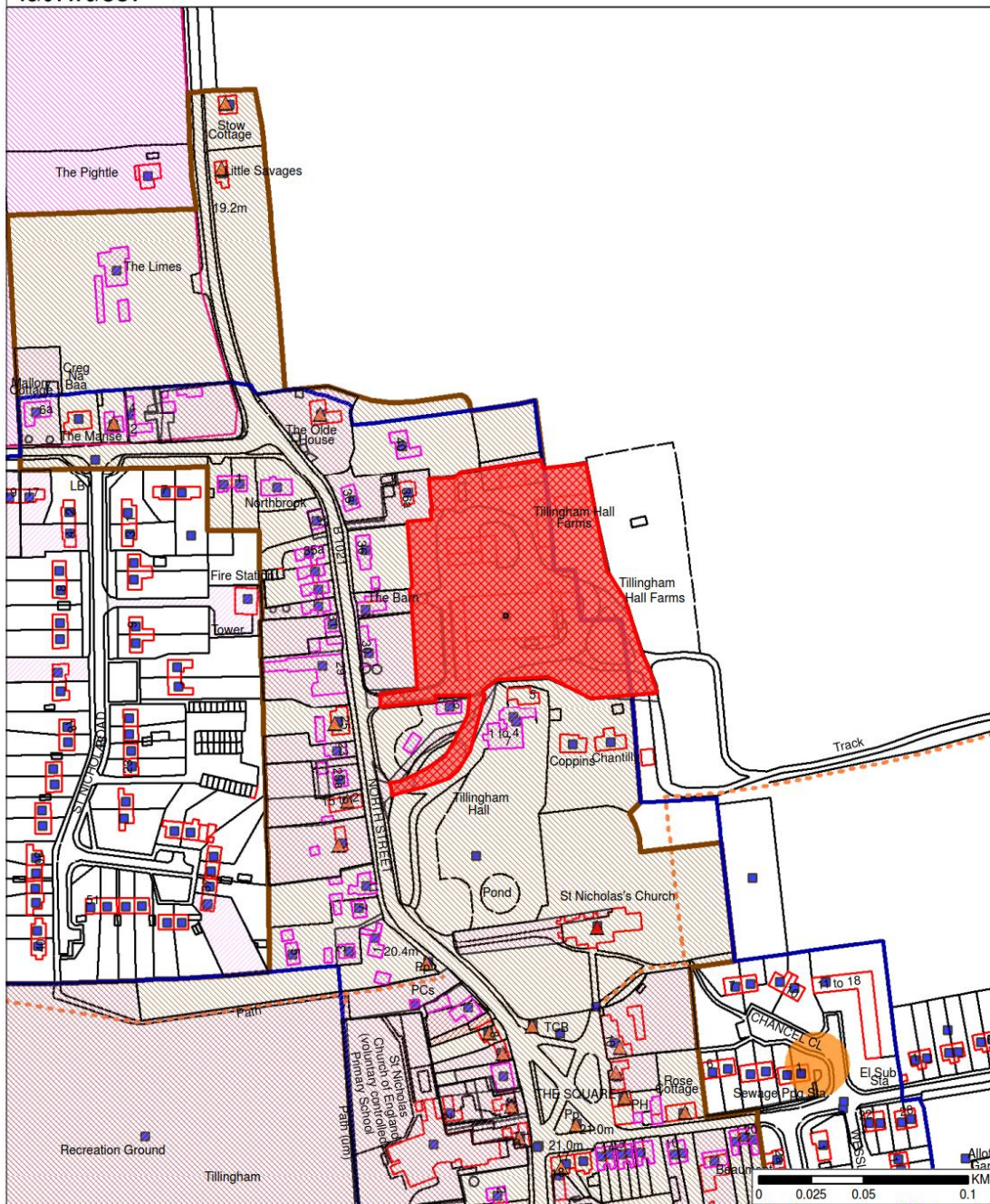
Application Number	OUT/MAL/18/01476
Location	Tillingham Hall Farm, North Street, Tillingham, Essex
Proposal	Demolition of existing agricultural buildings and erection of up to 24 No. residential dwellings with access.
Applicant	The Dean & Chapter Of St Paul's Cathedral
Agent	Mr Steven Sensecall - Carter Jonas
Target Decision Date	15.04.2019 (EoT agreed: 21.06.2019)
Case Officer	Anna Tastsoglou
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Major Application

1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.



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Maldon District Council 100018588 2014

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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 08/05/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Site description

3.1.1.1 The site is 1.02 hectares in size and it is located within the northeast part of the village of Tillingham, set behind the residential development fronting North Street. The site is largely sited within the settlement boundary of the village of Tillingham and it lies within the Tillingham Conservation Area.

3.1.1.2 The site is a farmyard, comprising of a number of agricultural buildings, accessed from North Street. The buildings within the site range from 19th century stables to 20th century grain stores and equipment sheds with hardstanding. Vehicular access is via a concrete drive adjacent to No. 30 North Street, which extends 24 metres in length into the site. There are some mature trees within the northeast and southwest parts of the site, creating a verdant character in the area. A well-established belt of trees is to the east of the site.

3.1.1.3 The conservation area is characterised by a variety of dwellings of different finishing materials, scales and designs. The oldest houses are timber framed and weather-boarded, while there are several Victorian brick terraces.

3.1.1.4 To the west are five dwellings fronting North Street, one of which (No. 36A) is in a backland location within 9 metres of the site boundary. To the south is Tillingham Hall, a large 19th century unlisted house which has been converted into seven flats. To the east of the hall are two modern dwellings (Coppins and Chantilly) whilst to the west is an open fronted cart lodge with a residential unit above; this is located close to the application site boundary and in particular, immediately adjacent to the south of the proposed pedestrian access. Further south is St. Nicholas Church which is Grade II* listed.

3.1.1.5 The village itself is served by shops, two pubs, a primary school, medical centre and other community facilities. To the north and east are open fields dropping down to marsh and the coast.

3.1.2 Description of proposal

3.1.2.1 The development is outline in nature, with matters of appearance, landscaping and scale reserved for future consideration, and proposes the demolition of most of the redundant agricultural buildings and the erection of 24 residential dwellings, with associated off-street parking, amenity areas and landscaping. The existing single storey stable building to the southwest of the main part of the site, off the proposed pedestrian access is proposed to be retained and converted into two semi-detached bungalows, with undercroft access and parking. The rest of the 22 houses are proposed to be a mixture of 2, 3 and 4 bedroom, chalet style and two storey dwellings. The scheme involves a 25%

(6 units) on-site affordable housing contribution. No built form is proposed to be erected beyond the settlement boundary line.

3.1.2.2 The application is supported by a site plan, showing the access arrangements and the position of the proposed residential development. Whilst this proposal is in outline, given that the site is located within a conservation area, the application is supported by a level of detail included in plans, elevations and other documents to allow sufficient assessment of the impact of the development on the character of the conservation area.

3.1.2.3 The site would be accessed off of North Street. The vehicle access would be formed to the south of No. 6 Tillingham Hall, North Street (known as Coach House), east of the dwelling that was converted into seven flats, by widening and re-aligning the existing access that serves Tillingham Hall. The estate road would swing east and north through the site terminating with a turning circle. Pedestrian access would be formed between No. 6 Tillingham Hall North Street and No. 30 North Street, linking the site with an established footpath along North Street.

3.1.2.4 The proposed dwellings would be located facing the proposed estate road and there would be a mixture of detached, semi-detached and terraced properties of varying heights and design, including bungalows, chalets and two-storey houses. The development would also involve the erection of two detached garages, one at the southeastern corner of the site to serve plots 19 and 20 and one between the retained single storey structure to the southwest and plot 24, to serve plots 3 and 4. Plots 17 and 18 would be served by attached single storey garages. Although indicative, the application is supported by streetscene elevations showing a mixture of dwelling design and roof styles, including hipped, gabled and gambrel. A variety of design features have also been incorporated, including front projecting gables, ground floor bay windows and roof dormers. A mixed pallet of materials has also been shown to the external elevations, including red bricks, render painted cream and white weatherboarding.

3.1.2.5 In terms of the amount of development, according to the schedule of accommodation submitted with the application, it appears that 17 of the proposed dwellings would be 2-bedroom properties, five 3-bedroom and two 4-bedroom houses. All affordable units would be 2-bedroom houses, of which one would be a bungalow, two would be two-storey terraced dwellings and three terraced chalet style dwellings.

3.1.2.6 In terms of layout and dimensions the following are proposed:

- The existing single storey stable building to the southwest of the site would be converted to two semi-detached bungalows. This building measures 5.7m deep and 37.3m wide. Undercroft parking for Nos 1, 2, 22, and 23 would be formed at the centre of the building.
- Nos 3 and 4 would be a pair of semi-detached two -storey dwellings measuring 10m deep and 8.9m wide. Parking for these properties would be provided to the southeast in the form of a garage, sized 7m x 7m, and two off-street parking spaces.

- Nos 5 to 7 would be a terrace of three chalet style dwellings with front and rear dormers. The building would measure 8.7m deep and 16.3m wide. Parking for these properties would be off-plot to the southeast, opposite the plot and located within the turning circle, and to the north of the houses. A similar terrace is proposed opposite the turning circle (Nos 14 to 16), which appear to be of varying finishing materials. Similar to Nos 5 to 7 parking is not provided on-plot.
- Nos 8, 9, 12, and 13 are two pairs of semi-detached two-storey dwellings, being 13.7m wide and 7m deep, served by off-plot off-street parking.
- In between the abovementioned pairs of dwellings, a pair of two-storey semi-detached dwellings is proposed (Nos 10 and 11) with on-plot parking.
- Nos 17 and 18 are a pair of semi-detached two storey dwellings with attached single storey garages, which measure 17.4m wide by 6m deep (excluding the garages which project another 3.5m to the north and south of the pair).
- Nos 19 and 20 are another pair of semi-detached houses of a two-storey height with rearward projections. The properties measure 20m wide and 6.6m deep. Off-street parking for the properties is provided to the south in a form of a detached garage and tandem parking.
- Nos 21 to 23 are the terraced two-storey dwellings, measuring 20.4m wide and 7.1m deep.
- No. 24 is a detached two-storey squared house measuring 7.6m x 7.6m., parking for this property is provided to the north of the dwelling.

3.1.2.7 All gardens shown on the submitted site plan are policy compliant. All properties are also provided with a minimum of two off-street parking spaces each. An additional 6 visitor parking spaces are proposed.

3.1.2.8 The site is mainly located within the settlement boundary of Tillingham. There are parts of the gardens of the proposed properties along the eastern boundary which are outside the settlement, which runs in a north south direction. The settlement boundary line runs along the eastern elevation of the proposed dwelling at plot 13, then follows the line of the rear elevations of properties 14 to 17 and then staggers to the east, approximately 22m eastwards from the rear elevation of no. 14.

3.1.3 *Background of the application*

3.1.3.1 It is noted that an application (FUL/MAL/14/00378) to demolish most of the existing redundant buildings at Tillingham Hall Farm and erect 24 dwellings, with associated garages, parking, amenity and new vehicular and pedestrian access was withdrawn following officer's recommendation for refusal on the grounds that the development would not preserve or enhance the character of the conservation area. An amended proposal for the erection of 21 dwellings was thereafter submitted (FUL/MAL/15/00677). This application was refused on the basis of the urbanising effect, due to the fact that the site falls partially outside the development boundary and the lack of on-site affordable housing provision. The application was subsequently dismissed on appeal by reason of the inappropriate provision for affordable housing. However, the impact on the character

of the area was considered to be acceptable and no objection was raised on the grounds of the development relative to the settlement boundary.

- 3.1.3.2 Since the determination of the abovementioned applications and appeal the Council's Local Development Plan (LDP) has been approved and the National Planning Policy Framework (NPPF) has been revised. Therefore, the assessment below is based on the approved LDP and revised NPPF.

3.2 Conclusion

The proposed development is located largely within the settlement boundary for Tillingham, where residential development is generally considered acceptable. A small part of the site is outside the settlement where no built form is proposed to be located. A similar application for the erection of 21 houses (Application reference number: FUL/MAL/15/00677) was previously assessed by the Inspector and the principle of development was found to be acceptable. The sole reason for the dismissal of the appeal that followed the previous application related to the failure to provide affordable housing, which will be overcome, subject to the completion of a S106 agreement.

- 3.2.1 Although the Council can meet its housing needs, it is noted that the development would meet the identified need of the District for smaller residential accommodation (two bedroom accommodation) and this would weigh in favour of the proposed development. The layout and access of the development were assessed and found to be acceptable and would preserve the character of the conservation area. The development would not be harmful to the amenities of the neighbouring occupiers to an extent that would warrant refusal of the application. The development would make adequate provision for off-street parking and cycle parking and it would not adversely impact upon habitats and protected species. Subject to conditions for further ground investigations, the development is not expected to be unduly affected by contamination.
- 3.2.2 Therefore, subject to conditions and the provision of an appropriate affordable housing contribution, contributions towards education and to address the impact of the development on the Essex Coast, the development would be acceptable and in accordance with the aims of the development plans.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 117-123 Meeting challenges of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D3 Conservation and Heritage Assets
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for ‘Specialist’ Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (2017)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Essex Design Guide (1997)

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

The following developer contributions are sought:

- *On-site affordable housing contribution of 25% (6 units) in accordance with Policy H1.*
- *An Education Contribution of £43,903.44 (index linked from April 2019) to be paid to Essex County Council on or before the occupation date.*
- *A contribution of £122.30 per dwelling towards RAMS (Essex Coastal Recreational Avoidance and Mitigation Strategy).*

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

5.1.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

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

- 1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;*
- 2) Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) Support growth within the environmental limits of the District;*
- 5) Emphasise the importance of high quality design in all developments;*
- 6) Create sustainable communities by retaining and delivering local services and facilities;*
- 8) Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;*
- 9) Conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network;*
- 10) Conserve and enhance the historic environment by identifying the importance of local heritage, and providing protection to heritage assets in accordance with their significance;*

- 11) Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources;*
- 12) Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

- 5.1.3 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”*.
- 5.1.4 The current proposal follows from the dismissal of a previous appeal (Appeal reference: APP/X1545/W/16/3150788) on the grounds of the development making inappropriate provision for affordable housing. The issue of the impact of the development on the character and appearance of the area, given that the site lies within the Tillingham Conservation Area, was also assessed and found to be acceptable. It is noted though that the current application is for an additional three dwellings and thus, there is a material difference between the development, which is assessed below.
- 5.1.5 The majority of the application site and all the proposed built form lies within the settlement boundary for the village. Unlike the previously refused application, the current proposal includes all structures and buildings within the boundary settlement. Larger or smaller parts of the amenity areas of Nos 13 to 20 would fall outside the settlement; however, this is unlikely to severely impact on the open character of the edge of the village subject to the control of permitted development. Therefore, the proposal would comply with the requirements of LDP policies S1, S2 and S8. Furthermore, a more ‘harmful’ relationship was considered acceptable at the time of the last application by the Planning Inspectors.
- 5.1.6 The site is not a “brownfield” site as it is occupied by agricultural buildings. Tillingham is classed as a “Smaller Village” in the LDP policy S8 and has a limited range of support facilities including a village shop, primary school, two public houses and a medical centre. A bus service is located within approximately 150 metres of the site. Although it is inevitable that occupiers of the houses are likely to use private vehicles for everyday purposes such as employment, it is considered that the site is located in a sustainable location, although not to a high degree such as other larger settlements in the district. It should also be noted that the NPPF, paragraph 103, recognises that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”*.
- 5.1.7 The principle of development was previously assessed and considered to be acceptable. Although since the determination of the previously submitted application and appeal (as referred to in ‘Background’ section above) the LDP has been approved and all policies of

the Maldon District Replacement Local Plan 2005 (RLP) have been superseded by the policies of the LDP, it is not considered that the thrust of the LDP policies has been materially changed in relation to the determination of the current proposal. The same applies for the revised NPPF which largely follows the aims of the 2012 framework.

- 5.1.8 On the basis of the above, it is considered that the use of the site for residential purposes in this location would be acceptable in principle. Other material planning consideration, in relation to the design and impact of the development on the conservation area, the impact on the neighbouring occupiers, the highways issues, impact on biodiversity and ecology and developer contributions are assessed below.

5.2 Housing Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities *‘To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for’*. Paragraph 61 continues stating that *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”*.
- 5.2.2 Following the publication of the February 2019 Government results of the Housing Delivery Test (HDT) the Council has revised the October 2018 Five Year Housing Land Supply (5YHLS) statement to apply a 5% buffer for choice and competition. On the basis of the March 2019 5YHLS results the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ (6.34) worth of housing against the Council’s identified housing requirements.
- 5.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.4 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the SHMA shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 The development proposes to provide the following mix:
- 17 two-bedroom dwellings

- 5 three-bedroom dwellings
- 2 four-bedroom dwellings

5.2.6 On the basis of the above, when assessed in its totality, the development would provide 70.8% of smaller (two bedroom) dwellings. The provision of affordable units would be 100% smaller units. It is therefore considered that the development would significantly contribute towards the Council's housing needs. Furthermore, the provision of two bungalows would weigh in favour of the proposal. Therefore, the development would support the provision of mixed and balanced communities as required by the NPPF.

5.3 Affordable housing provision

5.3.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The site falls within the sub-area of Rural South East Lower and therefore, the requirement towards affordable housing has been set at 25% of the total amount of housing provided.

5.3.2 The development proposes to provide 6 two-bedroom (three and four persons) affordable units on-site, which will be of the following tenure:

- 33.3% intermediate (2 units)
- 66.6% social rent (4 units)

5.3.3 The proposal is supported by a document detailing the Draft Heads of Terms including a section in relation to the affordable housing provision, proposing a policy compliant 25% provision towards affordable housing.

5.3.4 In light of the above, it is considered that the proposed development, subject to the completion of a S106 securing the provision of affordable housing in accordance with the requirements of policy H1, would be acceptable and it would support mixed and balanced communities in accordance with the aims of the NPPF.

5.4 Design and Impact on the Character of the Conservation Area and the Nearby Listed Buildings

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

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

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of

sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

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

5.4.4 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*

- 1) The location and the setting of the site;*
- 2) The existing character and density of the surrounding area;*
- 3) Accessibility to local services and facilities;*
- 4) The capacity of local infrastructure;*
- 5) Parking standards;*
- 6) Proximity to public transport; and*
- 7) The impacts upon the amenities of neighbouring properties.”*

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

5.4.6 The site is located within the Tillingham Conservation Area and in accordance with policy D3, all development proposals would be required to preserve and enhance the special character, appearance and setting of the area, including its streetscene and landscape value. There are also three buildings opposite the proposal site, which are Grade II listed and display the special qualities of vernacular architecture which are also characteristic of the Tillingham Conservation Area.

- 5.4.7 The Conservation Area centres on the parish church of St. Nicholas (Grade II* listed) and The Square, stretching along the linear pattern of North Street and South Street. The village was mainly developed in the Georgian period. In terms of finishing materials, most of the oldest houses in Tillingham are timber-framed and weather-boarded. There are several Victorian brick terraced and semi-detached houses in South Street, with rendered houses being fewer than brick and weather boarded dwellings. All one-and-a-half storey cottages in the conservation area have tiled roofs, except for two which are thatched. The majority of the houses in the village have flat-fronted elevations with symmetrical sash windows.
- 5.4.8 The application site is a redundant farmyard, dominated by large 20th century buildings, with the exception of the stables, which appear to be dated from the mid-19th century and comprise a single storey timber framed structure. The current proposal involves the demolition of the majority of the buildings within Tillingham Hall Farm, with the exception of the single storey stables at the entrance of the building and the erection of 24 dwellinghouses, with associated off-street parking, amenity areas and landscaping.
- 5.4.9 An application for the erection of 24 dwellings was previously withdrawn, just before its presentation to Members of the Committee, with an officer recommendation for refusal. One of the reasons for refusal suggested by officers was that the development was considered to be detrimental to the character and appearance of the Tillingham Conservation Area. An application proposing a lesser number of dwellings (21 in total) was thereafter submitted and refused by the Council; a subsequent appeal was dismissed. However, not on the basis of the impact of the development on the character and appearance of the area.
- 5.4.10 The current proposal which proposes the erection of 24 dwellings is more representative of the layout of the development for the 21 dwellings that was considered to be acceptable in terms of its impact on the character of the area. In fact, the amount of development proposed appears to be less than that for the 21 dwellings, with the footprint of the dwelling not being greater than that of the existing buildings, with larger gaps being maintained in-between the dwellings and no built form being proposed beyond the settlement boundary. This has been facilitated by the provision of a higher percentage of smaller dwellings than previously proposed. It appears that the concerns raised at pre-application stage, when a development of 25 dwellings was discussed, were taken into consideration for the revision of the current application, given that the number of the units has been reduced, the footprint of the developed areas has been kept to a very low level and no buildings are proposed beyond the boundary line of the settlement.
- 5.4.11 In terms of the access to the site, no material changes have been made in comparison to the one previously assessed on appeal. The Inspector acknowledged the fact that the proposed vehicular access would involve widening the existing Tillingham Hall access and result in the removal of some trees and vegetation. However, taking into account that the majority of the trees within the site would be retained, it was considered that the removal of a relatively small proportion of trees was not so detrimental for the appeal to be dismissed on those grounds. Thus, on the basis of the above, and given that the

proposed access to the site is retained largely unaltered from what the Inspector assessed and considered acceptable, no objection is raised to the loss of a small number of trees compared to the number that is going to be retained. The proposed pedestrian/cycle access would perhaps result in an improvement of the existing hard surfaced access and thus, no objection is raised in that respect.

- 5.4.12 A strip of woodland including a number of mature trees is sited along and adjacent to the east of the application site, which is considered to be sufficient to screen the development from the open countryside. Therefore, even though domestic gardens with their associated paraphernalia would be outside the development boundary, they would not be significantly visible from the open countryside beyond the woodland area, which is also not proposed to be affected by the development.
- 5.4.13 The development, by reason of its location to the rear of the existing properties and dense vegetation along North Street is also well screened from the views from the village and the public highway. Therefore, it would not materially impact on public views from the conservation area.
- 5.4.14 In terms of the proposed layout, it is considered that the development would not be dissimilar to the proposal previously assessed on appeal for the 21 houses. All dwellings would be orientated to look onto the proposed estate road following from the main rhythm of development along the village. The visual experience when entering the site would be varying due to the different built forms proposed (single storey and two storey buildings), the proposed landscaping and the retention of glimpses of the woodland to the east and due to the reduction of the proposed garages from the previously determined application.
- 5.4.15 It is evident from the submitted site plan and indicative streetscene elevation that a number of different types of dwellings are proposed, including two storey houses, bungalows and dwellings with accommodation in the roof. Although of varying built forms and architectural designs, the proposed dwellings appear to maintain a level of cohesiveness in terms of massing and visual cues. There is a clear continuity in the eaves line and fenestration position. Furthermore, it appears that the good principles of design in terms of maintaining hierarchy between the ground and first floor windows have been considered. Whilst it could be argued that there is proliferation of dormers to the properties provided with roof accommodation, it is noted that similar style dwellings were previously considered acceptable by the Inspector and there are also similar examples of dormers with cut-slide roofs within the village. In particular, within the Inspector's decision it is stated that "*The appeal proposal would include a varied mix of dwellings constructed from materials which would match those commonly found in the village.*" Initial concerns have been raised by the Conservation Officer in relation to these properties and in particular the proposed gambrel roof, which due to the depth of the houses create squat and ungainly gable ends. Given the outline nature of the current application and the fact that scale and appearance are matters to be assessed at a future submission, no objection would be reasonable to be raised in that respect at this stage,

considering that alterations to improve the design of the proposed houses could be incorporated at a future submission.

- 5.4.16 In terms of finishing materials, a level of consistency throughout the site is maintained which is also linked to and takes account of the appearance of the properties in the conservation area.
- 5.4.17 Although it is acknowledged that the appearance and scale would be fully assessed at reserved matters stage, it is noted that chimneys are a prevailing characteristic of the conservation area and it is positive that they have been incorporated in the indicatively proposed dwellings. Similarly, deployment of symmetrical sash windows would be beneficial to the scheme, given that they better reflect the character of the conservation area. These elements are considered necessary to be maintained through to the final design of the dwellings that would be presented at reserved matters stage as they preserve the character and appearance of the conservation area. An informative regarding this can be included on any grant of planning permission.
- 5.4.18 It is positive that the existing single storey stables at the entrance of the site are proposed to be retained and converted to bungalows. Furthermore, although more dwellings are proposed there are more gaps between the houses and fewer of the houses and garages are conjoined. This better reflects the character and grain of the village. Moreover, although matters of appearance and scale are reserved for a future submission, it is considered positive that simple forms of design that reflect the character of the conservation area have been used in the proposed houses.
- 5.4.19 In light of the above, it is considered that the proposed access and layout of the development is acceptable, and it does not detract from the built pattern and character of the conservation area. The indicative streetscene elevations demonstrate that an acceptable design and scale can be achieved and that subject to minor amendments of the scale and design, can preserve the character of the conservation area. The Council's Conservation Officer has been consulted and advised that the development would cause 'less than substantial harm' to the significance of the heritage assets. Weighing this harm against the benefits of the scheme, it is considered that the harm would be outweighed.

5.5 Impact on Residential Amenity

- 5.5.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.5.2 The proposed development would replace a farmyard which is presently largely unused. If the yard was to be brought back into full agricultural use with machinery operating at hours not presently subject to control and large vehicles and agricultural plant being moved to and from the site there would be potential for disturbance to be caused to local

residents. By comparison a modest sized residential development is likely to cause much less disturbance and given its nature, it would be compatible with the residential uses in the surrounding area.

- 5.5.3 The rear walls of properties fronting North Street are some 40 metres from the rears of plots 1-7 (plots 1 and 2 are single storey). The dwelling at No 36a is in a backland location and is located 9 metres from the shared boundary. The nearest dwelling of the proposed development (No.8) would be located approximately 6.8m away from the shared boundary with No. 36a. This relationship of the two units is much less harmful from that previously considered acceptable, when the development of 21 dwellings on site was assessed, where a large garage was sited up to the shared boundary. Should the proposed house at No. 8 have a hipped roof, as shown on the indicative streetscene elevation, it would further reduce the impact of the proposed development on the amenities of the occupants of No. 36a. An overall 15.8m separation distance between the two properties is considered sufficient to maintain a level of amenity of the occupiers of the neighbouring dwelling to a level that would not justify refusal of the application on those grounds. A minimum 11.2m separation distance would be maintained between the dwellings 8 - 13 and their rear boundaries. Considering that the property at No. 40 is sited an additional 12.8m away from the northern boundary of the site, it is considered that the development would not have an adverse impact on the amenities of the neighbouring occupiers. As such, it is considered that the development would not have a detrimental impact on the amenities of the adjacent occupiers to the west and north, by way of being overbearing, resulting in loss of light or privacy. Nevertheless, it is noted that the full impact of the development would be assessed at the time of a reserved matters application.
- 5.5.4 The cart lodge within the grounds of Tillingham Hall (No. 6) has all the habitable accommodation at first floor level and is located close to the southern boundary of the site. This property currently overlooks the yard access which will be changed to pedestrian/cycle use only and the stables which are to be retained and converted. Thus, there will be no overlooking this property. It is also not considered that there would be material overlooking from No. 6 towards the application site and in particular no. 1 to a degree that would warrant refusal of the application on these grounds. No. 5 Tillingham Hall is a single storey structure located 5 metres from the boundary, however, due to the southern boundary fencing, around 19m away from the nearest dwellings (Nos 22-24) there is unlikely to be overlooking from the new development.
- 5.5.5 The proposed access road, which is similar to the access previously proposed, will be created by widening the existing access that serves the Tillingham Hall units as well as Coppins and Chantilly, a total of 9 units. This means that all vehicular traffic from the proposed development will pass the Tillingham Hall properties. However, this will be a private drive and traffic speeds will be low. No objection was previously raised by Environmental Health on this aspect when the earlier application was being considered. The additional traffic generated by the increased number of dwellings proposed (3 dwellings more than the previous proposal) is not considered to result in a detrimental

impact on the neighbouring occupiers to an extent that would justify the refusal of the application.

- 5.5.6 In terms of the interrelationship of the proposed dwellings, although this would be a matter to be assessed at a later stage when full details of the appearance and scale of the dwellings would be submitted, it is considered that due to their orientation and position, the proposed dwellings would not result in a materially harmful impact on the amenities of the future occupiers of the site. The only property that might be affected more than the others within the application site is No. 18, given that the dwelling at plot 19 would be around 7.2 metres beyond its rear elevation. However, given that a garage has been shown attached to the south elevation of the dwelling at No. 18, the gap between the two properties would be sufficient to mitigate against any unacceptable overbearing or overshadowing impact on habitable rooms.
- 5.5.7 Overall the development is not considered to have a harmful impact on the amenity of the neighbouring occupiers and the interrelationship of the proposed dwellings would be acceptable. Nonetheless, the impact on residential amenity would be a matter that would be fully assessed at reserved matters stage.

5.6 Access, Parking and Highway Safety

Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.6.1 Access

- 5.6.1.1 Access to the site would be gained by widening to 6 metres the existing established access into Tillingham Hall. This vehicle access appears to be the same as that previously submitted for a similar development (FUL/MA/15/00677). The access would be modified to a 'T' junction connected to a Type E minor access road comprising a 6m wide carriageway with 2 x 2m footways. This arrangement would allow vehicles to enter and leave the site safely in forward gear.
- 5.6.1.2 In terms of visibility splays, the transport statement advises that 2.4m x 47m and 2.4m x 72m visibility splays are achievable from the site access looking left (south) and right (north) respectively, subject to cutting back vegetation.
- 5.6.1.3 Pedestrian access would be mainly gained off of North Street, which is currently one of the vehicle accesses of the site. No objection is raised to the formation of the proposed pedestrian access.

5.6.1.4 The Highway Authority has been consulted and subject to conditions raised no objection in terms of highway safety, efficiency and accessibility of the site. The proposed access to the site is therefore considered acceptable.

5.6.2 *Trip generation*

5.6.2.1 To assess the impact of the development in terms of trip generation, the proposed residential development has been forecasted using person trips derived from the TRICS database. The data submitted shows that the development would generate a maximum of 20 two-way (5 in and 15 out at am peak hours and 12 in and 7 out at pm peak hours) vehicle trips during weekdays at am and pm peak hours.

5.6.2.2 Given that a forecast of the current agricultural use of the site is unable to be forecasted the net increase of trip generation was not able to be identified.

5.6.2.3 The Highway Authority has been consulted and raised no objection in relation to the impact of the increased trips on the capacity of the local highway network, the free flow of traffic or safety of the road. On that basis, the development is acceptable in terms of traffic generation.

5.6.3 *Parking provision*

5.6.3.1 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

5.6.3.2 To meet the vehicle parking standards the development would need to comply with the following residential standards:

- Two and three bedroom dwelling: 2 off-street parking spaces
- Four+ bedroom dwelling: 3 off-street parking spaces
- Housing development for more than 10 dwellings should be served by 1 visitor parking per 4 dwellings.

5.6.3.3 The proposed development would be served by a minimum of 2 parking spaces for each dwelling. Two four-bedroom properties are proposed to be erected (Nos 19 and 20). Although two off-street parking spaces have been shown on the submitted plan for the four-bedroom properties, it is noted that an additional off-street parking space could be accommodated in a tandem arrangement in front of the proposed parking spaces. Therefore, a total of three off-street parking spaces can be provided for the proposed four-bedroom dwellings. An additional six visitor parking spaces are proposed throughout the site and therefore, in terms of off-street parking provision the development would be compliant with the standards as set out in the Vehicle parking Standards SPD.

5.6.3.4 The Council's Vehicle Parking Standards seek to ensure that electric vehicle charging points are installed to encourage the use of alternative to conventional vehicles. For residential development with off-street parking at least 1 home charging point is required and 1 fast charging point for every 20 parking bays for residential development with communal parking. This will be secured by condition.

5.6.3.5 In terms of cycle parking it is noted that for those houses with garages no separate cycle store would be required; however, the details of secure and covered cycle parking would be secured by conditions.

5.7 Private Amenity Space and Landscaping

5.7.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as a supplementary guidance to support its policies in assessing applications for residential schemes. The guidance indicates that for dwellings that have 2 bedrooms, 50sqm of amenity space should be provided, while for dwellings with 3 or more bedrooms, 100sqm should be required. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.

5.7.2 As noted at the 'Proposal' section, adequate amenity space would be provided for each dwelling, which would meet the requirements of the MDDG. Thus, in that respect the development is deemed acceptable and not harmful to the living environment of the future occupiers.

5.7.3 The submitted site plan shows that sufficient landscaping would be incorporated to the proposed development mainly along the frontages of the dwellings and a turning circle would create a small vegetated focal point. Therefore, no objection is raised in terms of landscaping provision to soften the appearance of the development, but this is a matter that would be further assessed at reserve matters stage, when details of landscaping would be submitted.

5.8 Floor Risk Assessment and Sustainable Urban Drainage Strategy

- 5.8.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.8.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency.
- 5.8.3 The site is located within flood zone 1 thus, not in an area at risk of tidal, fluvial, pluvial or groundwater flooding. However, the application is accompanied by a Flood Risk Assessment which includes details of how surface water would be managed. The Lead Local Flood Authority was consulted and initially raised an objection regarding the way that the water was proposed to be treated before being directed to the ditch, the half drain time of the water storage and the way that the long-term storage was calculated.
- 5.8.4 To address the abovementioned concerns, amended information has been submitted by the applicant. In particular it is stated that to ensure that all the surface water run-off is treated prior to entering the watercourse, a Downstream Defender has been introduced into the strategy for this purpose. In relation to half drain time, details have been submitted demonstrating that at a critical rainfall event the half drain time would be a total of circa 241 minutes; thus, achieving the half drain requirement of less than 24 hours. Regarding long term storage, details have been submitted showing that the volume provided within the drainage system would be sufficient to provide long term storage for the scheme.
- 5.8.5 Following re-consultation of the Lead Local Flood Authority on the basis of the additional information and subject to appropriate conditions, an objection is no longer raised. Therefore, no objection is raised in relation to the impact of the impact of the proposed development in terms of surface water strategy.

5.9 Impact on the ecology, trees and biodiversity

- 5.9.1 The application site does not fall within or in close proximity to nature conservation sites, but a woodland site extends along the eastern boundary of the site. However, policy N2 of the LDP 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." Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.9.2 On the basis of the abovementioned policy requirement, an Extended Phase 1 Habitat Survey. The survey was carried out in March 2018 and no habitats of principal importance were found on site; however, further surveys with regards to bats, amphibians, reptiles and barn owls have been recommended, to fully understand the

ecological value of the site. This matter is considered reasonable to be secured by condition.

- 5.9.3 Great Crested Newt surveys were also carried out between 14th and 25th May 2018 and a small population of great crested newts (GCN) was confirmed in a pond 80m south of Tillingham Hall farm and due to the suitable terrestrial habitat within the site and connecting the site to the pond, the report advises that it is a likely site to support great crested newts during their terrestrial phase. To avoid any risk of impacting on the GCN during construction recommendations have been included in the submitted report, including the required submission of a European Protected Species Mitigation (EPSM) licence application to Natural England, a site specific Method Statement, removal of habitats in a two stage cut process or manual handling removal of detritus piles under supervision and finally mitigation of habitats after development. To maintain and improve the ecological value of the scheme a condition to secure the abovementioned recommendations would be imposed.
- 5.9.4 Due to the existing redundant buildings on site, the application is also supported by a bat survey report. The bat survey was carried out between June and September 2018 and the report submitted provides further specifications for mitigation and/or European Protected Species licensing requirements. A total of two bat roosts were identified on the Tillingham Hall Farm site within two different onsite buildings. The site itself provides good foraging and commuting habitat for bats. On the basis of the findings it is considered that an application to Natural England for a EPSM Licence is required. Part of the EPSM licence application will require a mitigation strategy to ensure that bats are sufficiently protected, and their conservation status is not impacted. Subject to a condition securing the above recommendation and other enhancement recommendations, no objection is considered reasonable to be raised in relation to the impact of the development on bats.
- 5.9.5 The application is also supported by an Arboricultural Impact Assessment. An arboricultural survey was carried out and the report prepared contains preliminary information on protecting trees during the development and methods of work close to trees. The submitted survey advises that most of the trees to be removed as a result of the development are small or internal to the site. It is stated that the largest tree to be removed at the entrance of the site is already compromised due to decay (category R) and is recommended for removal irrespective of the development. All construction works have been designed to be outside root protection areas of trees to be retained. It is noted though that a detailed arboricultural method statement would be required to be submitted to ensure the development is achieved without compromising retained trees.
- 5.9.6 The Tree Consultant has been consulted and raises no objection in relation to the impact of the proposed development on the existing trees. Within his comments it is advised that *“The only good quality trees identified as being removed are T20, T22 & T23 (Black Poplars) and T57 (Yew). T57 is obscured from public view due to the dense vegetation to the front so its loss wouldn’t impact on the wider public amenity”*. It is also stated that although the T10-T14 are proposed to be retained, due to their proximity to the proposed

buildings, it is considered that there would be a need for them to be constantly pruned. The Tree Consultant advises that there is no objection to their removal, subject to a line of trees of noticeable size to replicate them being planted adjacent to the western boundary. Although the latter comments are noted, it is considered that at present, given that the applicant's intention is to preserve the existing trees (T10 – T14), no objection would be raised, as they currently positively contribute to the visual amenity of the area. Overall no objection is raised from the Tree Consultant in relation to the works proposed to trees. As such, it is considered that subject to specifying the necessary precautions to protect the retained trees, the implementation of the measures included in the arboricultural report and the submission and approval of a method statement, the development proposal will have no significant impact on the trees or their wider contribution to amenity and character.

- 5.9.7 A Landscape and Visual Appraisal has been carried out which assesses the impact of the development on the landscape setting of the village and concludes that notwithstanding the sensitive location of the site, the development can be implemented without harming the character of the conservation area. With regard to visual amenity, it is noted that the site is visually enclosed by the grounds of Tillingham Hall to the south and a tree shelter belt to the east. This is outside the application site but is shown as being retained. This is important as land to the east is open farmland and views should be protected. Within the site street trees are to be provided throughout the scheme.

5.10 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.10.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations. The European designated sites within MDC are as follows:- Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.10.2 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.10.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) -

Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.

- 5.10.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.10.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.10.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No

Summary of Appropriate Assessment

- 5.10.7 It should be noted that the Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under consultation and it constitutes an emerging document of the Council. Therefore, appropriate weight should be afforded to it for the calculation of the contribution towards RAMS. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution would be calculated using this figure. This could be included within the S106 at this time.

- 5.10.8 As a competent authority, the Local Planning Authority, on the basis of the information submitted and subject to a contribution being provided by the applicant towards RAMS, concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites that would justify refusal of the application on those grounds.

Conclusion

- 5.10.9 For the reasons stated above and subject to a contribution which would be calculated by the LPA and agreed through the S106, it is considered that the likely impact of the development would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

5.11 Other Material Considerations

Contamination

- 5.11.1 A Phase 1 Geo-environmental Assessment report has been submitted with the application. This identifies that there is potential for isolated areas of low level contamination to be present associated with fuel spillage and the storage of agricultural chemicals. The Environmental Health Service has been consulted and raised no objection in terms of contamination, subject to appropriate conditions.

Archaeology

- 5.11.2 The consultation response from the Historic Environment Officer advises that the proposed development site is sited in the core of the historic settlement of Tillingham. The Historic Environment Record shows that the proposed development is located on the farmyard area of the Tillingham Hall manorial complex. Furthermore, building records showed that the timber-framed Stables were built between 1838 and 1876. The Historic Environment Officer advises that there is potential for archaeological remains associated with the medieval farmyard and possibly that of the Saxon farmyard use to be present. Conditions are therefore suggested in order to carry out an archaeological assessment prior to the commencement of the development. Subject to the imposition of the suggested condition, the development would not be objected to in respect of archaeological matters.

Foul drainage

- 5.11.3 No details in relation to foul drainage have been submitted with the application. It is noted that further details of the full drainage system would be required to be submitted and approved in writing by the Local Planning Authority, in order to avoid the risk of water flooding and pollution.

Waste Management

- 5.11.4 With regard to waste management it is noted that each dwelling would be provided with refuse storage and collection arrangements. No further details have been provided in that respect; however, these are matters that are considered reasonable to be addressed at reserved matters stage or through the imposition of conditions at that stage.

Energy Efficiency

- 5.11.5 It is stated that the dwellings will be highly thermal efficient and meet the requirements of the building regulations. Furthermore, the dwellings will use a range of energy saving measures to both the dwellings fabric, along with water saving measures. Whilst this is a positive element of the development, consideration should be had to the impact of these measures on the external appearance of the dwellings, as they are located within a conservation area. Further details of the impact of any energy saving measures on the appearance of the development should be submitted with a reserve matters application.

Open space

- 5.11.6 Although the proposed development would not provide a designated play area or open space, it is noted that it is located in very close proximity to green open space and the recreational ground of Tillingham. Therefore, given that the development would not make provision for on site public open space, given the proximity of the site public open spaces and also the provision of large sized private amenity area, it is not considered that the lack of open space would weigh against the proposed development. Furthermore, it is noted that no such objection was previously raised when a similar application for 21 dwellings was assessed by the Council and the Inspector. Therefore, it would be unreasonable to raise an objection in that respect now.

Other obligations

- 5.11.7 Along with other key principles, policy S1(11) requires decision makers to “*Identify the capacity and constraints of local infrastructure and services, and seek to mitigate identified issues through developer contributions including Section 106 agreement and / or Community Infrastructure Levy and other funding sources*”.
- 5.11.8 The developer contribution in relation to affordable housing is discussed above in the relevant section of the report. A response from Essex County Council Education Department has been received advising that a contribution of £43,903.44 index linked to April 2019 to provide additional places within the Tillingham Ward has been requested. Furthermore, the development would be required to provide mitigation of the impact of the development on the Essex Coast as assessed above in the relevant section of the report.

5.11.9 The abovementioned developer contributions and obligations shall be secured through a S106 agreement. Should Members' approve this application, this shall only be subject to a S106 agreement, which shall first be discussed and finalised with officers.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/94/00022** - Erection of 3 detached houses. Refused: 07/04/94.
- **FUL/MAL/01/00816** - Erection of 2 dwellings with integral garages. Refused 15/03/02.
- **FUL/MAL/02/00772** - Erection of 2 cottage style dwellings. Refused: 02/10/02.
- **FUL/MAL/06/00989** - Sale of organic food products from existing farm shop not produced on farm. Approved: 19/10/06.
- **FUL/MAL/14/00378** - Erection of 24 residential dwellings. Withdrawn: 11/08/14.
- **FUL/MAL/15/00677** - Demolition of redundant agricultural buildings and the erection of 21no. dwellings comprising 4no. detached, 8no. semi-detached and 9no. terraced properties (including 2 semi-detached bungalows) with associated garages, parking areas, gardens, new vehicular and pedestrian access from North Street and associated external works and landscaping. Planning permission dismissed on appeal due to the lack of affordable housing provision.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	There were no material planning reasons for objecting to this application. Tillingham Village Council supports this application.	Comments noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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Lead Local Flood Authority	Following the submission of additional information as discussed in the relevant section above, an objection is no longer raised by the LLFA, subject to the imposition of appropriate conditions.	Noted and discussed in section 5.8 of the report.
Natural England	It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission	Comment noted and addressed at section 5.10 of the report.
Environment Agency	No comments specific to the development have been received.	Noted.
Essex and Suffolk	No objection, subject to compliance with the organisation's requirements.	Noted.
Essex County Fire and Rescue Service	No objection was raised.	Noted.
Historic England	No comments specific to the development have been received.	Noted.

Archaeology	<p>The proposed development site is sited in the core of the historic settlement of Tillingham. The Historic Environment Record shows that the proposed development is located on the farmyard area of the Tillingham Hall manorial complex. Furthermore, building recording showed that the timber-framed Stables was built between 1838 and 1876. The Historic Environment Officer advises that there is potential of archaeological remains associated with the medieval farmyard and possibly that of the Saxon farmyard use. Therefore, conditions are suggested in order to protect any potential archaeological assets</p>	<p>Comments noted and discussed in section 6.11 of the report.</p>
Anglia Water	<p>The site is located in close proximity to Anglia Water assets. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space.</p> <p>No objection is raised, subject to a surface water condition.</p>	<p>Noted and a condition is imposed.</p>

Highway Authority	<p>The documents submitted with the application have been duly considered and the Highway Authority is satisfied that the impact of the proposals would not be detrimental to highway safety and efficiency.</p> <p>Therefore, from a highway and transportation perspective, the impact of the proposals is acceptable to the Highway Authority subject conditions.</p>	Comment noted that conditions are imposed.
ECC Education	A contribution towards additional school places in Tillingham has been requested.	Comments noted, and a contribution is included in the Heads of Terms.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Housing Team	Following discussions with the applicant, it has been confirmed that the affordable housing contribution will be provided on-site, therefore Strategic Housing Services fully support this application.	Comments noted.
Environmental Health Team	No objection, subject to condition.	Noted and conditions are imposed.
Economic Development Team	The agricultural buildings could potentially be used for employment purposes.	Although the buildings within the site could have been use in support of agricultural diversification, it is noted that the Council is responsible in assessing the applications that is front of them and not speculative proposals. As discussed in section 5.1 the

Name of Internal Consultee	Comment	Officer Response
		site is not an employment site and therefore, any alternative to agricultural use would require the submission of an application. The proposed development has been assessed against all relevant planning policies and local and national guidance and found to be acceptable.
Emergency Planner	The development does not lie within a flood zone and therefore, no objection has been raised.	Noted.
Conservation Officer	The proposal will cause “less than substantial harm” to the significance of the heritage asset. This harm must be weighed against the public benefits of the proposal, including securing its optimum viable use. The degree of harm in this instance is minor, and is seemingly outweighed by the public benefits. Thus, no objection is raised, subject to the imposition of appropriate conditions.	Noted and discussed in section 5.4 of the report.
Tree Consultant	No objection has been raised by the tree officer in relation to the impact of the development on the existing trees. A landscaping condition and a tree protection method statement to include suitable supervision visits have been requested to be imposed.	Comments noted and discussed in section 5.4 of the report and conditions are imposed.

7.4 Representations received from Interested Parties

- 7.4.1 14 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The site is not located in a sustainable location in terms of employment.	Addressed in section 5.1.
Impact on highway and transport infrastructure.	It is noted that no objection in terms of the highway infrastructure has been raised the Highway Authority.
Detrimental impact on tourism due to the loss of the attractiveness of the village and low-density development around its edges.	The development would not result in loss of existing countryside. Its impact on the character of the conservation area is assed in section 5.4 of the report. With regard to impact on the tourism, it is considered unrealistic to suggest that a farmyard, which is the current use of the site, can attract tourism. Therefore, it is not considered that the proposal, which proposes to retain the woodland along the eastern boundary as well as a low density development would not result in a detrimental impact on the tourism of the village.
The addition of a development would negatively impact the village character.	Addressed in section 5.4.
Negative impact on the wellbeing of existing residents.	Addressed in section 5.5.
The proposed extension of the site outside the development boundary would destruct the value of woodland area.	The site is mainly located within the village settlement. The trees along the eastern boundary of the site are proposed to be retained.
The development is incompatible with the Maldon Development Plan in terms of long terms housing provision.	Addressed in sections 5.1, 5.2 and 5.3.
Noise nuisance due to higher traffic levels.	Addressed in section 5.5.
Tillingham and Southminster already have a plentiful supply of affordable housing.	Addressed in section 5.3.

Objection Comment	Officer Response
This development together with other extant planning consents will add another 5%+ growth to housing stock. Consideration of the cumulative development impact needs to be considered if the rural character of the settlement is not to be threatened. The village housing stock is rising beyond that needed to meet local needs.	Although the Council can meet its five year housing supply need, this shall not be used as sealing in housing provision. The impact of the development on the area is assessed in detail within the main body of the officer report.
The proposed development does not preserve the character of the conservation area.	Addressed in section 5.4. the Conservation Officer has been consulted and raised no objection to the proposed development and its impact on the character of the conservation area.
Policy E4 of the LDP recognises the opportunities provided through agricultural and rural diversification. Allowing the loss of this site to housing development will remove a key opportunity for local employment within the village.	It is noted that the Council's responsibility is assess developments as submitted against the Council's policies. The support of rural diversification through policy E4 if such application is made to the Council, does not preclude the support of a different development that constitutes sustainable development and accords with the Council's Development Plan.
Although it is recognised that the proposed built areas fall largely within the boundary, permitting encroachment into the surrounding countryside would set an unacceptable precedent in the area.	Addressed in section 5.1.
The site does not benefit from good connectivity with public transportation.	Whilst it is recognized that the site has limited access to public transportation in comparison to other larger settlements, it is noted that paragraph 103 of the NPPF recognises that " <i>opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making</i> ".
Overdevelopment of the site and unsuitable development.	Noted and addressed in sections 5.1 and 5.4 of the report.
The development would result in unacceptable increased vehicular traffic.	Noted and addressed in section 5.6.
The buildings within the site are in use.	Noted.

Objection Comment	Officer Response
The access road is inappropriately located.	It is noted that the Highway Authority has been consulted and raised no objection in relation to the position of the proposed access.
Potential damage to the listed building.	The Conservation Officer has been consulted and considered that the development would not result in a substantial harm to the significant of the heritage assets.
Heavy construction traffic	This matter would be addressed by a condition securing the submission of details of a Construction Method Statement.
Pedestrian and highway safety.	Addressed in section 5.7.
Impact on the ecology assets.	Addressed in sections 5.9 and 5.10.
Impact on the value of a neighbouring property.	It is noted that this is not a material planning consideration.
The doctors surgery is full and cannot cope with any more patients. A letter from two General Practitioners of Tillingham Medical Centre and Maylandsea Medical Centre has been submitted. The letter expresses the situation and pressure to the NHS practices.	Comments noted. However, the NHS website advises that the Tillingham Medical Center accepts new patients.
Primary schools in the village are at capacity.	The County Council Education has been consulted and subject to an education contribution raises to address the additional places matter raises no objection.
The development would result in loss of rare trees.	Addressed in section 5.9.
Modern housing development would not be in keeping with the character of the conservation area.	Addressed in section 5.4.
Disruption of the wildlife.	Addressed in section 5.9.

7.4.2 **1** letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The proposed development is sited within the settlement and the development would be hidden behind	Noted and addressed in sections 5.1 and 5.4 of the report.

Supporting Comment	Officer Response
existing vegetation.	
The development would provide on-site affordable housing.	Noted and addressed in section 5.3.
As the site is in the Conservation Area these proposed houses will have to be built sympathetically to those existing in the Conservation Area of Tillingham.	Addressed in section 5.4.
The traffic created by the proposed 24 houses to be negligible in comparison that potentially created if the site was to be used for agricultural purposes.	Noted.

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

Heads of Terms of any Section 106 Agreement:

- *To provide on-site affordable housing contribution of 25% (6 units) in accordance with Policy H1.*
- *To pay the Education Contribution of £43,903.44 index linked to April 2019 to the County Council on or before the occupation date.*
- *To pay a contribution of £122.30 per dwelling towards RAMS (Essex Coastal Recreational Avoidance and Mitigation Strategy).*

Conditions:

- 1 Details of the appearance, landscaping and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the LPA. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.
REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the MDLDP.
- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, including retention of the

existing trees as stated in the Arboricultural Impact Assessment (dated 30.10.2018), which shall be submitted to and approved in writing by the LPA. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

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

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

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the LPA. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the LPA, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the MDLDP and the guidance contained in the MDDG SPD.

- 4 The development hereby permitted shall not be first occupied/provided with connection to utility services until such time as the vehicle parking area indicated on the approved plan no 2017-919-002 rev B, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

REASON To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards (2018).

- 5 No dwelling hereby approved shall exceed two storeys in height.

REASON To ensure that the development is as applied for and to protect the visual amenity of the conservation area in accordance with Policies D1 and D3 of the approved MDLDP and the guidance contained in the MDDG SPD.

- 6 The dwelling mix for the development hereby approved shall accord with the following stated housing mix:

- 17 two-bedroom dwellings (of which 2, two-bedroom bungalows)
- 5 three-bedroom dwellings
- 2 four-bedroom dwellings

REASON In order to ensure that an appropriate housing mix is provided for the proposed development taking into account the objective of creating a sustainable, mixed community contained in Policy H2 of the approved MDLDP and the guidance contained in the NPPF.

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

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

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the LPA.

REASON To prevent the undue contamination of the site in accordance with policy D2 of the approved MD LPD.

8 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the LPA. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the LPA. The LPA may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the

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

REASON To prevent the undue contamination of the site in accordance with policy D2 of the approved MDLDP.

- 9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. The LPA must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the LPA for approval.

The written verification shall include that:

- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
- ii) All imported material is suitable for its intended use.
- iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP.

- 10 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP.

- 11 No works shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP and the guidance contained in the NPPF.

- 12 No building shall be occupied until details of a foul drainage scheme to serve the development have been submitted to and agreed in writing by the LPA. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the LPA. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the submitted LDP.

- 14 The proposed main vehicle access shall be provided as shown in Drawing L641-001 (Proposed Access Arrangements) to include site visibility splays of 2.4m x 72 metres to the north and 2.4m x 47 metres to the south as measured from and along the nearside edge of the kerb.

REASON To provide adequate inter-visibility between vehicles using the access and those in the existing public highway and that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies D1 and T2 of the MDLDP and the guidance contained in the MDDG SPD.

- 15 Any redundant site accesses shall be permanently closed incorporating the reinstatement to full height of the kerbing immediately the proposed access is brought into first beneficial use.

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

- accordance with policies D1 and T2 of the MDLDP and the guidance contained in the MDDG SPD.
- 16 No dwelling hereby approved shall be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.
REASON To ensure that cycle parking is provided in accordance with the requirement as set out in the Maldon District Vehicle Parking Standards SPD and in the interest of the character and appearance of the area in accordance with policy D1 of the approved MDLDP and guidance contained within the NPPF.
- 17 Prior to first occupation of the residential aspect of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council. These packs are to be provided by the Developer to each dwelling free of charge.
REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the approved LDP and the guidance contained in the NPPF.
- 18 Prior to the occupation of the development an Arboricultural Method Statement and Arboricultural Supervision Schedule shall be submitted to and approved in writing by the LPA. No other trees shall be removed or fell unless otherwise agreed in writing by the LPA.
REASON To protect the visual amenity of the site in accordance with policy D1 of the MDLDP and the guidance contained in the MDDG SPD.
- 19 No development shall take place until a Written Scheme of Investigation of archaeology shall have been submitted to and approved in writing by the LPA. No development shall take place other than in accordance with the Written Scheme of Investigation.
REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the MDLDP.
- 20 Notwithstanding the details submitted in the Design and Access Statement, a Waste Management Plan shall be submitted to as part of the reserved matters application(s).
REASON To ensure that adequate refuse facilities are provided and in the interest of the visual amenity of the area in accordance with the requirements of policy D1 of the MDLDP and the provision and guidance as contained within the MDDG.
- 21 A strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means should be submitted to the LPA for approval in writing. The method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
REASON To ensure that appropriate infrastructure is provided for the new development to meet the community needs, in accordance with policy I1 of the MDLDP.
- 22 An external fast charging point shall be provided adjacent to at least 1 parking space for each dwelling hereby approved.

REASON To ensure that appropriate infrastructure is provided for the new development in accordance with the requirements of the Vehicle Parking Standards (2018).

- 23 No development shall commence until full details of an ecological mitigation scheme have been submitted to and approved in writing by the LPA. The ecological mitigation scheme shall follow the recommendations set out in the submitted Extended Phase 1 Habitat Survey (dated 27 March 2018), Bat Survey Report (dated 18 October 2018) and great Crested Newt Survey Report (dated 26 June 2018). The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

REASON To ensure appropriate protection to protected species is provided in accordance with the guidance of the NPPF and policy N2 of the MDLD.

- 24 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the LPA. Such details shall include ecological enhancements including the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retain as such thereafter for a minimum period of five years from the date of completion of the development.

REASON To improve and enhance biodiversity value of the site in accordance with policy N2 of the MDLDP.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 The applicant must ensure that the work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive. Under this Duty holders must complete a risk assessments and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licensed work or non-licensed. it will also require that prior to demolition a refurbishment/demolition survey will be required to ensure that nobody will be harmed and the works will be undertaken in the correct way. For further information please see the HSE's website.

It is also recommended that the council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.

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

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

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

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

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

- 5 You are advised that samples of the facing materials to be used, including glazing, would be beneficial to be submitted with your reserved matters application to allow full assessment of the proposal, given its location within the Tillingham Conservation Area. Detailed drawings of the windows and doors to be used in the development, including elevations at 1:20 and section details at 1:2, would be required to be submitted to fully assess the design of the proposed dwellings. Notwithstanding the approved drawings, all garage doors should be of painted timber and side-hung.
- 6 You are advised that the development submitted as part of a reserved matters application would need to match the indicative streetscene elevations submitted with the current outline application and also reflect the character of the conservation area.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2019**

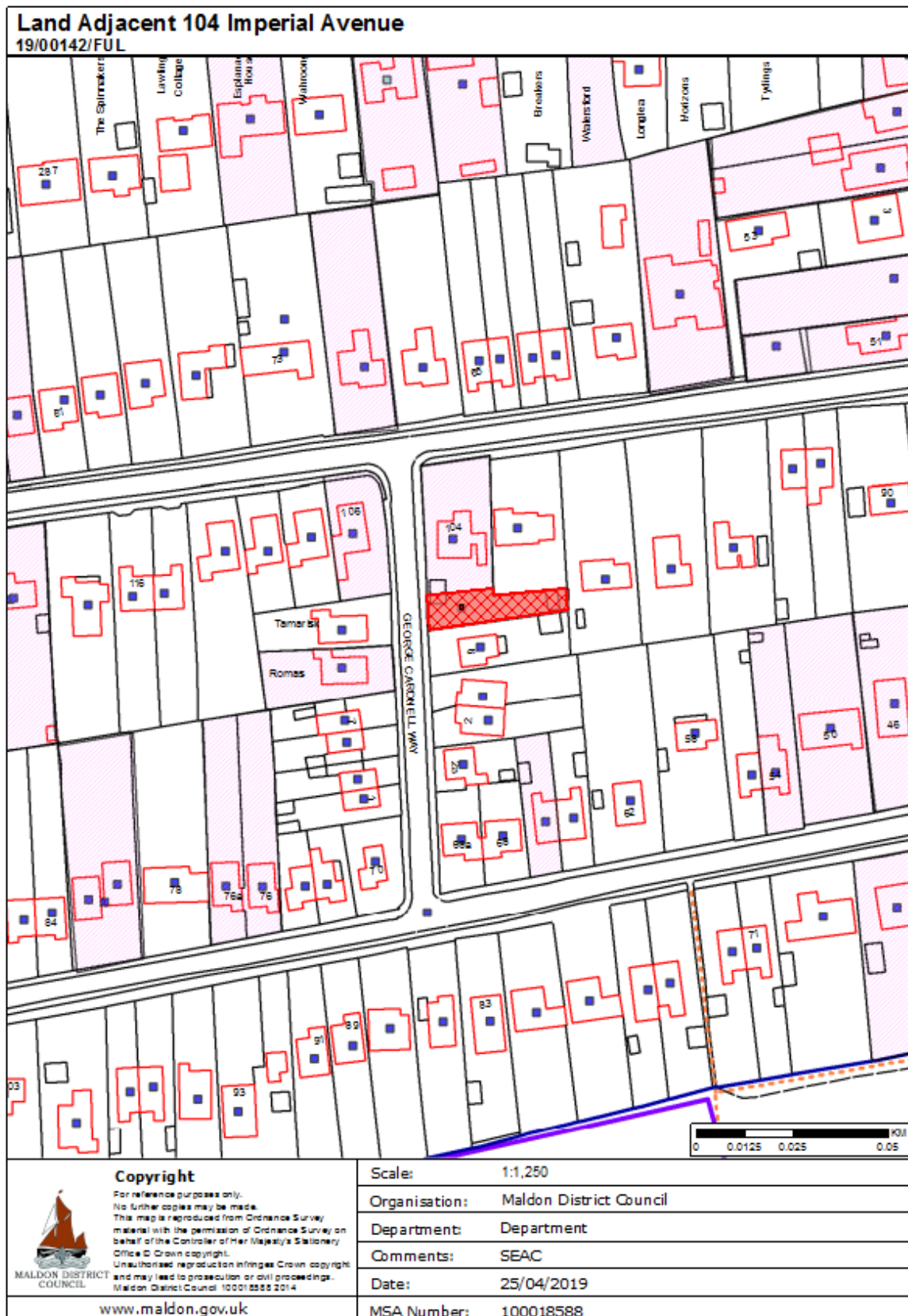
Application Number	FUL/MAL/19/00142
Location	Land Adjacent 104 Imperial Avenue, Mayland
Proposal	Proposed 2 bed dwellinghouse
Applicant	Mr and Mrs Sharman
Agent	Mr Greg Wiffen – Planman
Target Decision Date	24/05/2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the Committee / Council	Previous Committee Decision

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

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

- 3.1.1 The application site is on the eastern side of George Cardnell Way. The site forms part of the rear garden of 104 Imperial Avenue. There is an existing outbuilding located at the far east of the site and a garage to the west. To the south is a detached two storey dwelling and to the east is the rear garden of No. 100 Imperial Avenue. The street is mainly characterised by detached chalet bungalows. However, there are single storey and two storey dwellings located within the street.
- 3.1.2 It is proposed to demolish the existing garage located in the rear garden of 104 Imperial Avenue and construct a two-bedroom, chalet style property. The main part of the dwelling would measure 10.9 m in depth, 6.8m in width, with a pitched roof built to an eaves height of 2.5m and a maximum height of 6m. To the rear would be a smaller gable projection that would measure 4m in width and 1m in depth and be built to a height of 4.7m. The proposal would include 2 velux windows within the roof slope of the southern elevation and a window within both the front and rear gables.
- 3.1.3 The application form states that the dwelling will have walls constructed from brick and render. The windows and doors will be uPVC, and the roof will consist of slate tiles. However, drawing No. TS 3 Rev 1, appears to show that the top part of the dwelling will entail some form of cladding which will be addressed later in the report.
- 3.1.4 The proposal will also require the construction of a dropped kerb access from the eastern side of George Cardnell Way.
- 3.1.5 The proposal represents an amendment to a previously refused scheme (FUL/MAL/17/01460), which was for a three bedroom, chalet style property at the same site. The application was refused at the 12 February 2018 South Eastern Area Planning Committee for the following reasons:
1. *‘The proposed development, by virtue of the size, scale and bulk of the proposed dwelling, would appear cramped at the application site and represent the overdevelopment of the site, thereby causing harm to the character and appearance of the site and the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.*
 2. *The proposed development, by virtue of the size and scale of the proposed dwelling, its positioning in close proximity to the boundaries of the application site and relationship with neighbouring properties, would have an overbearing impact and cause a sense of enclosure of the neighbouring dwellings to an extent that represents an unneighbourly form of development. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.’*

- 3.1.6 In response to this, the scheme subject of this application has been amended in the following ways:
- The ridge height of the main part of the dwelling has been reduced by 0.5m
 - The rear gable projection has been reduced by 2.5m in depth, 0.4m in width and 0.6m in height.
 - The number of bedrooms has been reduced from three to two.
 - There have been a number of alterations to the proposed fenestration, including the addition, omission and re-siting of the openings.

3.2 Conclusion

- 3.2.1 It is considered that the proposed dwelling, by reason of its scale, size and bulk would appear cramped at the application site and would result in overdevelopment of the plot resulting in material harm to the character and appearance of the site and the surrounding area. Therefore, whilst previous concerns in relation to neighbouring amenity are considered to have been overcome and the proposal is thought to be acceptable in all other respects, it is considered that the development would conflict with policies D1 and H4 of the Local Development Plan (LDP) and guidance contained within the Maldon District Design Guide (MDDG).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is now in a position where it can demonstrate an up-to-date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 There are three dimensions to sustainable development as defined in the NPPF. They are the economic, social and environmental roles. The LDP, through the preamble to Policy S1 reiterates the requirements of the NPPF.
- 5.1.3 The proposed dwelling would be located within the settlement boundaries for Mayland and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements, thereby preserving the appearance and character of the countryside. Mayland is recognised as being a “larger village” which has a range of service facilities as well as public transport links. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling. It is also noted, that the principle of constructing a dwelling in this location was approved in outline under application OUT/MAL/05/00812 in September 2005. Whilst this application was assessed against the Adopted Local Plan and the Replacement Local Plan which have now been superseded, the premise of the policies remains and so this is given some weight. The same is true with respect to the publication of the revised NPPF. Therefore, the principle of constructing a dwelling within this locality is considered acceptable.

5.2 Housing Need

- 5.2.1 The proposal would provide one, new two-bedroom dwelling. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units. The proposed two bedroom dwelling will therefore make a small contribution to the District’s Housing Need.

5.3 Design and Impact on the Character of the Area

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

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

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

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

5.3.4 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if the relevant criteria are met.

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

5.3.6 The proposed dwelling would front George Cardnell Way, a residential street which is mainly made up of chalet style dwellings of differing designs. However, the property to the south of the application site is a two storey detached dwelling. Properties within the street are generally constructed from brick and tile cladding. The ridge heights are fairly consistent along the road, and the roof styles are generally gabled. The boundary treatments within the road vary from hedges, to low brick walls and high fencing where rear gardens are sited adjacent to the highway.

- 5.3.7 The application site has a maximum width of 9m. Site widths along Cardnell Way range from around 7m to 13m. The siting and layout of the proposed development consists of the subdivision of the existing site from east to west with the proposed dwelling located in-line with the existing linear pattern of development, fronting George Cardnell Way.
- 5.3.8 The first reason for refusal of application (FUL/MAL/17/01460) referred to the size, scale and bulk of the dwelling creating a cramped form of development which would represent overdevelopment of the site. The proposed dwelling would be situated in close proximity to both the northern (1m) and the southern (1.2) boundaries and this has not altered in relation to the previous proposal. Given that the width of the development has not been reduced it is still considered that the proposed dwelling would appear cramped within the site. Although it is noted that the height has been reduced by 0.5m, it is considered that creating a more squat roof form exacerbates the cramped appearance of the dwelling within the plot. In addition, given that the dwelling will still be sited further forward than No. 6 George Cardnell Way to the south, the proposal will be a dominant feature in the streetscene. Furthermore, given that the other alterations to the size, scale and bulk of the dwelling only relate to the rear gable projection, those changes have no impact on the appearance of the proposal from public vistas and therefore are not considered to overcome the first reason for refusal.
- 5.3.9 The reduction of the width and depth of the rear projection reduces the pinch point which was previously proposed and is considered an improvement to the scheme. However, given that the fence line does not in reality have a slight change direction towards the east as shown on the provided block plan it is still considered that a pinch point would be created. Nevertheless, given that it is situated to the rear of the proposal, it is considered that this improvement alone is not sufficient in overcoming the first reason for refusal.
- 5.3.10 In terms of design, there have been minimal alterations to the proposed dwelling in relation to the previously refused application. In relation to design alone and not in relation to the character and appearance of the area or the plot, it is considered that the dwelling would be traditional in appearance and symmetrical when viewed from the front. The principle elevation of the property makes reference to the front elevations of properties Tamarisk and Romas. Whilst it is noted that the proposed first floor glazing within the apex of the front gable is a more modern feature in comparison to the neighbouring properties, the window itself is considered to be an interesting architectural addition to the dwelling which will add character and makes suitable reference to the fenestration patterns of other dwellings within the vicinity of the site.
- 5.3.11 It is considered unfortunate that the 'diamond' shaped window which was previously proposed as part of the last application has been replaced within a standard sash window. Nevertheless, the window is located to the rear of the property and is an acceptable form of fenestration. Therefore, there is no objection in this regard.
- 5.3.12 In regards to the proposed materials, the use of brick and render is considered acceptable as both materials are present within the streetscene. Currently weatherboard is not found within the streetscene, except 104 Imperial Avenue, which has its side elevation fronting George Cardnell Way. Therefore, the use of

weatherboard would not be considered an out of keeping material within the streetscene, subject to its type and colour. However, due to the lack of clarity regarding the materials to be used, if the application were to be approved a condition should be applied requesting the details of materials prior to any works above ground level.

- 5.3.13 In relation to the above assessment it is not considered that the minor amendments to the height and rear depth of the proposal are sufficient in overcoming the harm previously identified and therefore, the proposed development would still appear cramped within the site resulting in a form of overdevelopment. Consequently, the proposed development is considered to result in material harm to the character and appearance of the streetscene contrary to policies D1 and H4.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The second reason for refusal of application FUL/MAL/17/01460 was in relation to the size and scale of the proposed dwelling, its close proximity to the boundaries of the application site and its relationship with neighbouring properties which would have an overbearing impact and would create a sense of enclosure, which would represent an unneighbourly form of development. The concerns were largely in relation to No. 6 George Cardnell Way and No. 102 Imperial Avenue.
- 5.4.3 In relation to No. 104 the donor property, the proposed dwelling would be located 1m from the shared boundary and a minimum of 6.6m from the existing dwelling. The proposed dwelling would not have any first-floor windows located on the northern elevation and so there are no concerns in regard to overlooking. Furthermore, given that the dwelling would be located to the rear of No. 104, the orientation of the dwellings and the distance between the two properties, it is not considered that the proposal will be overbearing, or will result in a substantial loss of light. Although it is a close relationship, it is noted that this is not materially different to the relationship that was shown in approved application OUT/MAL/05/00812.
- 5.4.4 The proposed dwelling would be located 3.3m from the boundary with No. 102 Imperial Avenue. The rear of the proposal has been reduced so that it no longer overlaps the rear of No. 102. This combined with the reduced height (0.6m) and width (0.4m) of the rear gable projection is considered to lessen the overbearing impacts and sense of enclosure from within No. 102 to an acceptable degree. Therefore, whilst the proposed dwelling would be visible from within No. 102, it is considered that the separation distance and the alterations to the scale, height and bulk are adequate to ensure that the proposed dwelling is not overbearing. Furthermore, given that this element is located around 13.1m from the neighbouring dwelling and there are no first floor windows proposed within the northern side elevation, it is not considered that the proposal will result in any material harm by resulting in loss of privacy.

- 5.4.5 No. 100, Imperial Avenue is situated to the rear of the development site and would be located 22.8m from the proposed dwelling. The MDDG requires a back to back distance between dwellings of 25m. However, given that the neighbouring dwelling is offset to the north of the proposal it is considered that the 22.8m in this instance would be acceptable. Furthermore, there is a window proposed at a height of 4m within the rear gable and French doors at ground floor, which will have views of two first floor windows of No. 100. However, given that the French doors are located at ground floor it is not considered that the loss of privacy would be detrimentally harmful to the occupiers of No. 100. Furthermore, a condition could be imposed requiring the bathroom window at first floor to be obscure glazed, should the application be approved, which would mitigate any unacceptable levels of overlooking from the first floor.
- 5.4.6 The proposal is located 1.3m from the boundary that is shared with No.6 George Cardnell Way and 4.2m from the neighbouring dwelling. Whilst it is noted that the ridge height of the property has been reduced by 0.5m, the width of the main part of the dwelling has not been reduced. Nevertheless, given that the rear part of the proposal has been reduced in height and depth and will be set back 1.5m further than the rear of No. 6 it is not considered that the proposal will create a sense of enclosure on the occupiers of No. 6. Likewise it is not considered that the development would be overbearing.
- 5.4.7 In addition to the above, given the orientation of the dwellings, it is not considered there will be a substantial reduction in light as the sun rises to the rear of the properties and sets at the front. It is also noted that the objector raises concerns over the possibility of future development on the site. However, the Council must assess the impacts of the development on its existing merits and cannot speculate the impacts of any future proposals. Furthermore, if the application were to be approved a condition could be applied preventing the construction of dormer windows under permitted development to prevent any undue harm by way of overlooking.
- 5.4.8 In terms of overlooking there are two velux windows proposed within the roof slope of the dwelling and two ground floor windows on the southern elevation. As there are no first floor windows situated on the northern elevation of No. 6, the proposed roof lights are situated within the roof pitch and will not have readily available views into neighbouring sites and any ground floor windows are screened by 1.8m closeboard fencing, it is not considered that the proposal will result in any loss of privacy. However, it is noticed that there may be a perceived sense of overlooking. Nevertheless, as the rooflights would serve a bathroom and the landing is not habitable, a condition requiring obscure glazing is considered appropriate to mitigate against the harm.
- 5.4.9 Objections have also been received from Tamarisk, George Cardnell Way, which is situated opposite the site frontage. The objections relate to a loss of privacy, mainly due to the siting of the first floor window on the western elevation. Given that the proposed dwelling and neighbouring property will have a separation distance of 21m and that they both look upon the public highway, it is not considered that the dwelling will result in an unacceptable level of overlooking or loss of privacy. Furthermore, it is common for properties to be sited opposite one another within a streetscene as demonstrated by the other properties within George Cardnell Way.

- 5.4.10 For the reasons discussed, it is considered that the previous second reason for refusal has been overcome and that the proposed development will not result in a significant loss of light or privacy and will not have overbearing impacts on neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 The proposed development would result in an additional vehicular access onto George Cardnell Way; the existing access serving No. 104 Imperial Avenue would remain in situ. The Highway Authority has been consulted and raised no objection to the proposal in terms of highway safety, subject to conditions.
- 5.5.4 The recommended parking provision standard for a two bedroom dwelling is a minimum of two car parking spaces. There is an area to the front of the proposed dwelling measuring a maximum of 9m by 6m which could accommodate two cars, in accordance with the recommended standard.
- 5.5.5 The proposed development would result in the division of the existing plot which accommodates No. 104 and the removal of the existing garage which serves this property. However, there is currently no access from the highway to this garage and so it is not considered that there will be a reduction in parking provision within the site. Furthermore, there is still an area to the front of the site which could accommodate in excess of two vehicles.
- 5.5.6 Objector comments regarding access to Tamarisk, the increase in on street parking and concerns regarding the safety of the existing junction are noted. However, it is

considered that the proposal will provide sufficient parking for the proposed development and will not result in any harm in regard to highway safety.

- 5.5.7 Having regards to the above assessment it is considered that the proposal would provide sufficient car parking and would not be detrimental to highway safety in accordance with policies D1 and T2 of the LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The proposed development would result in the division of the plot which accommodates No. 104; this would result in the loss of part of the private rear amenity space. However, the remaining space to the rear of the dwelling would measure 127sq.m, which is in excess of the recommended standard.
- 5.6.3 The rear amenity space to serve the proposed dwelling would measure 130sq.m. This is in excess of the recommended standard and therefore, no concerns are raised in relation to private amenity space.
- 5.6.4 Detailed landscaping details have not been submitted as part of the application. A condition will be imposed, should the application be approved, to ensure the details are submitted and approved by the Local Planning Authority (LPA).

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS)

- 5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within the Maldon District are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.7.2 Natural England anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses of Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

- 5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) –Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.6 To accord with Natural England’s requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for one dwelling

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No

Summary of Appropriate Assessment

As a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England’s interim advice is guidance only, it is not

considered that mitigation would, in the form of a financial contribution, be necessary in this case.

Conclusion

Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/04/00793** –Refused Erection of 3 no dwellings with garages
- **OUT/MAL/05/00812** – Approved. Demolition of existing dwelling and outline proposal for the erection of two new dwellings (Erection of 1 No. 2 bedroom house and 1 No. 4 bedroom house) with siting not reserved for later submission.
- **HOUSE/MAL/13/00210** – Approved. Proposed single-storey side/rear extension to existing bungalow, demolition of flat-roofed rear part and other cosmetic alterations including partly weather-board cladding.
- **FUL/MAL/17/01460** - Proposed 3 bed dwelling house - chalet style. Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Support	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection subject to conditions	Noted and addressed at section 5.5

7.3 Internal Consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding foul and surface water drainage	Given the extent of development proposed these conditions are considered necessary and

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
		should be imposed if the application were to be approved.

7.4 Representations received from Interested Parties

- 7.4.1 **3** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Proposal would still be oversized for the plot and neighbouring dwellings.	Noted and addressed at section 5.3
The fence has not been drawn correctly on the block plan as it shows it changes direction to the east. The fence line of No. 102 is straight is in line to the rear of No. 6. Thereby breaking the one metre rule.	<p>This is noted and addressed at section 5.3 where relevant.</p> <p>There is no one metre rule in relation to distances from neighbouring boundaries. However, the impact on neighbouring amenity is addressed at section 5.4</p>
Unrestricted access to 11 George Cardnell Way would be interrupted by the siting of a new access directly opposite.	Addressed at section 5.5
Views from No. 11 will be interrupted	Whilst this is noted, views are not a planning consideration and therefore cannot be assessed as part of this application.
Overlooking into the bedroom of No.11 from the proposed first floor window	Addressed at section 5.4
Off street parking will be reduced and will push parked cars closer to the highway junction to the detriment of highway safety.	Addressed at section 5.5
The market value of No.11 will be reduced as a result of the development.	Property prices are not a planning consideration and therefore, cannot be assessed as part of this application.
Building work will impact on the neighbouring occupier's quality of life.	An informative can be applied to the decision notice advising of acceptable working hours.
Sole reason for the development is for private financial gain.	This is not a planning consideration and therefore, cannot be considered as part of

Objection Comment	Officer Response
	this application.
Proposal is oversized for the plot	Addressed at section 5.3 & 5.4
The dwelling would extend beyond the rear of No. 6 by approximately affecting the view from the conservatory.	Addressed at section 5.3 & 5.4
Any future permitted development rights such as dormers will hinder privacy and will make the rear of the properties extremely built up and squeezed in.	Addressed at section 5.3
Proposal would represent overdevelopment, in relation to the adjacent buildings.	Addressed at section 5.3
Preparations for foundations may result in subsidence. Who would be liable.	This is a civil matter and not a planning consideration.
The velux windows are not obscure glazed.	Addressed at section 5.4

8. **REASON FOR REFUSAL**

- 1 The proposed development, by virtue of the size, scale and bulk of the proposed dwelling, would appear cramped at the application site and represent the overdevelopment of the site, thereby causing harm to the character and appearance of the site and the surrounding area. The proposal is therefore unacceptable and contrary to the NPPF, policies D1 and H4 of the MDLDP and the MDDG.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2019**

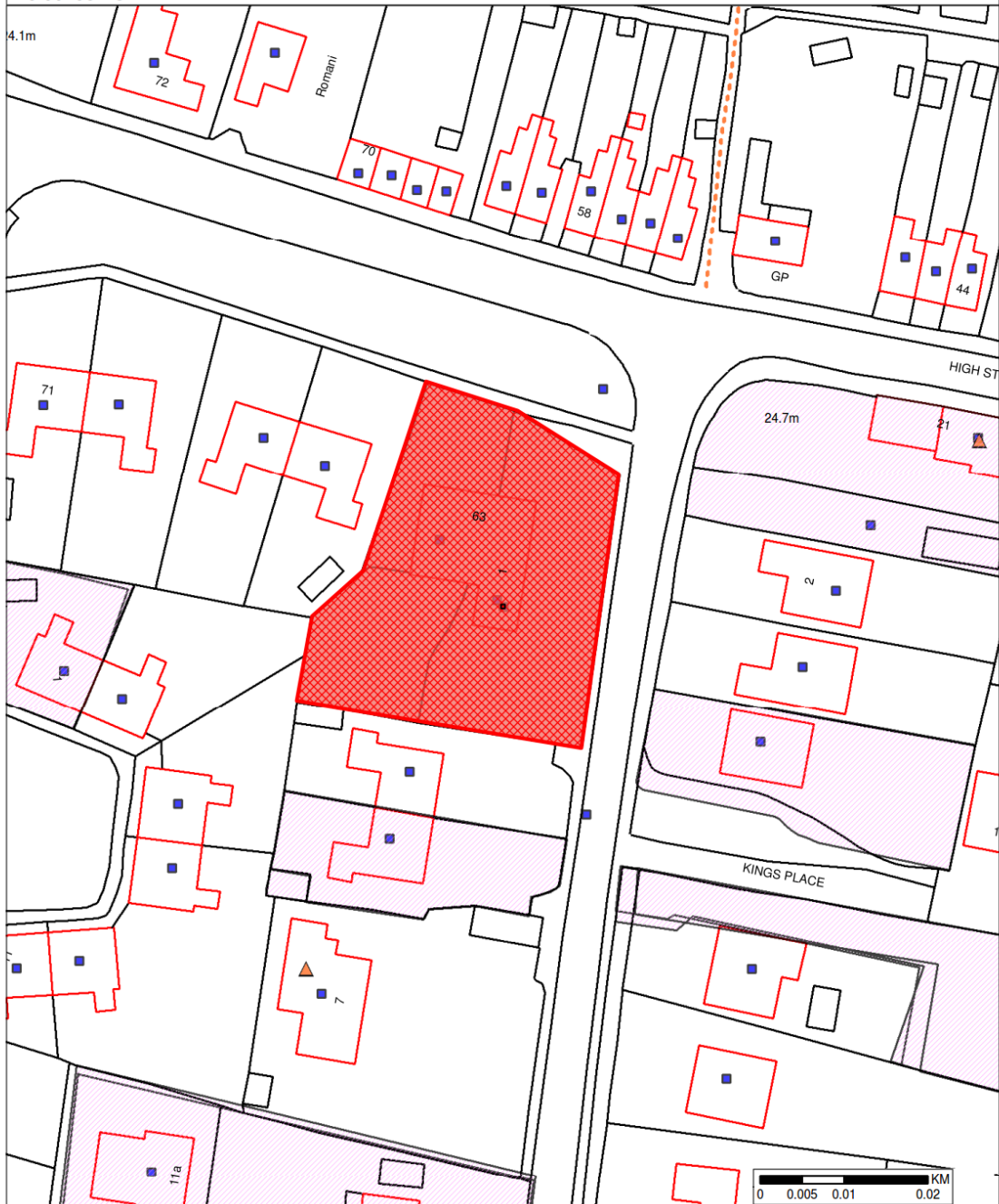
Application Number	FUL/MAL/19/00195
Location	1 Kings Road, Southminster, Essex, CM0 7EJ
Proposal	Redevelopment of the site to include the conversion of the existing building to provide 4 No. one bedroom flats and the erection of a two storey side/rear extension to provide 2 No. one-bedroom flats (all social rent), with associated off-street parking, amenity space, landscaping, external refuse and cycle store and external alteration.
Applicant	Ms Lisa Shead - MOAT
Agent	Miss Maria Cannavina - Prime Building Consultants Ltd
Target Decision Date	07.05.2019 (EoT agreed: 24.05.2019)
Case Officer	Anna Tastsoglou
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In The application has been called-in by Councillor A S Fluker on the grounds of public interest, size, scale, bulk, design and character and appearance of the area.

1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 9.

2. SITE MAP

Please see overleaf.



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 08/05/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is located on the corner of the junction of High Street to the north and Kings Road to the east and it is occupied by a two storey Victorian style property used as a four-bedroom house, one one-bedroom flat and one two-bedroom flat. The building has a main shallow hipped roof with double storey front canted bay windows two-storey rearward projection.
- 3.1.2 The building sits 9m back from the highway, maintaining an open landscaped corner. On the south side of this section of the road there is a linear grassed area with mature trees.
- 3.1.3 The surrounding area is residential in character comprising predominantly of Victorian and Edwardian buildings. A number of listed buildings are also sited within the vicinity of the application site. The nearest to the site are The Bays at 7 Kings Road and 21 High Street, which are both Grade II listed buildings. To the south of High Street, the character is of dwellings sited within spacious plots and set back from the highway, while to the north, the properties are relatively smaller in size, contained within small plots and sited in close proximity to the highway. Kings Road is mainly made up of a mixture of detached and semi-detached bungalow and two-storey dwellings of fairly traditional style.

Description of proposal

- 3.1.4 Planning permission is sought to erect a two-storey side/rear extension and convert the existing building to form six one-bedroom flats, all social rent affordable housing, with associated off-street parking, amenity space, landscaping, external refuse and cycle store. Other alterations to the external elevations of the existing building include minor changes to the fenestration of the rear elevation.
- 3.1.5 The proposed two-storey, hipped-roof extension would be erected to the southwest of the existing building, projecting 12.9m beyond its rear elevation and 2.8m beyond the eastern elevation. Overall the extension would have a maximum width of 5.6m, being 5.3m high to the eaves, with a maximum height of 7.3m. The extension would be set lower from the roof of the host property. With regard to the external finishing materials the extension would be finished in grey slates with red hip and ridge tiles, red multi bricks and yellow brick quoins and soldier courses and with UPVC casement windows. The vehicle access and hardstanding would be formed by brick paviours, concrete paving and retained existing concrete at the front.
- 3.1.6 Internally the building would be converted to form six one-bedroom flats, two of which would occupy the proposed two-storey extension. Each flat would be accessed from

separate access points of the building. The size of the flats would vary between 54.3sqm to 81.5sqm.

- 3.1.7 In terms of vehicle access, the site would be accessed from both High Street, by utilising an existing access, and King Road, by widening the existing access to 3.6m. In terms of parking provision, one parking space would be provided per proposed flat and one additional visitor parking space. The parking spaces for flats 1 and 2 and the visitor parking space would be accessed via High Street, while the parking spaces for plots 4 to 6 would be accessed from King Road.
- 3.1.8 A cycle and bin store are proposed to be erected close to the southern boundary of the site. The overall depth of the store (including both the cycle and refuse store) would be 2.9m and the width would be 7.8m. The cycle store would be covered with a flat roof having a maximum height of 2.5m. The bin store would be bounded by fence with softwood boards of 2m height. Another bin enclosure is proposed to be formed along the northern boundary of the site adjacent to the vehicle access to serve plots 1 and 2.
- 3.1.9 Amenity space would be provided mainly to the southwest of the site, with further soft landscaping provided to the northwest of the site. A smaller amenity area would be formed at the entrance of unit 1. The total usable amenity space, excluding the area to the northwest of the site, would be approximately 170sqm.
- 3.1.10 It is noted that during the process of the application minor amendments to introduce additional fenestration to the rear elevation of the proposed extension and alterations to the configuration of the windows to the west elevation to retain a level of consistency to this elevation have been incorporated.

4. MAIN RELEVANT POLICIES

4.1 Conclusion

- 4.1.1 The proposed development is located within the settlement boundary of Southminster, where the principle of residential development is generally considered acceptable. The development would redevelop the site to form six one-bedroom flats, a total of three additional residential units from those currently occupying the site. All units are proposed to be affordable (social rent). The site is currently occupied by three affordable units providing a total of 12 persons accommodation. In order to provide a development of equivalent level of affordable accommodation on site, all six proposed flats should be affordable units. Given that the proposed one-bedroom units are in great need in the District, as discussed in section 6.2 of the report, and subject to the completion of a S106 agreement, the proposal would meet the objectives of the NPPF and the Council's need towards smaller affordable units. The development, following minor amendments, is considered to be of an acceptable design which would not materially harm the character of the area or the appearance of the streetscene. The development would not be harmful to the amenities of the neighbouring occupiers and it would make adequate provision for

off-street parking and cycle parking and amenity space for the future occupiers. Therefore, having assessed the development against all material planning consideration, it is found to be acceptable and in accordance with the aims of the development plan.

5. MAIN RELEVANT POLICIES

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

5.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

5.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD) (2017)

- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)

6. **MAIN CONSIDERATIONS**

6.1 **Principle of Development**

6.1.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

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

- 1) *Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;*
- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 8) *Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;*
- 10) *Conserve and enhance the historic environment by identifying the importance of local heritage, and providing protection to heritage assets in accordance with their significance;*
- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

6.1.3 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”*.

- 6.1.4 The site is located within Southminster settlement boundary and in light of the above policies, it is considered that the provision of residential accommodation within a residential location, where occupants would have access to adequate services and facilities, is acceptable in principle. It is noted that the applicant proposes to provide six one-bedroom affordable units, which will support and contribute towards the Council’s need for smaller (one and two -bedroom) affordable units. Given that there is no policy requirement for the provision of affordable housing for this size of development, which is no more than 10 units or 1,000sqm, the Council cannot require from the applicant to provide affordable housing on site and therefore, the development shall be assessed as a standards residential development. As stated above, the development of the site for residential development is considered acceptable in this location. The proposal would provide much needed smaller residential accommodation and therefore, it would contribute towards the Council’s need for this type of housing (one-bedroom units).
- 6.1.5 On the basis of the above, it is considered that the use of the site for residential purposes in this location would be acceptable in principle. Other material planning considerations, in relation to the design and impact of the development on the character of the area, the impact on the neighbouring occupiers and the highways issues are discussed below.

6.2 Housing Mix and Affordable Housing Provision

- 6.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities *‘To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for’*. Paragraph 61 continues stating that *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”*.
- 6.2.2 Following the publication of the February 2019 Government results of the Housing Delivery Test (HDT) the Council has revised the October 2018 Five Year Housing Land Supply (5YHLS) statement to apply a 5% buffer for choice and competition. On the basis of the March 2019 5YHLS results the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ (6.34) worth of housing against the Council’s identified housing requirements.
- 6.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and

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

- 6.2.4 Policy H2 of the Local Development Plan (LDP) contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 6.2.5 As stated above the proposed development would provide 100% smaller (one-bedroom) units and therefore, it would fully accord and contribute towards the housing needs of the District.
- 6.2.6 As discussed above, the applicant proposes that all units would be social rent flats to replace one four-bedroom house and two flats (one one-bedroom flat and one two-bedroom flat), which are affordable rent properties. As a result, the site currently provides a total of seven bedrooms (12 persons) accommodation. To outweigh the loss of the current affordable rent units, all six proposed flats, which would provide accommodation for a total of 12 persons, should be provided as social rent flats to meet the equivalent level of accommodation. The provision of six social rent flats on site, as proposed, would be secured through a S106 agreement.
- 6.2.7 The Council's housing register identifies that at present the waiting list for one-bedroom properties is 218 applicants and only 20 one-bedroom units were advertised last year. On that basis, it is considered that the proposed development would significantly contribute towards one of the types of properties (one-bedroom units) that is the Council's greater need. The Housing Team has been consulted and fully supported the proposed development.
- 6.2.8 In light of the above, and subject to the completion of a Section 106 agreement to secure the proposed development would provide six affordable (social rent) units, the proposal is considered acceptable and in accordance with the objectives of the NPPF for mixed and balanced communities.

6.3 Design and Impact on the Character of the Area

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

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

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

6.3.4 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*

- 1) The location and the setting of the site;*
- 2) The existing character and density of the surrounding area;*
- 3) Accessibility to local services and facilities;*
- 4) The capacity of local infrastructure;*
- 5) Parking standards;*
- 6) Proximity to public transport; and*
- 7) The impacts upon the amenities of neighbouring properties.”*

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

6.3.6 The site is located within a residential area and it is currently occupied by a well presented and attractive Victorian building which is sited in a prominent location within Southminster. Although the building is not listed, it is considered that by reason of its current appearance, the historic setting of the surrounding area and the proximity of the

site to listed properties, any development should represent good design and be sympathetic to and harmonise with the streetscene.

- 6.3.7 The proposed development would involve the erection of a two-storey side and rear extension. The extension would be sited to the southwest of the existing building projecting rearwards of and to the side beyond the west elevation of the existing building. The proposed extension would be visible from the public highway, given that the site is a corner plot. However, it would be located a significant distance away from the highway (19.5m away from the eastern boundary and 23.6m away from the northern boundary) and therefore, it would not be readily visible from the streetscene and would be in a less prominent position in relation to the host property.
- 6.3.8 The proposed extension would have a hipped roof, with roof height that would be set lower than the main roof of the existing property, maintaining a level of subservience to the main building. Although a large extension in size and scale, its size is considered acceptable in comparison to the size and volume of the main property. Whilst the depth of the extension would be similar to the depth of the existing building, given that it would be sited away from the highway and it would be partially hidden from the existing rearward projection, its depth would not be readily perceived from the streetscene.
- 6.3.9 In terms of its design, the proposed extension would have a roof of similar design with the existing property. Although it is not desirable in visual terms that the eaves of the extension do not match those of the existing property, it is understood that the extension has been designed so that it appears subservient to the main building. Therefore, on balance and taking into consideration the position of the extension, it would be unlikely that the roof design would materially harm the visual amenity of the building or its overall appearance from the streetscene.
- 6.3.10 Following amendments as discussed in the 'proposal' section, the proposed development would be provided with sufficient fenestration, which would be matching the configuration of the existing windows on each elevation (sash style windows on the east and south elevations and casement windows on the west elevation). It is also considered that following the requested amendments to the west elevation the proposal would now appear neat, maintaining a level of consistency in terms of fenestration.
- 6.3.11 The minor changes to the position and design of the windows on the rear elevation of the existing building would not materially affect the character or appearance of the property. The proposed structure to the south of the application site to provide a cycle and refuse store would be of limited height and scale, finished in soft materials (timber) and it would be sited away from the highway. As such, it is not considered that it would result in an adverse impact on the appearance of the streetscene. The bin enclosure along the northern boundary would be largely hidden behind the existing wall and therefore, the development would not result in a visually obtrusive refuse store.
- 6.3.12 The proposed development, based on the drawings submitted, would result in a good level of soft landscaping to the north, east and south of the application site, which would

be sufficient to soften the appearance of the development. The existing tree at the front curtilage of the property would be retained and an additional six trees would be planted. Hedgerows and shrubs would be planted along the east and north boundaries and the rest of the area that would not be hard surfaced to provide parking and turning facilities would be grassed over. The choice of hard surfacing materials would be acceptable, and it would complement the character of the property. As a result, both the details of hard and soft landscaping are considered acceptable in design terms.

- 6.3.13 Therefore, in light of the above, it is considered that proposed development would be acceptable in design terms and it would not be harmful to the appearance of the existing building or the character of the wider area.

6.4 Impact on Residential Amenity

- 6.4.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 6.4.2 The application site is surrounded by two storey residential dwellings. The proposed development would result in increased levels of activity, by reason of the erection of additional flats. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area.
- 6.4.3 The proposed extension would maintain a minimum of 3.2m separation distance to the western boundary. Although the proposed extension would project beyond the rear elevation of the neighbouring dwelling to the west (no. 65 High Street) by 17.5m, it would maintain a reasonable separation distance (around 10m) from the adjacent property and its direct outdoor amenity area. Furthermore, a detached outbuilding is located to the southeast of the neighbouring property, which already causes an overshadowing impact on the adjacent property and also a visual barrier between the house and the application site. It is therefore considered that the proposed development would not have a detrimental impact on the amenity of the neighbouring occupiers, in terms of being overbearing or resulting in loss of light. All proposed first floor windows to the west elevation would be glazed in obscure glass to protect the neighbours' privacy. A high level (above 1.7m) roof light is proposed to be installed to the west roof slope, which would not result in a material increase in overlooking.
- 6.4.4 To the rear (south) the extension would be sited 3.2m away from the southern boundary and 6.7m to the neighbouring dwelling to the south. The neighbouring dwelling to the south (no. 3 Kings Road) has an existing outbuilding to the rear of the house and the proposed extension would not project beyond this outbuilding, which blocks the views towards the application site and thus, the proposed would not appear overbearing or result

in a sense of enclosure when viewed from the immediate outside area of the neighbouring dwelling. The development is located to the north of the dwelling at 3 King Road and thus, it would not result in loss of sunlight. There would be no outlook from the proposed first floor window to the south elevation of the extension, given that the internal staircase is located to the southwest and this section is open at ground and first floor. On that basis, the development would not result in overlooking.

- 6.4.5 Concerns have been raised in relation to the impact of the proposed cycle and bin store to the occupants of the property to the south. This structure would be located 3.7m away from the neighbouring dwelling to the south and is of very limited height (maximum of 2.5m). Therefore, although it is acknowledged that the structure would be located forward the neighbouring dwelling to the south, given its limited scale and height and its separation distance to the neighbouring dwelling, it is not expected to result in an overshadowing or overbearing impact.
- 6.4.6 The development by reason of its location and separation distance to all other neighbouring dwellings to the north and east, would not be materially harmful to the residential amenity of any other neighbouring occupiers.

6.5 Access, Parking and Highway Safety

- 6.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

Access

- 6.5.2 Access to the site would be gained by widening the existing access onto Kings Road (3.6m width) and by utilising the existing vehicle access onto High Street. These accesses would be sufficient to allow a safe access and egress to the site. Furthermore, sufficient turning facilities would be provided within the site to allow vehicles to exit the site in a forward gear. The Highway Authority has been consulted and subject to conditions, no objection was raised in terms of highway safety, efficiency and accessibility of the site. The proposed accesses to the site are therefore considered acceptable.
- 6.5.3 No changes to the existing pedestrian accesses are proposed.

Parking provision

- 6.5.4 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government

guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 6.5.5 The parking requirement for one-bedroom properties is one space per residential unit. Furthermore, for new flats with communal parking, an additional visitor parking space per four units is required. The proposed development would be served by a total of seven off-street parking spaces of which one would be for visitor parking. It is therefore considered that the development would be supported by sufficient and policy compliant off-street parking.
- 6.5.6 One cycle parking space is proposed to be provided per proposed flat, in a secure and covered store. Therefore, the development would be supported by policy compliant cycle parking to meet the needs of the future occupiers and also promote alternative to private vehicle modes of transport.

6.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 6.6.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as a supplementary guidance to support its policies in assessing applications for residential schemes. The guidance indicates that for flats a minimum 25sqm of amenity space should be provided. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 6.6.2 As noted at the 'Proposal' section, the development would be served by approximately 170sqm of amenity space to the southeast of the application site. Further soft landscaping would be provided to the northwest of the site, which however, given its proximity to the public highway and exposure to public views has not been counted as private amenity space. Whilst the proposal is to provide communal amenity space for the future occupiers, there are flats that would benefit from direct access to the amenity area, such as units 1, 4, 5 and 6. Although the proposed communal amenity space would be located in close proximity to the proposed parking spaces, it is considered that, on balance, it would be sufficient to meet the outdoor requirements of the future occupiers of the flats.

- 6.6.3 All proposed flats would be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. A good level of accommodation would be provided per flat. Furthermore, in terms of the internal layout, consideration has been given to rooms that are usually noisier, such as kitchens, bathrooms and living areas, which are positioned away from walls against bedrooms, to protect the future occupiers living environment and amenities. On that basis, it is considered that the development would provide a good level of living environment to the future occupiers.

6.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 6.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 6.7.2 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 6.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 6.7.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 6.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line

with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 6.7.6 To accord with Natural England’s requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 6.7.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 6.7.8 It is noted that the Coastal Recreational Avoidance and Mitigation Strategy is currently in consultation and it therefore constitutes an emerging document for the Council. Given the current preliminary stage of the document and low amount of development proposed (three additional residential units), in this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of the one additional dwelling on the protected habitats and thus, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of three additional dwellings in this location would not be harmful in

terms of additional residential activity to a degree that would justify the application being refused.

6.8 Other Material Considerations

Archaeology

- 6.8.1 The Historic Environment Officer was consulted and based on the comments submitted, the proposed development is sited on the edge of the historic settlement of Southminster and therefore, any development on the site should be preceded by a programme of archaeological investigation. A full archaeological condition would be imposed to secure that the development would not adversely impact on archaeological assets.

Waste Management

- 6.8.2 Adequate refuse store would be provided for the proposed flats, which will be positioned in a convenient and easily accessible location for all flats. No objection is therefore raised in relation to refuse provision.

6.9 Pre-Commencement Conditions

- 6.9.1 One pre-commencement condition is recommended and approval for the use of these conditions has been provided by the applicant's agent in correspondence received on 14 January 2019.
- 6.9.2 It is considered that the pre-commencement condition for the submission a Written Scheme of Archaeological Investigation is necessary on the grounds that it goes to the heart of the permission, given that it is not a minor detail and it should be complied with prior to the commencement of the development, as any archaeological findings would be affected by the first phase of any works at the site. As a result, it is considered reasonable that the abovementioned condition is dealt with prior to the commencement of the development. Furthermore, a condition requiring the submission of details of the Construction Method Statement is considered necessary to be submitted prior to the commencement of the development and any ground works, given that vehicles would be required to be parked on site during works below ground level. It is also reasonable that materials would have to be stored on site prior to the construction of the development. As a result, is considered reasonable that the abovementioned condition is dealt with prior to the commencement of the development.

7. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00832** – Demolition of 1 No. 4 Bed House and 2 No. 1 Bed Flats (conjoined) construction of 5 No. 2 Bed Flats, 1 No. 1 Bed/2 Person and 1 No. 2 Bed wheelchair user flat with 7 No. off street car parking spaces and associated landscaping. Planning permission refused.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	<p>Object to the proposed development for the following reasons:</p> <ul style="list-style-type: none">• The entrance to the site is too close to the junction• Possibility of overlooking neighbours• Noise• Close proximity to neighbouring properties.	All of the matters raised are discussed within the main body of the report.

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	<p>The existing vehicular access onto High Street remains unchanged and will be utilised to access vehicular parking spaces, 1, 2 and the proposed visitor parking space.</p> <p>The Highway Authority does not object to the proposals as submitted, subject to conditions.</p>	Comments noted and conditions are imposed as suggested by the highway Authority.
Archaeology	The Essex Historic Environment Record (EHER) shows that the proposed development is sited on the edge of the historic settlement of Southminster (EHER 19416). Any development of the site should therefore	Comments noted and a condition would be imposed to secure that the development would not adversely impact on potential archaeological assets.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	be preceded by a programme of archaeological investigation	
Natural England	It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission	Comment noted and addressed at section 6.7 of the report.

8.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Housing Team	The site will provide a 100% onsite affordable housing contribution and for this reason Strategic Housing Services fully supports the application which would provide much needed affordable housing that would meet the housing needs of the District. It has also been identified that the waiting list for one-bedroom units is 218 applicants and only 20one-bedroom flats have been delivered in the last year.	Comments noted and discussed in section 6.2 of the report.
Environmental Health Team	The layout of the flats could give rise to disturbance of the occupiers which will be very difficult to control using our primary legislation. I would strongly recommend a revised layout.	It is noted that the internal layout of the proposed building has been amended to follow good practice in relation to the internal layout and position of rooms. On that basis, the concerns previously raised by the Environmental Health Team have been

Name of Internal Consultee	Comment	Officer Response
	Following re-consultation no objection is raised by the Environmental Health Team, subject to the imposition of a condition in relation to surface water details.	overcome. The suggested surface water condition would be imposed as requested.

8.4 Representations received from Interested Parties

8.4.1 5 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
No adequate parking will be provided for visitors, resulting in additional on-street parking on Kings Road and highway safety issues. Consideration should be had in enforcing double yellow lines along King Road.	Comment noted and addressed in section 6.5. The provision of double yellow lines is a matter controlled by the Highway Authority and not the Planning Authority.
The neighbouring drives would be used by contractors during construction of the site.	It is noted that the impact from contractors' vehicles would be temporary and not such harmful to warrant refusal of the application on those grounds. Any trespassing on a neighbouring property is outside the remit of the planning department.
Traffic congestion along Kings Road.	It is considered that the provision of a total of additional three residential properties on site would be unlikely to result in a road congestion.
Concerns are raised in relation to selection of tenants to occupy the site.	These are personal and not planning matters and the Local Planning authority has no control of the future occupancy of any dwelling.
The development would result in increased vehicle movements during construction.	A construction method statement condition will be imposed to address construction related matters.
The proposed flats would be out of keeping with the character of the area.	Comments are noted and matters are assessed in section 6.3.
The proposed bike store would affect the views from the neighbouring dwelling to the south and would harm the appearance of the neighbouring front garden.	It is noted that loss of view is not a material planning consideration. The impact of the proposed cycle store on the neighbouring dwelling is assessed in

	section 6.4.
Resulting loss of light and overbearing impact to the neighbouring property to the south from the proposed two storey extension.	These matters are assessed in section 6.4 of the report.
Noise and smells generated by the additional off-street parking near the neighbouring property.	It is noted that the proposal would result in four parking spaces being located close to the south part of the application site. This is a very limited number of parking spaces not dissimilar to other residential developments and also a 3.5m separation distance would be maintained to the southern boundary. It is therefore considered that any such impact would be minimal and not sufficient to warrant the refusal of the application on those grounds.
The additional tenants on site would increase noise levels.	This matter is assessed in section 6.4 of the report.

- 8.4.2 **1** letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
There is a significant need for social housing.	Comments noted and discussed in the main body of the report.
The development would not have a harmful impact on the amenities of the neighbouring occupiers.	
The development would have ample off-street parking and it would not increase in highway safety issues.	
The property would be run by an accountable organization.	Comment noted, but this is not a material planning consideration.

9. HEADS OF TERMS OF ANY SECTION 106 AGREEMENT AND PROPOSED CONDITIONS

Heads of Terms of any Section 106 Agreement

- Provide six one-bedroom affordable (social rent) units on site.

Proposed Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 014.1890-001 P3; 014.1890-002 P3; 014.1890-003 P3; 014.1890-004 P3; 014.1890-009 P3; 014.1890-010 P4; 014.1890-005 P7; 014.1890-070 P2; 014.1890-006 P7 and 014.1890-008 P8.
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 The development shall be implemented in accordance with the details of external finishing materials included in the submitted application form and detailed in plan no. 014.1890.600 P1 and be retained as such in perpetuity.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved MDLDP and the guidance contained in the MDDG SPD.
- 4 The development shall be implemented in accordance with the boundary treatment details included in plan no. 014.1890.005 P7 and be retained as such in perpetuity.
REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved MDLDP and the guidance contained in the MDDG SPD.
- 5 The first floor windows on the west elevation of the proposed two storey extension shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
REASON To protect the privacy and environment of people in neighbouring residential properties, in compliance with the NPPF (2019) and policies D1 and H4 of the approved LDP and the guidance contained in the MDDG SPD.
- 6 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on 014.1890.005 P7 and specifications attached to and forming part of this permission shall be fully implemented and be retained as such in perpetuity.
REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the MDLDP and the guidance contained in the MDDG SPD.
- 7 No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The

approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction

Hours and days of construction operations.

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted LDP.

- 8 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

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

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

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP (2017).

- 9 No development above ground level shall be occur until details of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

- REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP (2017).
- 10 The vehicular access onto Kings Road shall be widened as shown on planning drawing 014.1890-070 P2. The access constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no wider than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and carriageway.
- REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the approved LDP.
- 11 Prior to the occupation of the development the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the LPA.
- REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved LDP.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved LDP.
- 13 There shall be no discharge of surface water onto the Highway.
- REASON To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the approved LDP.
- 14 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the approved LDP and the guidance contained in the NPPF.
- 15 The refuse and cycle stores hereby approved shall be provided prior to the first occupation of the development and be retained for such purposes in perpetuity thereafter.
- REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved LDP and the guidance contained in the MDDG Guide SPD.
- 16 No development shall take place until a Written Scheme of Investigation of archaeology has been submitted to and approved in writing by the local planning

authority. No development shall take place other than in accordance with the Written Scheme of Investigation.

REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the approved LDP.

INFORMATIVES

1. Refuse and Recycling

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed.

2. Land Contamination

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

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

3. Construction

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

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

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

4. Timing of submission of details

It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been started.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2019

Application Number	FUL/MAL/19/00224
Location	Land Rear of 32 Steeple Road, Mayland
Proposal	Erection of 2 No. bungalows, attached garages and erection of workshop (B1)
Applicant	Mr Penny – Penny Homes Ltd.
Agent	Mr M Jackson – Mark Jackson Planning
Target Decision Date	24.05.2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call in: Councillor M Helm Reason: Public Interest

1. RECOMMENDATION

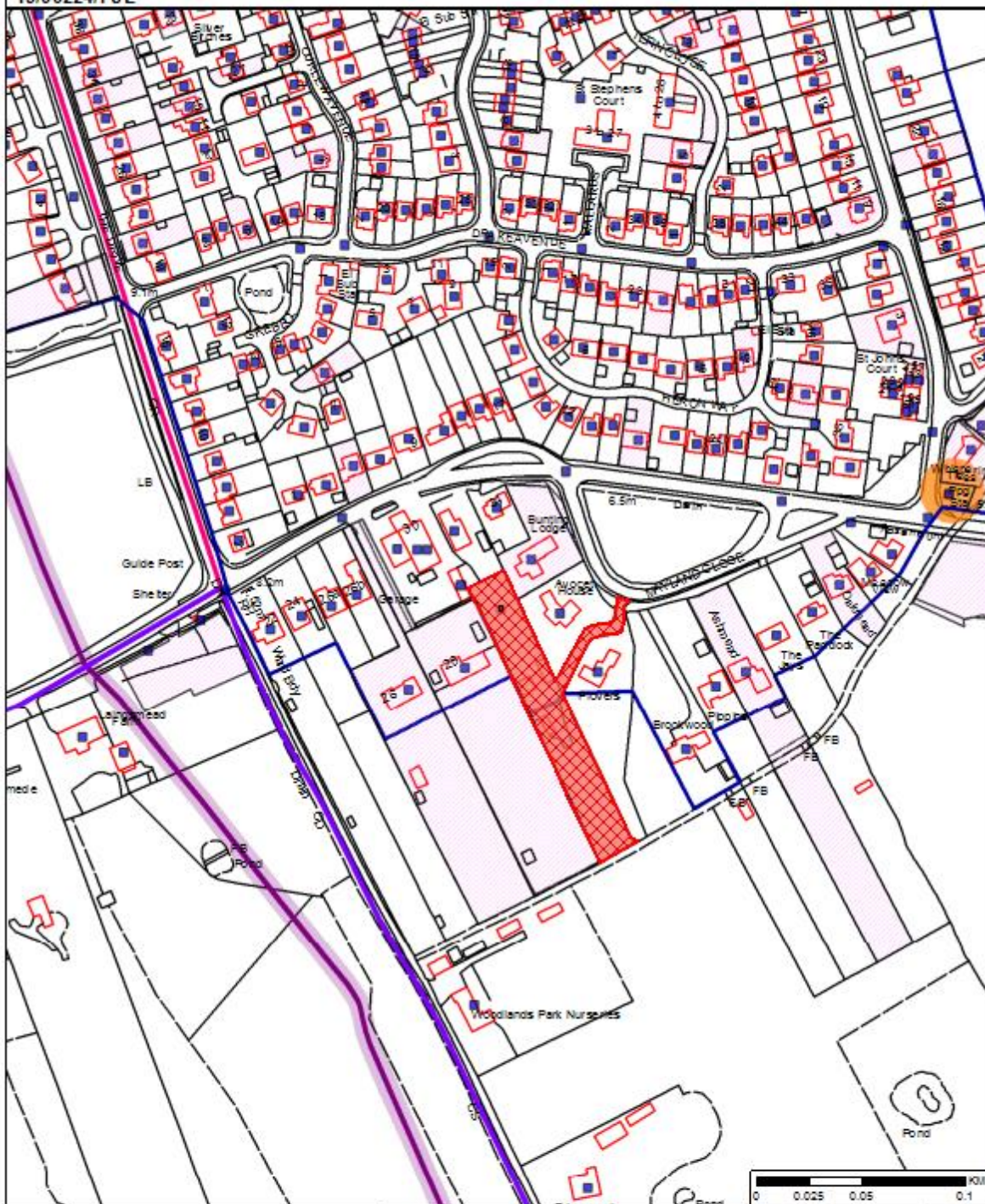
REFUSE for the reasons as detailed in Section 8 of this report.


2. SITE MAP

Please see overleaf.

Land Rear of 32 Steeple Road

19/00224/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	26/04/2019
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

- 3.1.1 The application site is an irregular shape measuring 0.53ha in area. It is situated to the southern side of Steeple Road, behind the rear garden of No. 32 Steeple Road and to the western side of Mayland Close, sited behind The Plovers and Avocet House, Mayland Close. There is an existing access to the site situated on the southwestern side of Mayland Close, which also serves The Plovers, Mayland Close and access is also available from the southern side of Steeple Road along the eastern side of No. 30 Steeple Road.
- 3.1.2 There are two areas of the application site, that which is within the settlement boundary and that which is outside of it. The area to the north of the access road measures 0.38ha and consists of Mill Motors and Mayland Garage, a commercial site which has a number of buildings and is also used for the parking of vehicles in association with the use of the site. This area of the site is within the defined settlement boundary.
- 3.1.3 The area to the south of access road is located outside of the defined settlement boundary and measures 0.15ha. The southern part of the site is currently overgrown with a number of dilapidated structures including a caravan and timber building.
- 3.1.4 Steeple Road and Mayland Close are made up of an eclectic mix of dwellings; there is no prevailing pattern of development in the immediate or wider vicinity of the site. Although the dwellings differ in house type, scale, architectural features and finish materials they are traditional in terms of style and design. The properties within the immediate vicinity of the site are set within reasonably large plots and front onto public highways.

Proposal

- 3.1.5 Planning permission is sought to erect 2 bungalows with detached double garages, sited to the rear of No. 32 Steeple Road and The Plovers and Avocet House, Mayland Close and to construct a workshop building for a use falling within Use Class B1 (offices, research and development of products and processes and light industry appropriate in a residential area).
- 3.1.6 It is noted that the application plans show that the proposed dwellings will have three bedrooms. However, given the provision of a study it is considered that there is potential for four bedrooms to be provided. The dwellings would be accessed via the southwestern side of Mayland Close along an existing driveway which is also used by the occupiers of The Plovers.
- 3.1.7 The bulk of the properties will measure 8.9m in depth and 19.4m in width. Each property will have a front porch projection measuring 2.5m in depth and 3.5m in width which will serve the entrance to the properties. The bungalows will have an eaves height of 2.3m and a maximum height of 6m to the top of the gabled roof and will be constructed from brick, render and plain roof tiles.

- 3.1.8 The proposed detached double garages will be situated opposite the site access and will measure 6.5m in width and 6m in depth. They will have an eaves height of 2.3m and an overall height to the ridge of the gable roof measuring 4.8m. As well as the garage doors situated on the front elevations there will be a single door access on the side elevation of each garage.
- 3.1.9 Each dwelling will be provided with two open parking spaces and a double garage.
- 3.1.10 The proposed workshop building would be located to the north of plot 2, adjacent to Bunting Lodge and to the south of No. 32 Steeple Road, replacing the buildings and parking area which currently exists in this part of the site. The building would measure 8.3m in width and 8.2m in depth. It would have an eaves height of 2.4m and a ridge height of 5.6m and would be constructed from brick. There would be a window on the southern elevation and both a roller shutter and standard entrance door on the western, principal elevation. Two vehicle parking spaces are proposed outside of the workshop. In order to make way for the building two existing buildings will be demolished.
- 3.1.11 It is proposed that the workshop will be used for mechanical works and servicing, with no outside working, and will operate between the hours of 0800 and 1700 Monday to Friday, 0800 and 1300 hours Saturday and being closed on Sundays and Bank Holidays.
- 3.1.12 The submitted block plan shows that the workshop would be separated from the proposed dwellings by a form boundary treatment which has not been specified.
- 3.1.13 The application follows the refusal of a similar proposal (FUL/MAL/18/00445) which was refused by the South Eastern Area Planning Committee on the 13th August 2018 for the following reason:
- 'Part of the application site lies outside of the defined settlement boundary of Mayland 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 proposal would therefore, represent the unjustified encroachment of built form into the countryside, with associated visual impacts. Furthermore, there has been no evidence provided to demonstrate that the proposal would not involve the unacceptable loss of employment or that there is a significant under-use of land. The development would therefore be unacceptable and contrary to policies S1, S2, S8, E1 and H4 of the Maldon District Local Development Plan (2017) and government advice contained within the National Planning Policy Framework (2018).'*
- 3.1.14 The proposal subject of this application now includes the replacement of the workshop building discussed above. However, the proposed dwellings have not been altered in relation to the previous application.

3.2 Conclusion

- 3.2.1 The proposed dwelling on plot 1 to the south of the site would be sited outside of the defined development boundary and would result in the development of greenfield land, contrary to policy S8. Furthermore, there has been no information provided in accordance with policy H4 to justify the development of greenfield land for residential purposes. The proposed development would therefore represent the unjustified sprawl of built form into the countryside and an unnecessary visual intrusion. Furthermore, the development does not provide sufficient vehicle parking for the proposed dwellings and would therefore increase the levels of on street parking to the detriment of highway safety and the free flow of traffic. The development would therefore be unacceptable and contrary to policies S1, S2, S8, H4 and T2 of the Maldon District Local Development Plan (MDLDP) (2017) and Government advice contained within the National Planning Policy Framework (NPPF) (2018).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- E1 Employment
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 The application site lies partly outside the defined settlement boundary of Mayland as identified in the Local Development Plan (LDP) as such it is considered that Policy S8 of the LDP is applicable for the bungalow proposed to the south of the site. Policy S8 requires development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a specific purpose as listed under Policy S8 (a)-(m).
- 5.1.3 It is noted that the proposed development does not fall within the uses listed under Policy S8 (a-m). Therefore, the erection of a bungalow on the southern part of the site, which is outside of the defined settlement boundary, is considered to be contrary to the policies contained within the LDP.
- 5.1.4 It is noted that the site is adjacent to the development boundary, but as a matter of fact it is outside of the settlement boundary. The boundaries have only recently been confirmed as a result of the approval of the LDP in 2017 and therefore, it must be deemed that the boundary was deemed to be in the appropriate location, balancing the needs of housing provision and environmental/landscape protection.
- 5.1.5 By being in close proximity to the development boundary, it is noted that the site is in reasonably close proximity to the services, facilities and public transport connections of Mayland. Therefore, having regard to the content of policy T2, no objection is raised to the proposal on the grounds of accessibility, but it must be noted that accessibility is only part of the assessment of sustainability and the acceptability in this respect does not outweigh the environmental unsustainability that arises as a result of the development of land outside of the settlement boundary that will be discussed below.
- 5.1.6 Regard must also be had to the existing use and condition of the site. The site has a partial employment use, which is linked to Mayland Garage and Mill Motors located within the northern part of the site. The Inspector noted in case

APP/X1545/C/08/2091340 that the southern area of the site has been used the least in comparison to the wider site and that not all of the land within the site has been fully used in association with the employment use. Furthermore, on granting planning permission the Inspector imposed a condition on the southern part of the site, which is sited outside of the development boundary, to prevent any storage within this part of the site. Moreover, additional conditions were imposed which restricted other uses to existing buildings and areas within the northern part of the site. Therefore, having regard to this it is not considered that there has been any previous lawful employment use to the southern part of the site and the site is therefore considered to be undeveloped, greenfield land.

- 5.1.7 Given that the proposal is contrary to policy S8 and would involve the development of greenfield land it is not considered that the provision of the dwelling in plot 1 is acceptable as it would result in inappropriate development outside of the settlement boundary.
- 5.1.8 Policy S8 should also be read in conjunction with Policy H4 of the LDP in relation to 'Backland and Infill Development'. The policy states that backland and infill development will be permitted if all the following criteria are met.
- 1) There is a significant under-use of land and development would make more effective use of it;
 - 2) There would be no unacceptable material impact upon the living conditions and amenity of nearby properties;
 - 3) There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance; and
 - 4) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.
- 5.1.9 The information provided with the application states that the south part of the site is vacant and that the northern part of the site has an existing commercial use including an existing repair workshop and parking for up to 15 vehicles associated with Mill Motors. The information also suggests that the site has a clear under use. At paragraph 5.3 of the submitted planning statement it says *'Economically, environmentally, socially and historically the removal of the extant parking of vehicles, some of them fairly old and uneconomical to repair but are useful for parts, and HGV's that are no longer suitable for commercial transport of goods, all amounts to significant under-use.'* However, there has been no evidence to substantiate this claim to satisfy the criteria of Policy H4. Furthermore, this is also not relevant to the southern part of the site which, as established above, is considered to be greenfield land and also for the purposes of policy is located in the countryside. Greenfield land has a number of benefits and although this parcel of greenfield land has not been maintained and unlawful uses appears to have taken place at the site; this does not constitute a reason for granting permission for residential development.
- 5.1.10 Despite the proposal being contrary to the above mentioned policies, the applicant has stated that due to the need for single storey homes in the District that permission for a bungalow outside the settlement boundary should be granted.

- 5.1.11 It is noted that the since the last application was determined the Maldon District Specialist Needs Housing SPD September 2018 has been adopted. The SPD highlights that there is a higher demand for one and two bedroom bungalows over supported housing for those who are considering moving and a demand for bungalows for disabled households. The SPD also highlights that bungalows could help meet the needs for both older people and those with specialist needs, but they are not readily available in the general housing stock and are often more expensive due to their limited availability.
- 5.1.12 Whilst it is noted that the proposed bungalows would help meet this requirement to some extent, they would represent market housing and there has been no evidence put forward to suggest that they would be affordable or that they would meet the requirements of policy H3 Specialist Needs Housing. Therefore, whilst the provision of two bungalows can be attributed some weight, it is not considered that the provision of a single four bedroomed bungalow outside of the settlement boundary would constitute a reason for granting inappropriate development outside of the settlement boundary.
- 5.1.13 The northern part of the site, which is north of the proposed access, is situated within the settlement boundary and therefore, policy H4 applies. The supporting information states that two existing workshops within this part of the site are proposed to be demolished. It is believed that this part of the site currently continues to be in use for the parking and storage of vehicles and the spray painting unit appears to still be in use, which accords with the permission granted under APP/X1545/C/08/2091340. Therefore, the site is still considered as an employment use and Policy E1 also applies.
- 5.1.14 Policy E1 of the LDP relates to the loss of existing employment uses. The proposal would involve the removal of two of the units within the northern part of the site, which were conditioned as the only areas to be used for the storage and maintenance of the vehicles and also part of the area highlighted for vehicle parking. However, these units would be replaced with one workshop building which would be used for B1 purposes. The information submitted with the application suggests that the eight employees currently employed at the site will be retained and the floorspace of the proposed workshop will be equal to the existing. However, the plans suggest that the existing buildings have a combined floor area of 107m² and consequently there would be some loss of floorspace. Nevertheless, taking a pragmatic stance it is noted that one of the buildings is dilapidated and would require significant repair which would likely require planning permission to put it back into use. Therefore, it is unlikely that the building would continue to be used in association with the commercial use of the site, and as the site is currently functioning without this building, and there would be no loss of employees, it is not considered that there would be a loss of employment resulting from the development. Therefore, it is considered that it has been demonstrated that the proposal would not result in an unacceptable loss of employment and in this regard the proposal would be in accordance with policies H4 and E1. A condition to require the delivery of the B1 building would be appropriate to impose.
- 5.1.15 Overall, it is considered that the bungalow proposed to the south of the site as a result of it being sited outside the settlement boundary would result in unacceptable development upon greenfield land. Whilst the proposal would provide two

bungalows, it is not considered that the provision of a single four bedroom bungalow outside of the settlement boundary would provide benefits which would provide reasoning for inappropriate development outside the settlement boundary. Therefore, the principle of development cannot be supported.

5.1.16 Other material considerations will be discussed below.

5.2 Housing Need

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.2.3 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which read alongside the evidence base from the SHMA shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, with around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.4 The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. In this respect, the proposal would not meet this policy requirement and therefore, is of negligible benefit in terms of improving the Council's housing stock in terms of dwelling size. Matters relating to the provision of bungalows have been addressed above.

5.3 Design and Impact on the Character of the Area

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

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if the relevant criteria are met.
- 5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.6 Part of the application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.7 The application site is a strip of land behind and between established residential developments and abuts the settlement boundary. The land to the south of the site which would accommodate Plot 1 is undeveloped, greenfield land. Although the proposal has no road frontage and would not be highly visible from within the public realm it is considered that the proposal would result in the domestication of the site and the countryside and the sprawl of built form, which would result in material harm to the character and appearance of the countryside.
- 5.3.8 Steeple Road and Mayland Close are made up of an eclectic mix of dwellings; there is no prevailing pattern of development in the immediate or wider vicinity of the site. Although the dwellings differ in house type, scale, architectural features and finish materials they are traditional in terms of style and design. The properties within the immediate vicinity of the site are set within reasonably large plots. The majority of the dwellings front the public highway. However No. 28 Steeple Road is situated to the rear of Mayland Garage and does not front the highway. Given the siting of this dwelling it is not considered that the proposal would be contrary to the grain of

development within the area and therefore, an objection is not raised on that specific ground.

- 5.3.9 The proposed dwellings in terms of their scale and bulk are considered to be proportionate to their plot size and the surrounding properties which are a variety of single storey and two storey properties. The plot sizes of the surrounding sites differ in terms of their area. For example No. 34 Steeple Road has an overall site area of 552.7m² and No. 32 Steeple Road a site area of 738m², which are considered to be the smaller plots within the vicinity. The largest plot within the immediate vicinity of the site is No. 28 Steeple Road which has an area of 5,540m² and is set to the rear of Mayland Garage. Plot 1 of the proposed development has an area of approximately 910m² and Plot 2 has an area of 1,400m². Given the varied plot sizes within the vicinity of the site, which have differing scaled dwellings, it is considered that the proposed dwellings do not represent the overdevelopment of their plots.
- 5.3.10 In terms of design, the proposed dwellings are considered to be of adequate architectural merit and somewhat traditional in appearance. Whilst it is noted that the proposed gabled roof would be a new architectural feature to this part of Steeple Road and Mayland Close, given that there is no set architectural character for the neighbouring dwellings it is not considered that this would materially alter the character and appearance of the area. The bungalows would be constructed from brick and render, which are common materials for the surrounding area of Mayland and of the dwellings found in Steeple Road and Mayland Close.
- 5.3.11 The proposed dwellings would not be highly visible from within the public realm, with the exception of the proposed garages which there would be glimpses of from within Mayland Close. However, this would not be out of keeping with the wider character of Mayland Close.
- 5.3.12 In terms of the proposed workshop, the building is considered to be modestly sized and would not be out of keeping with the existing commercial use of the site. It is noted that an objection has been received in relation to the height of the proposed workshop. However, at a maximum height of 4.8m it is not considered that the height of the building is excessive or out of keeping with the surrounding area. Furthermore, the construction of the proposed workshop would also involve the removal of two existing buildings which are both considered to be unsightly and therefore, the proposed workshop would represent a visual improvement to the site. Therefore, subject to a condition requiring the demolition of both of the existing buildings, if the application were to be approved, there is no objection to the proposed workshop building.
- 5.3.13 Whilst the proposal is considered visually acceptable in many respects the proposed development as a result of the siting of plot 1, is considered to represent the unjustified sprawl of built form into the countryside and is therefore, contrary to policies S8, D1 and H4.

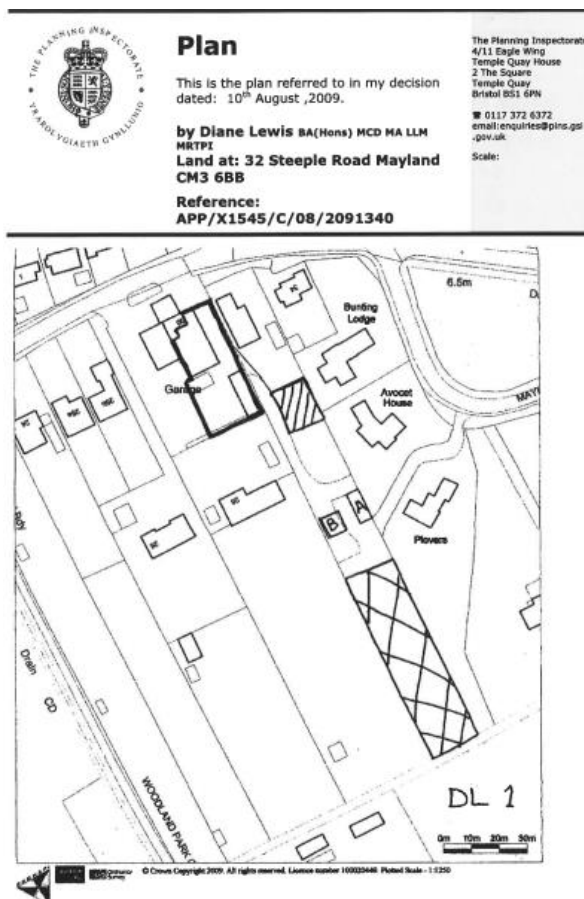
5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking,

outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

- 5.4.2 The application site has six adjacent neighbouring properties. To the east of the site are The Plovers and Avocet House, Mayland Close. The dwelling in plot 2 would be situated 28m from the rear of the dwelling at The Plovers and would be situated 16.8m from the rear wall of Avocet House. There are no first floor windows proposed as part of the development due to the single storey nature of the proposals. The ground floor windows facing The Plovers and Avocet House serve a seating area and the kitchen. Whilst it is noted that there will be views into the application site from both The Plovers and Avocet House, particularly from the first floor windows it is not considered that there would be any undue harm as a result of overlooking due to the separation distance between the proposal and the neighbouring properties. The significant separation distance, the height and the siting of the proposed dwellings to the rear of the dwellings within Mayland Close are also considered to prevent the proposal from having an overbearing impact on the neighbouring occupiers or cause a significant loss of light.
- 5.4.3 The access to the proposed dwellings is existing, although not in use, and is sited adjacent to The Plovers and Avocet House. The side wall of The Plovers would be situated 3.6m from the access and the southeastern elevation of Avocet House would be 7.5m from the access. Given that the access exists, would serve a limited number of dwellings and is situated a fair distance from the neighbouring properties it is not considered that the occupiers of the neighbouring properties would be subject to any undue harm by increased noise or disturbance, as a result of increased vehicle movements to an extent that would justify the refusal of the applications on these grounds.
- 5.4.4 To the west of the site is 28 Mayland Close. The dwelling within Plot 2 would be situated 4.4m from the boundary shared with No.28. It is noted that the dwelling within Plot 2 would be sited to the east of No. 28 and would extend 9.4 further than the rear elevation of No. 28. However, given the single storey height of the proposal and that the neighbouring amenity space is extensive in both width and depth, it is not considered that the proposal would cause any detrimental increase in overlooking or loss of light and would not be considered to be overbearing.
- 5.4.5 To the northeast of the site is Bunting Lodge. The dwelling within Plot 2 is situated 16m from the boundary shared with Bunting Lodge. Given that the proposal adjoins the southwest corner of the neighbouring property and is set a fair distance from the neighbouring dwelling it is not considered that there would be any adverse impacts by way of overlooking or loss of light and the proposal is not considered to have an overbearing impact on the occupiers of Bunting Lodge.
- 5.4.6 Within the northern part of the site is a commercial site which Mill Motors, an MOT testing centre, car garage and vehicle repair centre, and Mayland petrol Garage operate from. The proposed workshop will be located within this commercial site at a distance of 19.3m from the proposed dwelling within plot 2. Furthermore, the workshop would be located 7.7m from the dwelling at Bunting Lodge, 1.7m from the shared boundary and 19.7m from No. 30 Steeple Road to the north and 1.63m from its shared boundary. Avocet House to the southeast would be a minimum of 15m from the proposed workshop.

- 5.4.7 In terms of the proposed workshop, which is intended to be used for B1 purposes, including mechanical works and servicing, it is not considered that the proposed dwelling at plot 2 or the neighbouring dwellings would be subject to any undue harm as a result of overlooking or loss of light, or that the neighbouring use would have an overbearing impact on the occupiers. Furthermore, it is not considered that the proposed use will result in significant increased harm in relation to the use already permitted within this part of the site as the proposed use is not considered to be more demonstrably harmful than the existing activities at the site, which as imposed under condition 5 of APP/X1545/C/08/2091340, is for vehicle repair and maintenance work within the existing buildings. In addition it is noted that the applicant has expressed that the workshop will be used internally only, which will accord with this and could be conditioned if the application were to be approved. Also, by definition B1 uses are expected to be compatible with a residential setting.
- 5.4.8 A number of objections have been raised in relation to pollution at the site including noise. Given that the use can be restricted to within the building and the hours of operation will be between 08:00 hours and 18:00 hours on weekdays, 08:00 hours and 13:00 hours on Saturdays and not at any times on Sunday and Bank Holidays, which could be conditioned, it is not considered that there will be a significant increase in pollution including noise and light pollution as to warrant refusal of the application.
- 5.4.9 Environmental Health has been consulted on the application and has reached a similar conclusion to the above. Therefore, subject to conditions it is not considered that the proposed workshop would cause undue harm to the amenity of neighbouring occupiers.
- 5.4.10 It should also be noted that condition 4 of APP/X1545/C/08/2091340 states that vehicle parking shall not take place other than within the area hatched black on plan DL1 (below) in the interest of safeguarding living conditions. Having regard to this it is considered that if the application were to be approved then a condition should be imposed ensuring that the parking spaces are used in connection to the workshop only and not for the long term storage of vehicles.



5.4.11 In addition to the above, it is noted that Environmental Health has considered that a noise impact assessment is necessary in order to determine the suitability of the proposal in terms of harm resulting from unacceptable noise. However, given that there are a number of residential properties situated within similar proximity to the neighbouring commercial site such as Nos. 30 and 34 Steeple Road and that the dwelling at No. 30 is situated just 3.6m from the neighbouring use whereas the dwelling at Plot 2 would be situated 17.5m from the commercial site it is not considered reasonable to refuse the application on such grounds.

5.4.12 In relation to the access to the proposed workshop, which will be taken from the south of Steeple Road, it is not considered that there will be a significant increase in vehicle movements resulting from the proposed workshop and therefore, although the existing access is in close proximity (1.5m) to the dwelling at No. 32 Steeple Road, it is not considered that the level of harm resulting from noise and light pollution from passing cars will be demonstrably greater than what currently exists at the site. Therefore, there is no objection on those grounds.

5.4.13 For the reasons discussed, it is not considered that the proposed development will result in a significant loss of light or privacy and will not have overbearing impacts on neighbouring occupiers, nor will it result in unacceptable noise levels for the future or neighbouring occupiers.

5.5 Access, Parking and Highway Safety

5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having

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

- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 It should be noted that since the determination of the previous application the Council has adopted the Maldon District Council Vehicle Parking Standards SPD which include minimum parking requirements opposed to maximum and have increased the required dimensions for garages and bay sizes. These standards now form a material consideration.
- 5.5.4 The recommended parking provision standard for a four bedroom dwelling is a minimum of three car parking spaces. Each dwelling would be provided with two parking spaces which meet the parking bay size requirements. However, a double garage should measure 6m x 7m, whereas the proposed garages would measure 6.5m x 6m. Therefore, there is a shortfall of two spaces, one for each dwelling.
- 5.5.5 Although the garages have not changed in size in relation to application FUL/MAL/18/00445 and were previously found to be acceptable, the vehicle parking standards have been updated to include bigger garage sizes to accommodate modern cars and to provide sufficient room for door opening. The adopted Vehicle Parking Standards state that for garages to count towards car parking provision on new developments, the garage must meet the minimum internal dimensions in the SPD. It is also noted that the application has been proposed as No.2 three bedroom dwellings. However, as outlined above the provision of the study provides the opportunity to create a four bedroom dwelling and therefore, the application must be assessed on those grounds. Therefore, although the site is located within an accessible location, the lack of sufficient vehicle or cycle parking provision at a site would likely result in vehicles being parked on the highway to the detriment of the free flow of traffic and highway safety. This is contrary to policy T1 and T2 of the LDP and therefore, the application should be refused on those grounds.
- 5.5.6 The proposed workshop will provide two vehicle parking spaces. The adopted Vehicle Parking Standards state that a B1(c) use should provide 1 parking space per

50m². As two parking spaces will be provided adjacent to the workshop it is considered that this requirement has been met. However, the proposed development would result in the loss of three car parking spaces in total, two light goods vehicles spaces and four cycle spaces being proposed. Nevertheless, although the site currently has 13 spaces, at least four of these are not lawful as they conflict with condition 4 of APP/X1545/C/08/2091340, which states that vehicle parking shall not place other than within the area hatched black on plan DL1 (above). Therefore, it is not actually considered that the proposal would result in the loss of parking and two additional parking spaces would be provided. However, given the concerns previously raised by the Inspector it is considered that if the application were to be approved that a condition should be imposed linking the parking spaces to the use of the workshop as discussed above.

- 5.5.7 The proposed development would utilise two existing accesses one off of the southern side of Steeple Road and one off of the western side of Mayland Road. Given the pre-existence of both accesses, which would also provide suitable turning facilities, it is considered that the access is acceptable in terms of highway safety. This is in accordance with the view of the Local Highway Authority. However, if the application were to be approved a condition should be applied ensuring that the proposed housing is separated from the commercial site to the north by a form of boundary treatment to prevent traffic passing through the site.
- 5.5.8 It is noted that there have been neighbour objections in regards to the provision of the access to the proposed dwellings due to ownership disputes. However, this is not a planning consideration and should be dealt with as a civil matter between the applicant and neighbouring site owners.
- 5.5.9 A number of concerns have also been raised by objectors in relation to emergency vehicle access. Essex County Fire and Rescue Service have been consulted on the application and raise no objection to the proposed access, although this is not a relevant planning matter as it is something that is dealt with under different legislation (Essex Act 1987) and through the building regulation process. Nevertheless, if the application were to be approved informatives should be included advising the applicant that extra water supplies for firefighting purposes may be necessary at the site and that the use of Automatic Water Suppression Systems are recommended.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The rear amenity space provided for Plot 1 would measure 770m² and the amenity space for Plot 2 would measure 387m². Therefore the proposal is in accordance with Policy D1 and the MDDG in terms of amenity space.
- 5.6.3 Detailed landscaping details have not been submitted as part of the application. A condition would be imposed, should the application be approved, to ensure that details are submitted and approved by the Local Planning Authority (LPA)

5.7 Contamination

- 5.7.1 Part of the site has been used for the storage of vehicles as well as repair works and resprays. Therefore, there is potential for there to be contamination at the site. However, it is considered that this can be dealt with via conditions and is therefore not a sound reason to refuse the application.

5.8 Trees

- 5.8.1 There are 7 trees to be removed as part of the development and also the northern section of the hedge on the western boundary. The tree species consist of White Poplar, Goat Willow, Elm, Elderberry, Pera and Oak. Whilst these trees do offer some amenity to the surrounding area, they are considered to be of low quality. Furthermore, there are other trees within the vicinity of the site which will continue to contribute to the amenity of the area and thus the character and appearance of the site would not be materially harmed. Therefore, there is no objection to the removal of those trees.
- 5.8.2 The information provided with regards to protecting the retained trees is considered limited as it does not offer sufficient detail to how the fencing and ground protection will be achieved and implemented. For instance, T1, T5 and H21 shown on drawing PH/SRM/01 are in third party ownership and the report fails to identify the impacts of the works on those trees. The tree protection plan also does not identify the root protection area of T1 and T5, which requires consideration. Likewise, the root protection area for H1 is shown and comment is provided on the tree protection plan for additional ground protection. However, there is no detail to say what this or any detail to demonstrate how the overhang will be protected from the risk of collision damage during the works. Therefore, it is considered that a condition should be applied requesting details of tree protection if planning permission were to be granted

5.9 Ecology

- 5.9.1 The application has been supported by an Ecological Appraisal and Great Crested Newt eDNA Survey Report. The Ecological Appraisal considers that the site has potential to support nesting birds, foraging and commuting bats, reptiles and great crested newt (GCN). There is no other habitat on or immediately adjacent to the site that shows potential to support any other protected flora or fauna. The Ecological Appraisal provides recommendations to ensure ecological enhancement such as preventing the use of concrete and timber panel fences. Having regard to this a condition should be applied requesting details of boundary treatments which should have regard to the findings of the report.
- 5.9.2 The Great Crested Newt eDNA Survey Report concludes that Great Crested Newts are likely to be absent from the site and so the impact on the species as a result of the development is low.
- 5.9.3 Having regard to these findings it is not considered that the proposal would result in the loss of any important ecological interests subject to a scheme of ecological mitigation being submitted to and agreed by the LPA. Therefore, the proposal is considered to be in accordance with Policy E4 and N2 of the LDP. However, a condition should be applied requesting a walkover survey prior to any development

and a scheme of protection, enhancement and mitigation to be submitted to and agreed by the LPA, to ensure that there is no harm to any protected species.

5.10 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS

- 5.10.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.10.2 Natural England anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.10.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) –Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.10.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.10.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.10.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would

constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for two dwellings

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No

Summary of Appropriate Assessment

- 5.10.7 As a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England’s interim advice is guidance only, it is not considered that mitigation would, in the form of a financial contribution, be necessary in this case.

Conclusion

- 5.10.8 Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

5.11 Other Matters

- 5.11.1 The proposal includes areas for bin storage within the rear gardens of the proposed dwellings which is considered to be conveniently located for residents and would not cause harm to the character and appearance of the area in accordance with C09 of the MDDG. Whilst it would be somewhat inconvenient for residents to take wheelie bins to the edge of Mayland Close as required, this is not an unusual requirement for backland development and given that there is sufficient space to store the containers and bins within the site it is not considered that they would be left in unsightly locations within the streetscene. Therefore, it is not considered reasonable to object on those grounds.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/93/00484** - Change of use of land from domestic curtilage to forecourt and the erection of a 1.8m high screening fence with gates.
Approved
- **APP/X1545/C/08/2091340** - The change of use of the land for the parking, storage, repair and maintenance of vehicles and the storage of vehicle parts and other miscellaneous items on land at 32 Steeple Road, Mayland.
Planning Permission granted subject to conditions imposed by the Inspector.
- **FUL/MAL/18/00445** - Land Rear of 32 Steeple Road Mayland. **Refused.**

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object - Backland Development - Outside the settlement boundary	-These points are addressed at sections 5.1 and 5.3
	-Intrusion on neighbouring properties	-Addressed at section 5.4
	-Long history of refusal for similar developments at the site	-This is noted and whilst it is considered that previous concerns in relation to the loss of employment have been overcome, the proposal still represents unjustified and unacceptable urban sprawl into the countryside.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection as the access is pre-existing and there is provision for vehicle parking and turning	Noted and addressed at section 5.5

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Fire and Rescue	<p>Access for the Fire Service has been considered in accordance with the Essex Act 1987.</p> <p>Additional water supplies for fire-fighting may be necessary and the applicant should contact the Water Technical Officer at the Service Headquarters.</p> <p>The installation of Automatic Water Suppression Systems (AWSS) should be considered.</p>	Addressed at section 5.5
Natural England	A Habitats Regulation Assessment Should be undertaken	Noted and addressed at section 5.10

7.3 Internal Consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health	It would be preferable for all commercial activity on the development site to cease in lieu of residential use. However, in view of the appeal decision (APP/X1545/C/08/2091340) and the current lawful use, there is no objection to the proposal subject to conditions	Addressed at section 5.4
Tree Consultant	Trees are of low quality. Further information required regarding tree protection	Please see section 5.8

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Waste Management	No objection. However, residents will be required to present their waste and recycling for collection at the edge of the existing driveway access and enough room should be available to present up to 4 wheeled bins for waste.	Noted and addressed at section 5.11

7.4 Representations received from Interested Parties

- 7.4.1 8 letters were received **objecting** to the application from **five different persons** and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Access would be taken from Mayland Close. The close could not sustain on street parking.	Addressed at section 5.5
The access to the dwellings would be on a bend which does not provide acceptable visibility.	The proposal utilises an existing access which serves another dwelling and the Local Highway Authority have no objection to. Therefore, there is no objection in this regard.
The site is subject to surface water flooding due to it being located on the site of the upper mill pond.	The site is situated outside of Flood Zones 2 and 3. However a condition can be imposed regarding surface water drainage if deemed necessary.
There will be unacceptable noise and visual impacts.	Addressed at sections 5.3 and 5.4
Proposal is for commercial gain.	This is not a planning consideration.
Query as to why site notices were not put up at the site.	Two site notices and two amended site notices were put up, one on Steeple Road and one in Mayland Close. Photographic evidence is available on the Council's website.
Proposal represents unjustified encroachment into the countryside and unacceptable development on greenfield land	Addressed at section 5.3

Objection Comment	Officer Response
<p>There would be increased traffic on Steeple Road.</p> <p>The proposed workshop is too high.</p> <p>The hedgerows referenced in the planning statement could be removed at any time.</p> <p>If the proposal includes stairs there would be a privacy issue.</p> <p>If the application were approved details of tree protection would be needed.</p> <p>The planning statement describes the bungalows as attractive. This is personal opinion.</p> <p>Proposal would set a precedent for future development.</p>	<p>It is not considered that two dwellings will result in a significant increase in vehicle movements to a degree which would cause concern.</p> <p>Addressed at section 5.3 & 5.4</p> <p>This is noted. However, the visibility of the site is discussed at section 5.3</p> <p>The proposal does not include stairs and as permitted development rights could be removed preventing the construction of any openings or dormer windows within the roofscape.</p> <p>Addressed at section 5.8</p> <p>Design is addressed at section 5.3</p> <p>The proposal must be assessed on its own merits.</p>
<p>The correct ownership has not been served. Penny Homes Ltd does not have legal entitlement to use the access.</p> <p>Access is inadequate for emergency services.</p> <p>Access will be subject to higher levels of traffic movement.</p> <p>There will be a loss of privacy and harm to private amenity.</p> <p>Plot 2 is outside the development boundary and contrary to policy.</p> <p>Proposed workshop would be detrimental to surrounding residential properties.</p>	<p>The applicant has been contacted in this regard and has advised that they consider the correct notices have been served. However, land ownership is a civil matter and cannot be dealt with via the planning system</p> <p>Addressed at section 5.5</p> <p>It is not considered that two additional dwellings will significantly impact on the number of vehicle movements.</p> <p>Addressed at section 5.4</p> <p>Addressed at sections 5.1 and 5.3</p> <p>Addressed at section 5.4</p>

Objection Comment	Officer Response
Proposal is cramped and contrived form of backland development.	Addressed at section 5.3
The current noise and fumes from the site is unbearable which will be worse if the workshop is closer to Bunting Lodge.	Addressed at section 5.4
Entrance is too small for emergency vehicles.	Addressed at section 5.5
Information has been provided relating to current use and working times of the site.	This is not relevant to this application as it does not relate to the proposal.
No specification of the use of the workshop.	Further information has been provided and consulted on specifying the use of the building as B1.
The developers should have applied for the Essex Act Access vehicles Vol 1-2 ADB section 5 part 5	Addressed at section 5.5
A fire engines maximum distance from properties must not exceed 45 metres, the driveway is 59.9m long.	Addressed at section 5.5
The development entrance must have after 25 metres, a pull in area for the fire engine.	Addressed at section 5.5
Development area should not exceed 100 metres from a water hydrant; the nearest one is on the corner of Mayland Close, greater than 100m away.	Addressed at section 5.5
‘S’ bend in the driveway is not suitable for a fire engine.	Addressed at section 5.5
Mayland Brook floods the area in heavy rain.	The site is situated outside of Flood Zones 2 and 3. However a condition can be imposed regarding surface water drainage if deemed necessary.
There is no passing point along the driveway.	Addressed at section 5.5
Vehicle movements will create noise pollution and a loss of privacy.	Addressed at section 5.4

Objection Comment	Officer Response
There is contamination within the site.	Addressed at section 5.7
There will be overlooking into neighbouring dwellings.	Addressed at section 5.4
There is an abundance of wildlife in the surrounding area including newts and bats.	Addressed at section 5.9

8. **REASONS FOR REFUSAL**

- 1 Part of the application site lies outside of the defined settlement boundary of Mayland 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 (MDLDP) to meet the objectively assessed needs for housing in the district. The proposal would therefore, represent the unjustified encroachment of built form into the countryside, with associated visual impacts. The development would therefore be unacceptable and contrary to policies S1, S2, S8, and H4 of the MDLDP (2017) and government advice contained within the NPPF (2019).
- 2 The proposed development would fail to provide adequate on-site parking provision. The proposal would therefore be likely to cause additional on-street parking to the detriment of the free flow of traffic and highway safety. The proposal is therefore contrary to policies S1, D1 and T2 of the MDLDP.

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**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2019**

Application Number	HOUSE/MAL/19/00396
Location	Lunendales Cottage, Foxhall Road, Steeple
Proposal	Erection of a part single, part two storey side/front extension, erection of a first floor front extension, canopy and alterations to elevations of the existing dwelling
Applicant	Mr & Mrs Cowell
Agent	Mr Robert Parish
Target Decision Date	24.05.2019
Case Officer	Annie Keen
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In : Councillor A S Fluker Reason: Public interest/size, scale and bulk, impact on location

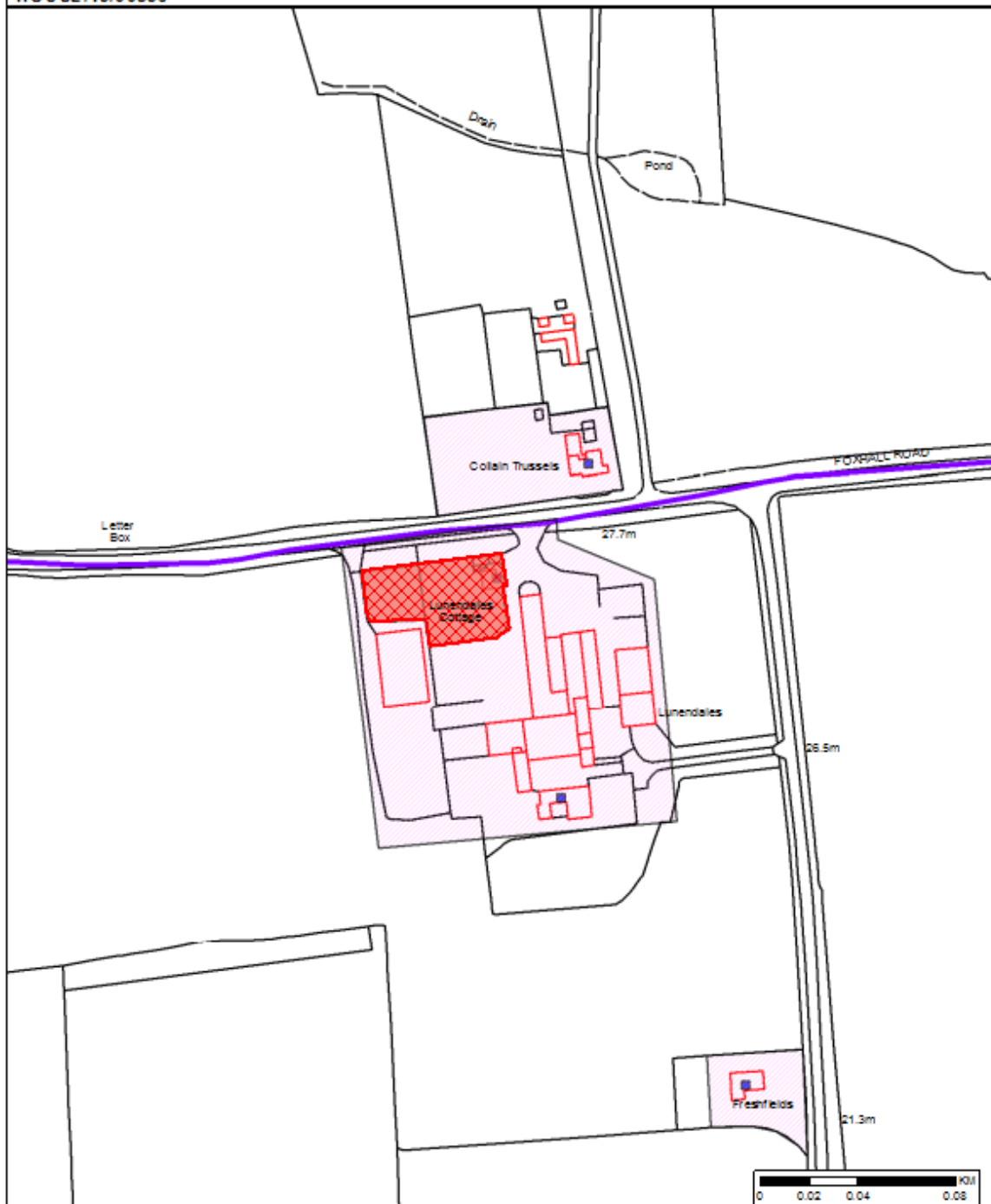
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Lunendales Cottage, Steeple CM0 7LB
HOUSE/19/00396



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 Maldon District Council 100018588 2014

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Scale: 1:2,148

Organisation: Maldon District Council

Department: Department

Comments: South East Committee

Date: 29/04/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is situated to the south of Foxhall Road within the parish of Steeple. The site consists of a two storey red brick detached dwelling with a single storey front projection finished in cream cladding. There is a red brick boundary wall to the east. The dwelling is situated adjacent to Lunendales Farm and is accessed via the farm entrance. Foxhall Road is sparsely populated with a mixture of single storey and two storey dwellings which are mainly situated to the south.
- 3.1.2 The site lies outside of the development boundary of Steeple.
- 3.1.3 Planning permission is sought for the construction of a part single storey, part two storey front and side extension with a first floor extension to the front of the dwelling, a canopy over the door to the north and alteration to host dwelling.
- 3.1.4 The main part of the side extension would project 4.8 metres from the side of the existing dwelling and measures 8.3 metres deep, thereby projecting 1 metre forward of the single storey part of the existing dwelling and 4.3 metres to the rear. This part of the extension would measure 5.2 metres tall to the eaves and have a maximum height of 6.3 metres. To the rear of the extension would be a further 4.3 metre side projection that would be two storeys in height, with a partially flat roof that would match the height of the proposed extension. To the side of this would be a sun lounge that would measure 2.4 metres by 4 metres and 3.5 metres tall. A single storey canopy to the side of the main extension would measure 1 metres deep and 1.7 metres wide, with a height of 3.2 metres.
- 3.1.5 To the front, a first floor extension would be erected above an existing ground floor projection with a height of 6.4 metres, a width of 6.6 metres and a depth of 6 metres. To the front of the resultant front projection would be a porch that would measure 0.9 metres deep and 1.7 metres wide with a pitched roof built to a maximum height of 3.2 metres.
- 3.1.6 The materials proposed in the construction of the development would be facing brick, roofing tiles and fibre cement boxed cladding with white uPVC windows and doors.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of design, scale and bulk would represent a dominant addition to the site and would cause harm to the appearance and character of the area, therefore causing a detrimental visual impact on the streetscene and the appearance of the host dwelling. Furthermore, there is a shortfall of car parking available on-site contrary to the standards set out in the Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD). It is therefore considered that the proposed development would result in demonstrable harm to the locality and is consequently not in accordance with the Maldon District Vehicle Parking Standards SPD and policies D1, S1, S8, T2 and H4 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 2019 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

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

- D1 Design Quality and Built environment
- T2 Accessibility
- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

- 5.2.1 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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 5.2.2 *“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, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).
- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.6 The proposed development would be mainly situated to the west of the host dwelling and would add a study, kitchen, family room and sun lounge to the ground floor and two bedrooms, a bathroom and an en-suite to the first floor.
- 5.2.7 The proposed two storey side extension would be situated on the western elevation of the existing dwelling and would measure a total of 13.3 metres in depth and 6.2 metres in width at the widest point. The scale of the proposed extension would result in a large, dominant addition to the host dwelling, providing an unbalanced appearance. Due to the size and scale of the extension, the proposed development would result in the host dwelling being dwarfed by the proposed two storey extension. Furthermore, the proposed roof design would represent a contrived form of development due to the various gable and hip roofed projections. Due to the open nature of the site clear views of the dwelling can be seen from the public realm, it is therefore considered the proposed development would result in demonstrable harm to the appearance of the host dwelling and the streetscene.
- 5.2.8 If considered alone the proposed extension to the side of the proposed western extension would be a subservient addition to the host dwelling due to its single storey nature. The design of the proposed extension has the appearance of a conservatory with windows to the south and east elevations and doors to the west of the

development. It is considered the proposed single storey extension would not impact upon the appearance of the host dwelling or the streetscene and therefore the design of the proposed development would be acceptable.

- 5.2.9 The proposed first floor extension to the front of the dwelling would have windows to the north and eastern elevations and an additional window to the ground floor. Whilst the proposed ridge height of the extension is slightly lower than that of the host dwelling and the proposed eaves height is the same as the host dwelling, due to the scale and prominence of the extension the proposed extension would not represent a subservient addition to the host dwelling. Whilst, the proposed first floor extension and alterations to the existing ground floor projection would result in the extension being of similar appearance to the rear elevation, it is considered that the proposed development, when considered cumulatively with all other aspects of the proposal, would detrimentally impact upon the appearance of the host dwelling and the streetscene.
- 5.2.10 The canopy over the door of the front elevation would add a small porch, replicating the entrance to the rear elevation. The canopy would therefore be in keeping with the host dwelling and would not detrimentally impact upon the streetscene and is therefore not objectionable if considered alone.
- 5.2.11 The proposed fenestration would follow the design cues of the host dwelling and therefore would not detrimentally impact upon the appearance of the host dwelling. Furthermore, the proposed windows and doors would be of uPVC and therefore would match that of the host dwelling.
- 5.2.12 The proposed materials to be used in the external finish of the development would be facing brick to match the host dwelling and fibre boxed cladding. Whilst it is noted cladding exists at present on the northern elevation of the host dwelling, a search of the Council's records shows permission has not been previously sought for the use of this material, however it is considered the proposed fibre cladding does not harm the appearance of the host dwelling and therefore would be considered acceptable.
- 5.2.13 It is considered, the development by reason of its scale, design and appearance would result in demonstrable harm to the character and appearance of the existing dwelling and the locality in accordance with policies S8, D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.3.2 The dwelling to the north east, Collain Trussels, would be situated 43.3 metres from the proposed development. Due to the position of the extension to the west and the separation distance between the extensions to the front of the host dwelling from the neighbouring dwelling, the proposed development would not result in overlooking or overshadowing of the neighbouring occupiers of Collain Trussels.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment; requiring development to have sufficient parking facilities with regard to the Council's adopted parking standards. Similarly, policy D1 of the LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes.
- 5.4.2 The proposed development would increase the number of bedrooms on site from three to five. The vehicle parking standards require a 5 bedroomed dwelling to have a minimum of 3 parking spaces. The plans show there is only a small area of hardstanding to the front of the site which would enable one car to be parked to the front of the dwelling, due to this there is a shortfall of two car parking spaces. Whilst there is sufficient space within the site for additional car parking this has not been shown on the plans and therefore cannot be taken into consideration. It is therefore considered that the development is contrary to the Maldon District Vehicle Parking Standards SPD and policy D1 and T2 of the LDP.

5.5 Private Amenity Space and Landscaping

- 5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100 square metres.
- 5.5.2 The existing garden on the site is in excess of the standard contained within the Essex Design Guide of 100m². Whilst the development would result in some loss of amenity space, the remaining amenity space would still be in excess of the standards set out within the Essex Design Guide and therefore would be in compliance with policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- No relevant planning history

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommend the granting of planning permission	Comment noted

7.2 Representations received from Interested Parties

- 7.2.1 No representations were received for this application.

8. REASONS FOR REFUSAL

- 1 The proposed extensions by virtue of their design, scale, bulk and positioning, would represent dominant and disproportionate additions to the site, which would be visually intrusive additions to the streetscene and cumulatively represent an overly dominant feature within the site. Therefore the proposed development would result in demonstrable harm to both the dwelling and the locality, contrary to the NPPF and policies S1, S8, D1 and H4 of the Maldon District LDP and the MDDG.
- 2 The proposed development would result in an unacceptable level on site car parking provision for a 5 bedroomed dwelling and therefore the proposal is contrary to policies D1 and T2 of the Maldon District LDP and the guidance contained within the NPPF.