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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

28 February 2020

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **MONDAY 9 MARCH 2020 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP	CHAIRMAN	Councillor R P F Dewick
	VICE-CHAIRMAN	Councillor M W Helm
	COUNCILLORS	M G Bassenger B S Beale MBE V J Bell R G Boyce MBE Mrs P A Channer, CC A S Fluker A L Hull N J 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
MONDAY 9 MARCH 2020

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 10 February 2020, (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. **20/00070/HOUSE - Wicke Pin, 9 Katonia Avenue, Mayland, Essex CM3 6AD**
(Pages 19 - 28)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

6. **20/00084/HOUSE - Northfleet, Grange Avenue, Mayland, Essex CM3 6BG** (Pages 29 - 36)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

7. **20/00087/OUT - Land East Of Charwood, Stoney Hills, Burnham-On-Crouch**
(Pages 37 - 52)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

8. **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 – 7.
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
10 FEBRUARY 2020**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor M W Helm
Councillors	M G Bassenger, V J Bell, R G Boyce MBE, Mrs P A Channer, CC, A S Fluker, A L Hull, N J Skeens and W Stamp

1. CHAIRMAN'S NOTICES

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

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B S Beale, MBE.

3. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 13 January 2020 be received.

Minute No. 654 - HOUSE/MAL/19/01124 – 36 Anchorage View, St. Lawrence, Essex, CM0 7JH

That the second sentence in the second paragraph be amended to read 'In response to a question from Councillor Channer Officers clarified that the development, being approximately 18 feet from the shared boundary, was not considered to result in unacceptable harm by way of overlooking or shadowing.

RESOLVED

- (i) that subject to the above amendment the Minutes of the meeting of the Committee held on 13 January 2020 be confirmed.

4. DISCLOSURE OF INTEREST

Councillor M W Helm, declared in the interest of openness and transparency on Agenda Item 8-19/01214/OUT, Land At Bellsgate, as he had known the applicant for many years and his land abutted the applicant's property. He advised that he would leave the Chamber for this item of business.

Councillor N Skeens declared a non-pecuniary interest in Agenda Item 6 - 19/01181/FUL, Mangapp Manor, Southminster Road, Burnham-on-Crouch, as he knew the architects and Agenda Item 8-19/01214/OUT, Land At Bellsgate, as he had known the applicant for many years.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest in all items on the agenda as a member of Essex County Council, a consultee on highways, access, education and all planning related matters. She further declared on Agenda Item 8 - 19/01214/OUT, Land At Bellsgate, as she knew the applicant.

Councillor M G Bassenger declared in the interest of openness and transparency on both Agenda Item 6-19/01181/FUL, Mangapp Manor, Southminster Road, Burnham-on-Crouch and Agenda Item 7-19/01194/HOUSE, 29 Mill Road, Burnham-on-Crouch, Essex, CM0 8PZ as he knew the agents.

Councillor A S Fluker declared in the interest of openness and transparency on both Agenda Item 7-19/01194/HOUSE, 29 Mill Road, Burnham-on-Crouch, Essex, CM0 8PZ and Agenda Item 8-19/01214/OUT, Land At Bellsgate, as he knew the applicants.

Councillor Mrs A L Hull, declared a non-pecuniary interest in Agenda Item 6-19/01181/FUL, Mangapp Manor, Southminster Road, Burnham-on-Crouch, as she knew the owner of the adjoining land.

5. 19/01163/FUL - SUN AND ANCHOR, THE STREET, STEEPLE

Application Number	19/01163/FUL
Location	Sun and Anchor, The Street, Steeple
Proposal	Demolition of the Sun & Anchor Public House and erection of 6 dwelling houses
Applicant	Gray & Sons (Chelmsford) Ltd
Agent	Mr Mark Jackson
Target Decision Date	16.02.2020
Case Officer	Anna Tastsoglou & Devan Hearnah
Parish	STEEPLE
Reason for Referral to the Committee / Council	Member Call In Councillor M W Helm – Policy E3

A Members' Update was submitted detailing archaeology comments and summarising two letters commenting on the application. Following the presentation, a supporter, Chris Harvey, Parish Councillor Kay Davey, Steeple Parish Council, the Applicant, John Hubbard and the Agent, Mark Jackson addressed the Committee.

A debate ensued regarding the need for a second pub in the village. Councillor Helm said that the other public house was a viable business and a second public house could not compete.

Whilst Members acknowledged the comments from the speakers and the support from the Parish Council they also accepted the need to comply with the Local Development Plan (LDP). It was noted that the Officers had got it right in that the application resulted in a cramped and contrived form of development.

Councillor Fluker, noting the previous concerns, said that the main difficulty was the lack of compliance with Policy E3, in that there was no evidence of marketing of the business. However, he felt that in the main all issues could be overcome and proposed that the application be deferred. This was seconded.

The Lead Specialist Place reminded Members to be conscious of policy compliance and the need to evidence policy requirements, as in this case. No formal marketing evidence had been submitted and there were no material planning considerations put forward to overturn the officer's recommendation.

Councillor Fluker then declared in the interest of openness and transparency, as he knew the supporter, Chris Harvey, and said he should be commended for the great Guide he wrote on real ale in the Dengie that had resulted in a lot of business for a number of public houses.

The Chairman reflecting on the debate said he did not want developers saying that the Committee approved the application without the requisite evidence. Furthermore, he stressed that too many public houses had already been closed, to the detriment of communities.

The Lead Specialist Place added that it would not just impact on public houses and could create a very dangerous precedent. He reiterated that there was no evidence as per Policy E3 in the application and that the Committee needed to make a decision on the application as it stood.

The Chairman put the first proposal to defer the application to the Committee and upon a vote being taken it was refused.

The Chairman then put the Officer's recommendation to refuse the application to the Committee and the application was refused.

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

- 1 The proposed development would result in the loss of a community facility. No suitable justification or evidence has been provided to demonstrate that the existing business/service is not and cannot be made viable or that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community based service use. The development would therefore be contrary to policy E3 of the approved Maldon District Local Development Plan and guidance contained in the National Planning Policy Framework (2019).

- 2 The proposal involves the erection of six dwellings adjacent to listed buildings. The proposed dwellings by reason of their design, scale, mass, bulk and positioning would result in a cramped and contrived form of development, which fails to accord with the historic character and appearance of Steeple and also the prevailing pattern of development . Furthermore, the dwellings to the front of the site due to their height, scale, bulk and design are considered to cause some harm the setting of the adjacent listed buildings, which would not be outweighed by the public benefits of the proposal. As such the proposal would be contrary to the requirements policies S1, D1 and D3 of the Maldon District local Development Plan and paragraph 179 of the National Planning Policy Framework and there would not be significant benefits that would outweigh the harm identified.
- 3 The proposed development would fail to provide adequate on-site parking provision for Plot 6. 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 Maldon District Local Development Plan.
- 4 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

6. 19/01181/FUL - MANGAPP MANOR, SOUTHMINSTER ROAD, BURNHAM-ON-CROUCH

Application Number	19/01181/FUL
Location	Mangapp Manor, Southminster Road, Burnham-on-Crouch
Proposal	Construction of outbuilding for storage of classic cars and motorcycles. Formal removal of additional use of property as a wedding venue.
Applicant	Mr Mark Sadleir
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	10.02.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application Member Call In by Councillor W Stamp Reason: D1

A Members' Update was submitted summarising two letters of support. Following the Officer's presentation, the Agent, Michael Lewis, addressed the Committee.

A debate ensued regarding the ongoing issue of curtilage. Councillor Stamp, having called in the application said she was disappointed that this issue had not been resolved prior to Committee.

The Lead Specialist Place drew Members' attention to paragraph 5.1.4 and the case law on curtilage. He said that in respect of this application it was a large amount of land that did not have an intimate relationship with the property, therefore, could not be defined as residential curtilage.

The debate continued as Members were still unclear as to what did or did not constitute residential curtilage. The Lead Specialist Place reminded the Committee that this application had been before the Committee on two previous occasions and had been refused on the basis that the application was not within the residential curtilage. He said that there was a need for consistency going forward and that it would be dangerous to disagree with case law.

Councillor Helm believed that the application was within the residential curtilage and proposed that the application be approved, contrary to the Officer's recommendation and this was seconded.

Councillor Fluker referred to paragraph 3.1.8 in the Officer's report that stated the application would have an unacceptable visual impact on the intrinsic character and beauty of the countryside. In addition, he said that no new material planning information had come forward since the application was last refused and proposed that the application be refused in accordance with the Officer's recommendation.

The Chairman put the first proposal by Councillor Helm, duly seconded, to approve the application, contrary to the Officer's recommendation, to the Committee. Upon a vote being taken the recommendation was refused.

The Chairman then put the second proposal from Councillor Fluker to refuse the application in accordance with the Officer's recommendation, to the Committee. Following a vote and there being an equality of votes the Chairman exercised his casting vote and the application was refused.

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

- 1 The proposed outbuilding, as a result of its siting, scale, bulk and design would be unduly detached from the host dwelling and would have a substantial and unacceptable visual impact on the intrinsic character and beauty of the countryside. This would be exacerbated by the substantial increase in built form and the fact the development is located outside of Mangapp Manor's residential curtilage resulting in the urbanisation of the countryside. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the guidance contained within the National Planning Policy Framework.

7. **19/01194/HOUSE - 29 MILL ROAD, BURNHAM-ON-CROUCH, ESSEX CM0 8PZ**

Application Number	19/01194/HOUSE
Location	29 Mill Road, Burnham-On-Crouch, Essex CM0 8PZ
Proposal	Demolition of 2 existing conservatories and garage. Erection of side extension incorporating new garage, and entrance porch. Alterations to roof creating a chalet bungalow incorporating rear facing balcony.
Applicant	Mr & Mrs David Marchant
Agent	Michael Lewis - Bailey Lewis
Target Decision Date	EOT 14.02.2020
Case Officer	Annie Keen
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call in – Councillor W Stamp Policy D1

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

Councillor Hull opened the debate noting that the application would benefit the neighbourhood and provide a home for a young couple from the area. Both Councillor Stamp and Councillor Bell echoed these comments and said the application represented a real improvement and that the applicants had made every effort to meet the planning requirements.

Councillor Fluker noted that it complimented the street scene and was not contrary to policies D1 and H4. He therefore proposed that the application be approved contrary to the Officer's recommendation and this was duly seconded.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation and including standard conditions around time, materials, plans, carparking etc. to the Committee. Upon a vote being taken the application was approved.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1969.04A, 1969.01, 1969.02A, 1969.03A and 1969.05A
Reason: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
Reason: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4. Prior to the first occupation of the extension hereby permitted, the first-floor rooflight(s) in the eastern and western elevations shall be glazed with opaque glass and of a non-openable design and shall be retained as such thereafter.
Reason: To protect the amenity of the neighbouring occupiers in accordance with policies H4 and D1 of the approved Local Development Plan.
5. The garage shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.
Reason: To ensure there is adequate vehicle parking on-site in accordance with policy T2 of the LDP and the Maldon District Vehicle Parking Standards SPD.
6. 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 garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.
Reason: To protect the amenity of the neighbouring occupiers and also the future occupiers of the approved dwellings, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
7. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.
Reason: To protect the amenity of the neighbouring occupiers and also the future occupiers of the approved dwellings, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

Councillor M W Helm left the Chamber for the next item of business.

8. **19/01214/OUT - LAND AT BELLSGATE, MALDON ROAD, LATCHINGDON**

Application Number	19/01214/OUT
Location	Land At Bellsgate, Maldon Road, Latchingdon
Proposal	Proposed detached dwelling.
Applicant	Mr Fred Dash
Agent	Mr Paul Harris
Target Decision Date	11/02/2020
Case Officer	Louise Staplehurst
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs P A Channer, CC Reason – LDP policies relating to Sustainable Development, Design Quality and the Built Environment, Settlement Boundaries and the Countryside and Replacement Dwellings.

A Members' Update had been submitted advising that no objections had been received from Essex Highways.

Councillor Channer, having called in the application, said that she knew the site and given it was clear there had been an original dwelling there had sympathy with the applicant. She said she recalled a like application some time back that had been refused by Committee and subsequently agreed by the Inspector.

The Lead Specialist Place said that previous like applications may have had intent to protect the property through for example continuous payment of Council Tax. However, that was not the case in this instance, where no tax had been paid for over twenty years, so the residential use had ceased, and the dwelling abandoned.

A debate ensued where concerns were raised about some of the reasons for refusal outlined in the report. The consensus was that a replacement dwelling rather than harmfully altering the character of the area or having an unacceptable visible impact would be an improvement. However, the Committee further agreed it should not be a two storey building.

Councillor Bell felt that a replacement dwelling would not have a harmful impact and therefore proposed that the application be approved, contrary to the Officer's recommendation. Councillor Fluker said that he supported the principle of a replacement dwelling but that it be conditioned to a reasonable height, with a caveat against a traditional two storey building.

Councillor Channer said she would support this with the proviso that the remaining conditions be delegated to officers in consultation with the Chairman and Ward Members.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation, subject to a caveat against a traditional two storey dwelling and a Unilateral Undertaking being submitted with conditions delegated to Officers in consultation with the Chairman and Ward Members, to the Committee. Upon a vote being taken the application was approved.

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

1. The development shall be carried out in accordance with plans and particulars relating to the appearance, access, landscaping, layout and scale of the site (hereinafter called 'the reserved matters') for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Application(s) for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
4. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted 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.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
5. No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.
REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.
6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilitiesREASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Local Development Plan.
7. No works above ground level shall take place until details of the surface water drainage scheme and foul drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and policy D5 of the Maldon District Local Development Plan.
8. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards, in accordance with policy T2 of the approved Maldon District Local Development Plan.

9. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

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

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

REASON: In the interest of the character and appearance of the area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

10. The development shall not exceed 7 metres in height overall.

REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

11. The eaves shall not exceed 3.5 metres in height and any first-floor accommodation shall only be located within the roof.

REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

12. 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 garages, extensions or separate buildings shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

13. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.

REASON: To protect the character and appearance of the site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

Councillor M W Helm returned to the Chamber.

There being no further items of business the Chairman closed the meeting at 8.53 pm.

R P F DEWICK
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
9 MARCH 2020**

Application Number	20/00070/HOUSE
Location	Wicke Pin, 9 Katonia Avenue, Mayland, Essex CM3 6AD
Proposal	Demolition of existing conservatory and erection of rear extension, front and rear dormer roof alterations and front porch
Applicant	Mr Michael Sullivan
Agent	Mr Kevin Schultz
Target Decision Date	18.03.2020
Case Officer	Annie Keen
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Cllr Helm Reason – Policy D1 and S8

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Wicke Pin, 9 Katonia Avenue, Mayland
20/00070/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	18/02/2020
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is situated on the eastern side of Katonia Avenue, located within the settlement boundary of Mayland. The building on site is a single storey detached bungalow with an adjoining garage. The streetscene is characterised by 1 ½ storey dwellings to the west with dormer windows and low set bungalows of a similar style to the east.
- 3.1.2 Planning permission is sought for the construction of a single storey rear extension with a roof lantern and alterations to the existing roof slope, creating three catslide dormers to the front elevation and one large catslide dormer to the rear. Permission is also sought for a flat roofed porch to the front of the dwelling. The development would result in the demolition of the existing rear conservatory and the removal of the existing rear facing rooflights and southern facing first floor window.
- 3.1.3 The proposed single storey rear extension would extend from the rear of the existing attached garage to a depth of 5.4 metres and wrap around the rear of the property to a full width of 12.2 metres. The extension would be 2.5 metres in height (2.7 including the lantern).
- 3.1.4 The proposed roof alteration to the front of the dwelling would result in three front catslide dormers measuring 1.5 metres in width and 2.8 metres in depth with a maximum roof height of 1.6 metres.
- 3.1.5 The proposed rear roof alteration which would result in a single catslide dormer would measure 5.3 metres in width and 1.7 metres in height with a depth of 3 metres.
- 3.1.6 The proposed porch would measure 2.3 metres in width and 1.3 metres in depth with a flat roof height of 2.5 metres.
- 3.1.7 The materials to be used in the construction of the development would be facing brick, concrete roof tiles and uPVC windows and doors to match the existing dwelling.
- 3.1.8 This application is a resubmission of application 19/01146/HOUSE, which proposed an increase in roof height, a single storey rear extension and front and rear dormer windows and was refused for the following reason:

The proposed first floor extension (which would not be a subservient addition), increase in roof height and four large dormer windows to the front roof slope would create a dwelling which would be of a bulk, height and appearance which would be entirely out-of-keeping with this part of Katonia Avenue to the detriment of the character and appearance of the area, contrary to policies D1 and H4 of the Maldon District Approved Local Development Plan and the Maldon District Design Guide.

- 3.1.9 The current application differs from the previously refused application due to there being no increase in roof height of the main dwelling, a decrease in the number of dormer windows to the front roof plane and a reduction in size of the rear facing

dormer window. The previously proposed pitched roof line to the dormers at the front and the flat roofed dormer to the rear have also been altered to a catslide style roof, whilst the previously proposed pitch roof to the porch has been altered to a flat roof.

3.2 Conclusion

- 3.2.1 It is considered, due to the proposed front roof alteration and porch, the development would harm the character and appearance of the host dwelling and locality. Whilst it is noted that the current proposal has been amended since the previous submission it is not considered to have overcome the harm highlighted at this time. It is therefore considered that the development would be contrary to policies D1 and H4 of the LDP and the 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:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 The principle of extending and altering an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

5.2 Design and Impact on the Character of the Area

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

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

“The 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”.

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

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

5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting

of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.2.6 Planning permission is sought for a single storey rear extension which would enable the creation of a larger living area and a larger garage. The proposed alterations to the roof would include front and rear facing dormer windows which would enable the creation of first floor living accommodation.
- 5.2.7 The proposed single storey rear extension, which would replace an existing conservatory of a similar scale and extend the rear of the existing garage, would be of a flat roof design with a roof lantern, windows to the northern elevation and doors to the rear elevation. The scale and position of the extension is such that it would not be highly visible from the streetscene. It is therefore considered the rear extension would be acceptable.
- 5.2.8 The proposed rear dormer window would be off set in the roof plane and features a shallow catslide roof design. Whilst the design is atypical of roof designs nearby, its location to the rear and that it would not be highly visible would reduce any harmful effects either on the property itself or the immediate area. Furthermore, this element could be constructed under permitted development without planning permission. It is considered when taking into account the fall-back position, on balance; the design of the rear dormer can be found acceptable.
- 5.2.9 The previously proposed roof alterations to the front of the dwelling included four pitched roof dormer windows with gabled fronts. Amendments have been made reducing the number of dormer windows from four to three and the pitched/gabled roofs have been amended to a catslide roof design, project from the ridge of the existing dwelling. Whilst it is acknowledged the dwellings to the west of Katonia Avenue (to the other side of the road) feature dormer windows to the front roof slopes, the dwellings to the south east of Katonia Avenue are almost uniform in nature and without front facing dormer windows. It is noted also the group of properties in the vicinity of the application site are of a smaller scale to the properties opposite with shallower roofs. The proposed dormer windows to the front roof slope would create an unacceptable feature that would appear dominant within the roof slope and be out-of-keeping with the character of the dwelling and the locality. The scale of dormer proposed would be excessive and disproportionate to the roof scape, distorting its proportions as compared to the properties opposite. Furthermore, the resulting harm caused by the dormer windows has been exacerbated by the addition of the catslide roof design.
- 5.2.10 Whilst the previous application considered the proposed porch to be acceptable the design of the porch has been altered, removing the pitched roof element. The proposed porch now features a flat roofed design which would project from the existing roof plane. Whilst the proposed porch is of a proportionate scale to the host dwelling, the proposed roofline would detract from the appearance of the host

dwelling, detrimentally impacting upon the appearance of the streetscene; this is considered to further reduce the limited architectural merit of the proposal.

- 5.2.11 It is therefore considered, based on the above assessment, that the proposed development would result in demonstrable harm to the character and appearance of the existing dwelling and the locality, contrary to policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 in 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.
- 5.3.2 The proposed rear extension would be located 1 metre from both the boundaries shared with No.10 and No.8 Katonia Avenue. The rear projection is single storey and hosts an overall height of 2.7 metres with the same depth as the existing conservatory. It is therefore considered that the proposed rear extension would not result in overshadowing or dominance of the neighbouring properties.
- 5.3.3 It is proposed to install three first floor dormer windows to the front elevation and one large dormer window to the rear elevation of the dwelling. No windows are proposed on the flank elevations of the dwelling however, it is noted that the development will remove one first floor window located within the southern elevation.
- 5.3.4 The proposed first floor dormer window to the rear provides a principal view over the rear garden of the application site, which is not uncommon within an urbanised area. The proposed three front dormer windows would be sited approximately 17m from the adjacent properties No.31 and No.30A Katonia Avenue. Due to the degree of separation it is not considered the proposal would result in an unneighbourly form of development in relation to the adjacent properties.
- 5.3.5 The proposed porch to the front of the dwelling would be single storey and small in nature. It is therefore considered due to its position and separation distance the porch would not result in overlooking, loss of light or loss of privacy to neighbouring occupiers.
- 5.3.6 It is noted the Parish Council object to the scheme on amenity grounds, however, these concerns are not supported having regard to the Councils design policies which seek to prevent harm to neighbouring amenity from new development as stated above.
- 5.3.7 It is consequently considered that the proposal would not result in a detrimental impact on the residential amenity of neighbouring occupiers in terms of overlooking, dominance or overshadowing. Therefore, the proposal is considered to be in accordance with this aspect of policies D1 and H4 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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.

- 5.4.2 The proposed development increases the number of bedrooms within the dwelling from two to three. The adopted Vehicle Parking Standards require a three-bedroom dwelling to have provision for a minimum of two car parking spaces measuring 2.9 metres wide by 5.5 metres deep. The plans show there would be adequate space to the front of the dwelling for two vehicles and an additional space within the existing garage. The concerns raised by the Parish Council are therefore not supported on the basis of the Council's adopted parking standards. It is therefore considered the development would be in accordance with 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 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 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 25m² for flats.
- 5.5.2 The existing garden on-site measures in excess of the standard contained within the Maldon Design Guide of 100m². Whilst it is noted that the proposed development would result in the loss of some garden space the remaining area would still be in excess of the MDDG and therefore the proposed development is in accordance with policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
MAR/268/62	12 bungalows and garages	Approved
MAR/268/62/1	3 bungalows and garages	Approved
19/01146/HOUSE	Removal of existing conservatory and erection of rear single storey extension, roof extension and conversion to bedrooms and front porch.	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	Recommend refusal of planning permission due to	Please see sections 5.2 5.3 and 5.4

Name of Parish / Town Council	Comment	Officer Response
	overlooking neighbours and rear gardens, overdevelopment, loss of light for neighbouring properties and parking issues.	

7.2 Representations received from Interested Parties

7.2.1 No representations were received for this application.

8. PROPOSED REASONS FOR REFUSAL

- 1 The proposed front dormer windows and porch, by reason of scale and design, would be out-of-keeping and to the detriment of the character and appearance of the host dwelling and the locality. The development would therefore be contrary to policies D1 and H4 of the Maldon District Local Development Plan, Maldon District Design Guide and the policies contained within the NPPF.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
9 MARCH 2020**

Application Number	20/00084/HOUSE
Location	Northfleet, Grange Avenue, Mayland, Essex CM3 6BG
Proposal	First floor extension to create a two storey dwelling, incorporating rooflights and recessed balconies, erection of single storey side extension and 2No. two storey side extensions and a triple bay garage
Applicant	Mr Robert Shaw
Agent	Mr Oliver Beacham - Do Architecture + Design
Target Decision Date	25.03.2020
Case Officer	Annie Keen
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Cllr Penny Channer Reason – Policies regarding design, sustainability and extensions

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Northfleet, Grange Avenue, Mayland
20/00084/HOUSE

The map shows a large rectangular area highlighted with red hatching, situated between Grange Avenue and the railway line. Various landmarks and buildings are labeled, including Grange Farm, Angle House, Sunnyside, Pauline Farm, and Siskin Lodge Farm. A scale bar at the bottom right indicates distances from 0 to 0.1 km.

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For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North East Area Committee
	Date:	19/02/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is situated on the eastern side of Grange Avenue, outside of the settlement boundary of Mayland. The building on-site is a single storey detached bungalow with a garage to the rear of the dwelling. The bungalow is finished in red brick with white windows and red guttering. The streetscene is characterised by single storey and two storey dwellings of various styles.
- 3.1.2 Planning permission is sought for the construction of a first-floor extension (in the form of accommodation in an extended roof) including rooflights and two recessed balconies. The proposal includes a single storey side extension, two 2 storey gable ended side extensions and a detached triple bay garage.
- 3.1.3 The proposed first floor extension would measure 8.1 metres in width and 25 metres in depth (the full depth of the existing ground floor) with an eaves height of 3.1 metres (maintaining the existing eaves along the length of the building) and an overall roof height of 7.1 metres to the ridge (an increase on the existing ridge of 1.9 metres. The proposed recessed balcony to the east would measure 3.5 metres in depth and 6.1 metres in width.
- 3.1.4 The proposed 2 storey gable end north facing side projection is set back 7.7m from the western (street facing) elevation and would measure 4 metres in width and 8 metres in depth with an eaves height of 3.1 metres and a maximum roof height of 7.1 metres to the main ridgetop of the gable style roof in a perpendicular alignment. The proposed recessed balcony at first floor level would measure 0.7 metres in depth and 5.4 metres in width.
- 3.1.5 The proposed single storey side extension to the north would measure 10.8 metres in depth and 4 metres in width, with a flat roof height of 3.1 metres.
- 3.1.6 The proposed 2 storey southern facing projection would measure 1.1 metres in width and 5 metres in depth with an eaves height of 4.6 metres and an overall height of 7.1 metres to the main ridge in a similar arrangement to the northern 2 storey extension.
- 3.1.7 The proposed triple bay garage would measure 9.6 metres in width and 6.6 metres in depth with a ridge height of 5.7 metres.
- 3.1.8 The proposed chimney to the western (street facing) elevation would measure 8.6 metres in height and a maximum of 2.7 metres in width.
- 3.1.9 The materials to be used in the construction would be mid grey composite horizontal cladding and treated larch cladding to the balcony areas. The roofing material would be composite blue-black slate tiles with anthracite grey uPVC windows and doors and glass balustrades. The proposed boundary treatments would be a horizontal slatted fence and posts in treated timber with the hardstanding areas being tarmac and gravel.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against all material planning considerations including the relationship of the development to the street. As such, it is considered that due to its design and orientation, the proposal would be out-of-keeping with the general arrangement and presentation of properties in the streetscene, resulting in detrimental harm to its character and appearance contrary to policies D1 and H4 of the Local Development Plan (LDP), Maldon District Design Guide(MDDG) and the policies contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 54 – 57 Planning conditions and obligations
- 117 – 123 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:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations

indicate otherwise. In this case the development plan comprises of the approved LDP.

- 5.1.2 The principle of extending and altering an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

5.2 Design and Impact on the Character of the Area

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

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

“The 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”.

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;

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

- 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 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.7 The proposed development involves an increase in roof height of the existing bungalow of 1.9m, which together with two, two storey gable ended side extensions, rooflights and recessed balconies at first floor, would substantially increase the residential accommodation and appearance of the existing dwelling. The design is characterised by a gallery style entrance to the south which would create a semi glass façade with the front door being central within the southern projection. The general design approach of the proposal, including also recessed balconies, single storey side extension, garage and materials, is unobjectionable.
- 5.2.8 However, concern is raised with regard to the position of the principle or main elevation of the building. In planning terms, the principle elevation means the front of the house, and which normally faces the road. The principle elevation can also be that face of the building which has the most significant features or characteristics or be the most important elevation of the building. The existing property for example has its significant windows, which are bay window designed, facing the street and the front door located to the side in an unobtrusive position. The proposal has designed the west elevation (the elevation facing the street) to contain an externally extruded chimney stack within a substantial flank gable end, this has removed the architecturally interesting feature from the streetscene. The chimney stack and gable are dominant and visually unengaging features in this elevation and would be highly visible in the streetscene and gives the appearance of a building which is turned the wrong way in the plot and does not interact with the streetscene. This design is at odds with the general form, character and orientation of properties in the street.
- 5.2.9 The streetscene itself is characterised by a mix of two storey and single storey dwellings of varying designs, with the neighbouring property to the north being a two-storey dwelling and the dwellings to the south being single storey in nature. These dwellings face towards the road, positively contributing towards the streetscene. The proposed dwelling, as noted above, is orientated towards the west with the flank wall facing towards the street to the detriment of the streetscene and the locality and is therefore contrary to policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 in 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. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.3.2 The 2-storey extension of the proposed development would be situated 5.8 metres from the southern boundary shared with 'The Conifers'. Due to the separation distance it is considered the proposed development would not result in an overshadowing of the neighbouring occupiers or be unduly overbearing. However, whilst the view from the ground floor southern facing windows would be no different than existing, it is considered the proposed window to the first floor of the southern projection (behind which is a gallery) and rooflights to the southern roof slope, could result in overlooking of the neighbouring occupiers resulting in overlooking and the perception of being overlooked and a consequent loss of privacy. The proposal in this respect would be contrary to policies D1 and H4 of the LDP.
- 5.3.3 The proposed development would be situated 23.1 metres from the neighbouring dwelling to the north, 'Anglia House'. Due to this separation distance it is considered the proposed development would not result in overlooking, overshadowing or be unduly overbearing of the neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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.
- 5.4.2 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.
- 5.4.3 The existing dwelling on-site has five bedrooms, the proposed development would not result in an increased number of bedrooms on-site and whilst the proposed garage would fall under the required size for a triple garage of 9 metres in width and 7 metres in depth, it is considered due to the size of the plot there would be sufficient space for the parking of three vehicles or more to the front of the property. It is therefore considered; the development would be in accordance with 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 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 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 25m² for flats.
- 5.5.2 The existing garden on-site measures in excess of the standard contained within the Maldon Design Guide of 100m². Whilst it is noted that the proposed development would result in the loss of some garden space the remaining area would still be in excess of the MDDG and therefore the proposed development is in accordance with policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- 6.1 There is no relevant planning history for the site.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	No response at time of writing	Noted

7.2 Representations received from Interested Parties

- 7.2.1 No representations were received for this application.

8. REASONS FOR REFUSAL

- 1 Due to its design, position and orientation to the street, the proposal would be of limited architectural merit and out-of-keeping with the general character and arrangement of neighbouring properties. This would result in harm to the appearance of the dwelling, the streetscene and the locality in general. The development would therefore be contrary to policies D1 and H4 of the Maldon District Local Development Plan, Maldon District Design Guide and the policies contained within the NPPF.
- 2 The proposed windows in the southern gable wall and the roof, by reason of their design and proximity to the neighbouring property 'The Conifers' would result in overlooking and the perception of being overlooked, to the detriment of the occupiers of this dwelling, and therefore would be contrary to policies D1 and H4 of the Maldon LDP.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
9 MARCH 2020**

Application Number	20/00087/OUT
Location	Land East Of Charwood, Stoney Hills, Burnham-On-Crouch
Proposal	Outline application with all matters reserved for a 2 storey 4 bedroom house.
Applicant	Mrs Doris Grady
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	23.03.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

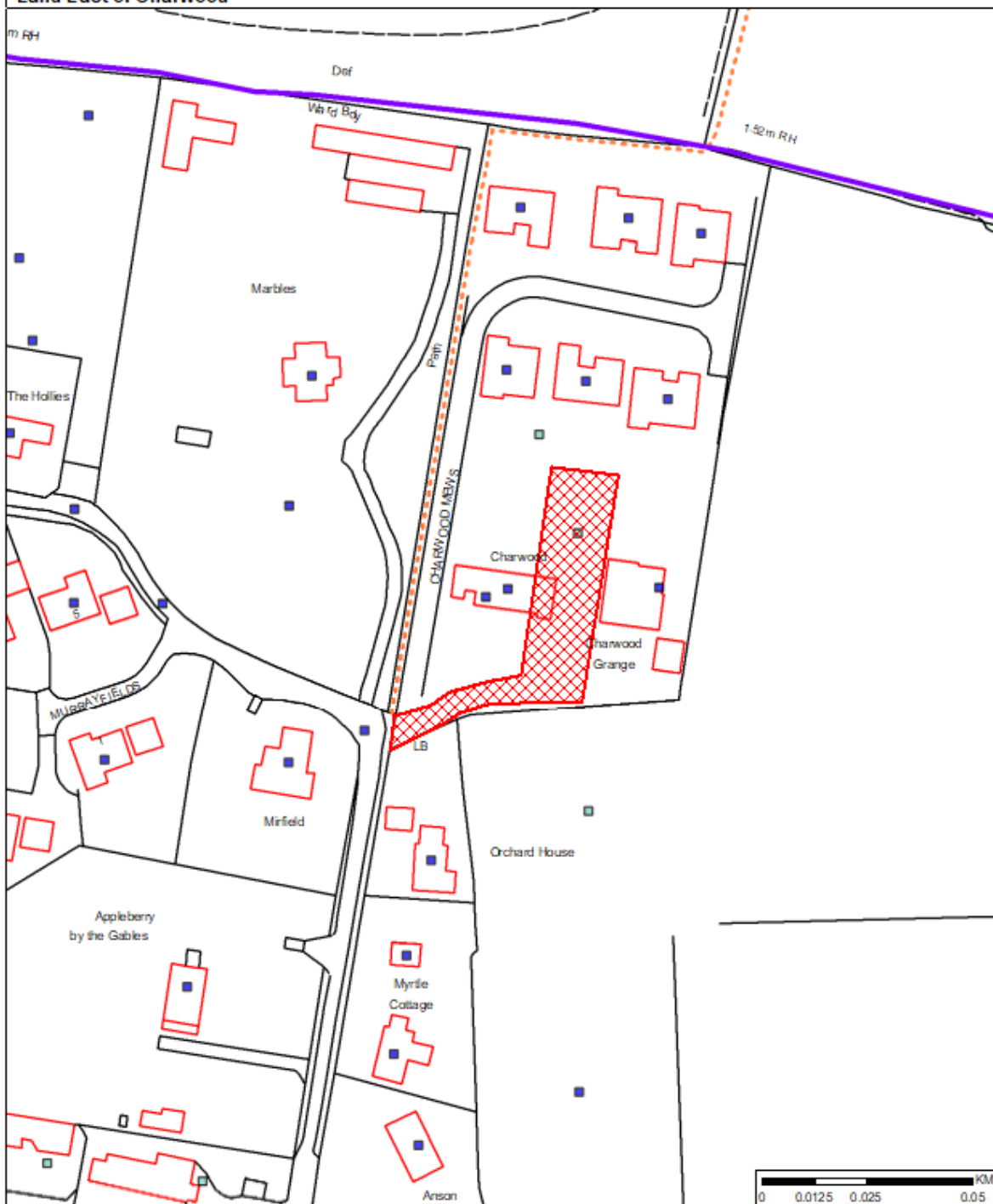
1. RECOMMENDATION


APPROVE subject to a signed Unilateral Undertaking to confirm that the developer will contribute to Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex RAMS) and the conditions (as detailed in Section 9 of this report).

2. SITE MAP

Please see overleaf.

20/00087/OUT
Land East of Charwood



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	21/02/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located on the north eastern side of Stoney Hills and within the curtilage of Charwoods. The site would be situated to the east of Charwoods, the west of Charwood Grange and to the south of an existing development which comprises of six bungalows.
- 3.1.2 Charwoods, to the west of the application site, is a two-storey dwelling with a gable style roof, a single storey side projection and a conservatory to the rear. It is finished in cream coloured render with wooden coloured windows. To the north is a group of six bungalows, Charwood Mews, which are currently under construction (following approval under 18/00217/FUL). The bungalows are of varying styles and finished in either red brick, render or weatherboarding. The surrounding area comprises of dwellings of varied mass, form and design.
- 3.1.3 The area of Stoney Hills, within which the application site sits, is located outside of the settlement boundary of Burnham-on-Crouch. Originally the area comprised of mainly large detached dwellings, set within large plots. The area has been the subject of many redevelopment proposals over recent years which have significantly changed its character, adopting a less homogeneous or uniformed appearance. The area now comprises of a number of groups of new build dwellings, notably at land west of Mirfield (14/00224/OUT), three dwellings permitted at The Hollies (16/00408/FUL) and six bungalows currently being under construction north of Charwood (18/00217/FUL). It is also noted that a number of dwellings have recently been allowed on appeal, including six bungalows to the rear of Myrtle Cottage (APP/X1545/W/17/3187513), two dwellings to the rear of Hedge End (APP/X1545/W/18/3198533), four dwellings to the north of Hillcrest (APP/X1545/W/18/3211805) and three dwellings at Stapleton (APP/X1545/W/18/3207171).
- 3.1.4 Further applications include 18/01477/FUL at Grove Farm for four dwellings, 19/00400/FUL at Myrtle Cottage for one dwelling, 19/00681/FUL to the south of Charwood for six dwellings, 19/00864/FUL to the north of Charwood for one dwelling and 19/01189/FUL for three dwellings to the south of Charwood.
- 3.1.5 Overall the character of the area has been turned into a more suburban residential area, with a large number of properties being accessed via a single-track road.

Description of proposal

- 3.1.6 Outline planning permission is sought for the erection of a two-storey four-bedroom dwelling, with associated off-street parking to the front and private amenity space. The outline application procedure allows for applicants to identify specific matters for consideration which includes the principle of development, layout, access, scale, appearance and landscaping. This application is to consider the principle of the

development only. The considerations of access, scale, appearance and landscaping will form the subsequent reserved matters applications, should outline permission be granted for this proposal. Nevertheless, all material planning considerations are relevant where applicable to this application.

- 3.1.7 The application is supported by an indicative block plan which shows the access to the south of the site, with parking and a driveway to the front of the house and the amenity space to the rear. It is noted that the eastern side projection (annexe) of the dwelling known as Charwoods would be removed to facilitate this development.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against all material planning considerations, including the previous permissions and appeals allowed within Stoney Hills for similar types of developments, and as such it is considered that the principle of erecting one dwelling within the envelope of the developed area of Stoney Hills is acceptable. It is considered that development would not have a discordant impact on the character and appearance of the area or the intrinsic beauty of the countryside. No objection is raised in relation to the impact of the development on residential amenity, parking provision or amenity space. Therefore, subject to appropriate conditions, the development is considered acceptable and in accordance with the aims of the Local Development Plan (LDP) and National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 77-79 Rural Housing
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment

- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

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

- Policy HO.1 – New Residential Development
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.8 – Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises of the approved LDP.
- 5.1.2 Policies S1, S2 and S8 of the LDP seek to support sustainable development within the defined settlement boundaries to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 The application site lies beyond the development boundaries of Burnham-on-Crouch but is within the curtilage of an existing dwelling. Stoney Hills forms a separate ‘suburban’ style development, north of the main settlement of Burnham-on-Crouch and extending into the open countryside.
- 5.1.4 Policy HO.1 of the Burnham Neighbourhood Plan states that *“Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan”*.
- 5.1.5 Although the proposed development is a departure from the LDP, consideration should be had to the evolved character of Stoney Hills and recent appeal decisions in

the area for similar proposals to erect new dwellings, as this is a material planning consideration (as noted in 5.1.1 above).

- 5.1.6 It is noted that a number of new dwellings have been approved and some of them already constructed in the area in recent years . On each occasion it has been acknowledged that whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is considered to be in a sustainable location. It has also been acknowledged that the character of the area has evolved over time, so it is no longer an area of scattered residential development but a more suburban residential area.
- 5.1.7 The most recent appeal decision in Stoney Hills concerned the demolition of an existing dwelling and the erection of three dwellings (Stapleton, Stoney Hills, Burnham-On-Crouch CM0 8QA - Appeal Ref: APP/X1545/W/18/3207171, dated 8 May 2019). The Inspector, in relation to the character of the area, stated *“in recent years a number of planning permissions have been approved for new housing development within these large plots, built around shared access driveways. Examples of these include new housing developments at: Mirfield (Council Reference: 14/00224/OUT, allowed on appeal); the Hollies (Council References: 16/00408/FUL and 16/00849/OUT); Hilcrest (Council Reference: 16/00196/OUT); and Sunnyside (Council Reference: 17/00735/OUT). A number of these new developments have been carried out and I observed during my site visit that the character of the area has changed from a rural one to more suburban residential character. I also observed that house sizes, design and styles vary considerably within the area”*.
- 5.1.8 A similar approach was taken from another Inspector assessing a proposal for the erection for two dwellings at Hedge End (Appeal Ref: APP/X1545/W/18/3198533, dated 28 September 2018), where it was stated that *“The area’s character appears to have changed gradually from a more rural and scattered environment as a result of development of single dwellings or groups of dwellings. The existing pattern of development across Stoney Hills includes detached bungalows and two-storey houses, some of which are sited in larger plots and others are located in cul-de-sacs off the main road through the area. The design, size and appearance of houses and bungalows throughout Stoney Hills varies considerably”*.
- 5.1.9 The same argument has been reiterated in another two recent permissions, allowed on appeal for the erection of four dwellings at the land north of Hillcrest (Appeal Ref: APP/X1545/W/18/3211805, dated 2 May 2019 - 18/00895/FUL) and that the erection of six dwellings at the land to the south east of the application site (Land South of Charwood, Stoney Hills, Burnham-on-Crouch CM0 8QA, Appeal A Ref: APP/X1545/W/17/3187513, dated 28 September 2018 - 17/00752/OUT). Furthermore, it must be noted that costs were awarded against the Council for these appeals, as it was considered that the refusal of the planning application was grounds for unreasonable behaviour.
- 5.1.10 Having regard to the abovementioned appeal decisions and many others that have been previously allowed and some of them implemented, it is considered that the acceptability of the principle of additional residential accommodation in the area of Stoney Hills has been established. The application site is clearly contained within a residential enclave and would not represent sprawl into the open countryside. For the

reasons stated, it is considered the introduction of a new dwelling in this location is acceptable.

5.1.11 According to policy H4 '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.*

5.1.12 The proposal would form part of the amenity area of Charwood, however it should be noted that the development itself would still create dedicated amenity space beyond the minimum standards as set out in the MDDG. The proposal would not result in loss of land which is of local, social, economic, historic or environmental significance and the site is not known to host any important landscape, heritage features or ecology interests.

5.1.13 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. In this instance, it is considered that one additional dwelling would not impose an additional burden on existing infrastructure to an extent that would justify the refusal of the application.

5.1.14 On the basis of the above assessment, the principle of the proposed development is considered acceptable. Other material considerations relating to the impact of the development on the character of the countryside, the living conditions of the future and neighbouring occupiers, highways issues and ecology are assessed below.

5.2 Housing Need and Supply

5.2.1 The proposal would contribute towards the District's housing supply, but this would only weigh slightly in favour of the proposal as the District can demonstrate a deliverable 5-year housing land supply and the proposal is only for one dwelling. The NPPF, however, seeks to boost significantly the supply of housing and it is acknowledged that the Council's housing requirement is not a ceiling to development.

5.2.2 Policy H2 of the LDP, which, when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings with three or more bedrooms, with less than half the national average for one and two bedrooms units in the district. 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 (2014) identifies the same need for 60% of new housing to be for one or two bedroom units and 40% of housing to be for three bedroom plus units. The proposal is for a four-bedroom dwelling and therefore this would not make a significant contribution to the District's Housing Need and this weighs against the development. Although it is accepted that the

Council can demonstrate a housing supply in excess of five years, it is considered for all the reasons explained in the ‘Principle of Development’ section of the report, it would be unreasonable to raise an objection to the proposed dwelling at this location.

5.3 Design and Impact on the Character of the Area

5.3.1 The planning system promotes high quality development through inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning, and 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;*

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

5.3.5 Appendix 2 in conjunction with policy HO.8 of the Burnham-on-Crouch Neighbourhood Plan highlights the housing design principles. In particular, principle NHD.9 states that *“The design of new homes in the area should reflect the materials, forms and scale of traditional local buildings. Sensitive modern interpretations of the local vernacular are encouraged, and the town centre conservation area provides many high quality examples of local forms”.*

5.3.6 The application site lies outside the defined settlement boundaries. 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 As stated above, the site is located outside of the defined settlement boundaries of the District, but within the boundary of an existing dwelling and within the envelope of the residential area of Stoney Hills. The site is contained within the existing envelope of development, with residential development to the north, south and east of the site. On that basis, it is considered that the development would not result in demonstrable harm on the visual amenity of the countryside, in terms of sprawling development onto the open countryside or result in unacceptable urbanisation effect.
- 5.3.8 The plans submitted as part of this application are indicative in nature. However, it is noted that a dwelling constructed at this site would be likely to be oriented facing the access to the south, which is in line with the arrangement of the dwellings to the west (Charwood) and east (Charwood Grange). It is not uncommon for dwellings within this area to fill the width of their plots and therefore the positioning of the dwelling at this site would be in keeping with the pattern of development in the area.
- 5.3.9 It is therefore considered that constructing a dwelling in this location would not be harmful to the character of the area. The development would accord with policies S8, D1 and H4 of the LDP, the housing design principles set out in the Neighbourhood Plan and the guidance contained within the MDDG and NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 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.
- 5.4.2 The application site is surrounded by a mixture of single storey and two storey dwellings, however, whilst the proposal would increase the activity levels of the site it is considered this would not be materially harmful to the residential amenity of neighbouring occupiers by way of noise and disturbance.
- 5.4.3 The dwelling known as Charwood is located on the western side of the site. An annexe attached to Charwood would be demolished to facilitate the development of the proposed dwelling. It is considered that a dwelling could be positioned within the application site so that it would not result in significant harm to this neighbouring site by way of a loss of privacy or a loss of light.
- 5.4.4 Charwood Grange is located on the eastern side of the application site. There are four obscure glazed ground floor windows on the west side elevation which serve the kitchen and utility room and two first floor obscure glazed windows on the west side elevation which serve bathrooms. This neighbour is set 1 metre from the shared boundary with the application site. Whilst the plans submitted are indicative, it is considered that a dwelling could be positioned within the application site with enough of a separation distance between itself and Charwood Grange so that there would not be a demonstrable impact in terms of a loss of privacy or a loss of light.

- 5.4.5 A dwelling has been approved to the north of the site under application 19/00864/FUL. The rear of the proposed dwelling would look towards the amenity space for the dwelling approved under 19/00864/FUL. The indicative plans show the proposed dwelling a minimum distance of 9.1 metres from the northern boundary. Whilst this distance would be likely to result in a loss of privacy to the garden area of this neighbouring site, it is noted that the plans are indicative and therefore it is considered that a dwelling could be positioned within the site without having a harmful or significant loss of privacy to this neighbour.
- 5.4.6 Application 19/01189/FUL approved 3 dwellings to the south of the site. Due to the positioning of these dwellings, the separation distance of at least 10 metres between the closest of these dwellings and the northern boundary of the access to the application site and the positioning of this road between these sites, it is not considered that the construction of a dwelling on the application site would have a harmful impact on the residential amenity of these neighbouring sites.
- 5.4.7 It is therefore considered that, subject to consideration given to the scale and design of the proposed dwelling and the positioning of windows, the proposed dwelling could be positioned within the site without having a demonstrable impact on the residential amenity of neighbouring sites.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 of the LDP 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, which are expressed as minimum 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.
- 5.5.2 Access to the site would be gained off of Stoney Hills, via an existing access which runs to the west of Charwood. The Highway Authority has been consulted, however, no response has been received at the time of writing this report. It is noted that footpath number 5 runs adjacent to the site known as Charwoods (to the west of the application site) however it is not considered necessary to include a condition requiring the footpath to remain unobstructed as it is located outside of the application site.
- 5.5.3 A four-bedroom dwelling requires three car parking spaces measuring 2.9 metres wide by 5.5 metres deep, as stated within the Maldon District Vehicle Parking Standards SPD. The plans show the development would be able to provide two off street spaces of these dimensions, however due to the size of the front garden, it is considered that three parking spaces of these dimensions could be provided at the site subject to design and ensuring a convenient and safe pedestrian access to the front door of the development is provided in any reserved matters application.

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.6.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as supplementary planning guidance to support its policies in assessing applications for

residential schemes. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.

- 5.6.2 Whilst the plans are indicative, due to the size of the site, it is considered that a private amenity area of over 100 square metres could be provided at the site. Furthermore, there would be sufficient amenity space remaining at Charwoods, after the subdivision of the site to facilitate the development.
- 5.6.3 Due to the size of the plot, the dwelling could be positioned within the site so that the future occupiers of the dwelling would have suitable living conditions in terms of daylight and sunlight, outlook, access.

5.7 Ecology regarding development within the Zone of Influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.7.1 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 residential developments could potentially have a significant effect on the sensitive features of these coastal European Designated Sites, through increased recreational pressure etc.
- 5.7.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with Natural England's requirements and standard advice an 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. The findings from the HRA Stage 1: Screening Assessment are listed below:

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 application relates to one dwelling.

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

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.

- 5.7.3 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 impact on the integrity of the 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.

- 5.7.4 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 stage of preparation of the emerging strategy, it is considered that material weight should be given to the document and its requirement to mitigate the impact of the development on the European Designated Sites. A flat rate tariff of £122.30 per new dwelling is identified within the submitted Coastal Recreational Avoidance and Mitigation Strategy as the contribution to mitigate the impact of a new residential property. The agent has confirmed that the developer is agreeable to signing and submitting a legal agreement to secure the abovementioned contribution. Therefore, should this be forthcoming the impact of the development will be considered to be mitigated. An update in this respect will be provided within the Members' Update.

5.8 Other Material Considerations

Contamination

- 5.8.1 Policy D2 of the Approved MDLDP states that where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. The Council will expect development proposals to take into account environmental issues such as air quality, water consumption and quality, drainage, sewerage, energy, noise, light, waste, contamination, design and building materials.
- 5.8.2 It is noted from previous applications within Stoney Hills that historical maps provide evidence of gravel pits in the Stoney Hills area. Recent development at Stoney Hills has also revealed materials typical of landfill sites and further analysis has shown concentrations of substances that have the potential to present a risk of harm. Due to this, if the application were to be approved, a condition could be imposed to mitigate any contamination risks.

6 Pre-Commencement Conditions

- 6.1 One pre-commencement condition is recommended in relation to a Construction Method Statement and approval for the use of this condition has been provided by the applicant's agent on 25 February 2020.

7 ANY RELEVANT SITE HISTORY

- No relevant planning history for this site however relevant planning history for Stoney Hills has been discussed above.

8 CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No response at the time of writing the report.	Comments noted

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No response at the time of writing this report.	Any comments will be included within the members update.

8.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objections subject to a condition relating to surface water drainage.	Comments noted

8.4 No representations have been received for this application.

9. PROPOSED CONDITIONS

1. The development shall be carried out in accordance with plans and particulars relating to the appearance, access, landscaping, layout and scale of the site (hereinafter called “the reserved matters”), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON The application as submitted does not give particulars sufficient for consideration of the reserved matters.
2. Applications(s) for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
REASON To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
4. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted 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.

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

5. No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.

REASON In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan.

6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body 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 Local Development Plan.

7. No works above ground level shall take place until details of the surface water drainage scheme and foul drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and policy D5 of the Maldon District Local Development Plan.

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

REASON To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards, in accordance with policy T2 of the approved Maldon District Local Development Plan.

9. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;

- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

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

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

REASON In the interest of the character and appearance of the area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

10. If during the course of development any contamination is found which has not been previously identified, work shall be suspended and measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and shall be approved in writing by the local planning authority.

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

11. 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 garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

12. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.