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

25 August 2020

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 2 SEPTEMBER 2020 at 1.00 pm.**

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream on the Council's website:

<https://democracy.maldon.gov.uk/ieListDocuments.aspx?CIId=151&MIId=2152>

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

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AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 2 SEPTEMBER 2020

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 5 August 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. **20/00411/FUL - Land South of Red Lyons Lodge, Burnham Road, Latchingdon, Essex** (Pages 17 - 32)

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

6. **20/00452/FUL - Millfields Caravan Park, Millfields, Burnham-on-Crouch** (Pages 33 - 42)

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

7. **20/00459/FUL - Abaco House, Foxhall Road, Southminster, Essex** (Pages 43 - 54)

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

8. **20/00549/OUT - Land Adjacent to 64 Southminster Road, Tillingham** (Pages 55 - 66)

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

9. **20/00552/FUL - 1 Stones Park, Stoney Hills, Burnham-on-Crouch** (Pages 67 - 80)

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

10. **20/00577/FUL- Land Adjacent 20 Chapel Lane, Tillingham** (Pages 81 - 98)

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

11. **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 is available 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 participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5 -10
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting www.maldon.gov.uk/publicparticipation.
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 and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

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
5 AUGUST 2020**

PRESENT

Chairman	Councillor
Vice-Chairman	Councillor M W Helm
Councillors	M G Bassenger, R G Boyce MBE, Mrs P A Channer, CC, A S Fluker, A L Hull, N J Skeens and W Stamp
In Attendance	Councillors C Morris and R H Siddall

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and took Members through some general housekeeping issues together with the etiquette for the meeting. He then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B S Beale, V J Bell and R P F Dewick.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 August 2020 be approved and confirmed.

4. DISCLOSURE OF INTEREST

All Committee Members declared a non-pecuniary interest in Agenda Item 9- 20/00345/FUL, Land Adjacent Orchard House, Nipsells Chase, Manyland, Essex, as they knew the applicant.

Councillor A S Fluker declared in the interest of openness and transparency on Agenda Item 5- 19/01335/OUT, Land Adjacent Theedhams Farm, Steeple Road, Southminster and Agenda Item 7- 20/00404/FUL, Dengie Hundred Sports Centre, Burnham-On-Crouch as he knew the applicants.

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

Councillor A L Hull declared a non-pecuniary interest in Agenda Item 5-19/01335/OUT, Land Adjacent Theedhams Farm, Steeple Road, Southminster as she knew the applicant.

Councillor W Stamp declared a non-pecuniary interest in all items on the agenda as in her role as Mayor she had met a wide range of people, including various planning applicants.

5. **19/01335/OUT - LAND ADJACENT THEEDHAMS FARM, STEEPLE ROAD, SOUTHMINSTER**

Application Number	19/01335/OUT
Location	Land Adjacent Theedhams Farm Steeple Road Southminster
Proposal	Demolition of existing building and construction of new building to be divided into up to 8 business units for use Class B1 and/ or use Class D1 purposes.
Applicant	Mr Bradley Faulkner - BF Ground Maintenance Ltd
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	21.07.2020
Case Officer	Kathryn Mathews
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major application Member call-in by Councillor Fluker with regards to the following policies: S1 Sustainable Development 8) Flooding 13) Modes of transport S7 Prosperous Rural Communities D1 Design Quality and Built Environment D5 Flood Risk and Coastal Management 1) Increase to flood risk D6 Advertisements E1 Employment E4 Agriculture and Rural Diversification H4 Effective use of land

Following the Officer's presentation, the Chairman addressed a public participation submission from the Applicant, Bradley Faulkner.

The Chairman then moved the Officer recommendation that planning application 19/01335/OUT – Land adjacent Theedhams Farm, Steeple Road, Southminster be refused for the reasons as detailed in section 8 of the report and this was seconded by Councillor Channer.

Cllr Fluker, having called-in the application, said that whilst he sympathised with the applicant as this was a difficult site as outlined in the report, he agreed with the Officer's recommendation.

The Chairman then put the officer's recommendation of refusal to the Committee. Upon a vote being taken it was refused.

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

1. The applicant has failed to meet the requirements of the Sequential Test and, therefore, the proposal is unacceptable on flood risk grounds, contrary to Policy S1 and D5 of the Maldon District Approved Local Development Plan and the NPPF.
2. The application site is located in a visually prominent location, at the junction of Steeple Road and Scotts Hill/Queen Street. Whilst the layout of the site and the appearance of the building proposed is indicative, a building with the amount of floorspace proposed has the potential to be of a size, height and position which would be visually incongruous within the street scene, to the detriment of the character and appearance of the area, contrary to Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

6. 20/00097/FUL - FORMER PETTICROWS BOATYARD, THE QUAY, BURNHAM-ON-CROUCH

Application Number	20/00097/FUL
Location	Former Petticrows Boatyard, The Quay, Burnham-on-Crouch
Proposal	Demolition of existing building and erection of a residential institution (C2 Use Class) to accommodate 75 specialist assisted living elderly persons units, including restaurant/bar, cafe, tv room, wellbeing suite, quiet area, consultation room and other communal facilities, together with vehicular and pedestrian accesses, car parking, amenity space and landscaping.
Applicant	McLaren Senior Living
Agent	Mr Michael Carpenter – CODE Development Planners Ltd
Target Decision Date	12.08.2020
Case Officer	Devan Hearnah
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Major Application

A Members' Update was received detailing the principle of development together with comments from statutory consultees and other interested parties.

Following the Officer's presentation, the Chairman addressed two public participation submissions, one from an Objector, Diana Bailey and one from the Applicant, Michael Carpenter.

The Chairman then moved the Officer's recommendation that planning application 20/00097/FUL – Former Petticrows Boatyard, The Quay, Burnham-on-Crouch be

refused for the reasons as detailed in section 8 of the report. This was seconded by Councillor Skeens.

A debate ensued where the overarching concern was the dominant nature of the proposed development on the town itself. Councillor Skeens commented that it was outside the strategic development area and in its current form would dwarf the town. Were it to be approved in any form going forward it should be considerably smaller. Councillor Fluker agreed and said that any future development should be more appropriate to the site.

Councillor Stamp said she had some sympathy with the applicant and proposed that the application be deferred for reconsideration by the statutory consultees and submitted to the District Planning Committee for decision. This was not seconded.

The Chairman put the duly seconded Officer's recommendation of refusal to the Committee. Upon a vote being taken the application was refused.

It was noted that Councillor Channer had experienced some technical difficulties and in accordance with Section 4, paragraph 4.7 of the Remote Meeting Protocol (May 2020) did not vote on this item of business.

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

- 1 The proposed development would result in the loss of employment land and a Protected Primary River Related Use. Insufficient justification or evidence has been provided for the loss of this land by way of evidence that the existing use demonstrably harms the character and appearance of the area, the proposed use would be of greater benefit to the community, or that the site has been effectively marketed for sale and that there is a confirmed lack of interest. The development would therefore have an adverse impact on the limited supply of employment generating land, contrary to policy E1 of the approved Maldon District Local Development Plan, Policy RI.3 of the Burnham-on-Crouch Neighbourhood Development Plan and guidance contained in the National Planning Policy Framework (2019).
- 2 It has not been satisfactorily demonstrated that there is a need for the development proposed C2 Use, particularly in Burnham-on-Crouch, due to the impacts of other planning permissions for similar developments across the Town and District. Therefore, it is not possible to conclude that the development would not result in an over concentration of C2 uses within Burnham-on-Crouch and an in-migration of the elderly population contrary to Policies S2 and H3 of the Local Development Plan.
- 3 The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five-year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside and the locality

as a result of the excessive scale, mass and bulk of the development. Furthermore, the design of the development would create an out of keeping form of development which would exacerbate the impact on the character and appearance of the area and the locality. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan (2017), Policies HC.2 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and Government advice contained within the National Planning Policy Framework (2019).

- 4 The proposed development has been applied for as a C2 (extra care facility) with no affordable housing being provided. However, the Applicant has not demonstrated, to the satisfaction of the Local Planning Authority, that the development would fall within this Use Class. Based on the evidence and guidance available it is considered the development may result in the creation of separate residential dwellings within the C3 Use Class under The Town and Country Planning (Use Classes) Order 1987 (as amended) or a Sui Generis use. Therefore, the development makes inadequate provision for affordable housing or a financial contribution in lieu of affordable housing contrary to policy H1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework (2019).
- 5 Inadequate information has been submitted to demonstrate that the proposal would not result in negative impacts on important ecological assets and there is a lack of evidence to demonstrate that the development would result in a measurable net biodiversity gain. The proposal would therefore be contrary to Policies S1, D1 and N2 of the Maldon District Local Development Plan and the guidance contained within The National Planning Policy Framework.
- 6 The proposed development is located within Flood Zone 3a and is therefore of a higher probability of flooding. The proposal is for the provision of a C2 Use which is classified as a 'more vulnerable' development. Paragraphs 158 and 160 of the National Planning Policy Framework and policy D5 of the Maldon District Local Development Plan seek to direct development to areas with a lower risk of flooding. The proposal is considered to fail both the sequential test and the exception test and given that the Council can demonstrate a five year housing land supply, and has granted planning permission for a number of C2 Uses above the requirements evidenced through the SHMA, on sites which have been subject of sequential testing and that the wider sustainability benefits to the community do not outweigh the flood risk posed as required by the exception test, the development would therefore be contrary to core planning principles and guidance contained in the National Planning Policy Framework, the National Planning Practice Guidance and policy D5 of the Maldon District Local Development Plan.
- 7 The site would be served by a substandard, contrived and dangerous means of access which would adversely affect the safe and convenient passage of pedestrian users of the access. This would discourage future occupiers to use alternative to vehicle modes of transport and it would be indicative of the unsuitability of the site to accommodate the proposed development. The proposal would be therefore unacceptable and contrary to the National Planning Policy Framework and policies, S1, D1, T1 and T2 of the Maldon District Local

Development Plan (2017), and guidance contained within the Maldon District Design Guide (2017).

- 8 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.
- 9 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the provision of any necessary contribution towards health care provision, the impacts of the development on the existing health care services would not be able to be mitigated contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

7. 20/00404/FUL - DENGIE HUNDRED SPORTS CENTRE, BURNHAM-ON-CROUCH

Application Number	20/00404/FUL
Location	Dengie Hundred Sports Centre, Burnham-On-Crouch
Proposal	Section 73A application for installation of 4no. eight-metre-high lighting stantions for occasional sports field illumination.
Applicant	Mr Neil Murray - Burnham Sports Club
Agent	Mr David Taylor - AFT Design (Architects)
Target Decision Date	07.08.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM-ON-CROUCH
Reason for Referral to the Committee / Council	Council Owned Land

Following the Officer's presentation, the Chairman addressed a public participation submission from the Applicant, Mr Niall Hornett.

He then moved the Officer's recommendation that planning application 20/00404/FUL – Dengie Hundred Sports Centre, Burnham-on-Crouch be approved subject to the conditions as detailed in section 8 of the report. This was seconded by Councillor Stamp.

It was noted that due to technical problems Councillor Boyce left the meeting during this item of business.

The general consensus was that this was a great initiative. Councillor Skeens raised concerns about light pollution for residents living south of the site, however, he added that he supported the application as it was encouraging exercise.

Councillor Stamp agreed and said it was important to invest in sport and that the Rugby Club activities created a great atmosphere along the seawall and Riverside Park. She

commended them for their hard work both in the community and throughout the Dengie. This was echoed by Councillor Hull who felt it a very good idea, particularly during the pandemic.

Councillor Fluker agreed that the work of the Rugby Club was to be commended and supported the application. Referring to light pollution issues experienced in Maldon he asked if it was likely to be a problem for boats on the river at night-time.

The Lead Specialist Place reassured Members that the lights were conditioned to ensure they were positioned facing onto the pitch so would not be problematic for those using the river at night. Furthermore, they would be on a timer and only be in use when training was in play.

The Chairman then put the duly seconded Officer's recommendation of approval to the Committee. Upon a vote being taken this was unanimously approved.

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

1. The proposed development shall be carried in complete accordance with the following plans and documents: 20-06-00Lp Rev A – Location Plan, 20-06-001 Rev A – Existing Block Plan, 20-06-002 Rev A – Proposed Block Plan, Planning Statement & Appendices.
REASON: To ensure the development is carried out in accordance with the details as approved.
2. The lighting hereby approved shall only be in operation between the hours of 17:00 to 21:00 Monday to Thursday inclusive, between October and March each year. The lighting shall not be in use outside of these times.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
3. Prior to the erection of the lighting heads and the first use of the lighting hereby approved, a time switch, to extinguish the lights at 21:00 hours on Monday to Thursday, shall be installed. Evidence that the time switch has been installed shall be submitted to the local planning authority for approval prior to the first use of the lighting hereby approved. This shall be retained and used as such thereafter.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
4. The maintained illuminance levels of the proposed lighting shall at no time exceed 100 lux.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
5. The lights shall be positioned facing south towards the playing fields at an angle no greater than 70- degree of vertical (the lighting column) and shall be retained as such in perpetuity.
REASON: To protect the character of the area and the residential amenity of neighbouring sites, in accordance with policies D1 and H4 of the Maldon District

Local Development Plan and the guidance contained within the National Planning Policy Framework.

8. 20/00421/FUL - STOKES HALL, BURNHAM ROAD, ALTHORNE, ESSEX, CM3 6DS

Application Number	20/00421/FUL
Location	Stokes Hall, Burnham Road, Althorne, Essex, CM3 6DS
Proposal	Diversion of part of length of access driveway.
Applicant	Mr Kevin Taylor
Agent	Mr Christopher Mew - CRM Architects Ltd
Target Decision Date	17.08.2020
Case Officer	Annie Keen
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application

A Members' Update had been circulated confirming that this application had been withdrawn.

9. 20/00574/FUL - LAND NORTH WEST OF RIVERSLEIGH, NIPSELLS CHASE, MAYLAND

Application Number	20/00574/FUL
Location	Land North West of Riversleigh, Nipsells Chase, Mayland
Proposal	Variation of condition 2 on approved planning permission 18/00280/FUL (Construction of an apple storage barn)
Applicant	Mr and Mrs Kenny and Sue Paton
Agent	Mr Anthony Cussen – Cussen Construction Consultants
Target Decision Date	12.08.2020
Case Officer	Devan Hearnah
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

A Members Update was received providing some further background information.

Following the Officer's presentation, the Chairman moved the recommendation to approve the application subject to the conditions as detailed in section 8 of the report. This was seconded by Councillor Hull.

There being no further debate the Chairman put the Officer's recommendation of approval to the Committee. Upon a vote being taken it was approved.

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1117/01, 1117/02 and 1161/07.
REASON: To ensure that the development is carried out in accordance with the details as approved.
2. The external surfaces of the building shall be constructed of the materials as approved under the terms of application 20/05040/DET unless an alternative scheme is submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy D1 of the Maldon District Local Development Plan.
3. Notwithstanding the content of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any act or order revoking or re-enacting that order) the building hereby approved shall only be used for purposes related to or ancillary to agricultural operations occurring at the application site.
REASON: In the interests of sustainability in accordance with policies S1, S8, E4 and D1 of the Maldon District Local Development Plan 2015.

There being no further items of business the Chairman closed the meeting at 2.17 pm.

M W HELM
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

Application Number	20/00411/FUL
Location	Land South Of Red Lyons Lodge, Burnham Road, Latchingdon Essex
Proposal	New dwelling with cart lodge garage
Applicant	Mr Baldock
Agent	Mr Sebastian Walsh - Hibbs And Walsh Associates Ltd
Target Decision Date	EOT 07.08.2020
Case Officer	Annie Keen
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Departure from Local Plan

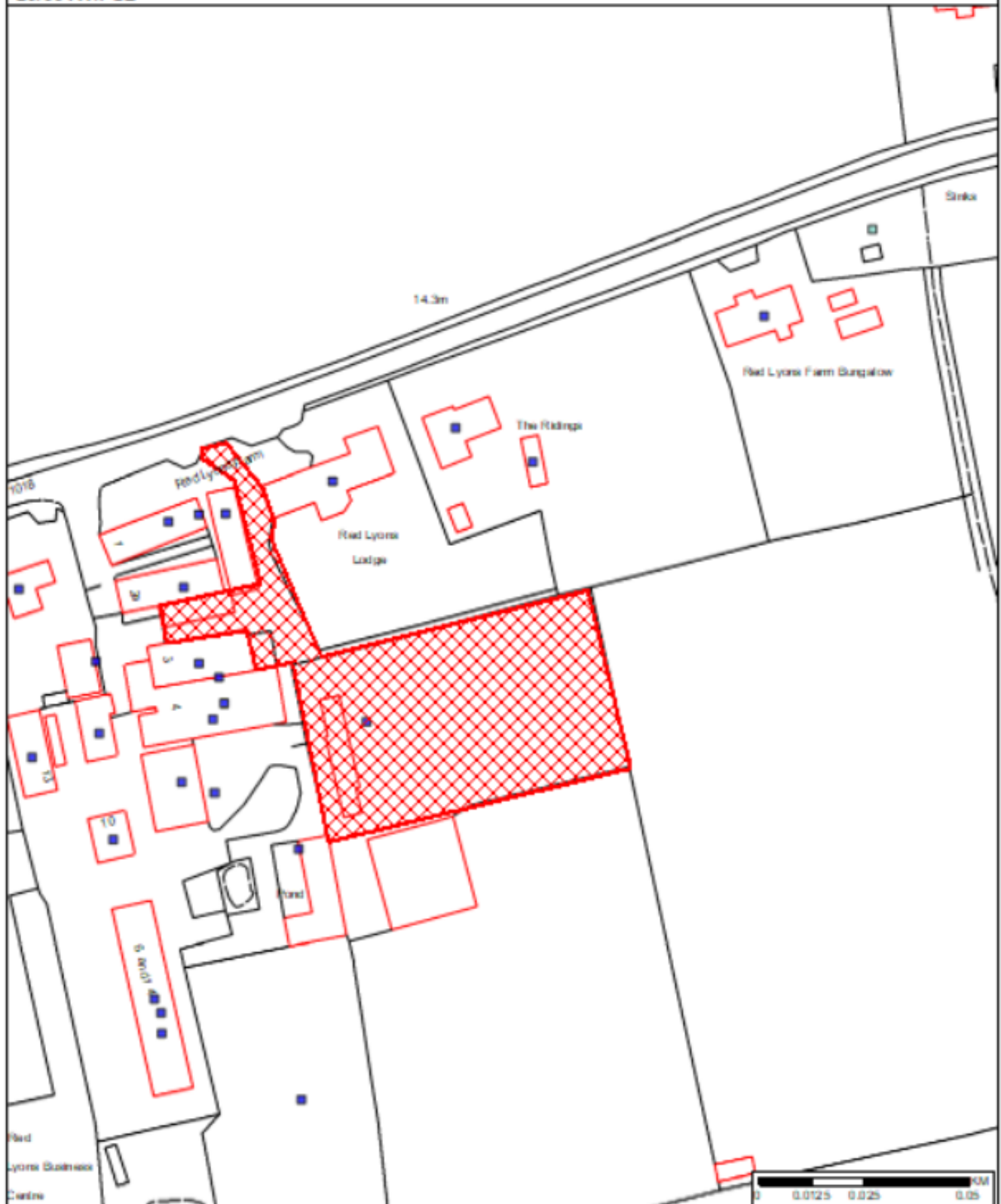
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land South of Red Lyons Lodge, Latchingdon
20/00411/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	13/07/2020
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 located to the south of Burnham Road outside the settlement boundary of Latchingdon. The site would be situated to the south of Red Lyons Lodge and to the east of the commercial units of Red Lyons Farm. The buildings on the site at present comprise of stables and an outbuilding, the dwelling that occupied the site has been demolished.
- 3.1.2 Planning permission is sought for the construction of a one and a half storey detached dwelling with an associated detached garage and studio. The proposed dwelling would have rooflights, solar panels, a balcony and an external staircase.
- 3.1.3 The proposed dwelling would measure 25.9 metres in width and 17.5 metres in depth with a maximum eaves height of 4.6 metres and a maximum ridge height of 7.5 metres. The proposed eastern projection would measure 5.4 metres in width and 1.1 metres in depth with a maximum height of 3.8 metres to the top of the balustrade.
- 3.1.4 The proposed garage would measure a maximum of 11 metres in width and a maximum of 8.5 metres in depth with an eaves height of 2.6 metres and a ridge height of 6.3 metres.
- 3.1.5 The proposed external materials would be grey slate stone cladding with conservation weathered clay roof tiles and Indian sandstone paving.
- 3.1.6 This application follows 16/01484/FUL which was approved on 14 March 2017, there have been no alterations made to the design of the proposed development.

3.2 Conclusion

- 3.2.1 The principle of developing a dwelling in this general location has been established by the previous use of the site as residential and through the granting of previous planning permissions. There have been no alterations made to the scale or design of the proposal since that approved under 16/01484/FUL and the development would not detrimentally impact upon car parking, private amenity or neighbouring occupiers. The proposed development would therefore be in accordance with the policies contained within the Local Development Plan (LDP) and the guidance within the Maldon District Design Guide (MDDG) and 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
- 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
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Policy Guidance (PPG)
- Maldon District Design Guide (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 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development to within settlement boundaries. This is to ensure the countryside will be protected for its landscape, natural resources and ecological value as well as its 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 Although the proposed development is a departure from the development plan, consideration should be had to the three previous approvals for replacement dwellings on the site. Due to these previous approvals the principle of a new dwelling has been established and accepted. The applicant states the existing dwelling has been demolished in line with the Condition 5 of application 16/01484/FUL which stated, *'prior to commencement of the development hereby approved, the existing dwelling*

on the site shall be demolished and the resulting material removed from the site', however three years have passed since the granting of this approval and no applications have been received to discharge the other pre-commencement conditions of the approval.

- 5.1.4 The above-mentioned permission was subject to pre-commencement conditions relating to samples of materials, details of hard and soft landscaping works, ground floor slab levels and foul and surface water drainage, but these were never discharged.
- 5.1.5 It is considered that the ground floor slab level and the foul and surface water drainage conditions, in particular, were a condition precedent that goes to the heart of the permission. Therefore, the failure to discharge these conditions prior to the commencement of the works means that technically the permission was not implemented and there is no extant permission. However, an appeal decision (APP/X1545/W/18/3194812) discussed when, in the event that planning permission is not granted, an enforcement notice is served or an appeal dismissed and there is a realistic prospect the original permission could be implemented which would result in a very similar residential development being brought forward at the appeal site, then the historic permission is considered a material consideration of significant weight.
- 5.1.6 Having regard to the above, there are no alterations proposed between the previous permission and that subject of this application and therefore it is considered that despite the previous permission not being extant it is a material consideration in the determination of this application. Consequently, given the fact that the principle of development has previously been established at the site it is not considered reasonable to raise an objection as part of this application.

5.2 Housing Need and Supply

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

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

- 5.2.4 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the SHMA shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner-occupied properties having three or more bedrooms. The Council therefore encourages in policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.5 The proposed development would provide one five bedroomed dwelling and therefore, it would not contribute towards the identified need for smaller dwellings.
- 5.2.6 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 this 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 good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.
- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
 - a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;

- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*
- 1) *The location and the setting of the site;*
 - 2) *The existing character and density of the surrounding area;*
 - 3) *Accessibility to local services and facilities;*
 - 4) *The capacity of local infrastructure;*
 - 5) *Parking standards;*
 - 6) *Proximity to public transport; and*
 - 7) *The impacts upon the amenities of neighbouring properties”.*
- 5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.6 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.
- 5.3.7 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.
- 5.3.8 The application site is located to the rear of Red Lyons Lodge within an area of land used as a paddock. The existing stables to the south of the site and outbuildings shown in orange on the Block Plan are to be removed whilst the stables to the west are to be retained.
- 5.3.9 The proposed dwelling, which would have the appearance of an old stone barn, would be a large addition to the site along with a detached cartlodge with a first-floor studio. The dwelling would be one and a half stories in height with an external staircase to the first floor. The dwelling would be located close to the southern boundary of the site, in the same location as the previously approved application 16/01484/FUL.
- 5.3.10 The proposed design of the dwelling has not been altered since the previously approved application with the proposed design taking the form of a traditional

masonry barn. The dwelling would be clad in grey slate stone with narrow slit windows and a large window that can be covered with double “doors”. The structure, which would be 1.5 stories in height, would have roof lights but no dormer windows. A balcony is proposed on the southern elevation which is not characteristic of a traditional “barn” style feature, however, this does not detract from the appearance of the dwelling. The proposed design was previously approved under application 16/01484/FUL and therefore no objections are raised to the proposed design of the dwelling.

- 5.3.11 The proposed cartlodge / studio would be located near to the western boundary of the site. The proposed design of the cartlodge / studio, which would form an ‘L’ shape with a pitched roof and a rooflight in the northern roofslope, has not been altered since the previously approved scheme. Due to this no objection is raised regarding the proposed garage/studio.
- 5.3.12 The proposed materials are the same as that approved under 16/01484/FUL and therefore no objections are raised to the proposed materials.

5.4 Impact on Residential Amenity

- 5.4.1 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.
- 5.4.2 The nearest existing dwelling is ‘Red Lyons Lodge’ which is located 49 metres to the north west. Due to the separation distance and hedging separating the two properties it is considered the proposed dwelling would not result in overlooking, overshadowing or be unduly overbearing. It is therefore considered; the development will not adversely affect the amenities of neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council’s adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council’s adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The proposed dwelling will utilise an existing access and adequate car parking provision would be provided to the front of the proposed dwelling. A consultation response from the Highways Authority raised no objections to the proposal subject to conditions relating to unloading / loading and storage of materials. However, this condition is not considered reasonable due to the small-scale nature of the development.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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.
- 5.6.2 The private amenity space that adjoins the dwelling exceeds the required 100m² stated in the Maldon District Design Guide. Most of the boundaries are marked by trees or post and rail fencing including the paddock area. The application suggests that the existing post and rail fencing be retained. Previous approvals have required that hedging be provided along most of the boundaries, but it is suggested that the only direct interface with open countryside is eastern and south eastern boundaries of the paddock where the domestic garden would be formed. It is recommended that if the application is to be approved, hedging should be required for these boundaries only.

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

- 5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council(MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.7.2 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England have provided an HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.

- 5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.6 To accord with Natural England's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows (read in relation to **APPENDIX 1**):

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

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

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

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

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.

- 5.7.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 5.7.8 In this instance, given that this was not a requirement as part of the previous permission and there is a reasonable assumption that this scheme could be implemented if this one was refused, it is considered that it would be unreasonable to require the developer to provide a contribution at this time.

5.8 Other Material Considerations

- 5.8.1 The proposed dwelling will be sited within the same area as the previously approved dwelling so that both schemes could not be implemented; there is therefore no need

for a planning obligation to secure non-implementation of the existing 2016 permission.

- 5.8.2 The conditions imposed on 2016 permission have been reviewed and have been re-imposed where they are considered to meet the six tests for planning conditions. Some of the conditions have been amended to reflect updated guidance.

6. **ANY RELEVANT SITE HISTORY**

Application Number	Description	Decision
11/01098/FUL	Demolish dwelling house, store, three stables buildings, barn and hay barn and erect replacement dwelling house and cart lodge/garage, stables and hay barn	Approved
15/00012/FUL	Demolish dwelling house, store, three stable buildings, barn and hay barn. Erect replacement dwelling house and cart lodge/garage, stables and hay barn	Approved
16/01484/FUL	Demolish existing dwelling house, store, 2 stable buildings, hay barn and erect replacement dwelling house and detached garage/cart lodge	Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Unanimously supported by the Parish Councillors	Noted

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	As the proposal is utilising the existing vehicular access, the Highway Authority has no objection to the proposal, subject to conditions.	Comments noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No response	N/A

7.4 Representations received from Interested Parties

7.4.1 There were no letters of representation received for this application.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended)
- 2 The development shall be carried out in accordance with the following approved plans and documents: 20/26/01, 20/26/02 Rev A, 20/26/03 Rev C, 20/26/04 Rev A, 20/26/05 Rev A, 20/26/06 Rev A, 20/26/07, 20/26/08, 20/26/09.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development works above ground level shall take place until written details or annotated high-quality photographs of samples of all materials to be used in the construction of the external surfaces of 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: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 Within the first available planting season (October to March inclusive) following the commencement of the development a hedgerow shall be planted and maintained along the boundaries of the access to the site and along the east and south eastern boundaries of the site. Unless otherwise first agreed in writing with the local planning authority the hedgerow shall be of the following specification: -
 - Field Hedge - A mixed indigenous hedgerow to be made up of at least 80% Hawthorn (*Crataegus monogyna*), with the remaining a mixture of other locally indigenous species such as holly, hazel, blackthorn, or elder, and incorporating within the hedgerow trees of a species chosen from the following - Oak (*Quercus robur*), Ash (*Fraxinus excelsior*), Field Maple (*Acer campestre*). The hedgerow plants shall be planted as a double staggered row, with rows 300mm apart and plants spaced at 450mm centres along each row.
 - The plants shall be planted into ground previously cleared of all weed growth and mulched with a fabric / polythene sheet mulch and/or organic mulch.
 - Shrub guards should be used to protect the plants. If within five years of the planting of the hedge any plant is removed, uprooted, destroyed or dies

another plant of the same species and size shall be planted in the first available planting season, unless the local planning authority gives written consent to any variation.

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

- 6 The outbuildings hereby permitted shall only be used for those purposes ancillary and incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annex accommodation. The stables hereby to be retained shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.

REASON: To ensure the outbuildings are used for their specific and justified purpose in the interests of site's location within the rural countryside in accordance with policies S8 and D1 of the Local Development Plan.

- 7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: To protect the character and appearance of the rural countryside from any significant outbuilding development within the site in accordance with policies S8 and D1 of the Local Development Plan.

- 8 There shall be no raising of ground levels within the site and no development works above ground level shall occur before details of the ground floor slab level have been submitted to and approved by the local planning authority and the scheme shall be implemented in accordance with the details so approved.

REASON: To ensure that the visual impact of the development in its wider setting is respected in accordance with policies S8 and D1 of the Local Development Plan.

- 9 No development works above ground level shall take place until full details of hard landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard-landscaped areas with the colour materials and finishes to be used and the proposed method(s) of surface water drainage. The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure the appearance of appropriate hardstanding within the rural area and appropriate methods of releasing surface water through permeable surfaces across the site in accordance with policies S8 and D1 of the Maldon District Local Development Plan.

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

REASON: To ensure that no flood risk is presented to the occupiers of adjacent land and to prevent potential pollution in accordance with policy D5 of the Maldon District Local Development Plan.

Stage 1 of the HRA

Application No:	20/00411/FUL
Location:	Land South Of Red Lyons Lodge, Burnham Road, Latchingdon Essex
Proposal:	New dwelling with cart lodge garage
Consultation Expiry Date:	17.07.2020
Application Expiry Date:	07.08.2020
Parish Council Response:	Support
Case Officer:	Annie Keen
Recommendation:	GRANT PLANNING PERMISSION

1 Site Description

- 1.1 The application site is located to the south of Burnham Road outside the settlement boundary of Latchingdon. The site would be situated to the south of Red Lyons Lodge and to the east of the commercial units of Red Lyons Farm. The buildings on the site at present comprised of stables and an outbuilding, the dwelling that occupied the site has been demolished.

2 The Proposal

- 2.1 Planning permission is sought for the construction of a one and a half storey detached dwelling with an associated detached garage and studio. The proposed dwelling would have rooflights, solar panels, a balcony and an external staircase.
- 2.2 The proposed dwelling would measure 25.9 metres in width and 17.5 metres in depth with a maximum eaves height of 4.6 metres and a maximum ridge height of 7.5 metres. The proposed eastern projection would measure 5.4 metres in width and 1.1 metres in depth with a maximum height of 3.8 metres to the top of the balustrade.
- 2.3 The proposed garage would measure a maximum of 11 metres in width and a maximum of 8.5 metres in depth with an eaves height of 2.6 metres and a ridge height of 6.3 metres.
- 2.4 The proposed external materials would be grey slate stone cladding with conservation weathered clay roof tiles and Indian sandstone paving.
- 2.5 The proposed level of useable private amenity space would measure approximately 1125m².

3 Assessment

- 3.1 The Conservation of Habitats and Species Regulations 2017, section 24 (Assessment of implications for European sites) states that:

APPENDIX 1

Where it appears to the appropriate nature conservation body that a notice of a proposal under section 28E(1)(a) of the WCA 1982 relates to an operation which is or forms part of a plan or project which -

- (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and*
 - (b) is not directly connected with or necessary to the management of that site,*
- they must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.*

3.2 Where any plan or project may have a “likely significant effect” (LSE) on a European site (as in this case) the HRA process must be followed. This is generally considered to consist of four stages which are:

1. Screening for an LSE
2. Appropriate Assessment (AA) and the Integrity Test
3. Alternative Solutions
4. Imperative reasons of overriding public interest (IROPI) and compensatory measures

3.3 The proposal falls below the threshold of that which would receive bespoke advice. Therefore, the proposed works were considered against the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by Maldon District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

3.4 The Local Planning Authority have carried out screening for a likely significant effect and it is considered that due to the proposal only relating to one dwelling and that there would be limited additional residential activity, it is not considered that there would be a likely significant effect on any designated sites. Therefore, having carried out a ‘screening’ assessment of the project, the competent authority has concluded that the project would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the ‘Waddenzee’ ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

4 Conclusion

4.1 The Competent Authority hereby determines that the development would not be likely to have a significant impact on the designated sites and therefore, further assessment is not required.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

Application Number	20/00452/FUL
Location	Millfields Caravan Park, Millfields, Burnham-on-Crouch
Proposal	Removal of condition 6 (wintering bird period) on approved planning permission FUL/MAL/18/00381 (Erection of building to be used as offices, shop, shower/toilet facilities, spa, pool facilities and gym, formation of hardstanding to be used as road and parking and enhanced landscaping, in association with an existing caravan site)
Applicant	Birch's Leisure Parks Ltd
Agent	Mr Philip Kratz – GSC Solicitors LLP
Target Decision Date	09.09.2020
Case Officer	Devan Hearnah
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Council owned land

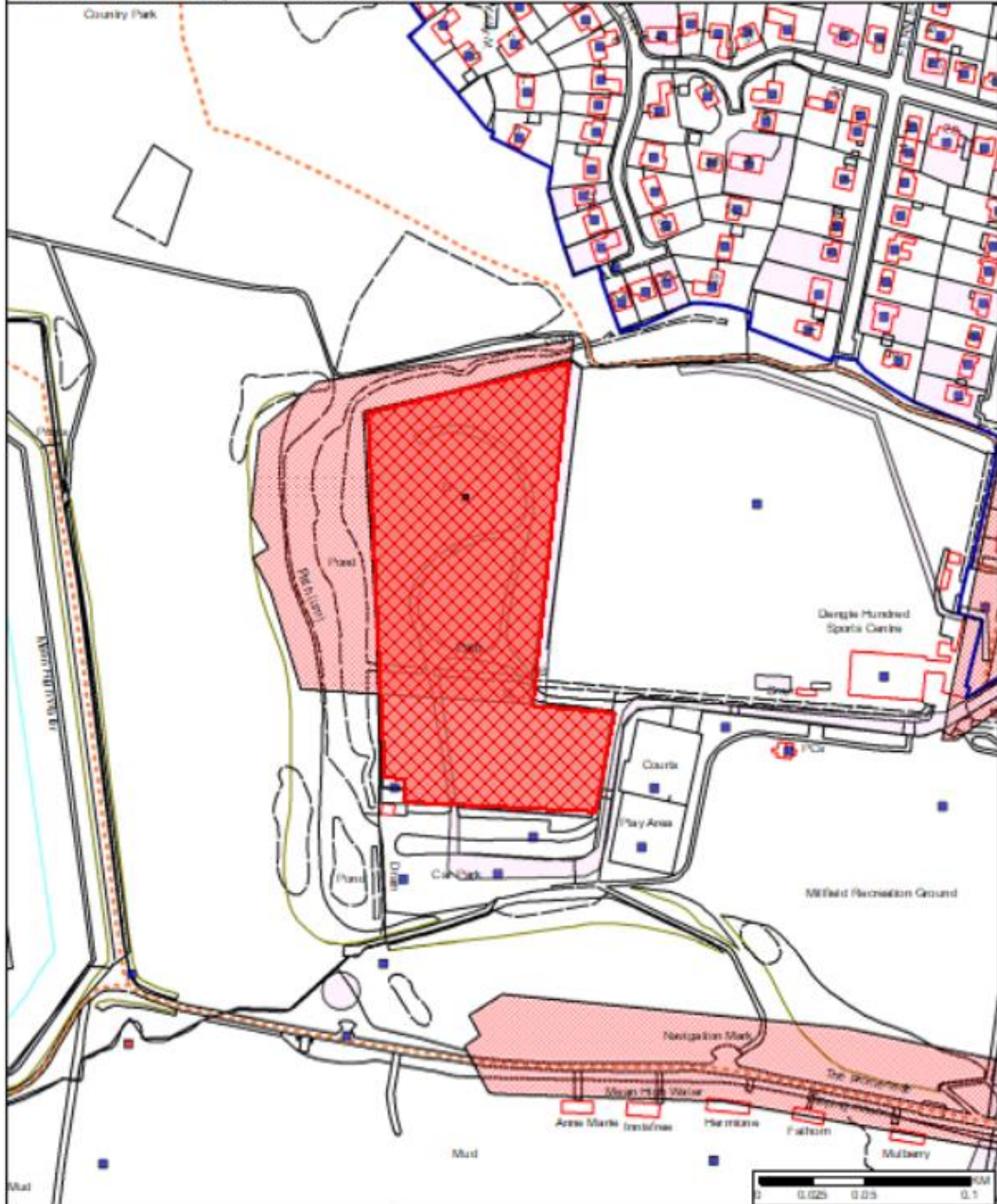
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

20/00452/F UL
Millfields Caravan Park, Burnham-on-Crouch



 MALDON DISTRICT COUNCIL	Copyright <i>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</i>	Scale: 1:2,500
		Organisation: Maldon District Council
		Department: Department
		Comments: SEAC
		Date: 11/08/2020
	www.maldon.gov.uk	MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

- 3.1.1 The application site, according to the Local Development Plan (LDP), forms part of the Riverside Park, which is approximately 23.15 hectares in size, to the southeast of Burnham-on-Crouch. The site is located east of Station Road and the Dengie Hundred Sports Centre, north of the river Crouch marshes, outside the settlement boundary of Burnham-on-Crouch.
- 3.1.2 The site is accessed via a west turning head onto Station Road. It is approximately 2 hectares in size and it is mainly grassed over with sporadic trees and hedges along the boundaries. A ditch traverses the site. The site has a lawful use as a caravan park and although at present there appears to be only a small utilities' structure on site, the site was occupied by caravans since 2006.
- 3.1.3 The Burnham-on-Crouch Rugby Union Football Club and the Dengie Hundred Sports Centre lie to the east of the site, a car park is located to the south of the site, residential properties are sited to the north, while to the west is public open space and the Burnham-on-Crouch marina.
- 3.1.4 Whilst the application site is flat, topographically the land rises steeply to the south and west of the site. The site is located within flood zone 3.

Proposal

- 3.1.5 This application seeks the removal of condition 6 specified on permission 18/00381/FUL, which was granted by the Council on 13 September 2019. Specifically condition 6 states that:

'CONDITION

No development shall be constructed during the wintering bird period between October - March inclusive.

REASON

In the interests of protecting the natural conservation designations and protected species in accordance with the guidance contained within the NPPF and Policy N2 of the approved Local Development Plan.'

3.2 Conclusion

- 3.2.1 Having regard to the information submitted and the comments made by the Council's Ecological Consultant, it is not considered that the removal of condition 6 of permission 18/00381/FUL would result in harm to the natural environment by way of disturbance to wintering bird species, in accordance with Policies D2 and N2 of the LDP and guidance contained within the LDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 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
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity.

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

- Policy EN.3 Enhancement of the Natural Environment

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (2018) (MDDG)
- Maldon Vehicle Parking Standards (2018) (VPS)
- Planning Practice Guidance (PPG)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Planning permission has previously been granted for the erection of a building to be used as offices, a shop, shower/toilet facilities, spa, pool facilities and gym, along with the formation of hardstanding to be used as road and parking and enhanced landscaping, in association with an existing caravan site. Therefore, the principle of the development on the site is set within the previously approved permission (18/00381/FUL).

- 5.1.2 The previous approval grants the principle of the development. Therefore, the determining factor in this application is solely whether condition 6 of 18/00381/FUL should be removed.

5.2 Ecology

- 5.2.1 Paragraph 180 of the NPPF states that in order to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.2.2 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise 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.
- 5.2.3 Policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.2.4 The justification for the removal of condition 6 provided by the Applicant within section 5 of the Application Form is that there was no recommendation to impose the condition and that the development poses no risk to wintering birds. Therefore, the Applicant considers that the condition fails to comply with the six tests for planning conditions contained within the NPPF.
- 5.2.5 In addition to the above, the Council's Ecological Consultant notes that the site consists of poor semi-improved grassland, enclosed with sporadic trees and hedges along the boundaries. It has a lawful use as a caravan park with a small 'utilities' structure and surfaced roads and paths with access from Station Road adjacent to the skate park. They are therefore, satisfied that the site does not provide a suitable habitat as a high tide roost which would constitute functionally-linked land for SPA designated birds, which are associated with the Crouch and Roach Estuaries SPA and Ramsar and Essex Estuaries SAC. Although the estuary is located close to the development, there is no likelihood of the removal of the condition resulting in repeated disturbance which would impact the numbers and fitness of any SPA birds.
- 5.2.6 Having regard to the above, whilst the condition was originally imposed on the decision as a precautionary measure, as detailed within the previous HRA, it is not considered that the condition is necessary as the Ecological Consultant has highlighted that the removal of the condition would not result in repeated disturbance to the wintering birds. For this reason, it is not considered that the removal of the condition would result in harm to the natural environment in accordance with Policies D2 and N2 of the LDP and guidance contained within the LDP.

5.3 Other Matters

- 5.3.1 As the application has been submitted as an application to remove condition 6 of the original planning permission, under the terms of section 73 of the Town and Country Planning Act, it is considered necessary to impose a modified list of the original conditions, which should be adjusted to reflect changing circumstances, the discharge of conditions and changes to the relevant policies.
- 5.3.2 Conditions 7 (foul drainage) and 10 (construction method statement) have been updated to reflect the fact that the required detail has been discharged under the terms of application 20/05056/DET. Likewise, condition 8 (contamination) has been removed and what was originally condition 9 (remediation scheme) has been updated to reflect the detail discharged under 20/05056/DET in relation to condition 8.
- 5.3.3 Condition 5 (Flood Evacuation) has also been updated to link the approved documents to the original permission.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/94/00782** - Increase ceiling height to pump house and erection of pitched roof over slop sink. Planning permission granted.
- **20/05056/DET** - Compliance with conditions notification FUL/MAL/18/00381 Erection of building to be used as offices, shop, shower/toilet facilities, spa, pool facilities and gym, formation of hardstanding to be used as road and parking and enhanced landscaping, in association with an existing caravan site. Condition 7 - Foul Drainage. Condition 8 - Contamination. Condition 12 - Construction Method Statement. Conditions Discharged.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Object – The Town Council does not know why the condition was imposed on the original approval so cannot recommend its removal.	As discussed at section 5.2 the condition was imposed as a precautionary measure, but it is not considered that it's removal would harm the natural environment or the biodiversity value of the site.

7.2 External Consultees

Name of Consultee	Comment	Officer Response
Natural England	No comment	Noted

7.3 Internal Consultees

Name of Consultee	Comment	Officer Response
Ecology Consultant	No objection - The site does not provide a suitable habitat as a high tide roost which would constitute functionally-linked land for SPA designated birds which are associated with the Crouch and Roach Estuaries SPA and Ramsar and Essex Estuaries SAC. There is no likelihood that the removal of the condition would result in repeated disturbance which would impact the numbers and fitness of any SPA birds.	Addressed at section 5.2

7.4 Representations received from Interested Parties

7.4.1 No letters of representation had been received at the time of writing this report.

8. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from 13 September 2019.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: ATS/537/03; 10955-0020-002; 10955-0001-007; RCEF64080-SK002 REV B and RCEF64080-SK003 REV A.
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall only be used ancillary to the caravan park proposed as shown on approved drawing 10955-0001-007 and for no other purpose, including any type of residential accommodation, at any time.
REASON To ensure that the development would only provide facilities ancillary to the existing lawful use of the site in the interests of the character and appearance of the area, the adjoining designated nature conservation site and minimising flood risk in accord with policies S1, S8, E5, D1, D2, D5 and N2 of the approved Local Development Plan, policies EC.6, EN.1 and EN.3 of the Burnham-on-Crouch Neighbourhood Plan and the guidance contained within the National Planning Policy Framework.
- 4 The proposed development shall be implemented in accordance with the forms of mitigation included in Ecology Survey Report (dated November 2018) and be retained as such in perpetuity.

REASON In order to ensure that there is no adverse effect to the adjoining designated nature conservation site in line with policies S1, S8, E5, D1, D2 and N2 of the approved Local Development Plan, policy EN.3 of the Burnham-on-Crouch Neighbourhood Plan and the guidance contained within the National Planning Policy Framework

- 5 The use of the site hereby permitted shall be implemented in accordance with the Flood Warning and Evacuation Plan (dated 19.02.2019) approved under planning permission 18/00381/FUL. The Plan shall be made available to all users of the site at all times throughout the lifetime of this permission.

REASON In order to ensure that the impact from any flood events is limited in line with policy D5 of the approved Local Development Plan, policy EN.1 of the Burnham-on-Crouch Neighborhood Plan and the guidance contained within the National Planning Policy Framework.

- 6 The development shall be carried out in accordance with the foul drainage scheme approved under the terms of 20/05056/DET. The scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

- 7 In accordance with the detail contained within The Phase 2 Environmental Investigation Report (13 March 2020), discharged under the terms of 20/05056/DET, no development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon Development Local Plan (2017).

- 8 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

REASON To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon Development Local Plan (2017).

- 9 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:
- Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 2.4 l/s
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Storage should half empty within 24 hours wherever possible. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be submitted to and approved in writing by the Local Authority. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

- 10 The Construction Method Statement approved under the terms of application 20/05056/DET shall be adhered to throughout the construction period.

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

- 11 Prior to works above ground level, details of the external materials to be used in the construction of the outbuilding hereby approved shall be submitted to the Local Planning Authority for approval in writing. The construction of the outbuilding shall be carried out in accordance with the approved details and retained as such in perpetuity.

REASON In the interests of the character and appearance of the site and the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.

INFORMATIVES

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
2. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
3. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
4. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
5. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
6. The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
7. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

Application Number	20/00459/FUL
Location	Abaco House, Foxhall Road, Southminster, Essex
Proposal	Change of use of land from agriculture to B8 storage and distribution and construction of storage building
Applicant	Mr Peter Herrington
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	08.09.2020
Case Officer	Annie Keen
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Departure from Local Plan Member Call In – Councillor A S Fluker Reason – Policies S1, E1 and E4

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Abaco House, Foxhall Road, Southminster
20/00459/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	05/08/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south of Foxhall Road outside the settlement boundary of Southminster. Foxhall Road is predominantly rural with open fields to the north whilst farm buildings and residential dwellings are sporadically placed along the southern side facing the road.
- 3.1.2 Planning permission is sought for the change of use of the land from agricultural to B8 storage and distribution and for the erection of a B8 storage unit with a floor space of 188m², located to the west of the site. The proposed operating hours would be Monday to Friday 07:30-18:00 and Saturdays 08:00-13:00.
- 3.1.3 The proposed storage unit would measure 15.3 metres in width and 12.3 metres in depth with a maximum height of 5.3 metres. The unit would be constructed of steel sheeting and pre-cast concrete panels.

3.2 Conclusion

- 3.2.1 The proposed development is located on an area of undeveloped land and there is no policy consideration which would support the change of use in this locality. Furthermore, the development results in an unacceptable form of development into the countryside with no mitigation of harm proposed through sufficient screening or landscaping of the site. Additionally, due to noise the proposed development would impact upon the neighbouring amenity of 'Hazelville' to the east, to the detriment of the neighbouring occupiers. Therefore, the development is an unwelcome visual intrusion into the open and undeveloped countryside and the benefits of the proposal do not outweigh the harm to the character and appearance of the rural area or neighbouring occupiers.

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 Policy Guidance (PPG)
- Maldon District Design Guide (MDDG)
- Maldon District Vehicle Parking Standards (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 application site is situated outside of a defined settlement boundary and also outside of the defined Employment Land Areas, as specified within policies S8 and E1 of the LDP.
- 5.1.3 In principle, designated employment areas will be retained and protected for Class B Uses as specified and Sui Generis Uses of an employment nature, unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes. New proposals for employment use will be directed to the designated employment areas prior to considering other sites within the District.
- 5.1.4 The nearest village to the application site is Southminster, which is approximately 1751m (1.1 miles) away from the application site and therefore it is relevant to note that policy S1 of the Local Development Plan (LDP) states “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and will apply, among other things, the following key principles in policy and decision making:
- 1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District
 - 3) Promote the effective use of land and priorities development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;
 - 4) Support growth within the environmental limits of the District;
 - 5) Emphasise the importance of high quality design in all developments;
 - 12) Maintain the rural character of the District without compromising the identity of its individual settlements;

- 13) Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community.
- 5.1.5 The requirement to focus strategic growth to the District's main settlements is also reiterated in Policy S2, as these areas constitute the most suitable and accessible locations in the District. It is also noted that "Strategic growth in the rural villages will be related to the settlement hierarchy, reflect the size, function and physical capacity of the settlement and will not result in unsustainable spatial patterns to the detriment of the wider area.
- 5.1.6 Support of sustainable economic growth to create jobs and prosperity is one of the central themes of the NPPF. On that basis, the provision of new employment opportunities is not objected to, one of the requirements of the NPPF is to secure the LDP's set criteria or identify strategic sites for local and inward investment to match the strategy and to meet anticipated needs over the plan period. It is noted that the approved LDP has set the need of the District and strategic sites for Employment Uses have been identified. The application site, although adjacent to an existing non-designated employment site is outside the boundaries of the identified employment land areas.
- 5.1.7 Policy E1 of the approved LDP states that 'The Council will encourage employment generating developments and investment in the District to support the long-term growth vision outlined in the Council's Economic Prosperity Strategy (EPS)'. However, it also states 'new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District.' The LDP identifies a need for 11.4ha of employment land over the plan period; however, this need is addressed in full within the allocated sites.
- 5.1.8 Having regard to the location of the site it is considered that the latter part of Policy E1 is also relevant, which states that 'outside of the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations.' This should be read in conjunction with policies S1 and S8 of the LDP where it stipulates that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and Strategic Allocations, planning permission for the development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for, amongst other things, employment generating proposals, as stipulated in Policy S8(b) of the LDP.
- 5.1.9 The applicant has stated in their application form that the required change of use of the land to B8 and the construction of associated hardstanding and open-fronted storage building is not a waste management development and will not be used to store and aid the collection of waste, trade effluent waste or create further employment. However, there is no robust justification why the proposed B8 use would need to be located at this site, within the countryside, and why it could not be located within the existing settlement boundaries, employment generating areas or allocated employment sites within the LDP. Additionally, no justification has been provided as to why the storage building is required.

- 5.1.10 Whilst it is noted that supporting letters, submitted with the application, states that the site has previously been used for the storage of machinery, lorries, caravans, skips, equipment in relation to a fencing company and more recently for the storing and stacking of skips and associated lorries. However, there has been no evidence provided to substantiate these claims and there is no lawful development certificate granted for the site. It is noted the noise report submitted with the application states the use of the site is retrospective and a skip hire business currently operates from the site with up to 12 deliveries occurring per day. The application form states the business currently employs two full-time workers and the development would allow the creation of a further six full-time jobs.
- 5.1.11 An assessment of the impacts on the intrinsic character and beauty of the countryside will be considered under section 5.2.
- 5.1.12 Regard has also been had to policy S7 of the LDP which ‘seeks to support and facilitate sustainable economic development within the villages’ through a number of criteria. However, the criterion does not relate to the provision of new employment uses within the countryside. Therefore, it is not considered that this policy would provide a basis to support the principle of this development.
- 5.1.13 It is noted a consultation application was received from Essex County Council in relation to the storage of waste on the site. The consultation response noted there were no historical applications for the change of use of the land and only one building had permission to be used in relation to the storage and maintenance of machinery.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.*
- “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.*
- 5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- 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 The application site is located to the south of Foxhall Road within an area characterised with dwellings and farms sporadically placed, predominantly along the southern side of Foxhall Road. The area to the south of the development site is characterised by open countryside. The proposed development, subject of the application site, would change the use of the existing land to a B8 storage and distribution along with an associated storage building and hardstanding. This would demonstrably and detrimentally impact on the character and appearance of the area.
- 5.2.7 The proposed storage unit would have a mono-pitched roof with walls of mixed materials to the north, south and west and an open frontage. A hardstanding is proposed internally and externally to the building. Whilst the development would be set back from the streetscene and located behind other buildings on the site, the development due to its scale and design would form a dominant structure within the site that would be visible from the public realm. This would further exacerbate the harm highlighted above.
- 5.2.8 The proposed storage building would be located further south of the existing buildings on site and that of the neighbouring buildings to the east and west and therefore would not form part of the existing built form on the site. Due to this, it is considered the proposed building would be situated within open countryside, to the detriment of the character and appearance of the countryside.
- 5.2.9 The proposed materials used in the construction of the building would be a galvanised steel frame, steel roof sheeting with the lower sections of walling constructed of pre-cast concrete blocks and the upper sections constructed of green powder-coated steel sheeting. The internal flooring would be concrete whilst the external hardstanding would be constructed of compacted road planings. It is considered the proposed materials would be a visually intrusive addition to the locality and within the wider countryside.

5.2.10 Additionally, it is noted no soft landscaping has been proposed to mitigate the impact of the development on the countryside and the locality.

5.2.11 Furthermore, having regard to the findings of section 5.1 it is considered that the employment benefits arising from the development would not outweigh the resultant harm caused by the development to the intrinsic character and beauty of the countryside. As such, the development would not comply with policies S1, S8 and D1 of the LDP and guidance contained within the NPPF.

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 Knight House situated to the north west of the site would be located 133 metres from the proposed development and therefore the proposal would not detrimentally impact upon the occupiers of this dwelling.

5.3.3 The proposed development would be situated 127 metres from the dwelling to the north 'Resthaven' and therefore would not detrimentally impact upon the occupiers by way of overlooking, overshadowing or being unduly overbearing.

5.3.4 The proposed storage building would be situated 28.8 metres from the boundary to the east, and 56.3 metres from the neighbouring dwelling on that site 'Hazelville'. Due to the separation distance it is considered the proposed building would not detrimentally impact upon the neighbouring occupiers by way of overlooking or overshadowing.

5.3.5 A noise report submitted with the application states there is '*a possibility of minor adverse impact*' to the nearest residential dwelling, 'Hazelville', during day time hours with an increased level of 13dB inside the dwelling with the windows partially open. The report considers this increase to be minor and that the amenity of the neighbouring occupiers would not be significantly affected, however the report suggests mitigation should be used to limit noise along the eastern boundary. report suggests the use of a solid screen approximately 2.4 metres in height and 50 metres in length or storage containers to be positioned along the eastern boundary to limit noise from the site. However, due to the site being located within the countryside, it is considered this would be an alien feature and would not be a suitable means of mitigation and therefore, would not be able to overcome the harm to the neighbouring residents.

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. The Council's adopted Vehicle Parking Standards (VPS) SPD contains the 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 including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.4.2 The adopted VPS state that 1 vehicle parking space should be provided per 150m² of warehouse or open-air storage, 1 cycle space per 500m² for staff, 1 cycle space per 1000m² for visitors and 1 lorry space per 200m² for operational purposes.
- 5.4.3 The proposed storage building would be 188m² and supporting information states there are 2 lorries and a small truck stored at the site, additional information provided in the application form states there are currently two existing employees and six further proposed employees. Based on the above standards, it is considered only two parking spaces would be required. The plans submitted with the application show there would be adequate space within the site to allow for the required parking spaces and any further additional spaces needed.
- 5.4.4 Access to the site is to the north of the proposed development is served by an existing access on to Foxhall Road, which is used by other users of the site. Due to this no objections are raised regarding site access.
- 5.4.5 Due to this the proposed development would accord with policies D1 and T2 of the LDP and the Maldon District Vehicle Parking Standards SPD.

5.5 Other Material Considerations

- 5.5.1 A consultation response from Environmental Health raised concerns regarding the submitted noise assessment as the consultation response stated it was unclear where all of the noise assessments were taken from. It is also noted there were no comparative readings taken from the site such as at weekends and some noise characteristics have not been assessed and therefore the consultation response states the report does not represent a subjective assessment of what is actually heard during the loading and unloading operation. It is also pointed out that the report focuses on the nearest dwelling to the site but does not consider other neighbouring dwellings. Environmental Health therefore consider the noise report to be inadequate and concerns regarding dust management have not been addressed.
- 5.5.2 A response from the Sound Specialist states the data represents a worst-case scenario and noise readings were taken from outside the neighbouring property as there was no direct access to the site and it is unreasonable to consider the area to the east of the neighbouring property as being used as amenity space. However, a response from Environmental Health states that it is not unreasonable to assess noise levels at the boundary of the dwelling as residential use extends to the whole of the site. The Sound Specialist also states the assessment does not conclude that the development would result in a minor adverse impact on neighbouring occupiers, however notes that the numerical assessment does suggest this and therefore boundary treatments are recommended to mitigate any impact. Further correspondence from Environmental

Health states aspects of the report regarding harm to neighbouring amenity need to be addressed before suitable mitigation measures can be assessed.

6. **ANY RELEVANT SITE HISTORY**

Application Number	Description	Decision
03/00491/LDE	Use of workshop building for manufacturing, repairs and storage of equipment, machinery and other materials. Use of land for ancillary storage up to a height of 3 metres and parking of vehicles associated with the principal use of the site.	Approved
19/01210/ESS	Waste transfer station for the sorting of up to 6,000 tonnes of waste per annum, including the erection of a sheltered area for sorting of skips	No objection

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

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

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No response	N/A
County Highways	No response	N/A

7.3 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Object – inadequate sound report does not make clear where noise levels were measured from, excludes some surrounding dwellings without explanation and that the character of the proposed operation has not been fully	Comments noted

Name of Internal Consultee	Comment	Officer Response
	considered. Concerns regarding dust management have not been addressed.	
Environmental Health	<p>Further comments have been submitted in response to the Sound Specialists comments below: The report is based on two deliveries per hour, is this worst-case scenario? If adequate assessment cannot be made using BS4142 then other assessments will be used to protect amenity. It is not unreasonable to calculate to the boundary rather than the property; residential use extends to the entire external area. The use of Single Event Level measurements could be considered. The report does not represent a subjective assessment of what is heard during loading and unloading, and this has not been addressed. There are still areas of the report that need addressing before further comment at mitigation measures are suitable.</p>	Comments noted

7.4 Representations received from Interested Parties

- 7.4.1 1 letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
<p>Additional comments have been received from the Agents' Sound Specialist in response to a consultation from Environmental Health and are summarised below:</p> <p>Background data was recorded on-site but without significant operations occurring, it is an alternative site as there is no direct access from the site to the neighbouring property. A first floor position was used to replicate environmental conditions that would be comparable from overlooking windows of Abaco House and for security. The data collected represents a worst-case scenario during times of operation. The property considered in the report is closest to the site, so</p>	Comments noted, please see section 5.6 and 7.3

Comment	Officer Response
<p>the impact assessment looks to a worst-case, it might be unreasonable to consider that area as dedicated external amenity as it appears to be to the east of the property. The sound levels might be higher to the west but that is a track road and a strip of land, we seek to understand the impacts on residential land use with the instatement of mitigation. Loading and unloading would not occur constantly throughout the day, therefore it is appropriate to consider a 1-hour day time interval.</p> <p>BS4142 does not require entire daytime periods but those of typical times of operation.</p> <p>The environmental sound climate included road noise and other commercial activity on the site.</p> <p>The assessment does not conclude a minor adverse impact, the numerical assessment suggests this.</p> <p>Context is relevant with the impact assessment being low and worst-case only having a minor adverse effect.</p> <p>The report is recommending a scheme of boundary treatment to minimise impact, but the site has operated for some time without complaint.</p> <p>Dust mitigation is outside the scope of noise impact assessments.</p>	

8. **REASONS FOR REFUSAL**

- 1 The development is located outside of a defined settlement boundary and outside of the employment sites identified within the LDP. No justification has been provided as to why the development is required outside of these areas. Furthermore, as a result of the scale, design and position of the proposed building on the site, the development would detrimentally impact on the character and appearance of the countryside and locality, resulting in an unwelcome visual intrusion into the countryside outside of a defined settlement boundary and has failed to be sufficiently mitigated against through the use of soft landscaping. Therefore, the development results in demonstrable harm to the character and appearance of the site and the intrinsic character and beauty of the countryside contrary to policies, S1, S8, D1 and E1 of the LDP, guidance contained within the NPPF and the Maldon District Design Guide.
- 2 Insufficient information has been provided, to the satisfaction of the Local Planning Authority, to confirm that the proposed development would not have an undue impact, due to the potential noise and disturbance, upon the amenity of the neighbouring occupiers. The proposed development is therefore contrary to policy D1 and D2 of the LDP, guidance contained within the NPPF and the Maldon District Design Guide.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

Application Number	20/00549/OUT
Location	Land Adjacent to 64 Southminster Road, Tillingham
Proposal	Outline application with all matters reserved for a proposed construction of a detached 3 bedroom bungalow.
Applicant	Mr Richard Embling
Agent	Mr Anthony Cussen – Cussen Construction Consultants
Target Decision Date	4.09.2020
Case Officer	Louise Staplehurst
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In by Councillor A S Fluker Reason: In relation to policies D1, S1, H2, H4 and S8

1. RECOMMENDATION

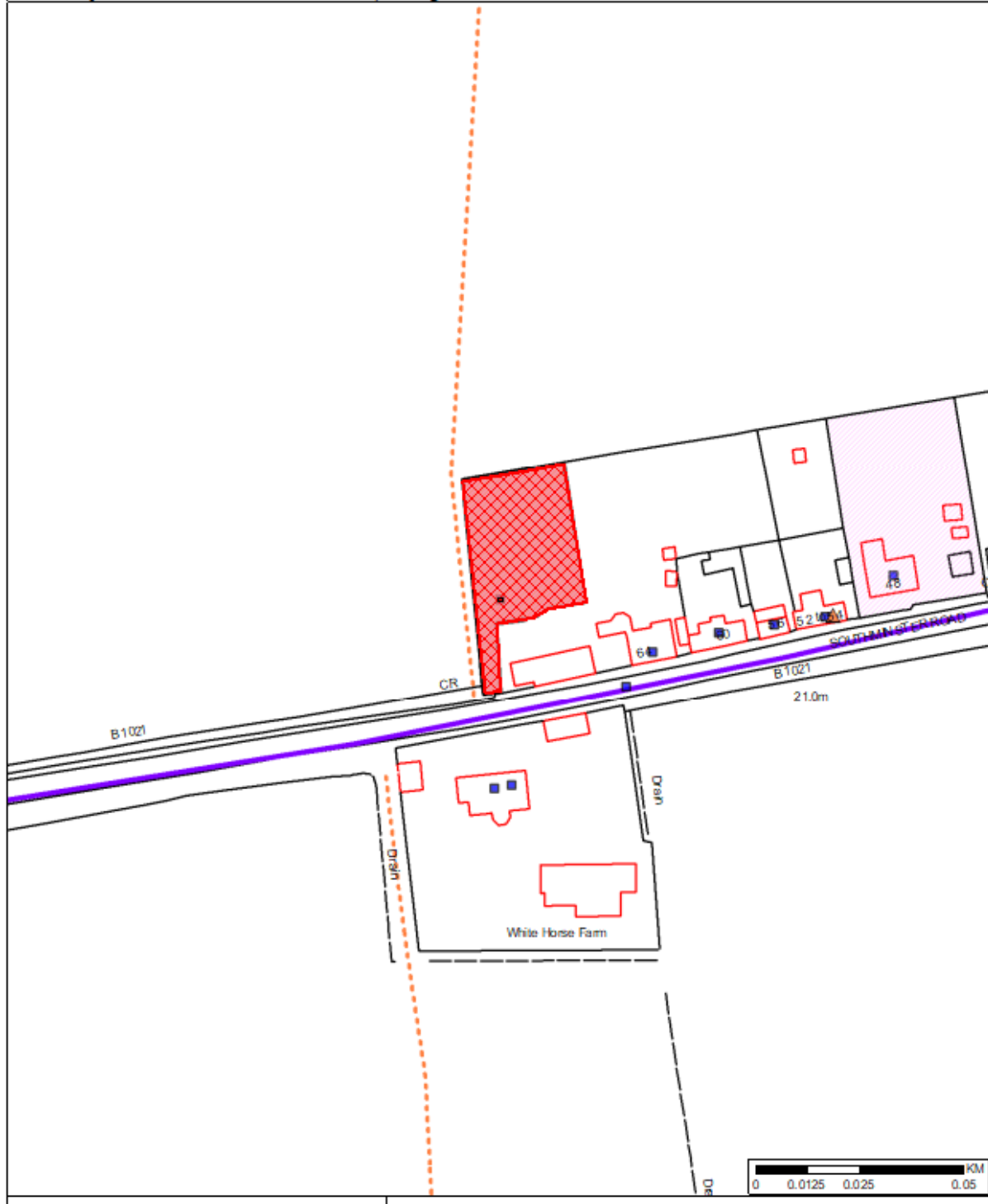
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

20/00549/OUT

Land Adjacent to 64 Southminster Road, Tillingham



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Southminster Road, outside of the settlement boundary of Tillingham. The site comprises an area of undeveloped land which lies to the west of No.64 Southminster Road. application site is currently bounded by low hedging and is surrounded by open countryside to the north and west.
- 3.1.2 The surrounding area consists of single-storey and two-storey detached and semi-detached dwellings, which predominantly sit on the roadside.
- 3.1.3 Outline planning permission is sought for the principle of one detached three-bedroom bungalow on the application site. 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. The application has identified that 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 application, should outline permission be granted for this proposal. Nevertheless, all material planning considerations are relevant where applicable to this application.
- 3.1.4 No elevation or floor plans of the dwelling have been provided. A block plan has been provided which also shows an indicative roof plan of the dwelling. From this plan, the dwelling proposed appears to be of a cross gable design. It would measure 15 metres deep in total and 9.6 metres wide in total. There is also a double garage measuring 7 metres wide and 7.6 metres deep. The Design and Access Statement submitted with the application states that, whilst the plans are indicative, the dwelling would be a three-bedroom bungalow.
- 3.1.5 The block plan indicates that the site would share the existing access, used by No.64 Southminster Road. The parking will be located towards the south west of the site, with the main amenity area to the north of the dwelling.
- 3.1.6 Application 16/00255/OUT sought outline permission for two two-storey three-bedroom dwellings. This was refused for the following reasons:

1. *Policy S2 seeks to provide control over new buildings in rural areas beyond defined settlement boundaries and to ensure that new residential developments are in appropriate locations. The proposal is therefore contrary policy S2 of the Maldon District Replacement Local Plan as the site lies within a rural area outside of a settlement boundary and is remote from services and facilities needed for everyday living. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. Furthermore, the development, by way of its intrusive nature into the rural landscape, detrimental impact upon the landscape character, harmful nature of an urban residential development and poor relationship to the existing urban grain is considered contrary to policies BE1 and CC6 of the adopted Local Plan, emerging policies D1, H4 and S8 of the Local Development Plan as*

submitted and the guidance and provision contained within the National Planning Policy Framework.

2. *The proposed development would result in an unacceptable access which does not comply with current visibility requirements for vehicular access. The development would therefore be to the detriment of pedestrian and highway safety and the safe and convenient free flow of traffic, contrary to policies T2 of the adopted Maldon District Replacement Local Plan, T2 of the Submitted Local Development Plan and the guidance contained in the National Planning Policy Framework.*

3.1.7 Application 19/00884/OUT sought permission for one two-storey three-bedroom dwelling. This was refused for the following reason:

1. *The application site lies outside of the defined settlement boundary of Tillingham where policies of restraint apply. The Council can demonstrate a five-year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the council for development to meet future needs for the district and does not fall within either a garden suburb or strategic allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the district. The proposal would therefore, represent the unjustified encroachment of built form onto undeveloped land, with associated visual impacts. Furthermore, the proposed development, by reason of the unavoidable implications of the siting of the development, would result in a development being proposed that is further north of the existing building line and out of keeping with the prevailing pattern of development in the area, to the detriment of the visual amenity of the site, the streetscene and the wider surrounding area. The proposal is therefore contrary to policies S1, S2, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.*

3.1.8 The amendments under this application are that a bungalow with a detached garage is now proposed, rather than a two-storey dwelling.

3.2 Conclusion

- 3.2.1 Having taken all material considerations into account, it is considered that the proposal due to its siting outside the defined settlement boundary, would cause harm to the intrinsic beauty and character of the countryside. Furthermore, it is considered that the development, by reasons of the inevitable siting to the rear of the prevailing building line, would result in a detrimental impact on the character and appearance of the area. In addition, the absence of a signed legal agreement to secure the appropriate contribution in line with the Essex Coast RAMS requirement results in the proposal being unacceptable. The proposal is therefore considered to be contrary to the Maldon District Local Development Plan (MDLDP) and guidance contained within the National planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- T2 Accessibility
- I1 Infrastructure and Services

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 application site lies outside the defined settlement boundary of Tillingham as identified in the LDP as such it is considered that Policy S8 of the LDP is applicable for the proposed development. Policy S8 requires development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development

will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a specific purpose as listed under Policy S8 (a)-(m).

- 5.1.3 It is noted that the proposed development does not fall within the uses listed under Policy S8 (a-m). Therefore, the erection of a new dwelling on the site, which is outside of the defined settlement boundary, is considered to be contrary to the policies contained within the LDP.
- 5.1.4 The site is located outside of the settlement boundary of Tillingham. Tillingham is defined as a 'smaller village' in the LDP, which is a settlement containing few or no services and facilities with limited or no access to public transport facilities and employment opportunities. Policy T2 of the LDP relates directly to accessibility by requiring all new development proposals to 'provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate'. As there are limited public transport facilities to other larger settlements, the occupants of the dwelling on the site would be highly dependent on the use of the car as the main form of transport to and from the site.
- 5.1.5 In terms of use of public transportation, the nearest bus stop to the site is Manor Road to the west of the site. However, this only serves the DaRT 4 bus which runs between Bradwell and Burnham. This is a Demand Responsive Transport type which means users of this mini bus service must book two hours beforehand and there must be enough people using the service at a time for it to run. Therefore, whilst there is a footpath that runs to this bus stop and it is within a reasonable walking distance of the application site, it is not considered that this would be a practical or feasible option for the occupiers of the proposed development to use for their day-to-day needs or for commuting to work, given the nature of the service and its limited route between Bradwell and Burnham.
- 5.1.6 The Planning Statement states the D1 and D6 run through Tillingham however it does not appear that they stop at the bus stop near the application site. The 200 bus service only runs on a Friday and the 106 bus service is a school service and therefore this would only be beneficial for children, if they were to attend a school on the route. Fords Coaches provide a fortnightly service into Chelmsford however this is not considered to be a practical regular transport option.
- 5.1.7 Overall it is considered that the proposed dwelling, as a result of it being located outside of the settlement boundary, would result in the unacceptable development of previously undeveloped land which would be contrary to policies S8 and H4 of the LDP. Therefore, the principle of the development cannot be supported.

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. 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 The proposal would provide one new three-bedroom dwelling. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which, when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units. The Council therefore, encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014 identifies the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% of housing to be for three-bedroom plus units. The proposed two-bedroom dwelling will therefore not make a significant contribution to the District's Housing Need. It will however result in the contribution of one dwelling. As only one dwelling is proposed, it is considered that the social and economic benefits would be negligible.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.3.2 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;
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.3.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.5 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.

- 5.3.6 The presence of dwellings is infrequent in this location with the nearest dwellings being the traditional cottages and farmhouses sporadically placed alongside Southminster Road. The landscape character within this location is open, unspoilt and rural. The application site is a relatively small piece of land in association with No.64 Southminster Road featuring mature perimeter vegetation, trees and hedging. Due to the location of the site, the proposed dwelling could be viewed when approaching Tillingham from the west. The open character of this rural location adds to the unspoilt rural character of the area.
- 5.3.7 Whilst there are a few traditional cottages located along the roadside on the eastern side of the application site, the proposed development would result in domestication of the site to the detriment of the rural countryside. The location of the application site is predominantly surrounded by agricultural land which is open in character and appearance. Therefore, the introduction of a new dwelling and the associated residential paraphernalia would result in a shift in the appearance of the site to a wholly residential use. The countryside should be protected for its own sake, including its natural beauty, tranquillity and distinctiveness and it is essential that any new development does not cause harm to these features of the landscape and rural environment. Whilst it is noted that the land is already used in relation to the dwelling of No.64 Southminster Road and therefore there is already an element of this domestication that can reasonably occur at the site, it is considered that this would be intensified by the proposed development. Development on this site and its associated residential paraphernalia would be wholly prominent in the landscape. In this respect, the development would be out of character with the rural locality.
- 5.3.8 Whilst it is acknowledged that appearance and scale are not matters for consideration in this application, irrespective of the design, the proposal would result in an encroachment of built form onto an undeveloped piece of land. The proposal would result in an intrusion into the countryside, detracting from the intrinsic beauty of the countryside.
- 5.3.9 The prevailing character of the dwellings in this locality are smaller dwellings, sometimes semi-detached, and located in a linear arrangement close to the highway. Whilst the submitted block plan is indicative, any such positioning of a dwelling on the application site, due to the positioning of the site, would be entirely at odds with the existing building line and the prevailing pattern of development and would therefore result in significant demonstrable harm to the character and appearance of the area.
- 5.3.10 Although the dwelling has been amended under this application from a two-storey dwelling to a bungalow, this is not considered to overcome the concerns in relation to the presence of a dwelling in this location and its impact on the countryside.
- 5.3.11 It is noted that the agent has submitted a supporting statement with the application with reference to the amendments made from the previous application and supporting information regarding the location of the site. It is noted that the proposal has reduced the scale of the proposed dwelling, and that some nearby residential sites have outbuildings projecting northwards into the garden. However, this is not considered

to overcome the concerns in relation to the presence of a dwelling in this location and its impact on the countryside.

- 5.3.12 Although the plans are indicative, the access and landscaping shown are considered acceptable in terms of design.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.4.2 The dwelling to the south east of the site, No.64 Southminster Road, will be located 11.3 metres from the south eastern corner of the site. Whilst it is noted that the submitted plans are indicative, it is not considered that a dwelling in this location would cause significant harm to No.64 Southminster Road, by way of overlooking or overshadowing, due to the separation distance between this neighbour and the site boundary.
- 5.4.3 The dwelling to the south of the site, White Horse Farm, across Southminster Road, is located at a distance where the proposed dwelling would not significantly impact on its residential amenity.
- 5.4.4 Due to the relationship with neighbouring sites, the occupiers of the proposed dwelling would not be affected in terms of a loss of privacy or a loss of light.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas.
- 5.5.2 Whilst the plans are indicative, the proposed site would be accessed using the existing access of No.64 Southminster Road. The Highway Authority objected to application 16/00255/OUT, due to there being insufficient visibility splays at the access to the site; this formed a reason for refusal for this application. However, this was overcome in the previous application as the existing boundary fence was proposed to be reduced in height to allow for sufficient visibility splays. It was noted that the fence is located outside the red line boundary of the site, but it is within the blue ownership line and therefore it is considered that a condition could be included to ensure the fence is reduced in height, to allow for sufficient visibility splays. In addition, it was also considered that the proposal had been reduced from two dwellings, under application 16/00255/OUT to one dwelling under this and the previous application and therefore there are likely to be fewer vehicle movements.
- 5.5.3 As there have been no material changes regarding access between this current application and the previous application, and no objections were raised regarding

highway safety in the previous application, it is considered that safe and suitable access arrangements could be provided at the site.

- 5.5.4 Whilst no details of cycle parking have been submitted, it is noted that a garage is proposed and therefore this is considered to be a suitable cycle storage area.
- 5.5.5 The submitted block plan shows the driveway could provide space for at least three parking spaces of the required bay size, 2.9 metres wide by 5.5 metres deep, and the garage is in excess of the required double garage standards (6 metres wide by 7 metres deep). Furthermore, there would be sufficient turning space, over 6 metres, provided at the site to allow for vehicles to egress the site in a forward gear.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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.
- 5.6.2 The block plan shows that over 400 square metres of amenity space could be provided at the site, in accordance with the standards set out within the MDDG, which would require a three or more-bedroom dwelling to have over 100 square metres.
- 5.6.3 The indicative site plan states that non-unbound material will surface the first 6 metres of the access and that the existing boundary hedging will be retained. There are no objections to this however it is noted this would be assessed fully at reserved matters stage.

5.7 Impact on Designated Sites

- 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 interest 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 (NE) . To accord with NE'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 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 planning 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 effect on the integrity of the above European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.7.4 The Essex Coastal Recreational Avoidance and Mitigation Strategy document is under consultation. This document states that the flat rate for each new dwelling has been calculated at £125.58 and thus, the developer contribution should be calculated using this figure. However, in the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

5.8 Other Material Considerations

5.8.1 It is noted that no details of drainage have been provided. However, this could be requested through the inclusion of a condition.

6. ANY RELEVANT SITE HISTORY

- **16/00255/OUT** - Outline planning permission for proposed construction of two, 2 storey 3-bedroom dwellings – Refused
- **19/00884/OUT** - Proposed construction of a detached 3-bedroom dwelling - Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	Support	Comments noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No response at the time of writing the report.	Any response received will be included on the members' update.

7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received for this application.

8. REASONS FOR REFUSAL

- 1 dThe application site lies outside of the defined settlement boundary of Tillingham where policies of restraint apply. The Council can demonstrate a five-year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the council for development to meet future needs for the district and does not fall within either a garden suburb or strategic allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the district. The proposal would therefore, represent the unjustified encroachment of built form onto undeveloped land, with associated visual impacts. Furthermore, the proposed development, by reason of the unavoidable implications of the siting of the development, would result in a development being proposed that is further north of the existing building line and out of keeping with the prevailing pattern of development in the area, to the detriment of the visual amenity of the site, the streetscene and the wider surrounding area. The proposal is therefore contrary to policies S1, S2, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

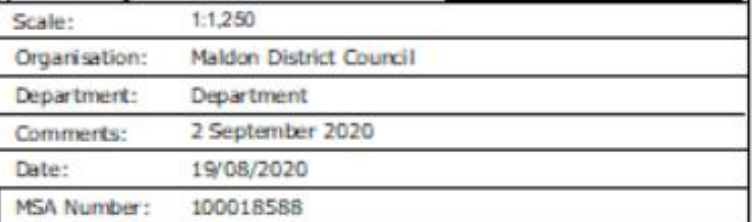
Application Number	20/00552/FUL
Location	1 Stones Park, Stoney Hills, Burnham-On-Crouch
Proposal	S73A application for alterations to rear elevation of plot 1 and 2 for planning permission ful/mal/16/00408 including hip to gable on plot 1 and window to bedroom and second storey extension to plot 2. Change of roof on garages from hip to gable and internal layouts generally.
Applicant	Mr Darren Daniel - Cosy New Homes
Agent	Mr Neil Cooper – Signature Group TM Ltd
Target Decision Date	20.08.2020
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from Local Plan 2017

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the north of Stoney Hills outside of the defined settlement boundary. The site is situated to the rear of The Hollies and Silver Wings, which are two storey detached houses located towards the south of the application site. To the southeast and southwest there are other properties set within large plots (Marbles and Hillcrest). Two sites are located directly to the south, Silver Wings and The Hollies. One dwelling is located to the north of the site, which was approved originally under the terms of 16/00408/FUL and amended under application 18/01271/FUL.
- 3.1.2 The site is served by Stoney Hills which is a private, unmade, single-width track which extends northward from Mill Lane to the South.
- 3.1.3 Planning permission is sought for two dwellings and associated works. It is noted that the dwellings have been built and therefore the application is retrospective in nature. It is noted that application 16/00408/FUL approved permission for three houses on the application site and including the area of land to the north. These approved dwellings were of a different design to the dwellings subject of this application. Application 18/01271/FUL approved permission for the northern-most of the three dwellings (north of the current application site) for an amended design, which is of the same style to the currently proposed dwellings. The two dwellings on this site have been built without discharging any of the conditions on the 2016 permission and therefore that permission cannot be considered extant. This application has been put in to regularise that application, the conditions and the amendments made.
- 3.1.4 The amendments relate to:
1. Design of plot 1
 - Front projections on either side altered from hipped roof to gable end with an increase in eaves and overall height by 0.5 metres
 - Front centre projection increased in eaves and overall height by 0.6 metres
 - Rear projection altered from hipped roof to gable end with glazing in the rear apex
 - Removal of Juliet balconies on front elevation
 2. Design of plot 2
 - Rear projection extended by 1 metre at first floor level and altered from hipped roof to gable end with glazing in the apex
 - Removal of rear Juliet balcony
 - Fenestration alterations
 3. Garage roof design amended from hipped to gable
- 3.1.5 The dwelling on plot 1 has a maximum width of 15.1 metres and a maximum depth of 13.4 metres. The dwelling has a main eaves height of 5 metres and an overall ridge height of 8.5 metres. It is of a hipped design with gable front and rear projections
- 3.1.6 The dwelling on plot 2 has a maximum width of 15.1 metres and a maximum depth of 13.4 metres. The dwelling will have a main eaves height of 5 metres and an overall

ridge height of 8.5 metres. It is of a hipped design with gable front and rear projections.

- 3.1.7 A double garage serves each of the plots. They measure 7.2 metres wide and 7.2 metres deep, with an eaves height of 2.5 metres and an overall height of 5.1 metres. The materials consist of black weatherboarding and slates.
- 3.1.8 In terms of materials, the dwellings are finished in white render with slate roof tiles and black UPVC windows and black aluminium doors.
- 3.1.9 In terms of landscaping, the access consists of tarmac, with each plot having a 10mm shingle driveway. The path and patio bounding each dwelling are finished in Kandala grey sandstone paving, with a grass garden area.
- 3.1.10 In terms of boundary treatments, the western boundary will have a 1.8-metre-high close boarded fence. The northern boundary and boundary between the two plots will have a mix of a 1.8-metre-high close boarded fence starting from the western side and then a 0.9-metre-high post and rail fence towards the access. The western side of the access adjacent to The Hollies is bounded by a 1.8-metre-high close boarded fence and the eastern boundary is bounded by hedging.

3.2 Conclusion

- 3.2.1 Overall, given the history of the site and the surrounding area, there are no fundamental objections to the principle of the development. In terms of design, the proposed dwellings, garages and plot layouts are considered to be acceptable and suitable for the character of the area. Additionally, the proposal is not considered to harm the residential amenity of neighbouring occupiers. The parking provision and amenity space would be suitable and in accordance with the adopted parking standards and the Maldon District Design Guide (MDDG). The proposed development can therefore be found acceptable and in line with the policies contained within the Local Development Plan (LDP) and the guidance within the MDDG 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
- 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
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- H2 Housing Mix
- I1 Infrastructure and Services

4.3 Burnham-On-Crouch Neighbourhood Plan

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

4.4 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 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 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”.

5.1.4 It is noted that a number of new dwellings have been approved in the area in recent years, some of which on appeal. On each occasion it has been acknowledged that, whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is considered to be in a sustainable location. 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.

- 5.1.5 As previously noted, an application for three dwellings in the same location as this application, also including the land to the north, was approved at appeal under the terms of 16/00408/FUL. It is therefore considered that the principle of three residential units has been established. Application 16/00408/FUL is not considered to be extant as none of the pre-commencement conditions were discharged and therefore the dwellings have been built unlawfully. It is noted that application 16/00408/FUL was allowed on appeal in May 2017 which was prior to the LDP being adopted, however it is not considered that the main thrust of the policies within the emerging LDP and adopted LDP have materially altered in a way that would mean the proposed development should be viewed differently. Furthermore, it should be noted that the Inspector for application 16/00408/FUL considered that the development did comply with policy D1 of the LDP in terms of its impact on the character of the area.
- 5.1.6 Having regard to the development being undertaken within the Stoney Hills area, and given that the principle of erecting two dwellings on the site has been established, it is considered unreasonable for the application to be recommended for refusal on principle.

5.2 Housing Need

- 5.2.1 The proposal would provide two, new four-bedroom dwellings. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% for three bedroom plus units. The proposed four-bedroom dwellings will therefore not make a significant contribution to the District's Housing Need. However, it will result in the contribution of two dwellings.

5.3 Design and Impact on the Character of the Area

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

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

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDDG (2017).
- 5.3.5 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.3.6 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.7 Within the immediate locality there are a wide variety of dwelling types, with various materials used. The proposed development will not be immediately visible from the streetscene due to the retention of the mature soft landscaping which surrounds the site and the cul-de-sac layout proposed and so would not have a direct relationship with the dwellings which face on to Stoney Hills.
- 5.3.8 The siting of the access and layout reflects the indicative layout plan that was submitted at outline stage for application 16/00408/FUL which was allowed at appeal. This includes the siting of dwellings. Whilst the layout does not truly reflect the prevailing character of Stoney Hills, no objections were raised to that layout in the appeal decision. Therefore, no objection is raised to the impact of the development upon the character and appearance of the area. Furthermore, a number of similar layouts have been granted more recently and therefore, the layout is becoming more prevalent within the area. It is considered therefore that this layout is acceptable.

- 5.3.9 In terms of the scale and bulk of the dwellings, they would be two-storey and relatively large. However there are other larger dwellings approved within the surrounding area and would not be dissimilar in scale to those at Mirfield to the south of the site or those east of Charwood. Their overall scale is similar to that approved under the terms of 16/00408/FUL, and the dwelling to the north approved under the terms of 18/01271/FUL and would be viewed within the context of the cul-de-sac in which they are positioned. Therefore, it is not considered that the scale, bulk or siting of the development is detrimental to the character and appearance of the surrounding area or countryside.
- 5.3.10 The two dwellings have a different design but with reoccurring features such as main hipped rooflines with front and rear gable projections and large windows. The dwelling on plot 2 has two front Juliet balconies. Both dwellings would have a detached pitched roof double garage to the frontage of the site. It is considered that the appearance of the proposed dwellings and detached garages would not be out of keeping with the wider area. The amendments in design from the previously approved application relate to the alteration of the rooflines of the projections and garage and the fenestration. These are considered to be acceptable and would not detract from the character of the area and in particular would be in keeping with the dwelling to the north approved under 18/01271/FUL. Given that a similar design was previously considered to be acceptable, there are no objections in this regard.
- 5.3.11 The landscaping and boundary treatments are considered to be suitable and in keeping with the character of the area and therefore there are no objections in this regard.
- 5.3.12 Having regard to the above it is considered that the proposed dwellings would be viewed in relation to the built form within the surrounding area and would not result in demonstrable harm to the character and appearance of the area. The development would be in keeping with the prevailing pattern of development and would not encroach into the open rural land and therefore the proposal would not materially harm the intrinsic character and beauty of the countryside, in accordance with policies S1, S8, D1 and H4 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The southern-most dwelling would be positioned 17.5 metres from the dwelling on The Hollies. The southern-most dwelling would be positioned 15.5 metres from the dwelling on Silver Wings. Due to the separation distance, it is not considered that the proposal would result in overshadowing or a sense of domination to these neighbours. There is one first floor window in the southern flank elevation facing these neighbouring sites which serves a bathroom. Given that the window in the application dwelling will serve an en-suite it is reasonable to impose a condition requiring it is obscure glazed and non-opening below 1.7 metres which will prevent any overlooking or loss of privacy.

- 5.4.3 The dwelling to the north, approved under the terms of 18/01271/FUL would be positioned 8 metres from the northern proposed dwelling and due to their layout, it is not considered the proposal would result in a loss of light to this site. There is a first-floor bathroom window on the northern elevation however a condition can be imposed requiring it is obscure glazed and non-opening below 1.7 metres which will prevent any overlooking or loss of privacy.
- 5.4.4 The two dwellings are positioned 6.1 metres from each other. Due to their layout, there are no concerns in relation to a loss of light between the two dwellings. There would be first floor windows facing each other on the northern elevation of plot 1 and the southern elevation of plot 2. These will serve a bathroom and can be conditioned to be obscure glazed and non-opening below 1.7 metres to ensure there is no inter-visibility between the two dwellings.
- 5.4.5 The dwellings are located a minimum distance of 22.9 metres from the rear boundary. Due to this separation distance, they will not result in any loss of light or privacy to the site to the west, Hillcrest.
- 5.4.6 The dwellings are located a minimum distance of 60 metres from the dwelling to the east, Marbles, and therefore it is not considered that the development would have a significant impact on this neighbour that would be materially different from the dwellings approved under 16/00408/FUL.
- 5.4.7 Having regard to the above it is not considered that the proposed dwelling would result in demonstrable harm to the amenity of neighbouring occupiers in accordance with policies S1 and D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 There is no objection to the proposed access as it is noted that it was previously deemed acceptable under the terms of 16/00408/FUL.
- 5.5.3 Both dwellings would have four bedrooms and therefore three parking spaces are required for each plot, measuring 2.9 metres wide by 5.5 metres deep. There would be provision for three parking spaces on each plot within the driveways and the proposed garages as well as sufficient turning area. The proposed garages would measure 7 metres by 7 metres internally, which exceed the standards for double garages set out within the adopted parking standards (6 metres by 7 metres). It is considered that two vehicles could occupy the garages and therefore there is no objection to the parking provision at the site.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 Each dwelling would have a provision of over 100sqm of private amenity space and therefore there are no objections in this regard.
- 5.6.3 Details and photographs of the boundary treatments used have been submitted and are considered suitable and appropriate for the character of the area. In terms of landscaping, a plan has been submitted showing shrub planting to the front of the dwellings with a laurel hedgerow to the south of plot 1 and along the western boundary of the access and some trees within the rear gardens and front gardens. There is an area of grass to the rear of the properties and within the front of the plots. This is considered to be suitable for the area.

5.7 Other Material Considerations

- 5.7.1 In relation to surface water drainage, a scheme has been submitted within the Surface Water Strategy Report and Environmental Health consider this to be acceptable. In relation to foul drainage, the development is connected to the mains sewer, with the drainage connections shown in red on the proposed floor plans and therefore there are no objections to this.

5.8 Impact on European Designated Sites

- 5.8.1 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 interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE'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 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 planning application relates to two dwellings

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.

- 5.8.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. However, it is noted that the construction of dwellings at the site was approved under application 16/00408/OUT and the development has almost been completed and therefore it is not considered that the decision of this application has resulted in any increase in demonstrable harm as the development is in place. Therefore, it is not considered reasonable to require this payment.

6. ANY RELEVANT SITE HISTORY

- **14/00591/OUT** - Construction of 3 houses to the rear of The Hollies – Refused
- **15/00235/OUT** - Construction of 3 houses to the rear of The Hollies – Refused
- **16/01355/LDP** - Claim for lawful development certificate for proposed erection of a detached garage including hard surface and access. – Approved
- **16/00408/FUL** - Erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills – Refused (Allowed on appeal)
- **16/00849/OUT** - Outline planning permission for erection of 3 dwellings on land to the north of The Hollies and associated access from Stoney Hills. – Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-On-Crouch Town Council	Support	Comments noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	Undertake assessment in relation to RAMS	See section 5.8.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection – subject to condition: <i>The public's rights and ease of passage over footpath number 5 in Burnham-on-Crouch shall be maintained free and unobstructed at all times.</i>	The condition is noted however the footpath is not located adjacent to the application site, it is positioned running along the access leading to the property known as Charwood, on the eastern side of the site. Due to the location of the footpath, this condition would not meet the six tests of planning conditions as it would not be necessary, relevant or reasonable and therefore this condition will not be included.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection to the amendments, the surface water drainage condition can be discharged.	Comments noted.

7.4 Representations received from Interested Parties

- 7.4.1 1 letter has been received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The drawings show none of the changes proposed and are from the original application. There are no details of the increased garage size or first floor extension to plot 2.	The plans show the amendments made, which are set out in paragraph 3.1.4.
Concerns over impact on neighbour of Marbles.	See section 5.3.

8. PROPOSED CONDITIONS

- The development hereby permitted shall be carried out in accordance with the following approved plans: SK03012015.1, PLOT 1 SK/170117/.1, PLOT 1 SK/170116/.1, PLOT 1 Sk/170116/.2, Surface Water Strategy Report, Specification of materials on plot 1 and 2, Plot 1 SK/170116/.2 Landscaping

- REASON: To ensure that the development is carried out in accordance with the details as approved.
- 2 The external surfaces of the buildings hereby approved shall be constructed of the materials specified on plan 'Plot 1 – SK/170116/.2 Block Plan and the Specification of materials on plot 1 and 2, and shall be retained as such thereafter.
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.
- 3 The boundary treatments shall be carried out in accordance with drawing Plot 1 – SK/170116/.2 Block Plan and shall be retained as such thereafter.
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 The hard landscaping shall be carried out in accordance with plan Plot 1 SK/170116/.2 Landscaping and shall be retained as such thereafter.
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 The soft landscaping shall be carried out in accordance with plan Plot 1 SK/170116/.2 Landscaping and retained as such. 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.
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.
- 6 The surface water drainage shall be as set out on within the Surface Water Strategy Report and shall be retained as such thereafter.
REASON: To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Local Development Plan and guidance contained within the National Planning Policy Framework.
- 7 The foul drainage at the site shall be connected to the mains sewer and set out in accordance with the details shown on plans Plot 1 SK/170116/.1 – Plot 1 Proposed floor plans and elevations, and Plot 1 SK/170117/.1 – Plot 2 proposed floor plans and elevations, and shall be retained as such thereafter.
REASON: To ensure that adequate provision is made for foul drainage in accordance with policies D1 and D5 of the Local Development Plan and guidance contained within the National Planning Policy Framework.
- 8 The parking areas and means of access thereto as shown on the approved plan Plot 1 – SK/170116/.2 Block Plan which is attached to and forms part of this permission shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme prior to the occupation of any dwelling and retained for such purposes thereafter.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policies D1 and T2 of the Local Development Plan and guidance contained within the National Planning Policy Framework.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other amending, revoking or re-enacting that Order) and Section 55 of the Town and Country Planning Act 1990, or as may be

subsequently amended or re-enacted, the garages for each dwelling hereby permitted shall be used only for the parking of vehicles and storage of domestic items incidental to the enjoyment of the associated dwelling and for no other commercial, business or domestic use.

REASON: To ensure that the garage remains incidental to the occupancy of the dwelling and to prevent the formation of an independent residential unit in accordance with policies S1, S8, H4 and D1 of the Maldon District Local Development plan and the guidance in the National Planning Policy Framework.

- 10 Prior to the first occupation of the building hereby permitted, the first-floor windows in the southern and northern flank elevations on the dwelling on plot 1 and on the northern flank elevation on the dwelling on plot 2, shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON: In the interests of neighbouring amenity in accordance with policy D1 of the Local Development Plan and guidance contained within the National Planning Policy Framework.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

Application Number	20/00577/FUL
Location	Land Adjacent 20 Chapel Lane, Tillingham
Proposal	Two new dwellings and associated works.
Applicant	Mr Mike Otter – GPO Designs Ltd
Agent	N/A
Target Decision Date	04.09.2020
Case Officer	Louise Staplehurst
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In by Councillor A S Fluker Reason: policies D1, D3, H4- Backland and Infill Development

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Chapel Lane, which is west of South Street, within the settlement boundary of Tillingham, but outside of the Tillingham Conservation Area. The site currently consists of open grass land with trees along the northern boundary and a hedge extending along the southern and part of the western boundaries. The eastern part of the site is bounded by a low boundary fence.
- 3.1.2 The dwellings within the surrounding area are mixed in their design and scale, from bungalows, chalet style dwellings and two-storey dwellings. The streetscene is also made up of detached, semi-detached and terraced properties. Development within the area takes a linear form, however there is no strong front building line.
- 3.1.3 Planning permission is sought for a pair of semi-detached chalet style three-bedroom dwellings. Internally, there will be a lounge, kitchen/diner/family room, utility room, toilet and storage at ground floor level. At first floor level, there will be three bedrooms, one with an en-suite and a bathroom.
- 3.1.4 The main part of each dwelling will measure 6.6 metres wide, 11 metres deep, 4.1 metres high to the eaves and 7.4 metres high overall. Each dwelling will have a front projection and covered porch across the width of the dwelling, measuring 1 metre deep, 2.5 metres high to the eaves and 3.4 metres high overall. Both dwellings will have a rear extension measuring 6.6 metres wide, 4 metres deep, 3 metres high to the top of the flat roof and 3.5 metres high overall including the lantern roof.
- 3.1.5 In terms of materials, the walls will be finished in red brick with the dormer walls finished in render, the roof in artificial slate and the windows in white UPVC. The doors will be made of composite or UPVC to the front and UPVC or powder coated aluminium to the rear. The driveway will be finished in paviours. The boundary treatments consist of a 0.8-metre-high fence and a 1.8-metre-high fence.
- 3.1.6 There will be two parking spaces for each dwelling and rear amenity spaces measuring 125 square metres each. The block plan shows an area for shed storage and waste storage in the rear gardens.
- 3.1.7 This application is a re-submission of 19/01077/FUL which was for two semi detached dwellings. That application was refused for the following reasons:
- 1 The proposed dwellings, due to their design and scale, when compared to the adjoining dwellings, would be overly large and unduly dominant and prominent features within the streetscene, resulting in a visually obtrusive form of development. The proposal would therefore cause detrimental harm to the character and appearance of the site, the streetscene and the surrounding area, contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

- 2 *There would be a shortfall of one parking space for each dwelling, which is considered insufficient for a four-bedroom dwelling in this location. The shortfall of parking would be likely to result in the increase in parking along Chapel Lane, which would have a harmful impact on the free flow of vehicles along this lane. The proposal would therefore be contrary to the guidance contained within the adopted Maldon District Parking Standards SPD, policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*
- 3 *In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

3.1.8 The amendments under this application are:

1. The reduction in height of the dwellings by 1.4 metres, reducing their scale from two storey dwellings to chalet style dwellings with two front and rear dormer windows.
2. The reduction from 4 bedrooms to 3 bedrooms.

3.2 Conclusion

- 3.2.1 Overall, the proposal is not considered to result in a materially harmful impact on the character and appearance of the surrounding area, nor would it result in a detrimental impact on neighbouring sites. The proposal would also be acceptable in terms of parking provision, amenity space and ecology. The proposal is therefore considered to be in accordance with the policies contained within the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- N2 Natural Environment and Biodiversity
- T2 Accessibility
- I1 Infrastructure and Services

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 proposed dwelling would be located within the settlement boundary of Tillingham and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements thereby preserving the appearance and character of the countryside. Tillingham is recognised as being a ‘smaller village’ within the LDP which has a limited range of services and opportunities for employment, retail and education, as well as limited public transport links. The location would however be regarded as sustainable.

5.1.3 It is noted there is an extant outline permission at the site under the terms of 18/01407/OUT which approved permission for one dwelling, with all matters reserved. It is therefore considered that the principle of residential accommodation at the site has been established.

5.1.4 Therefore, overall, the principle of development in this location is considered to be acceptable.

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 two dwellings.

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 The proposal would provide two new three-bedroom dwellings. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which, when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units. The Council therefore, encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014 identifies the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% of housing to be for three-bedroom plus units. The proposed two three-bedroom dwellings will therefore not make a significant contribution to the District's Housing Need and this weighs against the development. As only two dwellings are proposed, it is considered that the social and economic benefits would be negligible.

5.3 Design and Impact on the Character of the Area

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

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

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

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents".

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

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

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

- 5.3.5 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.
- 5.3.6 The dwellings within the surrounding area are mixed in their design and scale, from bungalows, chalet style dwellings and two-storey dwellings, ranging from terraces to detached dwellings. Development within the area takes a linear form, however there is no strong front building line. The plot is situated within a row of residential sites. The proposed dwellings would be positioned in line with No.24 Chapel Lane and would align with the general pattern of development within the area.
- 5.3.7 The previous report noted that there were concerns over the width as it intensified the harm previously identified regarding the scale and bulk. It is noted that the width has not been reduced however as the height has been reduced by 1.4 metres and the dwellings are now of a chalet style, it is considered, on balance, that the previous concerns have been overcome. In relation to the width of the properties and the level of siting it must be noted that other dwellings, including garages, along Chapel Lane also fill the majority of the width of their plots with development. When viewed within the streetscene, it is not considered that the development would result in an unduly dominant development and would not have a significantly harmful impact on the surrounding area.
- 5.3.8 The design of dwellings is considered to be typical for a residential development, with a gable design and single-storey front and rear projections. The overall style including the dormer windows have taken reference from other dwellings within the streetscene and therefore there are no objections to the design. The materials appear to be of an acceptable appearance and reference those used in the surrounding area, however a condition will be included to require further details to be submitted to ensure they are in keeping with the character and appearance of the site and the surrounding area.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.4.2 No.24 Chapel Lane would be located 9.3 metres from the shared boundary with the development and 10.3 metres from the western dwelling itself. There is a double garage positioned in between this neighbour and the proposed dwellings. Due to this and the separation distance, it is not considered that the proposal would result in significant loss of light to this neighbour. The proposed dwellings would be located 1 metre from the shared boundary with this neighbour. Only the 4-metre-deep single storey element will project past the rear elevation of this neighbour, abutting the amenity space of this neighbour. Due to its height and the large size of the

neighbouring garden, the proposed dwelling is not considered to result in a harmful impact by way of a loss of light or being overshadowing to the private amenity space of this neighbour. There will be a ground floor window and a first-floor obscure glazed window on the west flank elevation facing this neighbour. Due to the positioning of the window at ground floor level and the first-floor window being obscure glazed, the proposal is not considered to result in a loss of privacy to this neighbour.

- 5.4.3 No.20 Chapel Lane would be located 4.8 metres from the shared boundary with the development and 5.8 metres from the eastern dwelling itself. Due to the separation distance and the height of the proposed dwelling, it is not considered that the proposal would result in a significant loss of light or sense of dominance to this neighbour. The proposed dwellings would be located 1 metre from the shared boundary with this neighbour. The proposed dwellings would project along the boundary with the area of land to the western side of the neighbouring dwelling. This appears to be used for parking and leads to the neighbouring detached garage. The proposed dwellings would therefore not impact on the main rear private amenity space of this neighbour, which is located further to the north west of the proposed dwellings. There will be a ground floor window and a first-floor obscure glazed window on the east flank elevation facing this neighbour. Due to the positioning of the window at ground floor level and the first-floor window being obscure glazed, the proposal is not considered to result in a loss of privacy to this neighbour.
- 5.4.4 It is noted that no objection was raised in relation to residential amenity within the previous application and therefore, considering the scale of the dwellings has been reduced, it would not be reasonable to raise an objection in this regard under this application.
- 5.4.5 The dwellings would be located 17 metres from the rear boundary of the plots. Due to this distance, it is not considered that the proposal would have a significant impact on the neighbouring site to the rear.
- 5.4.6 The dwellings would be located 18.5 metres from the properties to the front (south) of the site. Due to the separation distance, there would not be a harmful level of inter-visibility, overlooking or overshadowing to these neighbouring sites.
- 5.4.7 All other dwellings are located at a distance where the proposal will not impact on their residential amenity.
- 5.4.8 It is considered that the future occupiers of the proposed dwellings would have acceptable living conditions and would not be overlooked or overshadowed by the neighbouring sites or each other.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within

the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.5.2 Both dwellings have three bedrooms. The adopted Vehicle Parking Standards require a three-bedroom dwelling to have two parking spaces, measuring the required standard of 2.9 metres wide and 5.5 metres deep.
- 5.5.3 The plans show there would be two parking spaces of the required dimensions located to the front of each site, which is considered acceptable for the size of the dwellings. It is noted that there is no turning area at each plot however the proposal is located down a residential road where it is common for parking spaces to be positioned with the access and egress straight onto Chapel Lane and therefore it would not be reasonable to refuse the application on this basis.
- 5.5.4 The Highway Authority have been consulted and have not replied at the time of writing the report however it is noted they raised no objections in the previous application, but recommended a condition requiring public rights and ease of passage over footpath number 14, which runs along the south boundary of the site, to remain free and unobstructed at all times. A condition requiring this is considered to meet the six tests of planning conditions and therefore this will be included.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG 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.
- 5.6.2 Both dwellings have over 100 square metres of rear private amenity space and therefore there would be sufficient amenity space provided for each dwelling.
- 5.6.3 Hard landscaping is proposed to the front driveways and footpaths surrounding each dwelling. The existing Holly hedge on the western boundary will be retained, however the front Hawthorn hedge will be removed. There will be a 0.8-metre-high fence towards the front of the dwellings and a 1.8-metre-high fence bounding the sites. These are likely to be acceptable, however, a condition will be included to ensure full details of boundary treatments and landscaping are submitted for approval to ensure they are suitable for the character of the area.

5.7 Impact on European Designated Sites

- 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 interest 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 NE'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 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 planning application relates to two dwellings

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 effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 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 £125.58 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 on 12 August 2020 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

Ecology and Trees

- 5.8.1 The site is located in close proximity to a pond and there are a number of mature trees and vegetation along the boundaries. Taking into consideration the existing use of the surrounding area for residential purposes, it is considered that any potential impacts

from the erection of a dwelling on protected species would not be materially greater than those already caused by the existing surrounding residential sites. However, in order to make sure that the environment and wildlife are protected in accordance with the policy requirements, a condition can be imposed for a walkover ecological survey to be carried out prior to the commencement of development. It is noted that this was also the conclusion of the report for application 18/01407/OUT which approved permission for one dwelling on the site. It is not considered that the provision of two dwellings on the site would have a materially worse impact on ecology.

- 5.8.2 The Council's Tree Consultant has commented on the application (full comments found in section 8.3). It is considered that no Arboricultural report has been submitted to show how the Willow on the neighbouring site will be protected and no justification has been given regarding the removal of the Walnut tree. It is noted that the soakaways and bike store could conflict with the root protection area of the trees and may need to be re-positioned. Condition 6 has been imposed to ensure suitable tree protection measures will be in place throughout construction.

6. PRE-COMMENCEMENT CONDITIONS

- 6.1 Three pre-commencement conditions are recommended in relation to a construction method statement, a walkover ecology survey and a tree protection plan and approval for the use of these conditions has been provided by the applicant's agent on 12 August 2020.

7. ANY RELEVANT SITE HISTORY

- **18/01407/OUT** - Outline application for a proposed single dwelling with all matters reserved – Approved
- **19/01077/FUL** - Two new dwellings and associated works. – Refused

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	<p>Object – contrary to LDP</p> <p>D1.1.b – height, scale, form, massing and proportion – the houses are too big for the plot size</p> <p>The 1m access at the side of each house is insufficient, both during construction and when built.</p>	<p>See section 5.3</p> <p>There are no objections to this. Other dwellings along the lane appear to have similar arrangements or are</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>Insufficient parking</p> <p>D1.4 – protect the amenity of surrounding areas taking into account privacy, overlooking, light and visual impact.</p> <p>H4 – effective use of land – density and backland and infill development</p> <p>The walnut tree should not be removed.</p> <p>The level of Chapel Lane has been raised and there is a problem with water run off flooding front gardens and air bricks. Construction vehicles will exacerbate this.</p>	<p>terrace dwellings.</p> <p>See section 5.5.</p> <p>See section 5.4.</p> <p>See section 5.1.</p> <p>See section 5.6.</p> <p>Conditions can be included to mitigate this regarding drainage and construction traffic.</p>

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No response at the time of writing the report.	N/A
Natural England	No response at the time of writing the report.	N/A

8.3 External Consultees

Name of External Consultee	Comment	Officer Response
Tree Consultant	No arboricultural information has been submitted to show how the trees on site or the neighbouring property could be affected, unlike with the previous application where the trees were shown to be retained and protected. The scheme	Comments noted. Condition 6 has been included to ensure tree protection.

Name of External Consultee	Comment	Officer Response
	<p>shows that the Walnut is to be removed, no justified reason for this has been provided and looking at the scheme it could be retained and protected, the previous comments said its structural condition was such that removal should be a consideration, but this was never suitably justified and as mentioned above was shown for retention. I believe the tree can be retained and no good reason to remove it has been provided. The soakaways could impact on the root protection area of the Walnut and the Willow in third party ownership, therefore Arboricultural information is required to show how the trees will be protected. It is likely the soakaways will need to be removed. The same can be said for the Willow in the neighbouring property. This could be affected by the construction of the bike store. Maybe this will need to be moved or a construction methodology provided to show how conflict can be avoided.</p> <p>I think a condition can be placed for this information prior to commencement, but it will be important to ensure it contains sufficient details to address how the trees could be impacted, worked around and protected and provided by a suitably qualified arborist. This will need to indicate frequency of</p>	

Name of External Consultee	Comment	Officer Response
	supervision visits to ensure the protection measures are adhered to and logged to demonstrate the trees have been protected. The tree protection will need to be in place before works start on site.	

8.4 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No response at the time of writing the report.	N/A
Conservation Officer	No response at the time of writing the report.	N/A

8.5 Representations received from Interested Parties

- 8.5.1 9 letters were received **objecting** to the application at the time of writing the report and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Dismayed a second application has been submitted	The planning process allows for multiple applications to be submitted at a site.
Only 1 house can fit on the plot	Comments noted.
Insufficient parking	Comments noted. See section 5.5.
Unmade private lane being destroyed	Comments noted.
Loss of light and view	A loss of a view is not a material planning consideration. See section 5.4.
Out of keeping with existing properties, concerns regarding design and impact on area	See section 5.3.
They have four bedrooms	The proposed dwellings have three bedrooms, a reduction from the previous application.
Where would visitors park?	Only 2 parking spaces are required and have been provided.
Where will construction traffic park?	A condition regarding a Construction Method Statement will be included to mitigate this.
Impact from traffic on Chapel Lane	The addition of two dwellings is not considered to have a detrimental impact on highway safety or traffic generation to an extent that would justify the refusal of the application.

Objection Comment	Officer Response
Conservation area	The site is not within or directly adjacent to the conservation area.
Application 07/01219/FUL (to raise roof of No.20 and add dormer windows) was refused and objected to by the Conservation Officer.	It is noted that the Conservation Officer objected to this application however it was approved. Notwithstanding, this development is of a different character and there are now different policies in place.
Concerns regarding drainage and flooding along Chapel Lane	Conditions can be included to mitigate this.
Impact on neighbour – No.20 has a patio to the side	See section 5.4
Impact on wildlife and walnut tree	No objection was raised in relation to this in the two previous applications and therefore it would be unreasonable to object now. Conditions can be included to mitigate any possible impacts.
Only 1m from boundary – not adequate	There is no requirement for there to be more than a metre between the boundaries. There are no objections to this.
Obstruction for pedestrians which is a footpath	A condition can be included to ensure the footpath remains unobstructed.
The application site houses the mains water supply and water meter – there is no reference to this on the plans	Comments noted. This would be a civil matter and is not a planning consideration.
Larger than approved application	Comments noted.
Minimal difference from previous application – same footprint	The amendments have been set out in section 3.1.8.
Noise	The proposal may result in some increase noise and disturbance due to activity at the site however this is not considered to be at such a level that would justify the refusal of the application.
Outside site is used as overflow parking as other houses don't have enough	This is not a planning reason that would justify the refusal of the application.

9. **PROPOSED CONDITIONS**

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: NDCM07TL-BP1.0, NDCM07TL-SP1.0, NDCM07TL-DR1.2A, NDCM07TL-DR1.2B, NDCM07TL-DR1.2C, NDCM07TL-DR1.2D.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to their use in the development hereby approved, written details and photographs of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON: 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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The 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 washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) delivery, demolition and construction working hours.
- The approved statement shall be adhered to throughout the construction period for the development.
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.
- 5 Prior to the commencement of the development, details of the implementation of a walkover ecological survey by a qualified ecologist and their finding shall be submitted to and approved in writing by the local planning authority. If any protected species are found at the site, a scheme of ecological protection and mitigation shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall then be implemented in accordance with the approved details.
REASON: To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures are in place to protect any species found to be present on site, in accordance with policy N2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

- 6 No works shall take place until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority to clarify the means of protecting the Walnut tree within the application site and the Willow tree located within the curtilage of No.24 Chapel Lane, to the west of the site, during the construction of the development hereby approved. The Tree Protection Plan shall include a scheme of supervision visits to ensure the protection measures are adhered to and logged to demonstrate the trees have been protected. The Tree Protection Plan shall be in accordance with BS5837:2012 and shall be implemented prior to the commencement of the development and adhered throughout the construction process. REASON: To ensure the appropriate retention and protection of the trees on the site, in accordance with policy D1 and N2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 7 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. Details of proposed schedules of species of trees and shrubs to be planted, planting layouts and planting numbers/densities.

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.

- 8 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 and the National Planning Policy Framework.

- 9 Prior to the first occupation of the development hereby approved, details of the design and position of the cycle parking sheds and waste storage area shown on plan NDCM07TL-BP1.0 -Proposed block plan shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the development. REASON: To ensure appropriate facilities are provided at the site to encourage alternative modes of transport and for the storage of waste, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.
- 10 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.
- 11 No dwelling hereby approved shall be occupied until two car parking spaces have been laid out for each plot, in accordance with drawing NDCM07TL-BP1.0 – Proposed block plan and that space shall thereafter be kept available for such purposes in perpetuity.
REASON: To ensure appropriate parking is retained at the site in accordance with the Maldon District Vehicle Parking Standards SPD, policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 12 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the west and east flank elevations of the dwellings shall be glazed with opaque glass and be of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
REASON: To protect neighbouring amenity, in accordance with policy D1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 13 The public's rights and ease of passage over footpath number 14 in Tillingham shall be maintained free and unobstructed at all times.
REASON: To ensure the public right of way is not impacted on by the development, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.