

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

29 March 2022

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 6 APRIL 2022 at 7.30 pm**

in the **Council Chamber. Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

CHAIRMAN

Councillor V J Bell

VICE-CHAIRMAN

Councillor N J Skeens

COUNCILLORS

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





AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 6 APRIL 2022

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 8)

To confirm the Minutes of the meeting of the Committee held on 9 March 2022, (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. **21/01160/VAR - Woodpeckers, 15 Mangapp Chase, Burnham-On-Crouch, CM0 8QQ** (Pages 9 - 28)

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

6. **21/01240/VAR - Paton Place, Nipsells Chase, Mayland, Essex, CM3 6EJ** (Pages 29 - 40)

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

7. **22/00224/HOUSE - Pond House, Scotts Hill, Southminster, CM0 7BE** (Pages 41 - 48)

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

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

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 - 7.
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](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

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

NOTICES**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.

Fire

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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

Supplementary Planning Guidance and Other Advice (continued)

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.

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
9 MARCH 2022**

PRESENT

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

440. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

441. APOLOGIES FOR ABSENCE

There were none.

442. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 12 January 2022 be approved and confirmed.

Councillor Dewick, referring to minutes from a previous meeting on 8 December 2021, queried the status of an item deferred at that meeting, namely, 21/00745/VAR – Land Rear of Red Lyons Farm, Burnham Road, Latchingdon, Essex. It was agreed that an update on this application be circulated to all members.

443. DISCLOSURE OF INTEREST

Councillor W Stamp CC declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor M G Bassenger declared a non-pecuniary interest as the architect for Agenda Item 5 had built his house.

Councillor N W Skeens declared a non-pecuniary interest as he knew the architect.

444. 22/00035/FUL - TEMPERANCE HOUSE, 22 HIGH STREET, BURNHAM-ON-CROUCH, CM0 8AA

Application Number	22/00035/FUL
Location	Temperance House, 22 High Street, Burnham-on-Crouch, CM0 8AA
Proposal	Addition of rooftop belvedere serving existing 2nd floor apartment

Applicant	Mr & Mrs J Thornton
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	10 March 2022
Case Officer	Hayley Sadler
Parish	BURNHAM ON CROUCH
Reason for Referral to the Committee / Council	Member Call In Councillor V J Bell has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) and D3 (Conservation and Heritage Assets)

Following the Officer's presentation, the Chairman opened the debate.

A brief discussion took place where the benefits of the scheme was extolled in that it would contribute to the street scene in Burnham-on-Crouch. It was further noted that the Conservation Officer had no objections to the proposal.

Councillor Fluker proposed that the application be approved contrary to the Officer's recommendation, and subject to the usual conditions, having particular regard to materials used on the fenestrations. This was seconded by Councillor Helm.

The Chairman put the proposal to approve the application to the Committee and it was agreed by assent with standard conditions delegated to Officers in consultation with the Chairman.

RESOLVED that the application be **APPROVED** subject to standard conditions.

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

The Chairman proposed that the Committee recommend to Council to agree that all future meetings of the South Eastern Area Planning Committee be held at Burnham-on-Crouch Town Council Offices. This was seconded and agreed by assent.

In response to a query regarding the streaming setup at Burnham-on-Crouch Town Council Offices the Chairman provided confirmation.

RECOMMENDED that Council agree all future meetings of the South Eastern Area Planning Committee be held at Burnham-on-Crouch Town Council Offices.

The meeting closed at 7.54 pm.

V J BELL
CHAIRMAN



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
6 APRIL 2022**

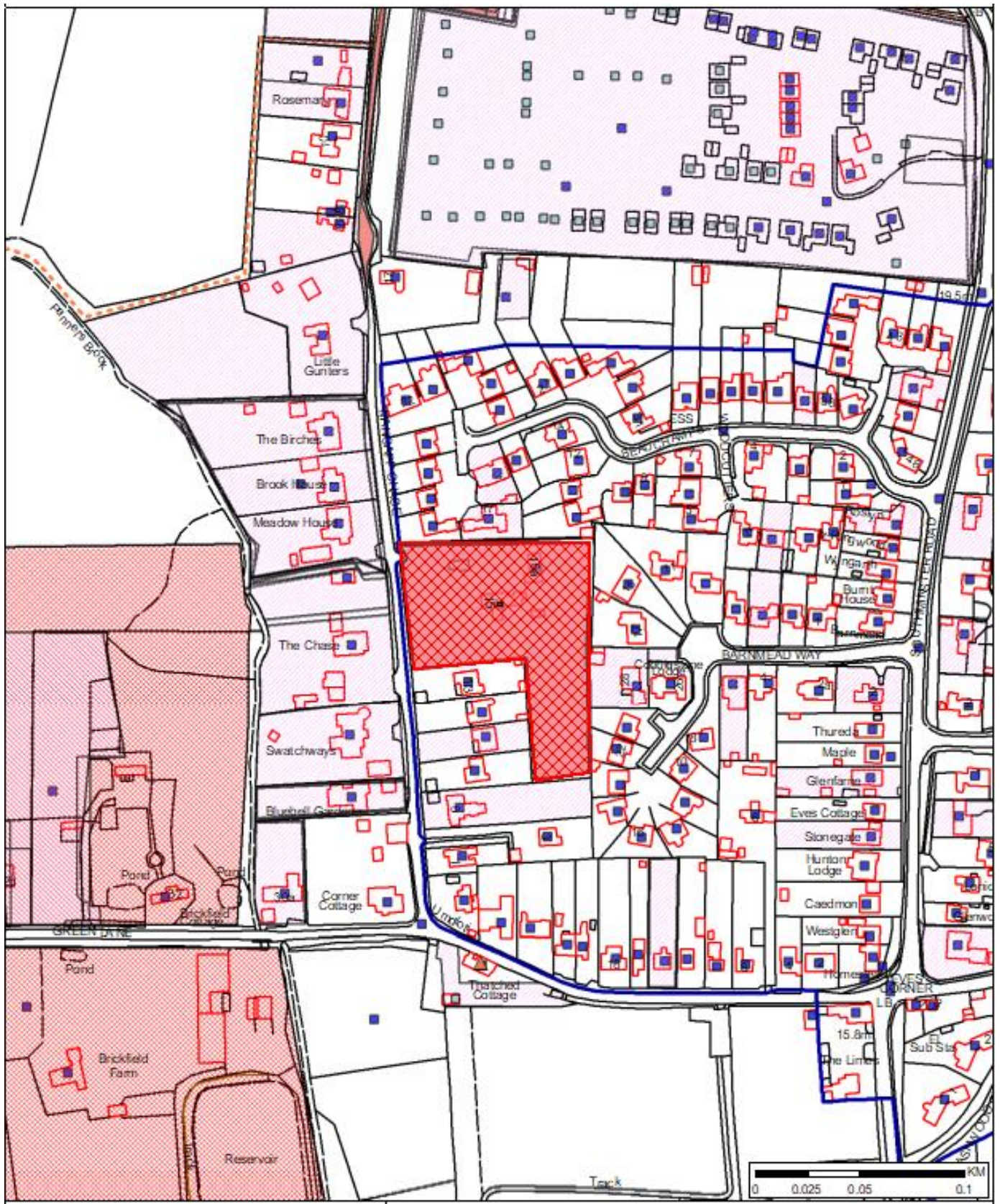
Application Number	21/01160/VAR
Location	Woodpeckers, 15 Mangapp Chase, Burnham-On-Crouch, CM0 8QQ
Proposal	Variation of condition 2 on approved planning permission 20/01288/FUL (Demolition of existing outbuildings and erection of 5 no. dwellings)
Applicant	Mr D Daniel
Agent	David James - Enhance Planning
Target Decision Date	14.01.2022 EOT requested
Case Officer	Hannah Bowles
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Not Delegated to Officers – Requires a Section 106 agreement to secure the payment of monies to the Council Major Application

1. RECOMMENDATION

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

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 eastern side of Mangapp Chase, within the settlement boundary of Burnham-On-Crouch. The site comprises a residential dwelling set back from the streetscene, situated within a large plot, with various outbuildings. The surrounding area has a denser urban grain with mainly linear development fronting Mangapp Chase but also some cul-de-sac style developments.
- 3.1.2 Planning permission is sought for the variation of condition 2 on approved planning permission 20/01288/FUL, which approved the demolition of existing outbuildings and erection of 5 no. dwellings at the application site.

CONDITION 2 STATES:

The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents:

18/36/01
18/36/02
18/36/09
18/36/06
18/36/07
18/36/11
18/36/03 Rev A
18/36/04 Rev B
18/36/08

REASON - To ensure that the development is carried out in accordance with the details as approved.

- 3.1.3 Below is a table of the approved plans that would be replaced by the proposed plans, should the application be approved.

Approved plan under reference 20/01288/FUL:	Proposed replacement plan:
18/36/07	SK.2113.1
18/30/04 B and 18/36/06	SK.2113.2A
18/36/11	SK.2113.3
18/36/03 Rev A	SK.2113.4

- 3.1.4 The above plans have been revised to reflect the proposed changes to the approved scheme, the proposed amendments are as follows:
- Plot 3 has changed from a bungalow to a two-storey dwelling with rooms within the roof space.
 - A single detached garage has been added to plot 3.
 - An additional floor has been created within the roof space of plots 1, 2, 4 and 5.
 - A front dormer window and two rooflights have been introduced to the dwellings in plots 1, 2, 3 and 4.
 - Two front dormer windows and three rear facing rooflights have been introduced to the dwelling in plot 5.

- The additional floorspace has triggered the requirement for affordable housing provision, due to the overall floor area of the proposal being over 1000sqm, measuring a total of 1502sqm (not including the floor area of the buildings to be demolished).

3.2 Conclusion

- 3.2.1 The proposed variation of condition 2 of approved planning permission 20/01288/FUL would result in alterations to the house type in plot 3, the addition of a garage building in plot 3 and the addition of dormer windows and roof lights to provide a floor within the roof space for the five previously approved dwellings. The alterations are considered to be acceptable in principle and in relation to the visual impact on the surrounding area. Furthermore, the proposal would not affect the amenity of the neighbouring occupiers or detrimentally impact the parking provision or amenity space provided at the site. The proposed changes would result in the loss of a smaller 2-bed unit (plot 3). However, the alterations to the development have resulted in a requirement for affordable housing provision, which on balance is considered to significantly outweigh the loss of a smaller unit. Therefore, it is considered that the proposed amendments are in compliance with policies D1, H1 and H4 and of the Maldon District Local Development Plan (LDP) and overall, the scheme is acceptable. Therefore, the proposal is recommended for approval.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 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
- H1 Affordable Housing
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

- Affordable housing provision in the form of a Commuted Sum.

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 Planning permission is sought for the variation of condition 2 on approved planning permission 20/01288/FUL, which granted permission for the demolition of existing outbuildings and erection of 5 no. dwellings. The variation sought seeks to amend plot 3, which was approved as a bungalow, to a two-storey dwelling with rooms within the roof space and a single garage is proposed to serve the plot. In addition, an additional floor within the roof space is proposed to serve plots 1, 2, 4 and 5 and dormers and rooflights have been proposed to achieve this.
- 5.1.3 The principle of 5 additional dwellings at the application site was established under the terms of application 20/01288/FUL. The determining factors in the assessment of this application are whether the proposed alterations are acceptable in terms of the visual impact on the character and appearance of the area and site, and any resulting impacts on the neighbouring properties, and the provision of car parking and amenity space.
- 5.1.4 Whilst it is noted that this application is a variation of conditions, application and additional accommodation and design features are proposed. However, it is not considered the proposed amendments result in development deviating so significantly from the original description that it would amount to a new proposal, and the description of the development would not be changed as a result of the proposed changes. As such, it is considered that the amended proposal falls within the restrictions of S73 of the Town and Country Planning Act 1990 (as amended).
- 5.1.5 Given the above assessment, it is considered that the variation to the development, previously approved under the terms of 20/01288/FUL, is acceptable in principle. Specific consideration of the material considerations that have changed as a result of the proposed changes are provided below.

5.2 Housing Mix

- 5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council's current land supply

position, the NPPF states that Local Planning Authorities (LPAs) should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

- 5.2.2 Whilst the LDP carries limited weight at present due to the lack of a Five Year Housing Land Supply (5YHLS) and consequent impact on its housing delivery policies, in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and NPPG and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.4 The proposal would provide five four-bedroom dwellings. The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings, specifically, 25-35% 2-beds and 40-50% 3-beds. Therefore, as the proposal relates to the provision of five 4-bedroom dwellings, it would not contribute towards supplying the greatest current housing needs in the district. Further, the dwelling currently approved to occupy plot 3, is a 2-bed dwelling and the amendments proposed under the terms of this application would result in the provision of a 4-bed dwelling in lieu of the two-bed unit. This element of the scheme weighs moderately against the proposal, this is discussed further in section 5.8 *'Planning Balance'*.

5.3 Affordable Housing

- 5.3.1 Policy H1 of the LDP requires all housing developments of more than 10 units or 1000sqm to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objective on affordable housing.
- 5.3.2 The previous application approved under the terms of application 20/01288/FUL, did not trigger the affordable housing requirement.
- 5.3.3 The proposed increased floor space of the development amounts to proposal having a total of 1,706sqm of floor space, including the proposed outbuildings. The Affordable Housing and Viability SPD states that the total floor area does not include the floor area of buildings to be demolished, which amounts to 209sqm. On this basis, the development would measure 1,502sqm triggering the requirement for affordable housing provision.
- 5.3.4 The Council's Strategic Housing Department has been consulted and have confirmed that the site would be subject to a 30% affordable housing requirement, which equates to 1.5 affordable units.

- 5.3.5 Policy H1 of the Local Development Plan 2014 - 2029 identifies that Affordable Housing should be provided on-site and only in exceptional circumstances where the Council consider accepting a financial contribution from the developer in lieu of on-site provision where the district's need for affordable housing can be better satisfied through this route.
- 5.3.6 Strategic Housing has raised concerns that a Housing Association may not consider such a small number of Affordable Housing units as an attractive opportunity as this, potentially, may not be cost effective to manage and the units proposed are 4-bedroom dwellings, which are contrary to the greatest need for smaller units as identified in the Council's Local Housing Needs Assessment 2021. Therefore, it is considered that in this instance a Commuted Sum would be beneficial to the Council rather than affordable units of the proposed size. Given this, it is considered that a commuted sum better satisfies the Council's affordable housing needs and therefore, exceptionally, a commuted sum is acceptable in this instance.
- 5.3.7 The Commuted Sum required for 1.5 affordable units has been calculated at £381,000.00 and the Applicant has confirmed they are willing to enter into a legal agreement to secure this sum.

5.4 Design and Impact on the Character of the Area

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

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

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

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

- 5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density.
- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

- 5.4.5 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.
- 5.4.6 Policy HO.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.
- 5.4.7 The proposed amendments to the scheme include the addition of a floor within the roof space of plots 1, 2, 4 and 5. To accommodate the additional floor, a front facing dormer and a rear and side facing roof light has been added to the dwelling proposed to occupy plots 1, 2 and 4. Two front facing roof lights and three rear roof lights have been added to the dwelling proposed to occupy plot 5. The external alterations to the dwelling proposed to occupy plots 1, 2, 4 and 5 are considered to be relatively minor and given the presence of dormer windows within the vicinity of the site, it is not considered that the alteration to the original scheme would cause visual harm to the site or surrounding area, particularly having regard to the scheme previously approved.
- 5.4.8 The most notable amendment to the previously approved scheme is the change in the house type of the dwelling proposed to occupy plot 3, from a bungalow to a two-storey dwelling with rooms within the roof space. The house type would be identical to the slightly altered dwellings proposed to occupy plots 1, 2 and 4. Further, a single garage measuring 6.4m by 3.5m with a ridge height of 4m is proposed to serve plot 3. Having regard to the previously approved plans (under reference 20/01288/FUL), plot 3 is the only plot which was not previously proposed to be served by garage building.
- 5.4.9 Plot 3 is located in the north-east corner of the application site and the proposed dwelling would be set back from the public highway by around 65.8m.
- 5.4.10 The previously approved bungalow proposed to occupy plot 3 measured 15m in depth and 8.6m in width, with an eaves height of 2.6m and a ridge height of 5.9m. The dwelling proposed would be identical to those proposed to occupy plot 1 and 2 and would be a handed replica of the dwelling proposed to occupy plot 4. This house type is a two-storey hipped roof dwelling with rooms within the roof space. The dwelling features a front facing gable projection, a single storey rear projection, a front facing dormer window and side and rear facing rooflights. It would measure a maximum of 13.5m and 13.3m deep (including bay window and rear projection), with an eaves height of 5.2m and a ridge height of 9m.
- 5.4.11 Given that the house type would be identical that proposed to occupy plots 1, 2 and 4, it is not considered that it would form an out of keeping or overbearing addition to the site in terms of appearance and scale. The enlarged dwelling would be a more prominent feature, given the increased scale, most notably the height with a 3m increase. However, the form, scale and appearance of the proposed dwelling is considered to have more regard to the existing development in the area, which is largely two storey dwellings. In the absence of demonstrable visual harm arising from this aspect of the proposal, it is not considered that an objection in this respect should be raised.

- 5.4.12 The proposed single garage is considered to be acceptable in terms of its scale, design and siting to the front of the proposed dwelling. The garage building would appear traditional in appearance subordinate to the dwelling proposed to occupy plot 3.
- 5.4.13 Paragraph 135 of the NPPF states that *“Local planning authorities should also seek to ensure that the quality of an approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”* In this case it is considered that the proposed amendments to the residential development are acceptable in this instance, the changes to plot 3 are considered to result in this plot being more cohesive with the remainder of the development, which are all two storey dwellings with detached outbuildings. Furthermore, dormer windows and roof lights are features present within the area. The dwellings would remain detached and two-storey, which is the predominant form of development within the surrounding area. Therefore, the quality of the approved development is not considered to be materially diminished, and the proposal is therefore not contrary to the above guidance.
- 5.4.14 Therefore, it is considered that the amendments to the previously approved development under the terms of application 20/01288/FUL, by reasons of the scale, design and appearance would not result in a demonstrable harm to the character and appearance of the site or the locality in accordance with policies D1 and H4 of the LDP.

5.5 Impact on Residential Amenity

- 5.5.1 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.
- 5.5.2 There were no concerns raised in terms of the impact of the proposal on residential amenity at the time of the previous application.
- 5.5.3 There have been no changes to the scheme in terms of layout and only a minor increase in the scale of the built form observed at the site, mainly relating to the increased scale of the dwelling proposed to occupy plot 3 and the addition of the proposed single garage. Further, rooflights and dormer windows are proposed to be added to the roof slopes of the proposed dwellings.
- 5.5.4 Although the dwelling proposed to occupy plot 3 has increased in scale, most notably by 3m in height. The proposed development is located a minimum of 14.65m from the closest neighbouring occupier, and the proposed single storey garage is located even further, around 19.5m. Therefore, it is not considered the amendments to the scale of the dwelling located within plot 3 would result in a dominating impact or loss of light, to the existing neighbouring occupiers given the separation distance.
- 5.5.5 In terms of overlooking, there are rooflights and dormer windows proposed within the roof slopes of all the proposed dwellings. There are two roof lights proposed to serve the dwelling within plot one. The roof light on the southern side elevation would be located 13.2m from the southern side boundary of the plot and 15.35m from the neighbouring dwelling no. 13. The roof light on the rear elevation would be 16.05m from the rear boundary of the plot and 19.5m from the existing dwelling within the site. The dormer window within plot one is front facing and located in excess of 34m from the neighbouring dwelling located on the opposite side of the road. Given the

size and location of the windows along with the separation distances, it is not considered that the proposed amendments to plot 1 would result in overlooking to the detriment of the living conditions of the existing or future occupiers of the neighbouring properties.

- 5.5.6 The rooflights and dormer windows within plot 2 are located in the same positions within the roof slope as those within plot 1, at a distance of 12.85m from the rear boundary of the plot which faces the front garden/driveway of the existing dwelling on site (proposed to be retained), 10.5m from the southern side boundary and 11.78m from the proposed dwelling within plot 1 (to the south), the dormer window would be in excess of 40m from the neighbouring property located opposite the site. As above, given the size and location of the windows along with the separation distances, it is not considered that the proposed amendments to plot two would result in overlooking to the detriment of the living conditions of the existing or future occupiers of the neighbouring properties.
- 5.5.7 In relation to plot 3, again the proposed windows are located in the same positions as those within plots 1 and 2; a front facing dormer which is located around 20m in a south-west direction from the existing dwelling within the site proposed to be retained, and a south facing roof light is located 4.1m from the side elevation of the dwelling proposed to occupy plot 4 and around 6m between the rooflight located on the northern roof slope of plot 4, and a rear facing rooflight is located in excess of 30m from the neighbouring property to the rear of the site. No concerns are raised in terms of the proposed dormer window or rear facing roof light, given the separation distance. Although there is only a separation distance of 4.1m between the south facing roof light and dwelling proposed to occupy plot 4, given the lack of a first-floor window within the northern elevation of plot 4 and the orientation and angle of the proposed roof lights in relation to each other, it is not considered that the amendments to plot 3 would result in overlooking.
- 5.5.8 In relation to plot 4, the proposed roof lights are located on the northern and rear roof slope and the dormer window is located on the front roof slope. The impact of the north facing roof light in relation to the proposed dwelling within plot 3, is the same as described above and is not considered to result in a demonstrable impact in terms of overlooking. The rear facing roof light would be located 18m from the rear boundary of the site and 27m from the neighbouring property to the rear. The front facing dormer window would be located 15.87m from the side elevation of the existing dwelling on site, which would be located on the opposite side of the access track. As above, given the size and location of the aforementioned windows along with the separation distances, it is not considered that the proposed amendments to plot 4 would result in overlooking to the detriment of the living conditions of the existing or future occupiers of the neighbouring properties.
- 5.5.9 In relation to plot 5 two front facing dormer windows are proposed and two rear facing roof lights. The proposed dormer windows would face plot 4 to the north, with a separation distance of around 8.6m to the front boundary of the site and 17.3m to the southern side elevation of the dwelling proposed to occupy plot 4. The dormer windows would have the same impact to plot 4, as the existing windows located on the front elevation of the dwelling within plot 5, given the separation distance this impact was previously found to be acceptable therefore, no concerns in relation to the proposed front facing dormers are raised. The rear facing rooflights are located in excess of 60m from the rear boundary of the site. Therefore, no concerns in respect to their impact are raised.

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 There are no alterations proposed to the approved vehicular access point or track and therefore, no concerns in respect to highway safety are raised.
- 5.6.3 The previously approved parking arrangements for plots 1, 2, 4 and 5 have not been altered under the terms of this application and no additional bedrooms are required.
- 5.6.4 The dwelling within plot 3 has increased from a 2-bed dwelling to a 4-bed dwelling, resulting a requirement for three off-street parking spaces and a single garage has been proposed to serve the plot. Whilst the proposed garage at 6.4m by 3m, would fall short of the recommended size requirement contained within the VPS of 7m by 3m, it is noted that the outbuildings proposed at the time of the original scheme (to serve plots 1, 2, 4 and 5) fall short of the recommended standard by 1m, and this was deemed acceptable on the basis of *'Whilst these would measure marginally under the required depth, the parking standards take into account the fact that garages could be used for storage purposes. The proposed garages/carports would provide sufficient room to park a car and therefore there are no objections in this regard'*.
- 5.6.5 Given the stance previously taken in this respect and that the garage can accommodate a reasonable sized car, it would be unreasonable to discount the garage entirely as a parking space. Furthermore, the proposed garage would be 0.4m deeper than the previously approved garage, and in front of the garage space there would be space to park two vehicles. Therefore, no concerns in respect of car parking provision are raised.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted 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.
- 5.7.2 The garden area for each dwelling, including the existing dwelling on the site, remains in excess of 100sqm and therefore there are no objections in this regard.

5.8 Planning Balance

- 5.8.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the local planning authority must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purpose of the planning system, as a material consideration.

5.8.2 The development of the site for five dwellings has previously been found to be acceptable. The changes to the scheme would result in a 2-bed dwelling, which at the time of determination was the districts greatest need being replaced with a 4-bed dwelling. Whilst the need assessment has changed, since the determination of the last application and evidence now indicates that the greatest need is for 3-bedroom dwellings the need for 2-bedroom dwellings is still greater than the need for 4-bedroom dwellings. The loss of the 2-bedroom property therefore, moderately weighs against the proposed alterations to the scheme. However, the provision of affordable housing, albeit a commuted sum, weighs heavily in favour of the development. This factor is considered to significantly outweigh the loss of the provision of a single 2-bed dwelling to the housing land supply.

5.8.3 This stance is substantiated by the recent appeal decision at 'Land 250M North of 16A Maldon Road, Burnham-on-Crouch' (APP/X1545/W/21/3283478) which highlights the District's needs for affordable homes:

'The Council has a shortfall of 817 affordable homes, which is a very substantial shortfall in the context of a District where this equates to more than two years housing land supply for all types of housing. It is agreed that the need for affordable homes is acute and worsening. As with general housing, there is no realistic prospect of plan-led solutions. I therefore place very substantial positive weight on the proposed on-site affordable housing, including the five units to be allocated on the Phase 1 site. I also place substantial positive weight on the proposed contribution of circa £4.2m towards off-site affordable housing provision'.

5.8.4 Overall, taking the above into account, the alterations to the previously approved development can be considered to be acceptable and the benefits of the scheme are considered to outweigh the harm.

6. **ANY RELEVANT SITE HISTORY**

- **90/00280/OUTO** - Erection of 3 No two storey houses with double garages and associated access - Approved
- **93/00694/FUL** - Single storey extension to existing dwelling to form granny annex - Approved
- **94/00440/FUL** - Single storey detached granny flat - Approved
- **04/00912/FUL** - Construction of new 2 bay garage and store - Approved
- **05/00469/FUL** - Two storey extensions to the existing house - Approved
- **20/01288/FUL** - Demolition of existing outbuildings and erection of 5 no. dwellings. - 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	No response received.	Noted.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Housing Department	<p>Policy H1 of the Local Development Plan 2014 – 2029 identifies that Affordable Housing should be provided on-site. Only in exceptional circumstances would the Council consider accepting a financial contribution from the developer in lieu of on-site provision where the district's need for affordable can be better satisfied through this route. Strategic Housing has a concern that a housing Association may not consider the small number of Affordable Housing units as this may not be cost effective to them. The unit proposed is a 4-bedroom house which is contrary to the greater proportion for smaller units as identified in the Council's Local Housing Needs Assessment 2021. If a Commuted Sum was proposed, this would need to conform with the details set out in the Maldon District Strategic Housing SPD. To calculate the contribution required for a property or a percentage of a property it would be the cost to a Registered Provider that would be paid to the Developer for an affordable unit. The cost for a 4-bed affordable rented property that an RP currently pays to a developer is £254,000.00. Therefore, the Commuted Sum required for 1.5 affordable units would be £381,000.00. Should the Applicant propose a Commuted Sum in lieu of on-site affordable housing and Development Management support this Application, the issue of accepting a Commuted Sum would be determined by Members.</p>	Discussed in section 5.3 of this report.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Affordable Housing Commuted Sum
- Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

CONDITIONS

1. The development hereby permitted shall be begun before the 2nd July 2024.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents:
 - 18/36/01
 - 18/36/02
 - 18/36/09
 - SK.2113.2A
 - SK.2113.1
 - SK.2113.3
 - SK.2113.4
 - 18/36/08REASON: To ensure that the development is carried out in accordance with the details as approved.
3. Prior to their use in the development hereby permitted, full written details and photographs of the external materials used in the development hereby approved shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
4. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
 - Tree survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan
 - Arboricultural implication assessment
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: To protect the trees on site and the amenity and rural character of the area, in accordance with policies D1 and H4 of the LDP and the guidance contained within the NPPF.
5. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved

in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) wheel and underbody washing facilities

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

- 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors, Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed, a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

REASON: In the interests of pollution and contamination and 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.

6. The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Report (MH1187 V1 dated 03.12.2020) which is attached to and forms part of this permission.

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 present on site in accordance with Policy N2 of the Maldon District Local Development Plan, and Government guidance as 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. Retained historic landscape features and proposals for restoration, where relevant.

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

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

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

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. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking, or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic m in

volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

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

10. No works above ground level shall take place until details of the 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 development work above ground level shall occur until a detailed Sustainable Urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide has been submitted in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
- Discharge rates/location
 - Storage volumes
 - Treatment requirement
 - Detailed drainage plan
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100-year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site, it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground.

If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water.

Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site, then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

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

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority. 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.

12. No dwelling hereby approved shall be occupied until the car parking spaces have been laid out for each plot and sufficient space for vehicles to turn so that they may enter and leave the site in forward gear has been provided, in accordance with drawing no SK.2113.4 Proposed Site 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 VPS, policies D1 and T2 of the LDP and the guidance contained within the NPPF.
13. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title, has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work. REASON: To protect the historic character of the site, in accordance with policy D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
14. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title, has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work. REASON: To protect the historic character of the site, in accordance with policy D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
15. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation, and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one-day travel vouchers for use with the relevant local

public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the LDP and the guidance contained within the NPPF.

16. Notwithstanding the details on the planning drawing No. SK.2113.4 prior to first occupation of the development, the shared vehicle access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be narrowed to no more than 6m wide for the first 6m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge to the specifications of the Highway Authority.
REASON: In the interests of highway safety, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
17. Prior to first occupation of the development, and as shown in principle on planning drawing No. SK.2113.4 the vehicular access for the single dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
REASON: In the interests of highway safety, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
18. Prior to occupation of the development, each access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 4 m in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road is first used by vehicular traffic and retained free of any obstruction at all times.
REASON: In the interests of highway safety, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
19. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
REASON: In the interests of highway safety, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
20. There shall be no discharge of surface water onto the Highway.
REASON: In the interests of highway safety, in accordance with policy T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. Waste management - the applicant should consult the waste and street scene team at Maldon District Council (MDC) to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the council's collection vehicles.

2. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the local planning authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the local planning authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property, and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under part 2a of the environmental protection act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex contaminated land consortium's land contamination technical guidance for applicants and developers and UK best-practice guidance.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
6 APRIL 2022**

Application Number	21/01240/VAR
Location	Paton Place, Nipsells Chase, Mayland, Essex, CM3 6EJ
Proposal	Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)
Applicant	Mr & Mrs Kenny Paton
Target Decision Date	15/02/2022
Case Officer	Nicola Ward
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Paton Place, Nipsells Chase, Mayland
21/01240/VAR



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: SE Area Planning Committee

Date: 28/03/2022

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for the variation of condition 2 and the removal of condition 8 on approved planning permission 21/00628/FUL which approved the construction of a single storey self build live/work dwelling.

Condition 2 states:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1056/03 Rev A, 1056/04, 1056/05, 1056/06, 1056/07, Arboricultural Method Statement 27 September 2021.

REASON - To ensure that the development is carried out in accordance with the details as approved.

- 3.1.2 The proposed amendments to the approved scheme are as follows:

- Enlargement of the veranda to the front elevation
- New window opening to serve the office
- New door opening to serve the utility room
- The blocking up of the existing garage door and create a window and door openings to serve the utility room

Condition 8 states:

The garage hereby permitted shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwellinghouse as such and shall not at any time be converted or used as habitable space/living accommodation.

REASON - To ensure suitable parking is provided and in the interests of the amenity of the site, in accordance with policies D1 and T2 of the Maldon District Local Development Plan.

3.2 Conclusion

- 3.2.1 Overall, the amendments to the scheme are relatively minor, affecting only the elevations and fenestration, and as such would not detract from the design of the scheme as approved. There is no increase in the size or scale of the building or any part thereof. The removal of condition 8, for use of the purposes proposed, would not impact on the use of the garage for purposes incidental to the dwellinghouse. The proposal is therefore in accordance with policies D1, D3, D5 and H4 of the LDP and the guidance contained within the 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 2021 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

- 54-58 Planning Conditions and Obligations
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 152 – 169 Meeting the challenge of climate change, flooding and coastal change

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
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 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 Planning permission is sought for the variation of condition 2 and the removal of condition 8 on approved planning permission 21/00628/FUL which granted permission for the construction of a single storey self build live/work dwelling.
- 5.1.3 The principle of a live/work dwelling at the application site was established under the terms of application 21/00628/FUL. The determining factors in the assessment of this application are whether the proposed alterations are acceptable in terms of the visual impact on the character and appearance of the area and site, and any resulting impacts on the neighbouring properties and the provision of car parking.
- 5.1.4 Whilst it is noted that this application is a variation of conditions application and additional accommodation and design features are proposed, it is not considered the proposed amendments result in development deviating from the original description.

- 5.1.5 Given the above assessment it is considered that the variation to the development, previously approved under the terms of 21/00628/FUL, is acceptable in principle subject to the material considerations detailed below.

5.2 Design and Impact on the Character of the Area

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

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

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

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

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.
- 5.2.6 The proposed amendments to the scheme include the addition of one window within the north elevation to serve the proposed office, one new door opening within the south elevation to serve the proposed utility room, enlargement of the proposed veranda to the front elevation, blocking up the garage door and inserting one window opening and one door opening within the north elevation.
- 5.2.7 It is considered that the external changes to the garage are minor and the outlook of the proposed window and door openings would match the appearance of the other

window and door opening that have been approved under 21/00628/FUL. Therefore it is considered that the proposed garage amendments will not have an adverse impact of the appearance of the dwellinghouse or the locality.

- 5.2.8 The enlargement of the veranda would result in an additional projection of 1m, taking the depth of the veranda from 4 m to 5 m. The overall outlook of the veranda would not change therefore, it is not considered that the proposed additional projection would result in demonstrable harm to the character and appearance of the dwellinghouse or the locality.
- 5.2.9 Both the insertion of one window within the north elevation to serve the office and one new door opening within the south elevation are minor in detail and would not affect the character and appearance of the dwellinghouse. Therefore, the additional openings are considered to be acceptable. The removal of Condition 8 would not result in the use of that part of the dwelling in a manner that would not be an incidental use, or not inconsistent with the residential use of the dwelling. A utility room is normally part and parcel of dwelling use. Furthermore, parking can be comfortably accommodated within the site and the applicant has indicated that additional exterior parking space in lieu of the garage will be created.
- 5.2.10 Overall, it is considered that the amendments to the previously approved development under the terms of application 21/00628/FUL, by reasons of the scale, design and appearance would not result in a demonstrable harm to the character and appearance of the site or the locality in accordance with policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.3.2 There were no concerns raised in terms of the impact of the proposal on residential amenity at the time of the previous application.
- 5.3.3 The dwelling known as Riversleigh lies over 40m to the south of the site and the dwelling known as Orchard House lies over 80m to the north of the site. Whilst it is noted that the amendments include provision for additional openings, due to the significant separation distance, it is not considered that the proposed amendments would result in an impact on the residential amenity of neighbouring sites by way of a loss of light or a loss of privacy.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 The proposed in parking standards require a single garage to measure 3m wide and 6.7m deep internally. The existing garage which measures 5.9m and 6.7m therefore, it marginally does not meet the standards contained within the Councils parking

standards. However, it is considered that the garage could accommodate a reasonable size car.

- 5.4.3 The proposed dwelling has two bedrooms, and therefore two parking spaces are required. Whilst the proposal includes the loss of a garage there is a parking area to the north which could accommodate at least 2 car parking spaces. In addition, a condition requiring two parking spaces measuring 2.9m wide and 5.5m deep to be provided at the site as well as a suitable 6m turning area. These spaces are required to remain available for the parking of cars in perpetuity.
- 5.4.4 There are no alterations proposed to the approved vehicular access point or track and therefore, no concerns in respect to highway safety are raised. Therefore, the proposed amendments are considered to be acceptable.

5.5 Use of Planning Conditions – The Six Tests

- 5.5.1 The PPG (Use of Planning Conditions) states that conditions can enhance the quality of a development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The NPPF and PPG make it clear that planning conditions should satisfy the following six tests; (1) necessary, (2) relevant to planning, (3) relevant to the development, (4) enforceable, (5) precise and (6) reasonable in all other respects.
- 5.5.2 From the justification provided by the applicant, and considering the above tests, it would appear that the argument is whether the condition fails the first test, e.g. whether it is necessary or not. Given the above assessment, it has been demonstrated that condition 8 is not considered necessary for the development to be acceptable and proceed. The condition is relevant to planning and to the development and therefore meets the second and third tests. The condition is enforceable, and therefore meets the fourth test. The condition is precise and, had the condition continued to be considered necessary, it is reasonable in all other respects.
- 5.5.3 Therefore, Condition 8 fails the first test in its current form, and it is considered justified that the condition should be removed on the basis of the reasons set out in 5.2.9 above.

6. ANY RELEVANT SITE HISTORY

- **17/00736/FUL** - Proposed construction of a new detached single storey dwelling – Withdrawn.
- **17/01043/AGR** - Prior notification for permeable hardstanding, with edging stones. – Refused.
- **17/01060/DD** - T1 - Elm - Fell. T2 - Wild Pear - Fell. T3 - Wild Pear - Fell. Can works proceed under 5-day D&D **5 Day Notice** - Approved.
- **18/00816/HRN** - Hedgerow removal notice for clearance either side of entrance. Area 1 (Southern side) - 2.5m. Area 2 (Northern side) - 3m. – Allow.
- **21/00102/FUL** - Construction of a single storey dwelling – withdrawn.

Applications within the wider site:

- **18/00280/FUL** - Construction of an apple storage barn – Approved.
- **18/00839/FUL** - Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses – Approved.
- **20/00345/FUL** - Variation of condition 2 and 8 on approved planning permission 18/00839/FUL (Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses) – Approved.
- **20/00733/FUL** - An equestrian arena to ride in the wet winter months. The arena is to be made of an equestrian sand mix. – Approved.
- **21/00628/FUL** - Proposed construction of a single storey self build live/work dwelling – Approved.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	No response.	N/A

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before three years from the 15 October 2021.
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: 1056/03 Rev B, 1056/04A, 1056/05, 1056/06A, 1056/07A, Arboricultural Method Statement 27 September 2021.
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 shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
REASON - In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 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, refuse or other storage units, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Soft landscaping - Details of proposed schedules of species of trees and shrubs to be planted and planting layouts.

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.

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

REASON - In the interest of local amenity and in accordance with policies, S8, D1 and H4 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 6 Prior to occupation of the development, details of cycle parking 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, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

- 7 Prior to the first occupation of the development hereby approved, two parking spaces measuring 2.9m wide and 5.5m deep shall be provided at the site as well as a suitable 6m turning area. Furthermore, a fast-charging point shall be provided adjacent to at least one parking space. These spaces shall remain available for the parking of cars in perpetuity.

REASON - To ensure suitable parking is provided, in the interests of parking and highway safety, in accordance with Policy T2 of the Maldon District Local Development Plan.

- 8 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- i. The development should be able to manage water on site for 1 in 100-year events plus 40% climate change allowance.
 - ii. Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1-year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

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

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

REASON - In the interests of protecting against pollution and contamination and ensuring appropriate drainage, in accordance with policy D2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 9 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- REASON - In the interests of protecting against pollution and contamination and ensuring appropriate drainage, in accordance with policy D2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 10 The public's rights and ease of passage over public footpath No.17 (Mayland) shall be maintained free and unobstructed at all times.
- REASON - In the interests of highway and pedestrian safety, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 11 All loading/unloading/reception and storage of all building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
- 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 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic m 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 site and the surrounding area, in accordance with policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
- 13 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof of the building hereby permitted without planning permission having been obtained from the local planning authority.
REASON - To protect the character and appearance of the area, in accordance with policies, S8, D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 14 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Ecological Habitat Survey Report (Hone Ecology, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
REASON - In the interests of ecology and preserving protected species, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.
- 15 Prior to works above ground level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans;
 - d) Persons responsible for implementing the enhancement measures;
 - e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON - In the interests of ecology and preserving protected species, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.

- 16 Prior to the installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON - In the interests of ecology and preserving protected species, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.

- 17 All tree works, including tree protection shall be carried out in accordance with the Arboricultural Method Statement dated 27 September 2021, including the identified schedule of supervision visits to ensure protection measures are in place and are being maintained and adhered to.

REASON - In the interests of the protection of the trees on the site, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
6 APRIL 2022**

Application Number	22/00224/HOUSE
Location	Pond House, Scotts Hill, Southminster, CM0 7BE
Proposal	Demolition of existing side extension, construction of new single storey side extension, part single and part two storey rear extension, construction of raised terrace and alterations to fenestration.
Applicant	Mr S Bell
Agent	Miss Andrea Savill – Athena Architectural Services
Target Decision Date	03 April 2022
Case Officer	Hannah Dungate
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In Councillor A S Fluker has called in the application for the following policy reasons: Policy D1 Councillor M G Bassenger has called in the application for the following policy reasons: Scale and Bulk – Policies S1 / H4

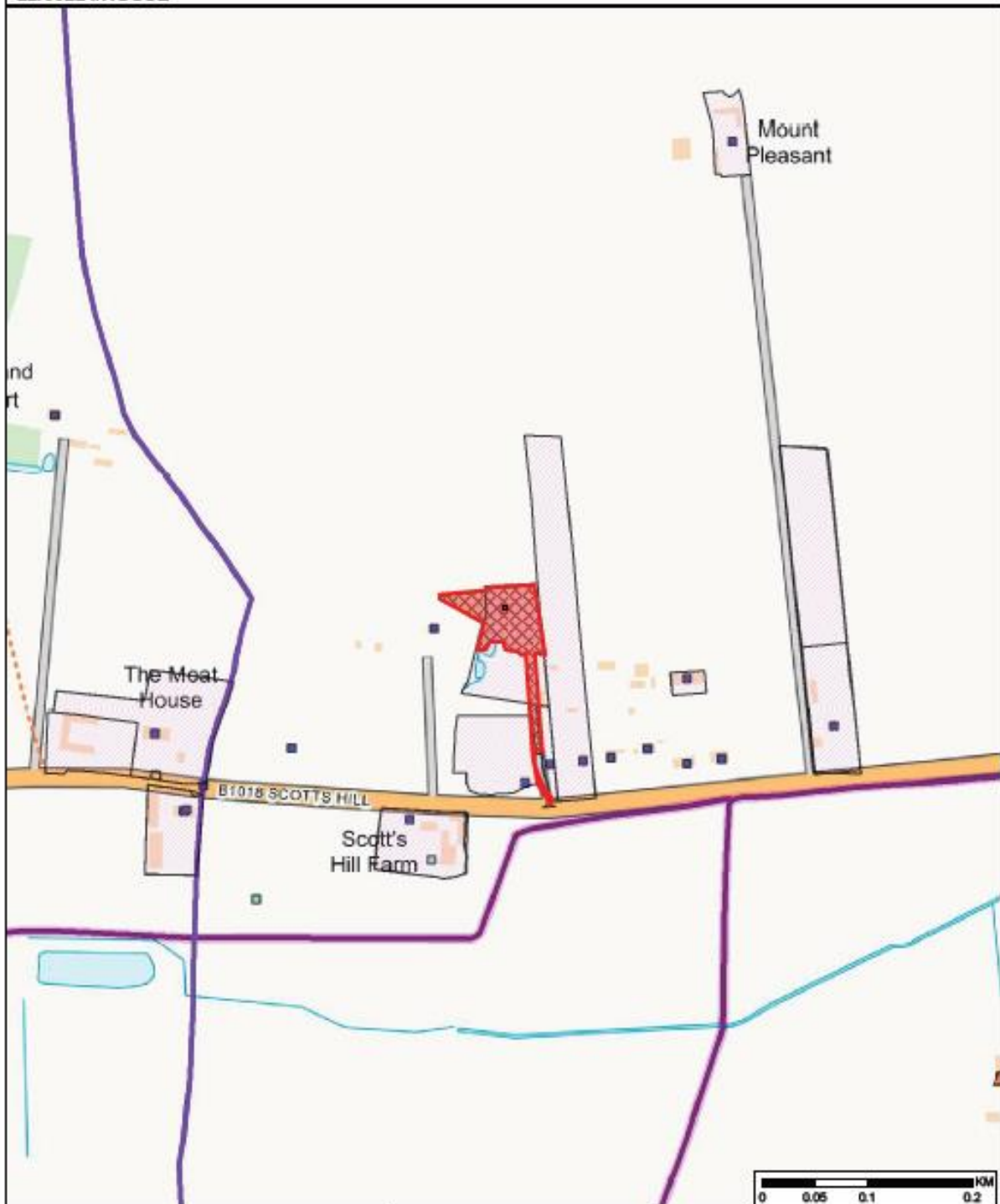
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Pond House Scotts Hill Southminster CM0 7BE
22/00224/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	23/03/2022
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 north of Scotts Hill outside the defined settlement boundary of Southminster. The site is occupied by a two-storey detached dwelling of pitched roof design, which is set back from the main road by a substantial distance and is accessed via a track north of Scotts Hill. A group of residential properties fronting Scotts Hill are located to the east of the application site. To the north, east and west of the site are large expanses of open agricultural fields. Residential development along this part of Scotts Hill is sporadic and loose knit in character, with open agricultural fields along each side of the road.
- 3.1.2 Planning permission is sought for the construction of a single storey side to rear extension and two-storey rear extension. The existing single storey side and rear extensions at the property would be demolished to facilitate the proposed development. Whilst the two-storey rear part of the extension would extend from the main house, the single storey side to rear extensions would wrap around the east and north elevations of the property and the extensions would link into each other and be read as a single wrap-around extension.
- 3.1.3 The application follows a previously refused application for a similar development (20/01165/HOUSE refers). Since the previous application, which proposed a two-storey rear extension measuring 8m in depth, the two-storey rear part has been reduced in depth by 2m, so that it would now measure 6m in depth overall. The roof design of this part of the extension has also been amended so that it would now have a double pitched roof design with a central flat roof valley, instead of a tabletop/crown roof design. As a result of the amended roof design, the height of the two-storey extension has been increased so that it would now measure 6.9m in height at the ridge, instead of 6m.
- 3.1.4 The two-storey extension has also been set in from the side elevation of the main house by 1m so that the overall width of the two storey and single storey rear extension would now measure 18.3m instead of 19.3m. The width of the two-storey part would measure 10.4m and the width of the single storey rear part would measure 8.9m. The width of the single storey side extension would measure 7m when measured from the existing side wall of the main property. The overall depth of the single storey side and rear extensions would be 13m when measured from the front of the side extension; this has been reduced from 15m as part of the previous scheme.
- 3.1.5 The proposed single storey side and rear extensions would have the same height as the previous scheme, measuring 4.6m high overall at ridge height. The pitched roof part would extend from the eastern side wall of the existing dwelling; behind this element would be the flat roof element, which would measure 3m in height. Within the flat roof rear extension there would be a pyramid roof lights.
- 3.1.6 The extensions would create an enlarged cinema, pool table, kitchen, boot room and dining area at ground floor and would create two bedrooms and en-suites at first floor level so that the resultant house would contain five bedrooms overall. Also proposed is a wrap-around raised terrace area at ground floor level, which is proposed at the front, rear and both sides of the property.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its countryside location, incongruous bulk, scale and poor design would significantly harm the appearance or character of the building itself and would not preserve the intrinsic character and beauty of the countryside. However, due to its relationship with the neighbouring properties, the proposal would not result in any undue harm by way of overlooking or loss of amenity. It is therefore considered that the proposed development is not in accordance with the relevant policies contained within the Local Development Plan (LDP) and the proposal is therefore recommended for refusal.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places

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

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

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

principles of good design seek to create a high-quality built environment for all types of development.

- 5.2.2 Policies S1 and S8 of the approved Maldon District LDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.2.3 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the Maldon District Design Guide (2017).
- 5.2.4 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.5 Although the existing property is set back from the main road of Scotts Hill, it is located within the rural area and is surrounded by open countryside to the north, east and west. The existing property is relatively modest in size and currently measures 9m deep and 12m wide. The main body of the property has an approximate floor area of 108sqm and is comprised of various pitched roof elements of varying scale. Due to the convoluted roof design of the existing property, along with its varying parts, the existing house is not considered to be of a particularly high standard of design.
- 5.2.6 The proposed extensions would measure 6m in depth from the rear wall of the existing property and would be over 18m wide overall; this is very large for a householder extension, particularly in relation to the existing property, which is modest in size, having a width of only 12m. In terms of floor area, the extensions would almost double the floor area of the existing property and would increase its depth by two thirds. The width of the house would also increase by over half. For an extension to be considered as a subservient, subordinate extension to the main property, it should not normally increase the size of the existing property by more than a third. In this instance, the extensive size of the extensions would exceed this to such an extent that they would not appear as subordinate extensions. The two-storey extension in particular would significantly increase the overall scale and bulk of the property, which would result in an overly dominant structure that would have a discordant appearance with the character of the existing dwellinghouse and be visually intrusive within the countryside. Although it is noted that the extensions have been slightly reduced in size compared to the previous scheme, this modest reduction in size has not addressed the previous concerns outlined with the application.
- 5.2.7 Whilst it is noted that the application site is relatively large, and outline planning permission has previously been granted for a large replacement property at the site, any extensions to an existing property should be proportionate and visually subservient features to the main body of the property. The indicative layout of the proposed property that was granted outline planning permission as per the previous application appears to have a relatively shallow span depth and would be articulated in form and design (15/01124/OUT refers). Although it is acknowledged that the tabletop/crown roof design of the two-storey rear extension has been amended, so that the pitched roof design would now better relate to the existing property, the large width and depth of the extensions would mean that there would be an unsympathetic flat roof valley element between the pitched roofs. This design would result in the development being of poor design quality and at odds with the pitched roofs of the

existing dwelling. The significant bulk and poor design of the resultant dwelling would not therefore detract from the character of the existing dwelling or the surrounding area as a result of its incongruous and intrusive appearance.

- 5.2.8 It is noted that the external materials proposed would be the same as the existing dwelling and there are no objections to the raised terrace proposed. However, it is considered that the extensions, by reason of their scale, bulk and poor design quality, would result in significant harm to the character and appearance of the existing dwelling and the surrounding countryside contrary to policies S8, D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.3.2 The application site is bordered by residential properties to the east and west. Given the substantial separation distance, which would remain between the site boundaries and the enlarged property, the proposed development is not considered to represent an unneighbourly form of development and would not give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP in this regard.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 Whilst the proposal would result in an additional bedroom at the property, there is sufficient car parking provision at the front of the property to accommodate three cars which would be in accordance with the recommended standards for a five-bedroom property. Therefore, it is considered that the proposal would not therefore have a harmful impact on parking at the property.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 Private amenity space in excess of 100sqm would remain at the property, should the proposed works be implemented. Therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **14/00011/OUT** – Outline application for 3 No. four bedroom new dwellings with garage and private access. Refused – 5 March 2014
- **15/00124/OUT** – Proposed redevelopment of Pond House to provide a replacement dwelling of 604sq m, a stable block of 107sq m, a 3-bay cart

lodge of 70sq m and garden machinery store and gymnasium of 132sq m.
Approved – 17 June 2015

- **20/01165/HOUSE** - Construction of single storey side and rear extension, two storey rear extension, raised terrace and alterations to existing openings.
Refused – 19 January 2021

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommend the grant of planning permission.	Noted

7.2 Representations received from Interested Parties (*summarised*)

- 7.2.1 No neighbour representations for the application have been received.

8. PROPOSED REASON FOR REFUSAL

- 1 The proposed two storey and single storey extensions, as a result of their excessive scale, bulk and poor design quality, would appear as dominant and intrusive features which would be out of keeping with and so harm the character and appearance of the existing dwelling and the site's surroundings, to the detriment of the intrinsic character and beauty of the countryside. The proposal is therefore contrary to policies S8, D1 and H4 of the approved LDP and the NPPF.

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