

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

11 May 2022

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **THURSDAY 19 MAY 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:

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**

THURSDAY 19 MAY 2022

1. **Chairman's notices**

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 6 April 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. **21/00745/VAR - Land Rear of Red Lyons Farm, Burnham Road, Latchingdon, Essex** (Pages 19 - 32)

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

6. **22/00071/FUL - Sunnyside, Stoney Hills, Burnham-on-Crouch, Essex, CM0 8QA** (Pages 33 - 48)

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

7. **22/00263/VAR - The Old Clubhouse, The Quay, Burnham-on-Crouch, CM0 8AT** (Pages 49 - 58)

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

8. **22/00368/HOUSE- The Moorings, Seaview Parade, St. Lawrence, Essex** (Pages 59 - 66)

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

9. **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. 5-8.
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
6 APRIL 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

612. CHAIRMAN'S NOTICES

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

613. APOLOGIES FOR ABSENCE

There were none.

614. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 9 March 2022 be approved and confirmed.

Members expressed concern regarding the outstanding update on the previously deferred item from the December committee, namely application 21/00745/VAR – Land Rear of Red Lyons Farm, Burnham Road, Latchingdon, Essex. It was noted that officers were working on this and it would be circulated in due course.

Issues around enforcement were also raised and Members agreed that a meeting be co-ordinated with Planning as soon as possible. It was further agreed that the Council resolution on the enforcement process be circulated to the Committee.

615. DISCLOSURE OF INTEREST

It was noted that all members were acquainted with the applicant on Agenda Item 6. 21/01240/VAR - Paton Place, Nipsells Chase, Mayland, Essex, CM3 6EJ

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

616. 21/01160/VAR - WOODPECKERS, 15 MANGAPP CHASE, BURNHAM-ON-CROUCH, CM0 8QQ

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

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

A brief discussion ensued where Members commented on the change of scheme from a bungalow to a two-storey dwelling. In response to a query regarding changes to layout the Lead Specialist: Development Management confirmed that layout changes had taken place, however, he advised the Committee that the change of scheme did not alter the conditions. Councillor A S Fluker proposed that the application be approved in accordance with the officer's recommendation, and this was seconded by Councillor Helm.

Councillor Boyce expressed a wish that the commuted sums under the Section 106 agreement be ring-fenced for development in Burnham-on-Crouch and the Lead Specialist: Development Management advised that a case could be made for allocation as appropriate. The Committee then requested that a report on S106 allocations and where they had originated from be circulated to all members outside of the meeting. In addition, Councillor Channer, referring to Councillor Boyce's earlier request on ring-fencing, asked that legal advice be sought to determine if a clause could be inserted in the Section 106 agreement to that effect.

At this point both Councillor R G Boyce and Councillor Mrs P A Channer declared a non-pecuniary interest as trustees of an Almshouse charity.

There being no further discussion the Chairman put Councillor Fluker's proposal to approve the application in accordance with the Officer's recommendation to the Committee and it was agreed. It was noted that Councillor N Skeens did not support the application.

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

1. The development hereby permitted shall be begun before the 2nd July 2024.
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
 - 18/36/08
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.
 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.

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.

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.
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.

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.
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.
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.
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.

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.
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.
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.
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.
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.

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.
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.
19. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
20. There shall be no discharge of surface water onto the Highway.

617. 21/01240/VAR - PATON PLACE, NIPSELLS CHASE, MAYLAND, ESSEX, CM3 6EJ

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

Following the Officer's presentation and there being no debate on the application, the Chairman put the Officer's recommendation of approval to the Committee, and it was unanimously agreed.

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

- 1 The development hereby permitted shall be begun before three years from the 15 October 2021.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.

- 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.
- 10 The public's rights and ease of passage over public footpath No.17 (Mayland) shall be maintained free and unobstructed at all times.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.

- 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.

618. 22/00224/HOUSE - POND HOUSE, SCOTTS HILL, SOUTHMINSTER, CM0 7BE

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

Following the Officer's presentation, the Applicant, Mr Steven Bell, addressed the Committee. It was requested that given the content of Mr Bell's statement a transcript be submitted to the Director of Service Delivery for action. The Chairman then opened the debate.

A brief discussion ensued where the consensus was that this application be supported. Councillor Fluker proposed that the application be approved contrary to the Officer's recommendation for the reasons that it satisfied policy D1, the alterations visually appeared subservient and that given the remote location there was no negative impact on amenity. This was seconded by Councillor Channer.

The Chairman put Councillor Fluker's proposal to approve the application, subject to standard conditions delegated to Officers in consultation with the Chairman, to the Committee and it was agreed by assent.

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

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

The Chairman updated the Committee on progress regarding the return to Burnham-on-Crouch Town Council Offices as the meeting venue. She advised that discussions were underway with the Council's IT department and the IT supplier for Burnham-on-Crouch Town Council Offices.

Members then reiterated the need for an enforcement meeting between Officers and Members. The Chairman concluded by thanking all in attendance for their contributions.

The meeting closed at 8.35 pm.

V J BELL
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
19 MAY 2022**

Application Number	21/00745/VAR
Location	Land Rear Of Red Lyons Farm, Burnham Road, Latchingdon, Essex
Proposal	Variation of condition 2 on approved application 14/00418/FUL (Change of use of unit 10 from a restricted B8 use (Household Storage) to B1) Change the permitted working to 6:00 until 20:00 Monday to Saturday.
Applicant	Mr J Sinclair
Agent	Miss Catrin Davies - Warner Planning
Target Decision Date	02.11.2021 (EoT agreed: 10.12.2021)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In Councillor R G Boyce has called in the application for the following policy reason: Local Development Plan (LDP) policy E4 (Agricultural and rural diversification)

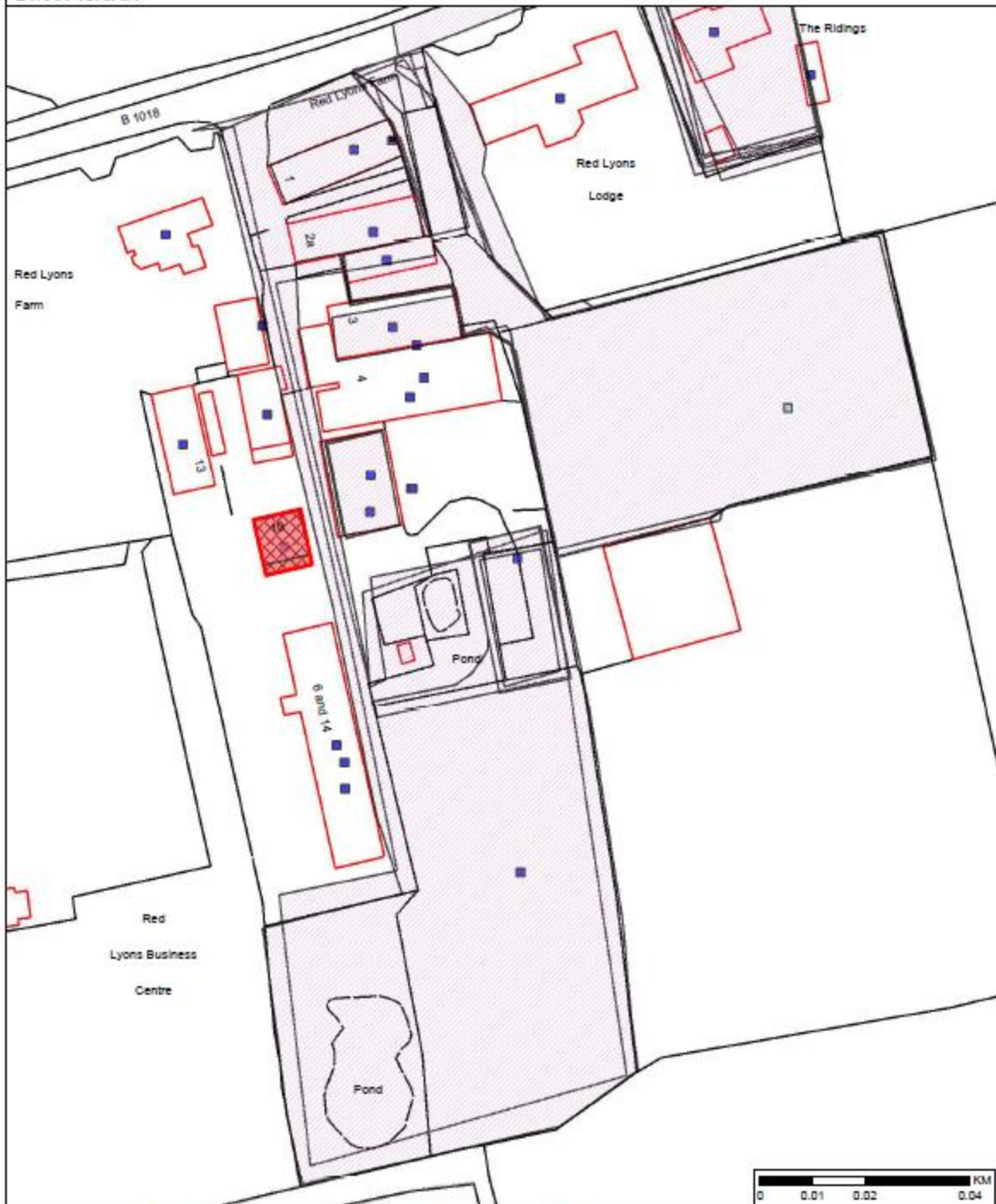
1. RECOMMENDATION

The Council is minded to APPROVE subject to the conditions (as detailed in Section 8 of the report attached at **APPENDIX A**).

2. SITE MAP

Please see below.

South Eastern Area Committee
21/00745/VAR



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,000

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 26/11/2021

MSA Number: 100018588

3. Update following deferral of the application

- 3.1 The application seeks to vary condition 2, imposed on application 14/00418/FUL (Change of use of unit 10 from a restricted B8 use (Household Storage) to B1), to alter the permitted working hours to 6:00 until 20:00 Monday to Saturday. The application was presented at the South Eastern Area Planning Committee on 8 December 2021. The Committee deferred the item in order to give the Applicant the opportunity to provide additional information and for further information and clarity in relation to various matters, including noise and the lawful use of the site.
- 3.2 Although the Applicant originally agreed to an extension of time of the application until the 11 February 2022 and officers entered into discussions with the Applicant, no further information in relation to the deferral reason was submitted by the agreed extended time period. Furthermore, whilst a number of subsequent attempts were made by the Council to engage with the Applicant, no response was received confirming whether additional information to address the matters raised by Members was to be submitted for consideration.
- 3.3 On 5 April 2022 a letter was received by the Planning Inspectorate confirming validity of an appeal for 'non-determination' in relation to the above application. Although no start letter for the appeal has been received yet, given that a valid appeal has been lodged, the Local Planning Authority (LPA) no-longer has control over the determination of the application. Although Planning Policy Guidance (PPG) advises that applicants should first consider engaging with the LPA to establish when an application might be decided, before deciding whether to appeal against non-determination, as noted above, no correspondence has been received by the Applicant since 10 December 2021.
- 3.4 In light of the above, the application is to be determined by the Planning Inspectorate. However, the Council's intention to either approve or refuse the application would be requested by the Planning Inspectorate as part of the appeal process. The officer's report and recommendation to approve the application, subject to conditions, is included in **APPENDIX A**. An update in relation to the enforcement matters is provided in section 4 below.

4. Enforcement update

- 4.1 It should be noted that the business park has an extensive planning enforcement history. There are currently three enforcement matters relevant to the Red Lyons Farm; however, none of the cases relating to the Red Lyons Farm are directly relevant to unit 10. These cases relate to matters including the unauthorised changes of use of units, additional operational development and a breach of conditions relating to operational hours. Within the public domain a Breach Condition Notice was served on 8 July 2021 in relation to the breach of the approved operating hours. However, a number of applications for the variation of conditions relating to the working hours of the units within the business park were recently approved (please refer to planning history in the original committee report).
- 4.2 The unit subject of this application's lawful use is a use falling within Classes E(g)(ii) research and development of products or processes and/or E(g)(iii) industrial processes, this was granted planning permission under application 21/00799/VAR (Variation of condition 4 on approved planning permission 02/01212/FUL (Continued use of land and buildings for business uses) to alter working hours to 06.00 hours - 20.00 hours Monday to Saturday). The current use of the site is considered to be

tyre and service centre; this is considered to fall within the B2 general industrial use class. Therefore, the current use of the site is considered to be a breach of planning control. Furthermore, conditions were imposed regarding matters such as all machinery to be used within the building, as well as storage of materials and goods and a condition restricting external illumination. It would appear that there are breaches occurring in relation to these conditions.

- 4.3 It should be noted though that matters relevant to enforcement, either on the application site of the wider business park, are not considered to be material considerations relevant to the determination of the current application.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 DECEMBER 2021**

Application Number	21/00745/VAR
Location	Land Rear Of Red Lyons Farm, Burnham Road, Latchingdon, Essex
Proposal	Variation of condition 2 on approved application 14/00418/FUL (Change of use of unit 10 from a restricted B8 use (Household Storage) to B1) Change the permitted working to 6:00 until 20:00 Monday to Saturday.
Applicant	Mr J Sinclair
Agent	Miss Catrin Davies - Warner Planning
Target Decision Date	02.11.2021 (EoT agreed: 10.12.2021)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In Councillor R G Boyce has called in the application for the following policy reason: LDP policy E4 (Agricultural and rural diversification)

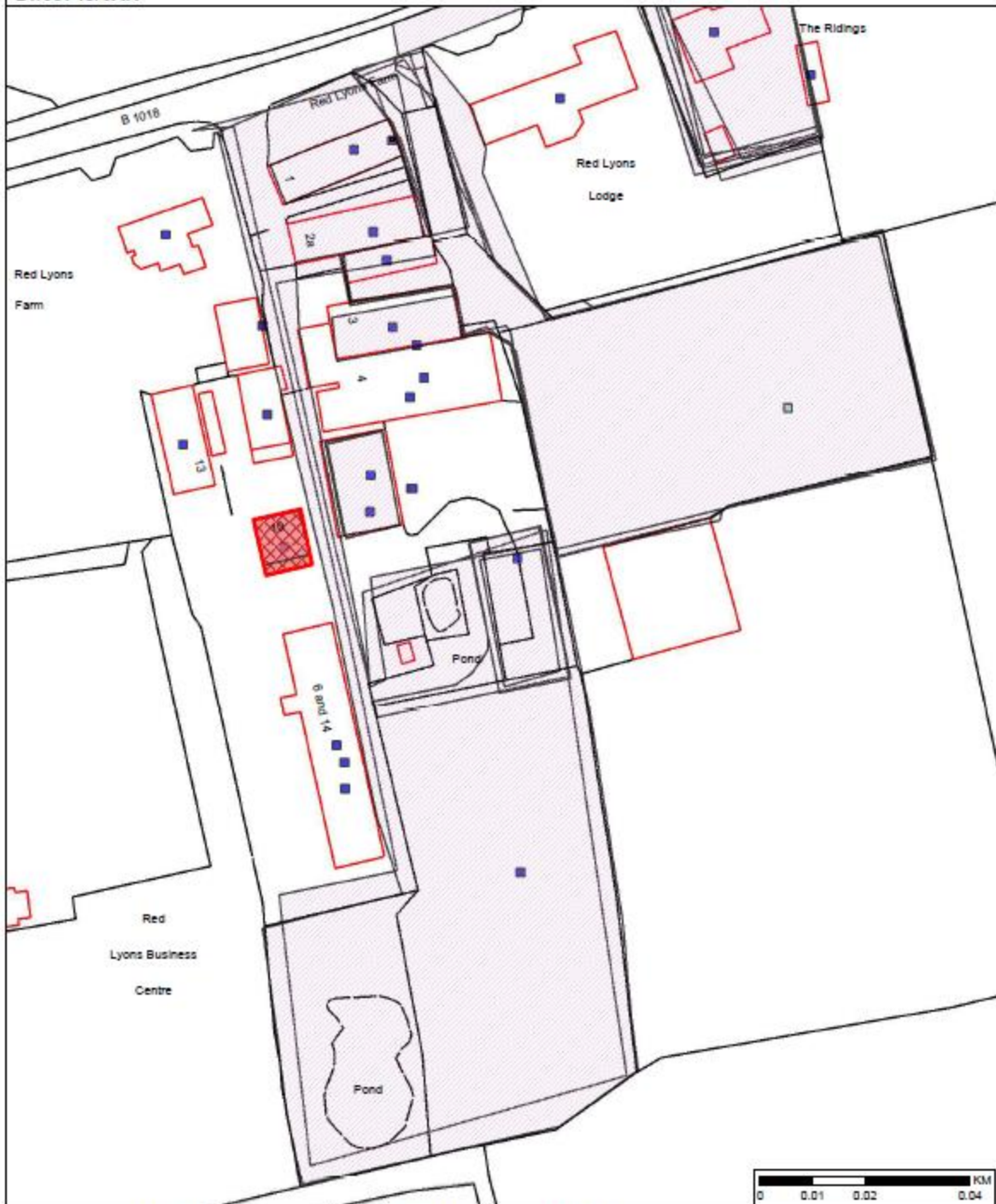
1. RECOMMENDATION

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

2. SITE MAP

Please see below.

South Eastern Area Committee
21/00745/VAR



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,000

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 26/11/2021

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the south side of Burnham Road, Latchingdon, outside the settlement boundary of Latchingdon. Red Lyons Farm comprises a mixed-use business park which is an undesignated employment site. Application 14/00418/FUL relates to unit 10, which is located centrally and to the west of the business park. This is a pitched roofed, two storey rectangular building, of a typical utilitarian character, finished painted brickwork and coated steel cladding. This building benefits from permission for it to be used for purposes falling within previous use class B1 (b) and (c), current E(g) use class (ii) and (iii) (research and development/light industry).
- 3.1.2 The existing business centre is occupied by a number of buildings of commercial/industrial nature, predominantly of single storey height, with associated large areas of hard standing, typical to the use of the site. Most of the units are of a small footprint and vary in terms of external appearance and finishing materials.
- 3.1.3 There are residential properties adjacent to the industrial estate, along Burnham Road. To the west is a substantial detached property known as Red Lyons Farm, whilst to the east is a further residential dwelling known as Red Lyons Lodge. The area beyond the subject site and adjoining houses is predominantly farmland, with the settlement of Latchingdon being located to the north-west of the subject site.

Description of Proposal

- 3.1.4 Planning permission is sought for the variation of condition 2 on approved application 14/00418/FUL (Change of use of unit 10 from a restricted B8 use (Household Storage) to B1) to alter the permitted working to 6:00 until 20:00 Monday to Saturday.
- 3.1.5 Planning permission was granted on 8 October 2014 for a retrospective planning application to change the use of unit 10 from B8 to B1 (current E(g) use class). Condition 2 imposed to this permission requires the following:

The use hereby permitted shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 09:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: In order to ensure the appropriate use of the site in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

- 3.1.6 The current application seeks to vary this condition to extend the permitted working hours to 6:00 until 20:00 Monday to Saturday. Similar applications have also been submitted for the other units within the business park (see relevant planning history below). It has been advised that the purpose of this alteration in the working hours is to allow users access the site, undertake office work and allow collection and deliveries beyond the currently permitted working hours. It is stated that *'the tenant of unit 10 would like to expand the operational hours to ensure the business works more efficiently and effectively. The extended hours would allow the business to operate on Saturdays and increase its revenue'*.

- 3.1.7 The agent notes that planning permission was granted for a currently unbuilt extension to the business park where operating hours would be limited to 7:30 and 18:00 Monday and Friday (planning reference 18/01387/OUT, overturned at South Eastern Area Planning Committee in April 2019) and that users of the extended area would need to drive through the existing business park from Burnham Road. That outline planning permission was for the 'Erection of buildings to be used as mixed B1 (business) and B8 (storage or distribution) use, demolition of existing units 1 and 2 and relocation of existing access' and was granted in April 2019.
- 3.1.8 In support of the proposal, the applicant's agent also points out that permitted development rights for new buildings within an industrial site allow businesses to operate between 6:30- 19:00 (Schedule 2, Part 7, Class H of the General Permitted development order 2015 as amended). Class H relates to the '*erection, extension or alteration of an industrial building or a warehouse*'. One of the conditions of the development permitted by this Class is that no building as erected, extended or altered is used to provide employee facilities between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment. "Employee facilities" means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees.
- 3.1.9 In addition, the applicant's agent also states that the change will allow many of the small businesses to trade internationally with the ability to have office videocalls, etc. at different times and that several of the businesses are unable to fully undertake their administration or catch up with work on a weekend which this change will allow.
- 3.1.10 A letter of support from the current tenant of the application site has been provided. This building is occupied by a tyre centre. It is stated that the extended working hours would assist the business financially and would support local employment.
- 3.1.11 The application is accompanied by an '*Assessment of potential noise impact from proposed additional operating hours*' (July 2021).

3.2 Conclusion

- 3.2.1 Having taken all material planning considerations into account, it is not considered that the proposed extension to the operating hours would cause harm to the amenity of any existing residents. This has been supported by the Council's Environmental Health Team. No concerns in relation to highway safety, access and parking are raised. As a result, it is recommended that the operating hours are amended as proposed.

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
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities

- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 The main issue which requires consideration as part of the assessment of the proposal is the impact of the proposed extended operating hours on the amenity of the nearby residents. The matter of highway safety/access/parking is also considered below. There were other material planning considerations which were relevant to the assessment of the original proposal but, due to the nature of the current application, they do not require re-assessment.

5.2 Impact on Residential Amenity

- 5.2.1** The basis of policy D1 of the approved Local Development Plan (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 also supported by section C07 of the MDDG (2017).
- 5.2.2** Policy D2 requires that all development must minimise its impact on the environment including minimising all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.2.3** There are existing residential dwellings to the northeast and northwest of the site, known as Red Lyons Farm and Red Lyons Lodge.
- 5.2.4** The proposal would extend the operating hours of unit 10 for an additional two hours in the morning Monday to Friday and two additional hours in the evenings. An additional total of ten hours (three in the morning and seven in the afternoon/evening) are proposed on Saturdays.
- 5.2.5** It is worth noting that the use of the land is also subject to the following restrictive condition:

CONDITION 1: The premises shall only be used for industrial purposes which are defined within Classes B1 (b) and (c) of the Schedule to the Town & Country

Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

Reason: In order to ensure the appropriate use of the building in accordance with the details submitted and ensure the protection of neighbouring amenity in accordance with policy BE1 of the adopted Maldon District Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

CONDITION 3: All machinery and equipment used in association with the development hereby approved shall only be used or operated within the building.

Reason: In the interest of maintaining the character and appearance and amenities of the area

CONDITION 4: Goods, materials, plant, machinery, skips, containers, packaging or other similar items shall only be stored or kept within the building at all times.

Reason: In order to ensure the appropriate use of the site and protection of the amenity of the area in accordance with policy BE1 of the adopted Maldon District Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

CONDITION 5: No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed and fitted to any external part of the building or operated unless and until a scheme has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed and utilised in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure the appropriate use of the site and protection of the amenity of the area in accordance with policy BE1 of the adopted Maldon District Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

CONDITION 6: No means of external illumination of the site shall be installed unless details are first submitted to and approved in writing by the local planning authority. Details shall include the luminance and spread of light and the design and specification of the light fittings. The external illumination shall be fitted at the site in accordance with the approved details and retained as such thereafter. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure appropriate lighting is provided at the site and in order to prevent any undue disturbance being caused to nearby residential occupiers or to the amenity of the locality in accordance with policy BE1 of the adopted Maldon District Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

5.2.6 Condition 1 restricts the use of building to industrial purposes falling within Classes B1 (b) and (c), current use classes E(g)(ii) and E(g)(iii). This is to protect residential amenity. This condition is still considered relevant and necessary to be imposed. Conditions 3 and 4, which restrict the position of equipment, machinery and materials solely within the building are also considered necessary to secure residential amenity and therefore, are imposed to this permission. Conditions 5 and 6 restrict the installation of extraction equipment and external illumination. Whilst an extraction system would be unlikely to be necessary to be installed on the unit, due to the nature of the use, it is considered reasonable these conditions be imposed to this permission to minimise potential additional impact on residential amenity caused by noise and vibration.

5.2.7 The Environmental Health Specialist was consulted and raised no objections to the proposal, taking into account the Noise Assessment by Sharps Acoustics, dated 21.07.2021, submitted with the application. It has been advised that the proposed changes to the operating hours will not result in a significant intensification of use,

more vehicle movements/ deliveries or increased number of units in the same way as the proposal the subject of application reference 18/01387/OUT. It has been stated that the acoustic measurements essentially demonstrate that noise from the operation of the business park does not have an impact on the measured noise level at the closest noise sensitive receptor, as the noise environment is dominated by road traffic on Burnham Road. It does however show that the arrival of vehicles at, and the opening of the gate (between 6.00am and 6.15am) is likely to have an adverse impact. Therefore, mitigation has been recommended in the form of an electric gate which, provided it is suitably specified, should reduce the overall noise level from vehicles arriving at the site to an acceptable level. This will be secured by the imposition of an appropriately worded condition. The Specialist has also confirmed that there has been no complaints of noise from operational activities on the site since 2013 and that the one complaint relating to recreational quad bike use received in February 2021 was dealt with informally through the new owners of the site.

5.2.8 It is noted that planning applications have also been submitted to similarly vary the operating hours of other units within the business park, which have already been determined and approved (refer to relevant planning history above). These are applications references 21/00746/VAR, 21/00747/VAR, 21/00748/VAR and 21/00799/VAR which relate to units 1, 2, 6 and 15 and these decisions are a material consideration in the determination of this application. Furthermore, it should be noted that the Environmental Health Specialist has not raised an objection to the extended operating hours proposed as part of application references 21/00745/VAR, 21/00746/VAR, 21/00747/VAR, 21/00748/VAR and 21/00799/VAR and has clearly taken into account the potentially cumulative impact of the extended operating hours for all units relevant to these applications.

5.2.9 As noted above, this permission relates to unit 10 and for the reasons explained above and subject to conditions, it is not considered that allowing the extended operating hours would result in an unacceptable impact on the residential amenity of the nearby residents.

5.3 Access, Parking and Highway Safety

5.3.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.

5.3.2 The proposal would not alter the vehicular access to the site or the off-street parking provision and would not increase the number of vehicles accessing the site. Therefore, no objection is raised in relation to highway safety, access and parking.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out below:

- **21/00799/VAR** - Variation of condition 4 on approved planning permission 02/01212/FUL (Continued use of land and buildings for business uses) to alter working hours to 06.00 hours - 20.00 hours Monday to Saturday.
[Relates to Unit 2 only] – Approved

- **21/00747/VAR** - Variation of condition 1 on approved application 14/00417/FUL (Retrospective permission for the change of use of agricultural land to scaffolding storage area, and associated buildings) to alter working hours to 06.00 hours - 20.00 hours Monday to Saturday. [Unit 15] – Approved
- **21/00746/VAR** - Variation of condition 4 (operating hours) of approved application 07/00481/FUL (Change of use of unit 1 from B8 to B1(c)) [Unit 1] – Approved
- **21/00748/VAR** - Variation of condition 4 on approved application 06/01238/FUL (Proposed Workshops) to alter working hours to 06.00 hours - 20.00 hours Monday to Saturday [Unit 6] – Approved
- **18/01387/OUT** - Erection of buildings to be used as mixed B1 (business) and B8 (storage or distribution) use, demolition of existing units 1 and 2 and relocation of existing access. – Approved
- **14/00418/FUL** - Change of use of unit 10 from a restricted B8 use (Household Storage) to B1 – Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No comment received at the time of writing the report	N/A

7.2 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objections. The Environmental Health Specialist is satisfied that there should be no adverse impacts from noise caused by the proposed changes in opening hours provided that the mitigation recommended is carried out.	Noted and addressed in section 5.2 of the report.

7.3 **Representations received from Interested Parties**

7.3.1 **Representations received objecting to the application:**

3 letters of objection have been received.

Objection comment	Officer response
Increased traffic and noise.	Noted – refer to sections 5.2 and 5.3 below
Unacceptable noise and	Noted – refer to section 5.2 below

disturbance.	
No neighbour notification.	It should be noted that the Council has fulfilled its statutory publicity duties by posting a site notice adjacent to the site allowing 21 days for interested parties to raise their comments.
Materials are sorted outside the unit.	This is secured by condition. Should materials are stored outside the building against the conditions imposed, this matter should be raised with the Council's Enforcement Team.
Unacceptable noise levels generated from the existing use and from other activities.	<p>The building benefits from permission for a use class that is considered acceptable within residential areas. If the unit is operating outside the restrictive use class that is permitted on site, this should be raised with the Council's Enforcement Team. Any other concerns in relation to statutory nuisance generated from the use of the site should be raised with the Council's Environmental Health Team.</p> <p>Other activities, such as driving of bikes is not relevant to the purposes of the current application.</p>
The unit is used as for vehicle repairs.	Should the use of the unit fall outside the permitted use classes (E(g)(ii) Research and development of products or processes or E(g)(iii) Industrial processes) then this is a matter to be raised within the Council's Enforcement Team.
Concerns are raised regarding the chance of use of the building.	It should be noted that this permission does not seek to vary the use of unit 10 but only the operating hours.
The tenants already breach the permitted working hours.	Noted – any breach of condition is a matter to be investigated and assessed by the Council's Enforcement Team and not the purpose of the current application.
The noise report does not relate to the use of the unit but the vehicle movements in relation to this unit.	It should be noted that the noise survey carried out on site was between 10.45 hours on 1 st July and 10.15 hours on 7 th July. Measurements were taken continuously over day and night periods using a microphone fitted within the site. This recorded noise levels generated within the site, including those from the existing businesses and vehicle movement.

8. **PROPOSED CONDITIONS**

- 1 Unit 10 shall only be used for purposes falling within use Classes E(g)(ii) and E(g)(iii) of Schedule 2 of the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting these Orders) and for no other purpose.

- REASON: In order to ensure the appropriate use of the building in accordance with the details submitted and ensure the protection of neighbouring amenity in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 2 The use hereby permitted shall only be undertaken between 06.00 hours and 20.00 hours Monday to Saturday and not at all on Sundays, Bank or Public Holidays.
- REASON: In order to ensure the appropriate use of the site in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 3 All machinery and equipment used in association with the development hereby approved shall only be used or operated within the building.
- REASON: In order to ensure the protection of neighbouring amenity in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 4 Goods, materials, plant, machinery, skips, containers, packaging or other similar items shall only be stored or kept within the building at all times.
- REASON: In order to ensure the appropriate use of the site and protection of the amenity of the area in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 5 No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed and fitted to any external part of the building or operated unless and until a scheme has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed and utilised in accordance with the approved details and retained as such thereafter.
- REASON: In order to ensure the protection of neighbouring amenity in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 6 No means of external illumination of the site shall be installed unless details are first submitted to and approved in writing by the local planning authority. Details shall include the luminance and spread of light and the design and specification of the light fittings. The external illumination shall be fitted at the site in accordance with the approved details and retained as such thereafter. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.
- REASON: In order to ensure appropriate lighting is provided at the site and in order to prevent any undue disturbance being caused to nearby residential occupiers or to the amenity of the locality in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 7 Prior to the operation of the site during hours hereby approved, details of an automatic gate to be installed at the entrance of the business park that is activated remotely shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
- REASON: To protect the amenity of the neighbouring properties and in order to ensure the appropriate use of the site in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
19 MAY 2022**

Application Number	22/00071/FUL
Location	Sunnyside, Stoney Hills, Essex, CM0 8QA
Proposal	Demolition of existing house and ancillary structures and the erection two new dwellings
Applicant	Mr and Mrs Kevin Levins
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	18.03.2022
Case Officer	Nicola Ward
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Not Delegated to Officers as Departure from Local Plan

1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and subject to conditions as detailed in Section 9.

2. SITE MAP

Please see below.

Sunnyside Stoney Hills Essex
22/00071/FUL



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 09/05/2022

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located outside of any defined settlement boundary, towards the western side of the area known as 'Stoney Hills'. The site is known as 'Sunnyside' and comprises of a detached bungalow. Stoney Hills is located outside of the settlement boundary of Burnham-on-Crouch. The wider area has been the subject of many redevelopment proposals over recent years which has changed its original character, from rural to a more suburban form. The properties within the wider area are a mixture of two storey chalet style dwellings and bungalows which vary in style, scale and form and as such there is no particular consistency. Although the positioning of the original houses would have been more linear in the past, following the redevelopment of the area, the front building line is no longer uniform, and a number of properties have been granted in backland locations off private roads. Overall, the general pattern is more suburban with dwellings sited in larger plots and others are located in cul-de-sacs off the main road through the area.

3.2 Conclusion

- 3.2.1 The proposed two chalet style dwellings are designed in a form that would be in keeping with the prevailing pattern of development within the street scene. The development is considered to be 'sustainable development' in line with the National Planning Policy Framework (NPPF). The proposal has been designed to provide adequate set-back from the public highway, car parking and adequate private amenity space in compliance with standards. The Planning Inspector, in dismissing application 16/00614/OUT, had no objections to the residential use of the site, nor raised concerns over means of accessibility of the site to facilities and services. Furthermore, a financial contribution has been secured in relation to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and therefore the impact of the development on designated sites can be mitigated. The proposal is therefore in accordance with the policies set out within the Local Development Plan (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
- 78-80 Rural Housing
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 Policies S1, S2 and S8 of the LDP seek to support sustainable development within the defined settlement boundaries to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 The application site is located outside of the defined settlement boundary of Burnham-on-Crouch, a town that is classified as one of the '*main settlements*' within the district, as detailed within policy S8 of the LDP. The impact of the proposed development on the character and intrinsic beauty of the countryside, and whether the development constitutes sustainable development is assessed below.
- 5.1.4 Burnham-on-Crouch is a main settlement which contains a range of services and opportunities for employment, retail and education and serves a wide catchment area, with good public transport links. It is noted that the site is within the Stoney Hills area which lies to the north of the main Burnham-on-Crouch settlement. The nearest bus stops lie along Southminster Road, which would take approximately 15 minutes to walk. These bus stops provide services to Maldon and into Chelmsford, where there is a wide range of facilities and trains to London. The 31X and 31B, which are the most frequent bus services between Burnham-on-Crouch and Chelmsford, run between 05:50 and 23:10, leaving Chelmsford at 05:58 and 20:23 leaving Burnham-on-Crouch, on weekdays, with similar hours on Saturdays and a reduced service on Sundays and public holidays. Burnham-on-Crouch train station is

located a half an hour walk away, which also provides services into Chelmsford and London. It is noted that the road leading to Stoney Hills is an unmade, unlit track, however a number of new dwellings that have been approved in the area in recent years, some on appeal (this is discussed further below) acknowledge that whilst the local highway is not adopted and provides no dedicated facilities for pedestrians, the area is considered to be in an accessible location and therefore supports the direction of the NPPF which aims to focus growth within sustainable locations offering a choice of transport modes (walking and cycling routes) to public transport facilities. It has also been acknowledged that the character of the area has evolved over time, so it is no longer an area of loose knit, scattered residential development but more akin to a suburban residential area.

- 5.1.5 In a recent appeal decision in Stoney Hills, concerning the demolition of an existing dwelling and the erection of three dwellings (Stapleton, Stoney Hills, Burnham-on-Crouch CM0 8QA - Appeal Ref: APP/X1545/W/18/3207171, dated 8 May 2019) the Inspector in relation to the character of the area stated *“in recent years a number of planning permissions have been approved for new housing development within these large plots, built around shared access driveways. Examples of these include new housing developments at: Mirfield (Council Reference: 14/00224/OUT, allowed on appeal); the Hollies (Council References: 16/00408/FUL and 16/00849/OUT); Hilcrest (Council Reference: 16/00196/OUT); and Sunnyside (Council Reference: 17/00735/OUT). A number of these new developments have been carried out and I observed during my site visit that the character of the area has changed from a rural one to more suburban residential character. I also observed that house sizes, design and styles vary considerably within the area.”*
- 5.1.6 A similar approach was taken by another Inspector assessing a proposal for the erection of two dwellings at Hedge End (Appeal Ref: APP/X1545/W/18/3198533, dated 28 September 2018) where it was stated that *“The area’s character appears to have changed gradually from a more rural and scattered environment as a result of development of single dwellings or groups of dwellings. The existing pattern of development across Stoney Hills includes detached bungalows and two-storey houses, some of which are sited in larger plots and others are located in cul de sacs off the main road through the area. The design, size and appearance of houses and bungalows throughout Stoney Hills varies considerably”*
- 5.1.7 Two other relevant appeal decisions are 15/00445/OUT - APP/X1545/W/16/3147227 and 15/01082/OUT - APP/X1545/W/16/3147572. Within these, the Inspector states *‘Although the appeal sites are outside the development boundary of Burnham-on-Crouch I consider them to be within a residential area. Based on the evidence before me and my observations during my visit to the area I also agree with previous Inspectors that Stoney Hills is a sustainable location for development. Moreover, I have not identified any harm in respect of character and appearance arising from the proposed developments...however, as stated I conclude that the location of the proposed developments would be suitable and sustainable, and no harm has been identified in terms of character or appearance. Further, although providing only a small number of dwellings, the proposals would make a contribution to the supply of housing to which I attach significant weight. They would also provide small scale units which is also policy compliant in terms of mix. They would therefore conform with paragraph 54 of the Framework which requires local planning authorities to respond to local circumstances and for housing to reflect local needs. As such I consider the proposals would meet the three dimensions.’*
- 5.1.8 It is noted that a similar stance has been taken within the following appeal decisions in the area of Stoney Hills; 15/00108/FUL (APP/X1545/W/15/3134072), 15/00402/FUL (APP/X1545/W/15/3134076) and 15/00420/FUL

(APP/X1545/W/15/3134078), 15/00978/OUT - APP/X1545/W/16/3146160, 16/00196/OUT - APP/X1545/W/16/3157183, 16/00408/FUL - APP/X1545/W/16/3161178, 17/00752/OUT - APP/X1545/W/17/3187513, 17/01107/OUT - APP/X1545/W/17/3192426 and 18/00895/FUL - APP/X1545/W/18/3211805. Furthermore, it must be noted that costs were awarded against the Council for appeals APP/X1545/W/18/3211805, dated 2 May 2019 - 18/00895/FUL (Land North of Hillcrest) and APP/X1545/W/17/3187513, dated 28 September 2018 - 17/00752/OUT (Land South of Charwood, which is to the southeast of the application site), as it was considered that the refusal of the planning application was grounds for unreasonable behaviour.

- 5.1.9 More recently, an appeal against a refusal of planning permission for a detached bungalow was approved (20/01166/FUL). The Inspector considered the effect and design of the proposed dwelling on the character and appearance of the surrounding area and impact on the living conditions of neighbouring properties were acceptable.
- 5.1.10 It is clear therefore, that having regard to the abovementioned appeal, decisions and many others that have been previously allowed and some of them implemented, the principle of additional residential accommodation in the area of Stoney Hills has been established.
- 5.1.11 On the basis of the above the principle of two chalet style dwellings, following demolition of the existing dwelling, is acceptable.

5.2 Housing Need and Supply

- 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 Authorities 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 Maldon District Local Housing Needs Assessment (2021) (LHNA) is an assessment of the 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 HNA is wholly compliant with the latest NPPF and Planning Practice Guidance (PPG), 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 LHNA (2021) 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. The development is in line with the Council's housing need by providing 2 x 3 bedroom dwellings.

5.3 Design and Impact on the Character of the Area

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

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

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

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

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

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

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

5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

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

- 5.3.7 The character of the area has evolved over recent years as planning permissions have been granted or appeals upheld, so that the area is no longer characterised by scattered development where infilling has taken place. This is something that has been noted and highlighted by a number of inspectors. The new level of urban development and the more suburban character of the area is a material consideration when determining this application. The proposal would result in the intensification of the built form on site; however, this would be reflective of the new urban grain of the area. As such the development would not be out of character with the immediate area and the countryside beyond would remain intact.
- 5.3.8 The properties within the streetscene are characterised by a mixture of dwellings consisting of larger two storey dwellings and smaller chalet style bungalows. It is considered that the scale and design of the proposed chalet style dwellings reference that of the existing dwellings in the vicinity, particularly in terms of the scale and external materials.
- 5.3.9 The proposed dwellings would host two pitched roof dormer windows within the front roof slope. The proposed dormer windows are typical of a residential development and would not appear out of place given other properties within the vicinity host pitched roof dormers of a similar style, in particular Hillcrest House and 2 and 5 Murrayfields. Whilst it is noted that the proposed dwellings would sit approximately 1.5m higher than the existing bungalow, due to the varying heights of the existing dwellings within the surrounding area, it is considered that the proposed dwellings would be proportionate when viewed in the streetscene. It is noted, that from the streetscene the dwellings would appear similar in design and this uniform approach, for properties facing the road is uncharacteristic of the area. However, whilst the design approach is unfortunate it is not considered that this would cause any harm to the wider character and appearance of the area to such a degree as to warrant a reason for refusal.
- 5.3.10 Based on the above and taking into consideration the evolved character of Stoney Hills, although the development would intensify the residential use of the site, it would be of an appropriate density which would be comparable to other development in the vicinity. It is therefore considered that the development would not represent an overdevelopment of the site and no objection would be reasonably raised in that respect.
- 5.3.11 It is considered that the proposed development would not appear out of place or detrimental to the character and appearance of the streetscene. Overall, it is considered that the development would sit comfortably within the application site and would be compatible with its surroundings.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site is boarded by 4 residential dwellings, Fairview to the South, Hedge End to the North and 3 and 4 Murrayfields.
- 5.4.3 The proposed dwellings would host two dormer windows within the roof slope fronting the rear boundary of 3 and 4 Murrayfields. The dormer windows would be located in excess of 11m to the rear boundaries of 3 and 4 Murrayfields which is a sufficient separation distance between the properties. To the rear there is in excess

of 9m between the rooflights proposed dwelling and the rear boundaries. It is considered that these distances will mitigate any undue impact from overlooking to the adjoining properties.

- 5.4.4 Whilst it is noted that the proposed dwelling closest to the neighbouring property Hedge End would be approximately 1.6m from the neighbouring boundary the proposed would be in excess of 18m from this neighbouring property itself. The proposed development would be located approximately 1.2m from the neighbouring boundary of Fairview, however the proposed would be in excess of 7m from the neighbouring property. The windows proposed within the ground floor side elevations of both proposed dwellings are not considered to result in any overlooking due to the location of the windows. Furthermore, it is considered that due to the degree of separation, the proposed dwellings would not result in demonstrable harm by way of dominance and overshadowing to these neighbouring occupiers.
- 5.4.5 It is noted that application 21/00691/FUL was approved on the 14.09.2021 for the construction of four dwellings to the rear of the application site. Whilst these dwellings have not been constructed there is no reason as to why they would not be forthcoming.
- 5.4.6 Therefore, subject to the above recommended conditions, the development would not represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 Within the Maldon District Parking Standards (VPS), properties with 2 and 3 bedrooms require a minimum of two off-street car parking spaces.
- 5.5.3 The proposed dwellings would provide two off-street parking to each property. One to the side of the dwellings and one to the front, all measuring 2.8m wide by 5.5m. Given the size and arrangement of the parking spaces, it is considered that sufficient parking provision and appropriate manoeuvring, at both properties are provided in accordance with the above standards.
- 5.5.4 Furthermore, Essex County Council (ECC) were consulted as part of this application and have not raised any objections to the proposal. It is therefore considered that the proposed parking arrangements are in accordance with policies T2 and D1 of the LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

- 5.6.2 The level of amenity space required for a three or more-bedroom dwelling is 100 square metres. The proposed dwellings would have in excess of 160 square metres of amenity space and therefore there are no concerns in relation to amenity space provision.
- 5.6.3 Limited information has been provided in relation to the hard and soft landscaping. It is therefore considered that a condition relating to landscaping would ensure adequate landscaping is implemented.
- 5.6.4 Based on the above it is considered that subject to the relevant landscaping condition, the private amenity space is acceptable and in accordance with policy D1 of the LDP.

5.7 Ecology and Impact on Designated Sites

- 5.7.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging RAMS. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.7.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice on RAMS a Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

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

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

Test 2 – the integrity test

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

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

- 5.7.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to be re-consulted on this Appropriate Assessment.
- 5.7.4 It is noted that the Essex Coast RAMS is an adopted document. A flat rate tariff of £131.71 per new dwelling is identified within the submitted Coastal Recreational Avoidance and Mitigation Strategy as the contribution to mitigate the impact of a new

residential property. The agent has submitted a unilateral undertaking to secure the abovementioned contribution. Therefore, should this be forthcoming the impact of the development will be considered to be mitigated. An update in this respect will be provided within the Members' Update.

5.8 Planning Balance and Sustainability

- 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 (LPA) 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 key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.8.3 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.8.4 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional unit may support local businesses within the settlement such as shops and services. This is considered to be limited due to the amount of dwellings proposed. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Limited details are provided within the application to this effect. Any economic benefits would therefore be considered nominal.
- 5.8.5 In social terms the proposal would assist in supporting a strong vibrant and healthy community as the dwellings would be located in an area where there is good access to local services and facilities.
- 5.8.6 In environmental terms the accessible location of the site could offer some environmental benefits, again, by removing the unavoidable need to use private cars for access to everyday needs and services. The availability of public transport is also favourable in environmental terms. However, this would need to be balanced against the impact of the development on the surrounding area and any environmental impact that may be caused.
- 5.8.7 Overall, taking this into account, the development is considered to be sustainable, and subject to other considerations, the principle of development would therefore be acceptable.

6. OTHER MATTERS

- 6.1 The Council's Environmental Health department consultation response requests the following condition to be attached to the approval:

'No development shall take place, other than that required to carry out necessary investigation, which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the local planning authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;*
- (ii) an assessment of the potential risks to:*

- ☐ *human health,*
- ☐ *properly (existing or proposed) including buildings, crops, livestock, pets,*
- ☐ *woodland and service lines and pipes,*
- ☐ *adjoining land,*
- ☐ *groundwaters and surface waters*
- ☐ *ecological systems*
- ☐ *archaeological sites and ancient monuments;*

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).*

This must be conducted by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'

- 6.2 There is currently a bungalow on the application site, approved under application reference 79/00356/MAL. It is considered that as the established use of the site is residential and would appear to have been so for at least 40 years.
- 6.3 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.
- 6.4 When assessing the current use of the application site and considering the above tests, it would appear that the argument is whether the condition fails the first and sixth test, e.g., whether it is necessary and reasonable or not. Given the above assessment, it has been demonstrated that the condition is not considered necessary or reasonable 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.
- 6.5 Therefore, the condition fails the first and sixth tests in its current form, and it is considered that imposition of the above requested condition is not justified.

7. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
13/00143/FUL	Demolish existing detached garage construct detached 5 bedroom three storey dwelling.	Withdrawn
13/00499/FUL	Demolish existing detached garage construct detached 3 bedroom two storey dwelling.	Refused and Appeal Dismissed
14/00984/OUT	Retain existing house and construct 3 dwellings in grounds	Refused
15/00764/OUT	Demolish existing dwelling and detached garage and erection of two new chalet style dwellings.	Refused
16/00418/OUT	Demolition of existing garage and erection of two dwellings on land to the west of Sunnyside and associated access from Stoney Hills.	Refused and Appeal Dismissed
16/01063/LDP	Claim for Lawful Development Certificate for proposed use: Stationing of a mobile home for purposes ancillary to the residential dwelling.	Refused

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Recommend refusal – overdevelopment of the site and concerns regarding access road	Noted

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Ecology	Acceptable subject to relevant conditions.	Noted
Essex Highways	Acceptable subject to relevant conditions.	Noted

8.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to relevant conditions.	Noted

8.4 Representations received from Interested Parties

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

Objecting Comment	Officer Response
• Would be overshadowing and overlooking to 4 Murrayfields	Discussed within section 5.4 of the report above
• Overdevelopment of the area	Discussed within section 5.3 of the report above

8.4.2 **One** letter was received **commenting** on the application and summarised as set out in the table below:

Comment	Officer Response
<ul style="list-style-type: none"> • Can planners ensure that the developer uses smaller delivery vehicles and gives prior notice to residents so that disruptions can be reduced? • Restricted times in place for any deliveries or large vehicles. No access before 9.00am and no access between 3.15 - 4.14pm to allow the children to walk to and from school safely. • There is a 15mph speed limit in place in the lane, it is the duty of the developer to make sure all drivers that access his site are aware of this and adhere to it. • Address the access issues prior to the building works starting. • Ensuring mud and rubble 	<p>The planning department cannot control the size of the vehicles used in construction or require prior notification to be issued to residence or ensure that the development makes sure all the vehicles entering and existing the site are aware of the speed limit.</p>

9. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1214/01, 1214/02, 1214/03, 1214/04, 1214/05, 1214/06, 1214/07, 1214/08, 1214/09 and 1214/010
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used the in the development hereby approved shall be as set out within the application form/plans hereby approved.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved LDP and guidance contained within the NPPF.
- 4 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof of the dwellings hereby permitted, nor shall any extensions be erected, without planning permission having been obtained from the LPA.
REASON To protect the amenity of the area and neighbouring sites, in accordance with policies D1 and H4 of the MDLDP and the guidance contained within the NPPF.
- 5 If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and measures for its remediation shall be submitted to and approved in writing by the LPA The remediation of the site shall incorporate the approved measures and a verification report for all the remediation works shall be submitted to the LPA within 14 days of the report being completed and shall be approved in writing by the LPA
REASON To prevent the undue contamination of the site in accordance with Policy D2 of the MDLDP.
- 6 The dwellings hereby approved shall not be occupied until two car parking spaces have been laid out for both dwellings, and sufficient space for vehicles to turn so that they may enter and leave the site in forward gear has been provided, the spaces provided 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 (SPD), policies D1 and T2 of the MDLDP and the guidance contained within the NPPF.
- 7 Prior to the first occupation of the dwellings hereby permitted, the rooflight windows within the western roof slopes of both the dwellings, as shown on drawing nos. 1214/08 and 1214/09, shall be glazed with opaque glass and of a non- openable design and shall be retained as such thereafter.
- REASON To protect neighbouring amenity, in accordance with policy D1 of the MDLDP and the guidance contained within the NPPF
- 8 Prior to the occupation of the dwellings hereby permitted, details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers shall be submitted to and approved in writing by the LPA and be retained as such thereafter.
- REASON In the interest of local amenity and residential amenity in accordance with policy D1 of the approved Maldon District Local Development Plan.
- 9 No works 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 LPA. 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.

It 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 LPA accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the NPPF, and policy D5 of the approved MDLDP.

- 10 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the LPA 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 layout;
- iv. Hard surfacing materials;
- v. Minor artefacts and structures (e.g. furniture, refuse or other storage units, lighting);

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 LPD. 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 LPA, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the LPA gives its written consent to any variation.

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

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

- 11 No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

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

- 12 There shall be no openings above ground floor level within the North and South flank elevations of both the dwellings hereby approved.

REASON To protect neighbouring amenity, in accordance with policy D1 of the MDLDP and the guidance contained within the NPPF.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
19 MAY 2022**

Application Number	22/00263/VAR
Location	The Old Clubhouse The Quay Burnham-On-Crouch CM0 8AT
Proposal	Variation of condition 2 (plans) on approved application 20/01080/HOUSE (Proposed single storey rear and side extensions, first floor side extension and balcony overlooking sea, first floor balcony deck above existing rear projections, new decking projection from south and east elevations, and general refurbishment to the existing building including new window and doors) to include iron railings above existing brick sea wall and new entrance gate.
Applicant	Mr & Mrs Polturak
Agent	Chris Wragg - Arcady Architects Ltd
Target Decision Date	20.05.2022
Case Officer	Hannah Dungate
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Member Call In by Councillor V J Bell citing the following Policy D1 – Design Quality and Built Environment and Policy D5 – Flooding. Previous Committee Decision

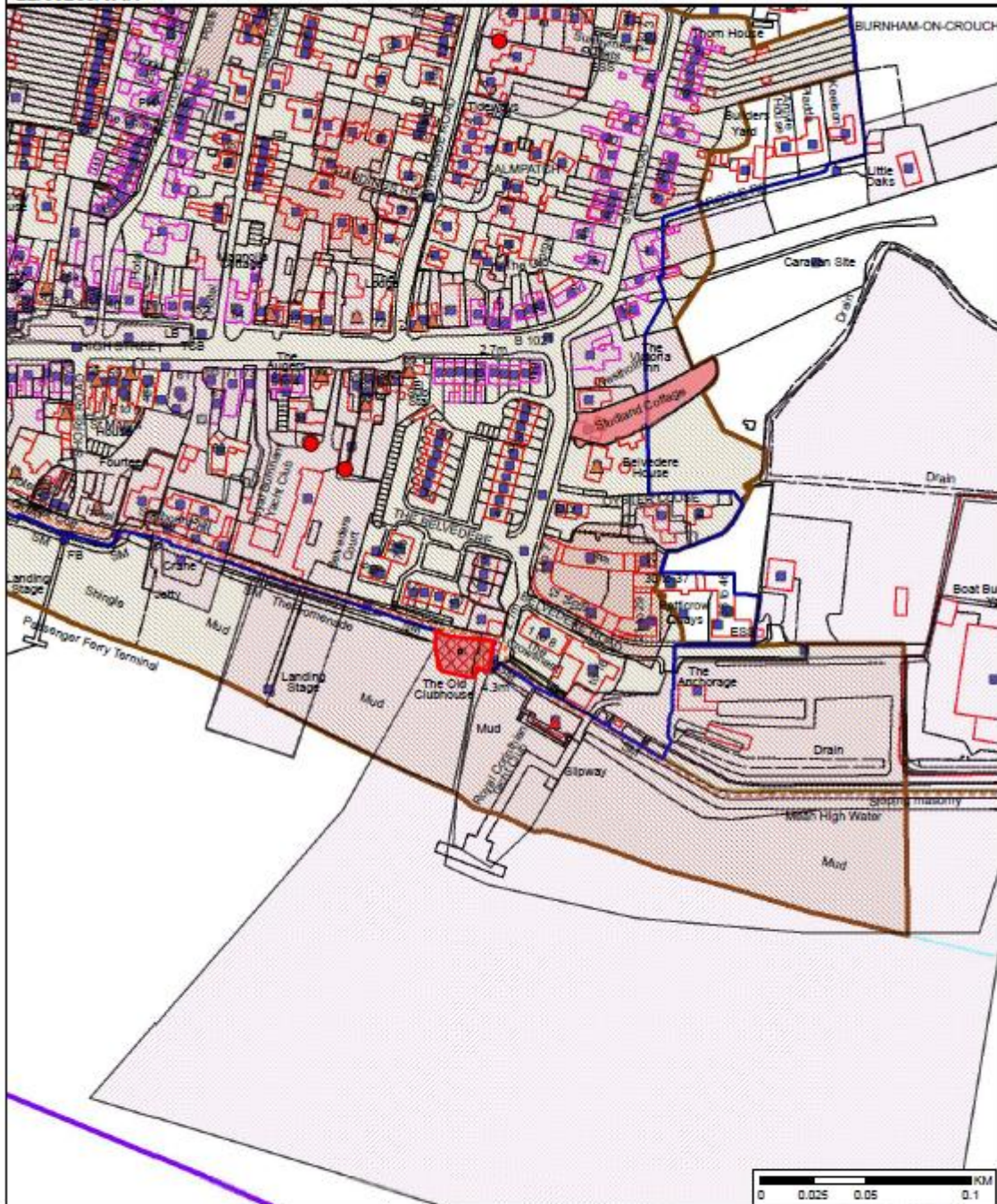
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

The Old Clubhouse The Quay Burnham-on-Crouch
22/00263/VAR



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	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 09/05/2022
	MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the west side of The Quay within the Burnham-on-Crouch Conservation Area. The property, known as The Old Clubhouse, is a late 19th-century weather-boarded two storey building projecting out towards the foreshore. A slipway is located east of the building and on its west side are single storey red brick extensions. There is a public footpath bordering the northern boundary of the site which runs from east to west along the foreshore of the River Crouch.
- 3.1.2 In February 2021, planning permission was granted for a number of extensions at the property, including a first-floor side extension above the existing single storey projection located at the south of the property; a single storey infill extension located in the southwest corner of the site, and a single storey flat roof extension located along the northern boundary of the property (20/01080/HOUSE refers). Also included as part of the proposal was a first-floor balcony above the existing single storey extensions located west of the main house and a new ground floor balcony projecting from the sea wall south of the property.
- 3.1.3 The current application is a Section 73 application to vary a planning condition attached to a previously approved scheme (20/01080/HOUSE – above refers). Any such approval under a Section 73 application will sit alongside the original approval but will include the amended condition, as well as any additional conditions the Council see fit to include. All previous conditions that continue to have effect will also be included as part of a new decision notice.
- 3.1.4 The application seeks to vary Condition 2 of the previous permission, which states that the development shall be carried out in accordance with the approved plans. The approved plans as part of the previous application have been amended as part of the current application, so that this application now seeks permission to erect metal railings on top of part of the sea wall in between two weatherboarded buildings flanking a slipway; The Old Clubhouse and The Otter Hut. The Old Clubhouse is a two-storey building erected in the late-19th century as a yacht club, which is the subject of the previous application. The Otter Hut is a single-storey building designed as an architect's office which won a Maldon District Conservation and Design Award in 2002.
- 3.1.5 The current application follows a similar application at the site for iron railings above the existing sea wall (21/00219/VAR). The previous application was refused by the Planning Committee, contrary to officers' recommendation, on 21 July 2021 for the following reason:
- “The height of the proposed railings would harm the character and appearance of the conservation area, contrary to policies D1 and D3 of the Maldon District Local Development Plan.”*
- 3.1.6 Since the previously refused scheme, the design of the proposed railings has been amended so that the proposed railings would now have a bespoke curved design instead of a traditional upright appearance. The applicants' rationale for the revised proposal is that the design of the railings would depict the story of the Vanguard 'Dunkirk Little Ship' from Burnham-on-Crouch, which saved around 600 soldiers from the beaches of Dunkirk and would incorporate an information plaque about this at the point closest to The Old Clubhouse.

- 3.1.7 The height of the railings have been reduced from 1.1m in height above the existing sea wall to 0.5m at its highest point closest to The Old Clubhouse and 0.4m at the point closest to The Otter Hut. The overall height of the sea wall with the railings and gate above would measure 1.8m in height overall when measured next to The Otter Hut. The fencing would span the length of the wall which is approximately 5.9m between these two buildings. A new wrought iron gate is also proposed in front of the existing flood gate. No other amendments have been made to the original proposal in this regard.

3.2 Conclusion

- 3.2.1 The Old Clubhouse and The Otter Hut frame an attractive view of the estuary from the riverside footpath which makes an important contribution to the character of the Conservation Area. The proposed railings would be of an acceptable quality and would maintain views of the estuary. The alterations and extensions approved under 20/01080/HOUSE were supported as part of the previous application and no objections were received to the scheme from statutory consultees. For the reasons outlined above, and to use the terminology of Chapter 16 of the National Planning Policy Framework (NPPF) and policy D3 of the Maldon Local Development Plan (LDP), it is considered that the proposal, subject to relevant conditions, would cause no harm to the significance of the conservation area as a heritage asset. The proposal would pose no conflict with the statutory duty to preserve or enhance the special character of the conservation area, as set out in section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1900*. It is therefore, considered that the amendments have overcome the previous reason 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
- 54-58 Planning Conditions and Obligations
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Burnham-on-Crouch Neighbourhood Development Plan
- Burnham-on-Crouch Conservation Area Review and Character Appraisal
- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) (2017)
- Maldon District Vehicle Parking Standards (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

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

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

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

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

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

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

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

- 5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.6 In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the setting of the adjacent conservation area. In the terminology of the NPPF, the Council must consider whether the proposal will 'harm' the 'significance' of the adjacent conservation area. Policy D3 of the LDP states that 'development proposals that affect heritage assets will be required to preserve or enhance its special character, appearance, setting and any feature and fabric of architectural or historic interest.'
- 5.2.7 The riverside frontage is an extremely important aspect of Burnham-on-Crouch and its identity. The paved riverside walk follows the length of the Quay, with most buildings lining the north side and open views across the River Crouch to the south. In the late-20th century a waist-high brick sea wall was constructed along the south side of the riverside footpath. The Burnham-on-Crouch Conservation Area Appraisal (2006) comments that the erection of the sea wall has to some degree divorced some of the quay buildings from the river (p. 13), but its low height has preserved the important open views of the river.
- 5.2.8 This application seeks permission to erect metal railings on top of part of the sea wall in between two weatherboarded buildings flanking a slipway; The Old Clubhouse and The Otter Hut. The Old Clubhouse is a two-storey building erected in the late-19th century as a yacht club. The Otter Hut is a single-storey building designed as an architect's office which won a Maldon District Conservation and Design Award in 2002.
- 5.2.9 The Old Clubhouse and The Otter Hut frame an attractive view of the estuary from the riverside footpath. The proposed railings have been reduced in height by over half from the previously refused application so that it would now extend a total of 0.5m only above the existing sea wall, and 0.4m above the sea wall at the point closest with The Otter Hut. The interesting, curved design of the proposed railings would be of an acceptable quality and would maintain views of the estuary, whilst also achieving improved security for the owners of The Old Clubhouse. The reduced height of the railings and their permeability would mean that the development would not be overbearing or discordant with the street scene. The design of the proposed railing would also relate well to the previously approved scheme, which includes post and wire balustrade fencing to the proposed first floor balcony and remaining sea wall at ground floor level.
- 5.2.10 The Conservation officer has advised that it would be preferable if the railings are painted white and that large-scale drawings should be submitted to ensure that there will be adequate gaps between the uprights to maintain visibility of the estuary. Subject to the inclusion of these relevant conditions, it is considered that the revised design of the proposed railings, and the subsequent reduction in height, would overcome the previous reason for refusal.

- 5.2.11 On the basis of the details explained above, it is not considered the design of the railing would act as a physically imposing or over-dominant deterrent to visitors or impact on tourism. It is also noted that no public objections have been received to the revised scheme. The proposal would cause no harm to the significance of the conservation area as a heritage asset and would pose no conflict with the statutory duty to preserve or enhance the special character of the conservation area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1900.
- 5.2.12 Overall, it is considered that the development has overcome the concerns raised at the time of the last planning application and, by reason of its scale, design and appearance would not result in demonstrable harm to the character and appearance of the existing dwelling, the adjacent Otter Hut and the special character of the Conservation Area in accordance with policies D1, D3 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 (2017).
- 5.3.2 Given that the property is located a sufficient distance away from the neighbouring properties north of the site the proposed development is not considered to have a harmful impact on any neighbouring residential amenity. Given the permeable design of the railings, and its reduced height to 1.8m overall, it would not be an overbearing feature and would not result in any overshadowing that would warrant refusal of the scheme.

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 The proposed extension would have no impact upon car parking requirements on site given that the number of bedrooms proposed would be reduced from five to four because of the proposed works. No objection is therefore raised in relation to traffic and transport issues.

5.5 Private Amenity Space

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposed works would not alter the private amenity space as already been approved as part of 20/1080/FUL therefore, the proposal is in compliance with Policy D1 of the LDP.

5.6 Flood Risk

- 5.6.1 The site is located within Flood Zones 2 and 3. The proposal would include the positioning of the iron fence above the sea wall and would also include the positioning of an iron fence in front of the flood gate. However, no other alterations are proposed to the sea wall or the flood gate. An Environment Agency Flood Risk Matrix has been submitted with the application. As this has been satisfactorily completed, no objections to the proposal are raised in this respect.
- 5.6.2 It is noted that the Environment Agency has been consulted on the application and have returned no comments to the scheme. However, as part of the previous application for a similar proposal, they returned no objections. The only difference between the proposals would be the design of the iron railings and gate. The drawings indicate that the proposed gate would still be located in front of the existing flood gate, as per the previous scheme.
- 5.6.3 Furthermore, an informative will be added to an approval of the scheme to alert the applicant to the requirements to comply with the Environmental Permitting (England and Wales) regulations 2010, for the need for an environmental permit for floor risk activities if they want to do work in, under over or within 8m of the river and of any flood defence structure or culvert of the River Crouch designated a 'main river'.

6. ANY RELEVANT SITE HISTORY

- **21/00219/VAR** – Variation of condition 2 (plans) on approved application 20/01080/HOUSE (Proposed single storey rear and side extensions, first floor side extension and balcony overlooking sea, first floor balcony deck above existing rear projections, new decking projection from south and east elevations, and general refurbishment to the existing building including new window and doors) to include iron railings above existing brick sea wall. Refused by Ctte 23 July 2021.
- **20/01080/HOUSE** – Proposed single storey rear and side extensions, first floor side extension and balcony overlooking sea, first floor balcony deck above existing rear projections, new decking projection from south and east elevations, and general refurbishment to the existing building including new window and doors. Approved 5 February 2021.

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	Do not support application due to the fact the railings will obscure the view of the river and will not be popular with residents.	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No response received at	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	time of writing report.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection subject to relevant conditions.	Noted
Ecology	No objections.	Noted

7.4 Representations received from Interested Parties

7.4.1 No representations have been received.

8. PROPOSED CONDITIONS

- The development hereby permitted shall be begun before 5 February 2024.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 18/06/01; 18/06/03 Rev L; 18/06/05; 18/06/06; 18/06/07; 18/06/08; 18/06/10; 18/06/11; 18/06/12 (Rev A).
REASON To ensure that the development is carried out in accordance with the details as approved.
- The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
REASON In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- All new external joinery at the application property shall be of painted timber only and shall be retained as such thereafter.
REASON In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- Prior to the installation of new external doors and new windows as part of the development hereby approved, large scale drawings - including elevations [1:20] and sections through the glazing bars [1:2] - shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter
REASON To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and policy D3 of the approved Local Development Plan.
- The measures contained within the Householder Flood Risk Matrix submitted with the planning application and forming part of this permission shall be fully implemented and in place prior to the first occupation of the development hereby permitted and shall be retained in perpetuity.
REASON To minimise the risk of flooding in the interests of the safety of the future occupiers in accordance with policy D5 of the Maldon District Local Development Plan.
- Large-scale drawings of the railings, including the gate – illustrating the dimensions of individual components, the gaps between each rail and their finer

detailing – shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON To protect the established character of the site in the interest of the character and appearance of the area to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and policy D3 of the approved Local Development Plan.

8. The railings shall be painted white, with such details of the type of paint and finished appearance, to be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details and retained, including regular maintenance of its approved visual appearance, as such thereafter.

REASON To protect the established character of the site, having regard to the potential and particular impacts of weathering from its sea front location in the interest of the character and appearance of the area to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and policy D3 of the approved Local Development Plan.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
19 MAY 2022**

Application Number	22/00368/HOUSE
Location	The Moorings, Seaview Parade, St Lawrence, Essex
Proposal	Single storey rear extensions, two storey rear extension and first floor additions to the front and rear.
Applicant	Mr Ross Patience
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	3 May 2022 (Agreed EOT Until 22 May 2022)
Case Officer	Hayley Sadler
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Member Call In Councillor Mrs P A Channer has called in the application for the following policy reasons: Local Development Plan (LDP) policy D1 (Design Quality and Built Environment) and H4 (Effective use of Land)

1. RECOMMENDATION

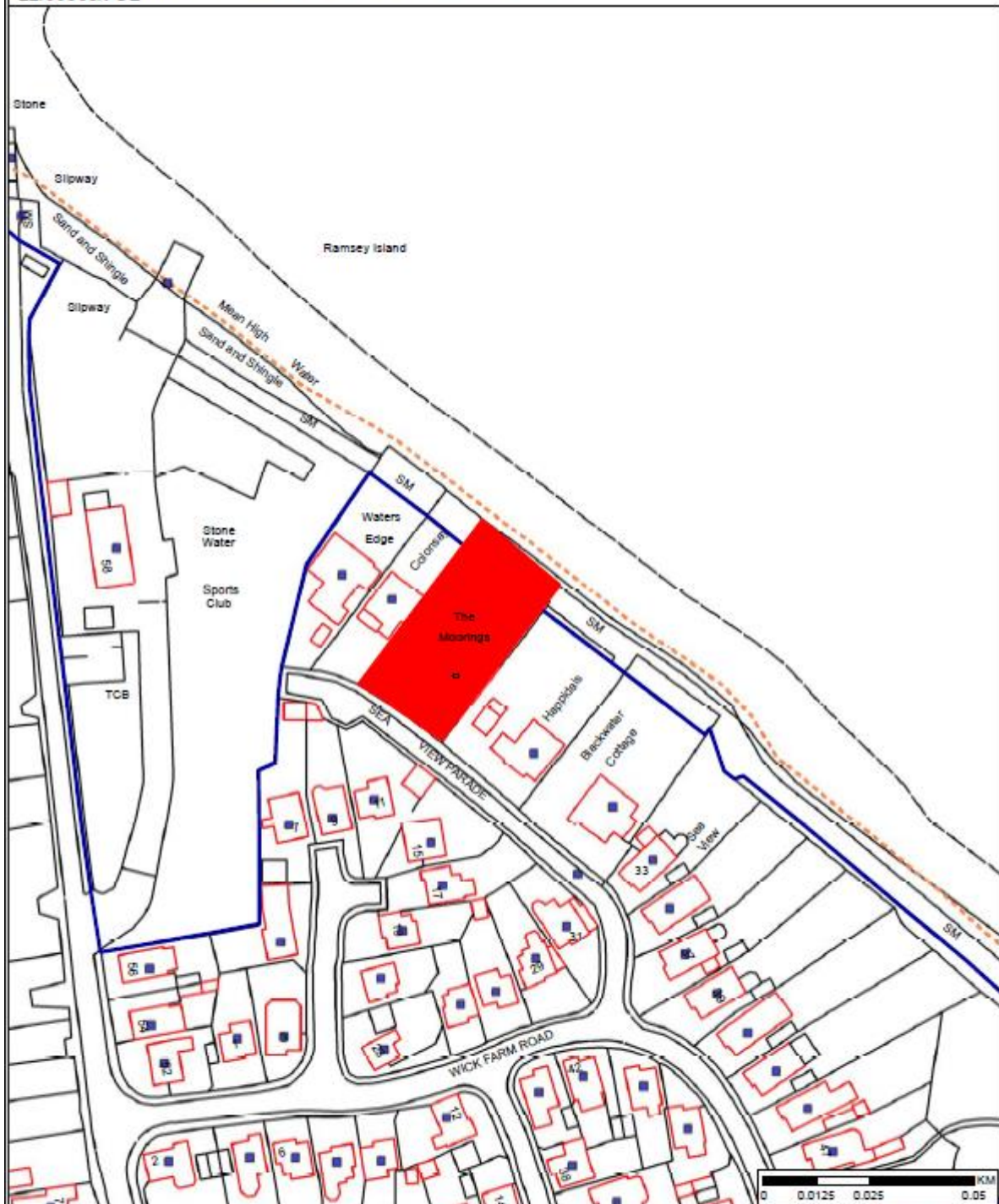
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

The Moorings - Seaview Parade - St Lawrence

22/00368/FUL



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Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: SE Area Committee

Date: 22/04/2022

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the north eastern side of Seaview Parade within the settlement boundary of St Lawrence. The site is occupied by a detached bungalow. The surrounding area is residential with dwellings of varying design.
- 3.1.2 The site is within an area subject to an Article 4 Direction which restricts certain forms of development, but the Article 4 has no impact on the development proposed.
- 3.1.3 Planning permission is sought for single storey rear extensions, two storey rear extension and first floor addition to the front.
- 3.1.4 The proposed single storey rear extension would measure 4.5 metres in width, 2.9 metres in depth and 2.9 metres in height to the top of the flat roof. The extension would result in a study area being created.
- 3.1.5 The proposed single storey, two storey and first floor rear additions would measure a maximum of 9.8 metres in width, 3.6 metres in depth with a maximum eaves height of 5.3 metres and an overall ridge height of 5.9 metres. At ground floor level the addition would create a sitting room area and at first floor level would create a bedroom area that was previously at ground floor level and which would become a snug room.
- 3.1.6 To accommodate the staircase for access to the first floor a first floor extension would be installed to the front elevation. This would measure 3 metres in height at first floor level.
- 3.1.7 The proposed materials to be used in the construction would be facing brick and render detail walls to match the existing. Salvaged existing plain roof tiles and white UPVC windows to match the existing are also proposed along with a large, white, glazed aluminium screen to match the existing dwellinghouse.
- 3.1.8 This application is a resubmission of 21/01105/HOUSE which was refused for the following reason:

'The proposed development due to its location, size, height and design, would be an unsympathetic and incongruous addition to the existing dwelling which would harm the character and appearance of the host dwelling and the surrounding area, contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.'

- 3.1.9 The alterations made to the proposed development has resulted in the reduction of the ridge height by 0.6 metres. The height of the first floor extension to the front elevation has been reduced by 0.2 metres at first floor level.

3.2 Conclusion

- 3.2.1 It is considered that the proposed first floor additions, by reason of their location, size, height and design would be an incongruous and dominant addition which would harm the character and appearance of the dwelling and surrounding area. The amendments to the scheme are not considered to be of such an extent as to reduce the scale of the development or improve the design to such a degree as to have overcome the reason for refusal stated above. It is therefore considered that the

proposed development is not in accordance with the relevant policies contained within the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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 (LDP) 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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) (2017)
- Maldon District Vehicle Parking Standards (VPS)

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 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 MDDG (2017).
- 5.2.3 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.

- 5.2.4 The proposed single storey extensions would not be visible within the streetscene of Seaview Parade as they would be located to the rear of the property. They would be modest in size, single storey in height with a flat roof and would be shielded from view by the existing dwelling and the garage located to the side of the property. As a result, this element of the proposal would not cause harm to the character or appearance of the host dwelling or its surroundings.
- 5.2.5 However, the proposed first floor additions would be highly visible within the streetscene of Seaview Parade as they would result in the ridge level of the bungalow increasing by 0.6 metres, and due to the sheer scale and width in addition to its design.
- 5.2.6 The existing dwelling is a modest, single storey bungalow. The proposed first floor extensions, to both front and rear, would result in a considerable increase to the overall ridge height and bulk of the dwelling and would also not be visually subservient to the host dwelling. Furthermore, the additions, particularly due to the varying eaves and ridge heights of the resulting dwelling, would result in the overall design of the extended dwelling lacking cohesion. Of particular concern, the rendered finish of the existing ground floor would extend into the roof through the proposed first floor front extension and provide a stark and incongruous relationship with the tiled finish of the existing roof. Therefore, it is considered that the proposed first floor extensions, due to their design, size, height, and position would be an unsympathetic and incongruous addition to the host dwelling which would detrimentally impact upon the character and appearance of the host dwelling and the wider surrounding area.
- 5.2.7 The proposed materials are to match the existing dwelling. There are no objections to the proposed materials, except for the design and finish of the front first floor front extension as stated above. Furthermore, there are considered to be no new material considerations, since the determination of the last application, that weigh in favour of the development.

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 (2017).
- 5.3.2 The application site is bordered by two neighbouring properties, Happidais to the east and Colonsay to the west. To the north of the application site is the River Blackwater.
- 5.3.3 The single storey rear extensions would sit 6.5 metres from the shared boundary to the neighbouring property to the east, Happidais and 3 metres from the neighbouring property to the west, Colonsay. The proposed extensions would not be visible from the neighbouring property to the east as they would be shielded from view by the host dwelling. It is noted that the neighbouring dwelling to the west, Colonsay sits further from Seaview Parade than the host dwelling and, given the single storey nature of the proposed extensions and as there are no windows proposed to the elevations facing this neighbouring property, it is considered that this element of the proposed works would not result in an unneighbourly form of development.
- 5.3.4 The proposed two storey and first floor rear additions would sit 6.5 metres from the neighbouring property to the east, Happidais and 7.5 metres from the neighbouring property to the west, Colonsay. These additions would be highly visible from both

these neighbouring properties as they will increase the height and bulk of the dwelling. However, there are no windows or rooflights proposed to the side elevations of the additions and they would be set-off the shared boundaries with these neighbouring properties sufficiently to avoid harm being caused through dominance or loss of light. It is noted that there are ground floor windows to the east elevation of the neighbouring property to the west, Colonsay. However, the separation distance between the proposed additions and both of these neighbouring properties would ensure that the extensions were not be an unneighbourly form of development.

5.3.5 The proposed 'dormer' to the front elevation to accommodate the new access to the first floor would project from the front elevation but would not project further than the existing garage. It would be visible from both neighbouring properties but there are no windows or rooflights proposed to the side elevations and it would be a sufficient distance from the site's boundaries so as not to cause harm through dominance or loss of outlook.

5.3.6 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

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 The proposed development would not result in any additional bedrooms at the property and would not reduce the area currently used for off-street parking to the front of the property. Therefore, no objection is raised to the development on parking grounds, in accordance with the Maldon District (VPS) and policy D1 of the LDP in this respect.

5.5 Private Amenity Space and Landscaping

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms.

5.5.2 Whilst the proposed development would reduce the size of the garden it would not result in the level of private amenity space being below the minimum standard recommended in the SPD. Therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **03/00194/FUL** - Remove existing hedge, to be replaced by brick piers and wooden panels to a height of 1.83m, Approved – 3 April 2003
- **21/01105/HOUSE** - Single storey rear extensions, two storey rear extension and first floor additions to the front and rear, Refused – 7 January 2022

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
St Lawrence Parish Council	Support the application	Noted

7.2 Representations received from Interested Parties

7.2.1 No letters of representation for the application have been received.

8. PROPOSED REASON FOR REFUSAL

- 1 The proposed development, by reason of its siting, scale, bulk, form and design would result in visual harm to the character and appearance of the conservation area and is therefore contrary to policies D1, and H4 of the Maldon District Local Development Plan and the guidance contained within the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

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