

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

29 November 2022

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 7 DECEMBER 2022** at **7.30 pm**

in the **Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch, Essex, CM0 8JA.**

Please Note: All meetings will 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 do so via Microsoft Teams.

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

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

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





AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 7 DECEMBER 2022

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 9 November 2022 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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. **22/01206/FUL - Land Adjacent Brickfields Cottage, Green Lane, Burnham-on-Crouch** (Pages 13 - 30)

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

6. **22/00207/OUT - 13 Mill Road, Tillingham, CM0 7SY** (Pages 31 - 48)

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

7. **22/00896/FUL - Homelands, Southminster Road, Asheldham, CM0 7DZ** (Pages 49 - 66)

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

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

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5-7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

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

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

In the event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

Legislation

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

Supplementary Planning Guidance and Other Advice

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

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

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

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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

PRESENT

Vice-Chairman Councillor A S Fluker
(In the Chair)

Councillors V J Bell, Mrs P A Channer, M W Helm, A L Hull and
W Stamp, CC

1. CHAIRMAN'S NOTICES

Councillor A S Fluker, the Vice-Chairman, welcomed everyone present and advised that in the absence of the Chairman he would be chairing the meeting and then went through some general housekeeping arrangements.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger, B S Beale MBE, R G Boyce MBE, R P F Dewick and N J Skeens.

3. MINUTES OF THE LAST MEETING

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

4. DISCLOSURE OF INTEREST

Councillor A S Fluker declared an interest in Agenda Item 6 as a member of Southminster Parish Council. In accordance with the new Code of Conduct he advised he would speak on Item 6 but would leave the Chamber for the vote.

He then proposed from the chair that in his absence Councillor Stamp be appointed Chairman for Item 6, this was duly seconded and agreed by assent.

5. 22/00336/LBC - EASTCROFT COTTAGE, FAMBRIDGE ROAD, MUNDON, CM9 6PH

The Chairman drew Members' attention to the Members' Update circulated prior to the meeting that advised this item of business was on the agenda in error as it was for consideration by the North Western Area Planning Committee.

6. **22/00681/FUL - KING GEORGE V PLAYING FIELD, STATION ROAD, SOUTHMINSTER, CM0 7EW**

Application Number	22/00681/FUL
Location	King George V Playing Field, Station Road, Southminster, CM0 7EW
Proposal	Construction of a new multi-use community pavilion and clubhouse to replace existing dilapidated modular buildings, including associated car parking, soft landscaping and services infrastructure.
Applicant	Mr John Anderson - Southminster Parish Council
Agent	Mr Simon Brown - Barker Associates (Essex) Limited
Target Decision Date	23.08.2022 EoT 11.11.2022
Case Officer	Jonathan Doe
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call in by Councillor A S Fluker in relation to Policy D1

During the presentation the Officer advised that since issue of the Members' Update a response had been received from Essex County Council Highways confirming that the proposed access was acceptable. Following the Officer's presentation Councillor Anderson, from Southminster Parish Council, addressed the Committee.

Councillor Fluker, as previously advised, commented that he supported the application given the current buildings were out of date. He then left the Chamber at 19:46pm.

IN THE CHAIR: COUNCILLOR W STAMP.

The Chairman moved the Officer's recommendation of approval and it was seconded by Councillor Helm. A brief debate ensued where issues around a 'green' roof and drainage were raised. Officers provided assurance that all Anglian Water issues were conditioned in the Officer report.

The Chairman then put the Officer's recommendation to approve the application to the Committee and it was approved.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site location plan and block plan (within Design and Access Statement)

BA/P21-602-310 Demountable Block 1 to be demolished Floor Plan and Elevations

BA/P21-602-311 Demountable Block 2 to be demolished Plans and Elevations

BA/P21-602-312 Container Block 3 to be demolished Plan and Elevations

BA/P21-602-313 Demountable Block 4 to be demolished Plan and Elevations

BA/P21-602-203 Revision A Proposed Ground Floor Plan

BA/P21-602-204 Revision A Proposed First Floor Plan

BA/P21-602-205 Revision A Proposed Roof Plan

BA/P21-602-301 Proposed North Elevation

BA/P21-602-302 Revision A Proposed South Elevation

BA/P21-602-303 Revision A Proposed East Elevation

BA/P21-602-304 Revision B Proposed West Elevation

BA/P21-602-305 Proposed Site Sections

BA/P21-602-103 Existing Site Sections

Transport Statement by Parker Planning Services, reference 3088 Revision V2

Flood Risk Assessment by JPC Environmental Services

Preliminary Ecological Appraisal by Essex Ecology Services Ltd

Design and Access Statement

- 3 No development works above ground level shall occur until details of a surface water drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum: 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance. 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield). You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled. Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- 4 No development works above ground level shall occur until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first use or occupation of the building hereby permitted.
- 5 Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the Local Planning Authority which shall subsequently have been approved in writing. Within the construction management plan it must consider the following requirements: 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 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.
- 7 Prior to construction above damp-proof course a scheme for biodiversity net gain and nature conservation enhancement of the site, along the lines referred to at section 6 of the Design and Access Statement and at 3.6.2 of the Preliminary Ecological Appraisal, shall have been submitted to and approved in writing by the Local Planning Authority.
- 8 Prior to first use of the building hereby permitted the parking spaces as shown at 2.0 of the Design and Access Statement shall be available for use. The parking spaces shall be retained for the sole use of vehicle parking provision for visitors to the King George V playing field site thereafter.
- 9 Prior to the commencement of development details of a scheme of noise insulation for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The agreed insulation works shall be fully implemented, and retained as such, prior to the use of the pavilion.
- 10 The building hereby permitted shall only be used between the hours of 08:00 and 23:30 Monday to Saturday inclusive and between the hours of 09:00 and 21:00 on Sundays and Bank Holidays. Deliveries and collections to and from the building shall only be undertaken between the hours of 08:00 and 18:00 Monday to Saturday inclusive and between the hours of 08:00 and 13:00 on Sundays and Bank Holidays.
- 11 There shall be no amplified sound audible outside of the building.

7. ADJOURNMENT OF THE MEETING

RESOLVED that the meeting be adjourned at 19:51pm for a brief period.

8. RESUMPTION OF BUSINESS

RESOLVED that the meeting resumed at 19:57pm, Councillor A S Fluker returned to the Chamber.

IN THE CHAIR: COUNCILLOR A S FLUKER

9. **22/00896/FUL - HOMELANDS, SOUTHMINSTER ROAD, ASHELDHAM, CM0 7DZ**

Application Number	22/00896/FUL
Location	Homelands, Southminster Road, Asheldham, CM0 7DZ
Proposal	Erection of 4 bedroom bungalow, detached garage and new vehicular access
Applicant	Mary Anderson
Agent	Raymond Stemp Associates
Target Decision Date	30.11.2022
Case Officer	Kathryn Mathews
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Call-in by Councillor M W Helm for the following reason(s): Policy D1

A Members' Update had been circulated prior to the meeting that contained representations from the Parish Council and statutory consultees. Following the Officers' presentation the Agent, Mark Rickards addressed the Committee.

The Chairman then moved the Officer's recommendation to refuse the application and this was seconded. A debate ensued covering issues of accessibility, the previous appeal decision relating to Homelands and the impact of the development on the character and appearance of the area. Members felt that accessibility was not necessarily a concern in this case, however, the Planning Inspector's comments around the impact on the character and appearance in the previous appeal decision were a significant material consideration. Councillor Channer referred to section 5.8.5 of the Officer report that highlighted the impact. The Lead Specialist Place commented on the need to take into account previous appeal decisions and assess what, if anything, had changed since the previous appeal was dismissed.

The Chairman, Councillor Fluker proposed that given there was not adequate information to come to a decision, the application be deferred for further information to be provided regarding the previous appeal. This was seconded by Councillor Helm.

The Chairman put the first proposal, that of the Officer's recommendation to refuse the application, to the Committee and the Committee voted against the refusal. At this point Councillor Mrs P A Channer wished it noted that she voted for the refusal.

The Chairman then put the second proposal to defer the application for further information to be provided regarding the previous appeal to the Committee and this was agreed.

RESOLVED that the application be **DEFERRED** for further information to be provided regarding the previous appeal relating to the site.

The meeting closed at 8.34 pm.

A S FLUKER
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
7 DECEMBER 2022**

Application Number	22/01026/FUL
Location	Land Adjacent Brickfields Cottage, Green Lane, Burnham-on-Crouch
Proposal	Erection of a detached chalet bungalow
Applicant	Miss K Hewson
Agent	Elisa Hampson - E. H Planning Services
Target Decision Date	24.11.2022
Case Officer	Jonathan Doe
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



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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: 16/11/2022

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site lies to the north of Green Lane between 32B Green Lane to the west and Brickfield Cottage to the east. The site is of an irregular shape, having a relatively narrow frontage which widens to towards north. The depth of the application site is disproportionate to its width, being around 140m deep and 28m wide. The application site is a grassed field, with an outbuilding on the eastern boundary and set back from the highway. The site has a five-bar timber gate and hedgerow along its frontage.
- 3.1.2 Green Lane is an attractive semi-rural road lined by verges and trees. There are open areas of field along parts of its length. There are a number of dwellings along the road which are set in spacious plots and recent infill developments have taken place along the stretch of road near the site. In addition to the dwellings that are currently being built at 34 Green Lane, another two were allowed to be erected at 32A Green Lane (Application reference no.: OUT/MAL/17/00204, Appeal reference no.: APP/X1545/W/17/3181143). A full application (FUL/MAL/18/00794) was recently approved for one of the two dwellings previously approved in outline. Planning permission for the erection of 180 dwellings has also been granted at land to the south of the application site (FUL/MAL/16/00093).

Description of proposal

- 3.1.3 The proposal seeks to effectively renew a previous planning permission which was considered by the South Eastern Area Planning Committee sitting on the 15 July 2019. The previous planning permission, 19/00169/FUL, expired in July 2022. The current planning application is identical in all respects save for an amendment to the block plan, previously a shared vehicular access arrangement was proposed whereas the current application involves a vehicular access to the application site of a sufficient width to act as an independent vehicular access.
- 3.1.4 It should also be noted that an application (FUL/MAL/15/00165) for the erection of the same style and size dwelling at the site was previously allowed on appeal (APP/X1545/W/15/3129414) in 2015. Subsequently planning permission (19/00169/FUL) was granted. Whilst the latest planning permission is no longer extant, having expired in July this year, the history of the site carries substantial weight in this case, as referred to below.
- 3.1.5 Planning permission is sought to erect a detached chalet style, three-bedroom dwelling, with associated off-street parking to the front and amenity space. The dwelling would have a main gable roof with front and rear gable dormers and an attached double garage to the east of the main dwelling, with a gable roof, being set lower than the roof of the main dwelling.
- 3.1.6 The dwelling would be sited towards the front part of the application site, measuring a maximum of 16.8m wide, 8.8m deep, 2.7m high to the eaves, with a maximum height of 6.9m. the height of the proposed garage would be 5.7m. an open porch is proposed to be erected to the front projecting 800mm forward the front elevation of the main dwelling. The porch would have a width of 2.5m and a height of 3.7m to the top of the roof.

- 3.1.7 Internally the dwelling would accommodate an open plan kitchen/diner, a living room, a study and a WC at ground floor and three bedrooms (one en-suite) and a bathroom at first floor.
- 3.1.8 The site would be accessed off of Green Lane. Off street parking and turning facilities are proposed to be provided at the front curtilage of the dwelling.
- 3.1.9 The site would have an amenity area of around 0.45 hectares in size.

3.2 Conclusion

- 3.2.1 A previous planning permission, 19/00169/FUL, for the same development expired on 18 July this year and this is a material consideration of significant weight. There has been no material change of circumstance to the planning policy relevant to this proposal. In the circumstances approval of planning permission is the reasonable course to take.
- 3.2.2 The proposed development has been assessed against all current material planning considerations, including the planning history of the site and that of the surrounding area and it is found that the principle of erecting one dwelling at this location is acceptable. The proposed development would not have a discordant impact on the character and appearance of the area, or the intrinsic beauty of the countryside and it would be of an acceptable design. No objection is raised in relation to the impact of the development on residential amenity or parking provision. Therefore, subject to appropriate conditions, the development is considered acceptable.

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
- 55-58 Planning conditions and obligations
- 60-67 Delivering a sufficient supply of homes
- 78-80 Rural Housing
- 104-111 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-134 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S6 Burnham-on-Crouch Strategic Growth

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- N2 Natural Environment, Geodiversity and Biodiversity
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

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

- Policy HO.1 – New Residential Development
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.8 – Housing Design Principles
- Policy EN.7 - Waste Bins Storage

4.4 Relevant Planning Guidance / Documents:

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

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 Local Development Plan (LDP).
- 5.1.2 The proposed development is for the erection of a detached chalet bungalow which would be sited within/outside the settlement boundary.
- 5.1.3 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council has published an up to date Five Year Housing Land Supply which concludes that the Council cannot currently demonstrate a 5YHLS.
- 5.1.4 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 8, of the National Planning Policy Framework (NPPF) which states:

"For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 5.1.5 Footnote 8 - 8 This includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).
- 5.1.6 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5 year housing land supply cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).
- 5.1.7 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out of date’, 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 this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 5.1.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

- 5.1.10 Policy HO.1 of the Burnham Neighbourhood Plan states that *“Proposals will be supported for residential development provided that it complies with the requirements set out in other policies of this Plan and the Development Plan.”*
- 5.1.11 Although the application site is located outside the defined settlement boundary of Burnham-on-Crouch and the proposed development is a departure from the development plan, consideration should be had to the acceptability of the principle of a dwelling of the same style and size at this location, albeit not an extant permission.
- 5.1.12 Whilst an appeal for the erection of a four-bedroom dwelling on the land west of High House was previously dismissed on appeal (Application reference: OUT/MAL/15/00972, Appeal reference: APP/X1545/W/16/3146480), where the Inspector came to the view that the site would result in a harmful impact on the countryside, it is important to note that there have been infill developments taking place along the stretch of road. In addition to the dwellings that are currently being built to the west of the site, at 34 Green Lane, and the two dwellings immediately to the west of the site, planning permission for the erection of 180 dwellings was granted on land to the south of the application site. The character of the part of Green Lane where the site is set is now that of ribbon development along the northern part of the road. Therefore, it is considered that the proposed residential development, which is sited between an existing residential site to the east and two dwellings to the west, would be reasonable and would be contained within the envelope of the ribbon developed land.
- 5.1.13 The Inspector in his assessment for a development of a dwelling of the same size and design in the application site recognised the inevitable visual impact of a dwelling into the landscape. However, it was stated that *“this area is currently undergoing a change in character, and the scheme should be assessed having regard to this evolving context. Indeed, the general thrust of recent planning decisions in the vicinity seems to be appreciably less restrictive.”* Since this permission, the character of the area has further evolved with the permission for two houses on the adjacent site. Therefore, although the previous development was assessed prior to the adoption of the LDP, the Council could demonstrate a five year housing land supply at the time and further residential development along Green Lane in the vicinity of the site was approved. On that basis, taking into consideration that the thrust of the policies of the LDP has not materially changed from those of the Replacement Development Plan in respect of this type of development, it is considered that the principle of a residential dwelling in this location could not be reasonably objected to.
- 5.1.14 It should be noted also that the Inspector in his decision letter acknowledged that the site is located in close proximity to the shops, local facilities and public transport in Burnham-on-Crouch, concluding that the site is located in an accessible location. The same approach was taken by the Inspector who assessed the erection of two dwellings to the west of the application site. Moreover, the Council did not raise an objection in terms of the accessibility of the site to local amenities or public transport.
- 5.1.15 Policy S2 and S6 of the LDP identifies that the infrastructure of Burnham-on-Crouch is limited and therefore development above the identified limit of 450 dwellings will not be supported. In this instance, it is considered that one additional dwelling would not impose an additional burden of existing infrastructure to an extent that would justify the refusal of the application.
- 5.1.16 Having regard to the evolved character of the area and appeal decisions and approvals in the vicinity of the site, it is considered that the acceptability of the principle of an additional residential accommodation in the area cannot reasonably be objected to. The application site is contained within the envelope of the

developed area along the northern part of Green Lane and therefore, the development would not unacceptably impinge or sprawl into the open countryside. For that reason and giving due weight to the previous appeal decisions and the Inspector's assessment of a dwelling in the application site, it is considered that in this instance, the introduction of a new dwelling in this location, in between residential units, would not cause demonstrable harm.

5.1.17 Since the date of the previous planning permission an amended version of the NPPF has been produced. However, this contains no change of a nature that would affect the assessment of the proposal.

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

5.2 Housing Need and Supply

5.2.1 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 LPAs should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up to date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted. Whilst the LDP carries limited weight at present due to the lack of a 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

5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change. However, more recent assessment has identified a greater need for 3 bed dwellings. The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography. The LHNA 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 needs of specific groups and the need to provide housing for specific housing market segments such as self-build housing.

5.2.3 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings; specifically 25-35% 2-beds and 40-50% 3-beds. The proposal is therefore considered to be acceptable with regard to Policy H2 of the Local Plan as it would meet identified needs and demands.

5.2.4 The proposed development would provide a three-bedroom dwelling which would contribute to housing stock in the District.

- 5.2.5 The Council cannot demonstrate a housing supply in excess of five years. The previous planning permission for the site was given at time when the Council could do so and this is relevant to the planning balance.

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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

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

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

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

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

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

- 5.3.6 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.7 Policy HO.8 of the Burnham-on-Crouch Neighbourhood Plan states that *“Proposals for new housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.”*
- 5.3.8 The setting to the site is a chalet style dwelling to the east and a house to the west. The proposal represents an infilling of existing built development.
- 5.3.9 As discussed in section 3 of the report, an application (FUL/MAL/15/00165) for the erection of a dwelling of the same size and style with the current proposal on the application site was previously allowed on appeal. Having regard to the changes incorporated into the scheme from a previous proposal (FUL/MAL/14/00461), the enclosed nature of the site and the evolved character of the wider area, the Inspector who assessed the previous proposal, concluded that the development would not harm the character of the area. In particular it was stated that *“the development of the site with this revised proposal, comprising a modest sized house, would not alter the area’s character to any significant extent, nor would harm it. The dwelling itself would occupy a very small proportion of the overall site”*.
- 5.3.10 It should be noted that the nature of the proposal has not been amended, and the main thrust of the policies of the approved LDP and previous Replacement Local Plan for this type of development remain unaltered. Furthermore, since the determination of the abovementioned appeal, further development was allowed on appeal (OUT/MAL/17/00204 - erection of two dwellings on the adjacent site, land at 32A Green Lane) and approved (FUL/MAL/18/00794- full detailed application for the erection of one dwelling on part of the adjacent site, land at 32A Green Lane, benefiting from extant permission for the erection of two). On that basis and taking also into consideration the evolved character of the area, due to the construction of 180 dwellings to the south of the site, it is considered that the Inspector’s position, in terms of minimal impact of the development on the character of the area, is valid. Thus, the erection of one dwelling in this location is not considered to be materially harmful to the character or the intrinsic beauty of the countryside.
- 5.3.11 The dwellings along the northern part of Green Lane do not follow a strong front building line. The proposed dwelling would be located further back from the neighbouring property to the east (Brickfield Cottage), which is not considered to be unacceptable, given that it would minimise the prominence of the property when viewed as part of the streetscene. Furthermore, there are properties to the west of the application site which sit further back from the highway and thus, the layout of the dwelling would not appear at odds with the built pattern of the area.
- 5.3.12 The proposed dwelling would feature a chalet style dwelling with a gabled roof, with gabled roof dormers to front and rear and an attached side double garage of similar style to the main dwelling. The proposed dwelling would be of a scale that would respect and be sympathetic to the character of the area. The dwelling would be of similar style with the adjacent dwelling to the east (Brickfield Cottage) and therefore,

it is acknowledged that consideration has been given to the character and appearance of the dwellings in the vicinity.

- 5.3.13 The Inspector assessing the proposal of a same style dwelling on the application site stated that *“the appellant has attempted to achieve an attractive high quality design that seeks to overcome the objections identified in an earlier refused scheme. In contrast to that earlier scheme..., a chalet style dwelling is now proposed of a smaller overall size and this an attractive garage. The proposed palette of materials, including facing white timber weather-boarding and red clay tiles to the roof, is intended to blend with the traditional ‘cottage style’ appearance to the dwelling”*.
- 5.3.14 Given that the scale, design and appearance of the currently proposed dwelling remain unaltered from the development previously presented to the Inspector, it is considered that the proposed dwelling would be of an acceptable design and appearance, which would not detract from the visual amenity of the area or result in a development of limited architectural merit.
- 5.3.15 The development is therefore considered to be of acceptable scale, design and appearance and would not have a detrimental impact on the character of the area or the appearance of the streetscene. The development would accord with policies D1 and H4 of the LDP, the housing design principles set out in the Neighbourhood Plan and the guidance contained in the MDDG(2017).

5.4 Impact on Residential Amenity

- 5.4.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.4.2 The proposed development would result in increased levels of activity, by reason of the erection of one dwelling on land which is currently open grassed land. However, on balance, it is considered that the proposed residential development would not have a materially harmful impact on the residential amenity of the neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area.
- 5.4.3 The proposed dwelling maintains a distance of 4.9m and 6.4m to the eastern and western boundaries, respectively. An additional 33m separation distance is maintained between the shared boundary and the dwelling at Brickfield Cottage. This separation distance is sufficient to prevent any unacceptable impact on the residential amenity of the neighbouring occupiers of the adjacent dwellings to the east, in terms of being overbearing, resulting in loss of light or sense of enclosure.
- 5.4.4 The proposed development would maintain a reasonable distance away from the shared boundary with the adjoining site to the west (6.4m) and thus, taking into account the overall scale and height of the development, it is considered that the development would not result in an unacceptable impact on the amenities of the occupiers to the west.
- 5.4.5 No windows are proposed to be installed on the side elevations of the dwelling and thus, the development would not result in a material increase in overlooking towards the neighbouring sites to the east and west.

- 5.4.6 The dwelling would be some 115m from the rear boundary of the plot beyond which is open countryside.
- 5.4.7 The proposed dwelling would have no material adverse impact on the residential amenity of occupiers of any neighbouring property.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. There would be sufficient space within the site to accommodate at least two parking spaces which would be sufficient to comply with the adopted parking standards.
- 5.5.3 An attached double garage to the east of the proposed dwelling is proposed to be erected, measuring 6m wide by 6m deep. The proposed garage would not accord with the standards as set out in the Vehicle Parking Standards SPD, requiring double garages to be of a 6m by 7m dimensions. However, it is noted that the reason for the required dimensions is to allow room for storage, particularly for cycles. It is considered that the proposed garage would be large enough to accommodate two vehicles and provide a level of storage. Furthermore, the site benefits from a large sized garden which can accommodate storage for cycles and as such, it is not considered a reasonable objection to be raised in respect of the proposed garage size. It is also noted that the proposal would have a deep enough front garden, incorporating hardstanding, which would be able to provide turning facilities and at least one more parking space. It is therefore considered that the development would be able to provide more than adequate off-street parking provision.
- 5.5.4 The proposed dwelling would have its own vehicular access and the provision of turning facilities sufficient to allow a safe access and egress from site, without causing obstruction to the highway.
- 5.5.5 The Highways Authority was consulted and raised no objection to the proposed development.
- 5.5.6 Although no details of the provision of an onsite store for bicycles or refuse has been shown, it is noted that the site benefits from a large sized garden, which would be able to accommodate a bicycle and refuse store. Details of the bicycle and refuse store would be secured by the imposition of a condition.

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.6.1 With regard to the size of amenity spaces, the Council has adopted the MDDG(2017) as a supplementary guidance to support its policies in assessing applications for residential schemes. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.6.2 As noted in the 'Proposal' section, the site benefits from an amenity area of around 0.45 hectares in size. As such, the proposed dwelling would be served by amenity

space in excess of the minimum amenity area standards, as set out in the MDDG(2017).

- 5.6.3 The submitted plans show that the proposed development would preserve the existing soft landscaping features of the site, including the existing hedgerows to the south along the highway and those along the boundaries with the neighbouring sites. The details of the hard and soft landscaping, ensuring retention of the existing hedgerows would be secured by condition.

5.7 Nature Conservation

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.7.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.6 As a result of the location of the site and the nature of the development proposed, the proposal would have off-site impacts on nature conservation. Natural England (NE) has produced interim advice with reference to the emerging strategic approach relating to Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' (Zol) of these sites cover the whole of the Maldon District.
- 5.7.7 NE anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and

campsites) and gypsies, travellers and travelling show people plots. 5.7.8 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a Habitats Regulation Assessment should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 5.7.8 To accord with Natural England's requirements, an Essex Coast RAMS Habitat Regulations Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

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

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

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

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

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

- 5.7.9 Summary of Appropriate Assessment – as a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites providing that mitigation, in the form of a financial contribution is secured. A financial contribution (£462) has been received. Therefore, the harm to off-site nature conservation interest has been adequately mitigated.

5.8 Other matters

- 5.8.1 It is noted that any alterations/extensions of the dwelling allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without modification, may result in unacceptable impacts on the character and appearance of the area of the amenity of the neighbouring occupiers. For this reason, it is considered reasonable permitted development rights for the proposed dwellinghouse are removed.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00461** – Construction of detached dwellinghouse and detached garage. Planning permission refused.
- **FUL/MAL/15/00165** – One detached dwelling. Planning permission allowed on appeal (APP/X1545/W/15/3129414).

- **19/00169/FUL** - Erection of a detached chalet bungalow – Approved 18.07.2019

History of the adjacent site to the west:

- **OUT/MAL/17/00204** – Outline planning application for the construction of 2no. two storey homes. Allowed on appeal (APP/X1545/W/17/3181143).
- **FUL/MAL/18/00794** – Erection of a detached four bedroom dwelling with detached garage and associated off-street parking, landscaping and amenity area. Planning permission granted.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No response.	

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	No objection subject to undertaking a Habitats Regulations Assessment (HRA) to secure any necessary mitigation.	Section 5.7 refers.
Highways	No objection subject to conditions.	Noted.

7.3 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objection subject to a condition regarding surface water drainage.	In line with the previous planning permission, condition 7 addresses.

7.4 **Representations received from Interested Parties**

- 7.4.1 No letters of representation have been received in relation to the proposed development.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: Site location plan at 1:1250 Rev A; Block plan 008 C; Floor plans 006; and, Elevations 007.

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

- 3 Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 5 Prior to the occupation of the development details of both hard and soft landscape works, including the retention of the existing hedgerows along the south, east and west boundaries of the application site, to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, 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.

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.

- 6 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interests of highway safety in accordance policies D1 and T2 of the submitted Local Development Plan.

- 7 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for

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

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

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

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

- 9 The double garage, vehicle parking area and associated turning facilities shown on plan 008C shall be provided prior to the occupation of the dwelling and be retained as such in perpetuity. The garage and off-street parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.

- 10 Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.

REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

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

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

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or separate

building (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

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

- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved Local Development Plan.

- 14 There shall be no discharge of surface water from the development onto the Highway.

REASON To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the approved Local Development Plan.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 When a sewage treatment plant or septic tank is installed the applicant should ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see www.gov.uk for more information on General binding rules for small sewage discharges.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
7 DECEMBER 2022**

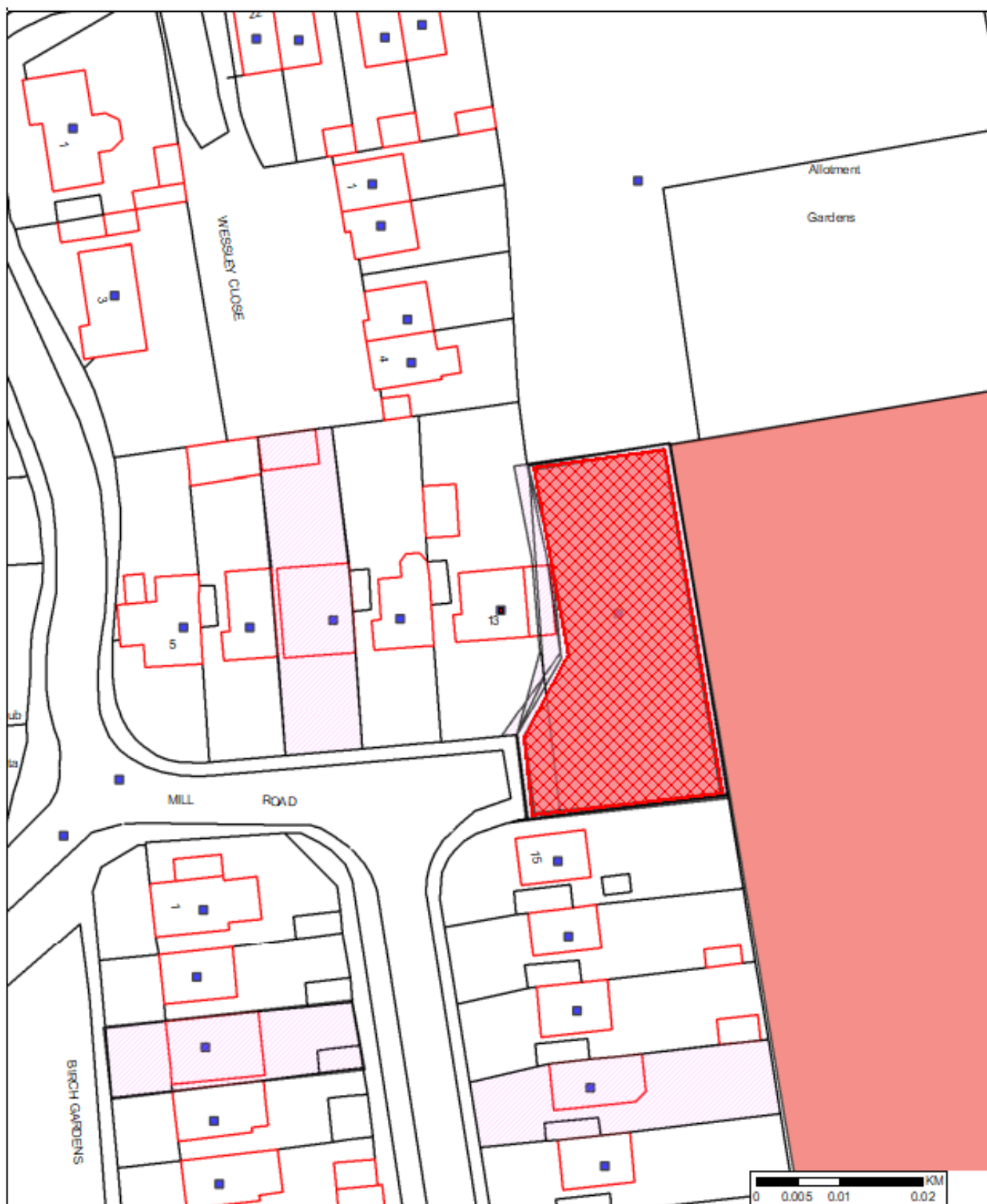
Application Number	22/00207/OUT
Location	13 Mill Road Tillingham CM0 7SY
Proposal	Outline application with all matters reserved for two residential units and associated garages with access off Mill Road and associated parking spaces.
Applicant	Mr David Burden
Agent	-
Target Decision Date	09.08.2022
Case Officer	Hannah Bowles
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Departure from the Local Plan

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 23/09/2022

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 eastern side of Mill Road, adjacent to the settlement boundary of Tillingham. The land currently forms part of the residential curtilage of No. 13 Mill Road and whilst the host dwelling, which lies to the west of the site, falls within the settlement, the application site falls just outside.
- 3.1.2 The site is located at the end of a cul-de-sac with residential dwellings to the south and west, the dwellings within the vicinity of the site are detached, two-storey properties which are similar in terms of plot size, layout and design. To the east of the site are open agricultural fields, whilst the northern boundary adjoins the village allotments.
- 3.1.3 The site amounts to 800sqm in area and is laid to grass, the land contains trees and vegetation and is used in association with the residential use of 13 Mill Road.
- 3.1.4 Outline planning permission with all matters reserved is sought for the construction of two new dwellings with a detached garage building on the site, as outlined in red.
- 3.1.5 The proposal would result in subdivision of the existing residential plot 13 Mill Road.
- 3.1.6 The application has been supported by an indicative block plan which shows the access to the dwellings being taken from Mill Road, with a proposed dwelling sited to the north of Mill Road and the second proposed dwelling set back within the site to the north-east of Mill Road. The proposed garage building has been inactively shown sited between the two dwellings.
- 3.1.7 Three previous applications for outline planning permission with all matters reserved for two dwellings with garage buildings have been previously approved under references 13/00366/OUT, 16/00528/OUT and 19/00447/OUT. Whilst the 2019 application expired, the planning history is considered to carry significant weight in the determination of this application.

3.2 Conclusion

- 3.2.1 The proposal to erect two new dwellings at the site has been found acceptable on three occasions; most recently in 2019 under the terms of 19/00447/OUT. Whilst the application site is located outside of the settlement boundary of Tillingham, the previous decisions and planning history of the site carries significant weight and is considered to be a material consideration that outweighs the content of the Local Development Plan (LDP).
- 3.2.2 There are no significant changes to the site, surrounding area or that would justify the refusal of this application. Therefore, given that the proposal is not considered to harm the character and appearance of the area, the amenity of the neighbouring occupiers and provides adequate parking and amenity space the proposal is considered to be in accordance with the policies of the LDP and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 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
- D2 Climate Change and Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services
- T1 Sustainable Transport
- T2 Accessibility

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 The proposed development is for two new dwellings which would be sited outside of the settlement boundary of Tillingham.
- 5.1.3 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council has published an up to date Five Year Housing Land Supply which concludes that the Council cannot currently demonstrate a 5YHLS.
- 5.1.4 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is

known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 8, of the NPPF which states:

"For decision taking this means:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

"(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

"(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 5.1.5 Footnote 8 - 8 This includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).
- 5.1.6 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.1.7 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out of date', 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 this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'.
- 5.1.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF, the LPA is

obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.1.10 The application site is located immediately adjacent to the settlement boundary of Tillingham and has previously been found to be acceptable for the development of two residential dwellings under the terms of applications 13/00366/OUT, 16/00528/OUT and 19/00447/OUT. It is not considered that there are any fundamental changes to the site, surrounding area or policy position which would justify a change in stance from that taken at the time of the previous applications. In addition, at the time of the determination of 19/00447/OUT the Council was able to demonstrate a 5YHLS. Therefore, positive weight can be attributed to the provision of housing, albeit limited given the proposal is for two units.

5.1.11 Therefore, given the planning history of the site in this instance it is considered that it would be unjustifiable to raise an objection on the grounds of accessibility to the site or the principle of two dwellings in this location.

5.2 Housing Mix

5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the 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 LPAs should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up to date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 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 Housing Needs Assessment (2021) (HNA) is an assessment of housing need for the 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. It also 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 application does not specify how many bedrooms the proposed dwellings would contain.

5.2.5 The Maldon District Local Housing Needs Assessment (May 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. Whilst the proposed dwelling is labelled as a 3-bed dwelling. The LPA would therefore encourage the applicant to provide units that would meet the greatest need within the district.

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 Maldon District Design Guide (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 original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.3.6 The application is in outline form with all matters reserved, therefore a detailed analysis of the scale, appearance and layout of the proposal cannot be undertaken at this stage. However, it is best practice to comment upon the indicative plans and information submitted at this stage.

- 5.3.7 It should be noted that the application site has previously been found acceptable for the development of two dwellings. The indicatively shown layout and footprint of the built form is broadly in line with the previously submitted indicative plans approved three times previously. The only notable change is that two single garages have previously been shown whilst a single double garage to serve both plots has been shown under the terms of this application.
- 5.3.8 The submitted indicative layout plan has been submitted and depicts one of the two dwellings facing the highway which reflects the surrounding development, with the second dwelling set back within the site. Whilst it is not considered that the layout of the second plot reflects the pattern of built form within the locality which fronts directly onto the highway to which it relates, it is noted that this was not objected to at the time of the previous applications.
- 5.3.9 The applicant has confirmed that the proposed dwellings would be two storey with an appearance similar to that of the surrounding dwellings. The footprint of the indicatively shown dwellings is similar to those observed within the wider area.
- 5.3.10 Further, the layout plan indicatively shows the provision of a detached outbuilding to provide a single garage to each property, the design and access statement sets out that this element could be provided in the form of integral or detached garages, it is considered that an integral outbuilding would be more in keeping with the development within the immediate context of the site. Although given the presence of the detached single garages which front the western side of Mill Road, it is not considered that a detached outbuilding would be objected to.
- 5.3.11 Overall, having regard to the planning history of the site, it is considered that the proposed development could be provided at the site without having a detrimental visual impact on the site and surrounding area.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site has two immediately adjacent neighbouring properties which is the host property 13 Mill Road, located to the west of the site and 15 Mill Road located to the south of the site.
- 5.4.3 As previously set out, the application is outline in form with the matters of layout, scale and appearance reserved for determination at a later date. Therefore, the full assessment of the impact of the development on neighbouring amenity would be assessed in detail at that time.
- 5.4.4 No concerns, in terms of impact on the neighbouring occupiers, has historically been raised during the assessments of the previous applications and the indicatively shown built form is similar to that previously submitted.
- 5.4.5 The site is set back behind the front elevation of the adjacent dwelling to the south, 15 Mill Road and is located immediately west of the plot occupying 13 Mill Road. Subject to the final scale, appearance and layout and providing the location of the openings are carefully considered, it is considered that it will be possible to provide a dwelling that would not have an adverse impact on the neighbouring occupiers by way of overlooking, a loss of light or domination.

- 5.4.6 The host dwelling at No. 13 Mill Road has been extended to the east and contains ground and first floor windows within its eastern side elevation. The site in this location measures 16.5m wide. A dwelling in this location may be subject to overlooking and loss of privacy from the existing dwelling dependent upon its layout and orientation. However, as previously stated, a development with a layout and design that is considered appropriate for the application site could be sought through a reserved matters application.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards (VPS) Supplementary Planning Document (SPD) contains the parking standards which are expressed as minimum standards. The number of bedrooms proposed within the dwellings have not been specified. However, it is considered that there is space within the site to provide off-street parking provision within the site and a condition to ensure that it is provided in line with the Council's VPS will be imposed, should the application be approved.
- 5.5.3 Access to the proposed dwelling is shown as being taken from Mill Road, utilising the existing junction, the final details are a matter reserved for future consideration. However, the Highways Authority has confirmed that it has no objections to the proposal, based on the information submitted at this time subject to a number of conditions should be imposed, should the application be approved.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG (2017) 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 There is sufficient space within the application site for both plots to be served by a private amenity area of 100m².
- 5.6.3 The host dwelling 13 Mill Road, would also retain sufficient private amenity space to meet the requirements of its occupants.
- 5.6.4 Landscaping would be dealt with at the reserved matters stage, and it would be expected that a full landscaping scheme, including boundary treatments, would be provided at that time and a condition in this respect has been recommended.
- 5.6.5 A number of trees are located on the site. The design and access statement sets out the trees which are proposed to be retained, removed and maintained. In accordance with the two previous permissions, it is considered appropriate to impose a condition to ensure an Arboricultural Report is submitted to the LPA for approval as well as full details of the proposed hard and soft landscaping.

5.7 Nature Conservation

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network. Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.2 The development has the potential to have an impact on nature conservation interests both within the site and off-site.
- 5.7.3 The site is currently residential curtilage used in association with 13 Mill Road. The application has not been supported by any ecological information. The Council's Ecology Consultant has been consulted and has raised a holding objection to the proposal, due to the lack of information in respect to the impact of the proposal on the existing habitats and wildlife at the site.
- 5.7.4 Whilst the Ecology Consultant has raised an objection, it is noted that an objection in this respect has not historically been raised and given the site is currently in a residential use in a relatively urban area, it is considered that it would be difficult to justify an objection to the proposal in this respect. However, given the number of trees on the site and that the NPPF has been updated to provide emphasis on the importance of protecting and enhancing biodiversity, it is considered that conditions in this respect should be imposed, should the application be approved.
- 5.7.5 In terms of off-site impacts, Natural England (NE) has advised that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.6 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zol' of these sites cover the whole of the Maldon District.
- 5.7.7 NE anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitutes a likely significant effect on the sensitive interest features of these

designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

- 5.7.8 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.9 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £137.71 per dwelling.
- 5.7.10 To accord with NE's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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 specified development types? Yes

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

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

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

Summary of Appropriate Assessment – as a competent authority, the LPA concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites. The Applicant has confirmed that they are willing to enter into the legal agreement and as long as this is done prior to the issuing of the decision, the harm in this respect will be mitigated.

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 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 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land, which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.8.4 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.
- 5.8.5 With regard to the three tests of sustainability, any economic benefits arising from the proposal would be limited given the limited net gain of two dwellings. In social terms the provision of two dwellings, which would contribute to the Council housing stock, would weigh in favour of the proposal albeit limited given the limited number of units. In respect of the environmental strand the application site is located directly adjacent to but outside of the defined development boundary for Tillingham. However, the development of the site would represent a continuation of the urban and residential use of the wider area, as set out in the above assessment. Therefore, in the absence of demonstrable harm and having regard to the planning history of the site, it is considered that the proposal would amount to sustainable development.

6. ANY RELEVANT SITE HISTORY

- **13/00366/OUT** – Two residential dwellings and associated garages with access off Mill Road – Approved 15.08.2013.
- **16/00528/OUT** – Application for outline planning permission for two residential units and associated garages with access off Mill Road (Renewal of 13/00366/OUT) – Approved 21.06.2016.
- **17/05068/DET** - Compliance with conditions notification OUT/MAL/16/00528 (Application for outline planning permission for two residential units and associated garages with access off Mill Road - Renewal of 13/00366/OUT) Condition 5 - No trees within the site shall be felled, cut back, damaged or removed - Conditions Refused.
- **17/00872/OUT** - Variation of condition 5 of planning permission OUT/MAL/16/00528 (Application for outline planning permission for two residential units and associated garages with access off Mill Road - Renewal of 13/00366/OUT) to allow the removal of one sycamore tree. - Application Refused.
- **17/01099/OUT** - Variation of condition 5 of planning permission OUT/MAL/16/00528 (Application for outline planning permission for two residential units and associated garages with access off Mill Road - Renewal of 13/00366/OUT) to allow the removal of one sycamore tree. - Approved 10.11.2017.
- **19/00447/OUT** - Outline planning permission for two residential units and associated garages with access off Mill Road (Renewal of OUT/MAL/16/00528) – Approved 21.06.2019.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	No response received.	N/A

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Country Council Highways	No objection subject to conditions.	Conditions recommended.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Conditions recommended.
Ecology Consultant	Holding objection.	Discussed within section 5.7 of the report.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- RAMS contribution

PROPOSED CONDITIONS

- 1 The development shall be carried out in accordance with plans and particulars relating to the scale, appearance, landscaping, layout and access of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 No 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 to and approved in

writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:

- Discharge rates/location
- Storage volumes
- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

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

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

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

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

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the adopted Maldon District Local Development Plan.

- 5 No development work above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed

in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the adopted Maldon District Local Development Plan.

- 6 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS:5837:2012 in relation to tree retention and protection as follows:

1. Tree survey detailing works required;
2. Trees to be retained;
3. Tree retention protection plan;
4. Tree constraints plan;
5. Arboricultural implication assessment;
6. Arboricultural method statement (including drainage service runs and construction of hard surfaces).

No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and 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.

REASON: To secure the retention of the trees within the site in interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development Plan.

- 7 Prior to their use in the development written details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the adopted Maldon District Local Development Plan.

- 8 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters.

These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure and details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers, car parking layout and vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

The screening as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the Maldon District Local Development Plan.

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

REASON: To ensure appropriate parking is provided in accordance with policy T2 of the approved Maldon District Local Development Plan.

- 10 No surface water from the application site shall be discharged onto the highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety and in accordance with policy T2 of the approved Maldon District Local Development Plan.

- 11 As part of the reserved matters, a vehicular turning facility for motor cars to ensure they are able to access and egress the site in forward gear, shall be submitted to the Local Planning Authority. This facility shall be provided within the site prior to first occupation and shall be maintained free from obstruction in perpetuity.

REASON: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 12 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with policy T2 of the approved Maldon District Local Development Plan.

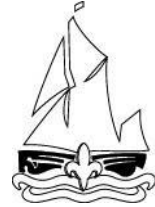
INFORMATIVES

1. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

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REPORT of DIRECTOR OF SERVICE DELIVERY

to
SOUTH EASTERN AREA PLANNING COMMITTEE
7 DECEMBER 2022

Application Number	22/00896/FUL
Location	Homelands, Southminster Road, Asheldham, CM0 7DZ
Proposal	Erection of 4 bedroom bungalow, detached garage and new vehicular access
Applicant	Mary Anderson
Agent	Raymond Stemp Associates
Target Decision Date	30.11.2022
Case Officer	Kathryn Mathews
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Call-in by Councillor M W Helm for the following reason: Policy D1

1. **BACKGROUND**

1.1 This application was presented at the meeting of the South Eastern Area Planning Committee held on 9 November 2022. The Committee determined to defer the item for further information to be provided regarding the previous appeal relating to the site. This information is included below. The original Officer report and associated Members' Update are appended to this report (as **APPENDIX 1** and **APPENDIX 2**) respectively. Otherwise, the assessment and recommendation made remain unchanged.

1.2 The previous appeal related to a proposal for two, chalet style dwellings within the wider Homelands site within which the currently proposed dwelling would be located. With respect to the previous appeal relating to Homelands (reference 16/00331/OUT), as part of the appeal decision, the Inspector commented that the predominant building form in this area is detached dwellings, and the rural character of the area is emphasised by the irregular and informal positions of these dwellings within spacious plots. The current application, whilst only being for a single dwelling, would result in two dwellings within the wider Homelands site due to the single dwelling granted after the last appeal. Therefore, the proposed development would result in a total form of development comparable to the scheme dismissed at appeal. Therefore, the conclusions of the Inspector are a material consideration in the assessment of the current application with specific reference to the following extracts from the appeal decision:

8. The proposal would involve the erection of two detached dwellings and a car port. The two dwellings would be approximately 10 metres from each other.... The positioning of the dwellings in relation to The Bungalow would provide for a more suburban character that exists at present and would erode the rural character of the surrounding area. This would be exacerbated by the prominence of the appeal site close to a sharp bend in the road, and the associated hard landscaping that would be required for site access, parking and turning areas.

9. Whilst planning permission has been granted for the erection of a single dwelling on the site, this would be located centrally with in the plot, leaving considerable space on either side of the dwelling.

10. I have also had regard to the existing buildings on the site but these are much further back from the site frontage than the proposed dwellings would be an smaller in scale and thus are not as prominent in the street scene.

16. The harm to the character and appearance of the surrounding area is decisive.

- 1.3 Importantly, the current application would add a second dwelling to the wider Homelands site in a more visually prominent location than the dwellings dismissed at appeal, as the additional dwelling would be closer to the sharp bend referred to by the Inspector, than the dwellings previously proposed. The currently proposed dwelling would also create a similarly narrow gap between dwellings, again, as referred as a negative aspect of the proposal, by the Inspector.

2. RECOMMENDATION

REFUSE for the following reasons:

1. The site is located in an 'other village' where occupiers of the dwelling would be reliant on the use of private vehicles to gain access to everyday services and facilities. The future occupiers would therefore be dependent on the use of unsustainable modes of transport as a result of the development being in an unsustainable location, contrary to Policies T1, T2, S1 and D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
2. The proposed development would cause harm to the character and appearance of the site and the surrounding area though the urbanisation of the site, contrary to Policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, I1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
9 NOVEMBER 2022**

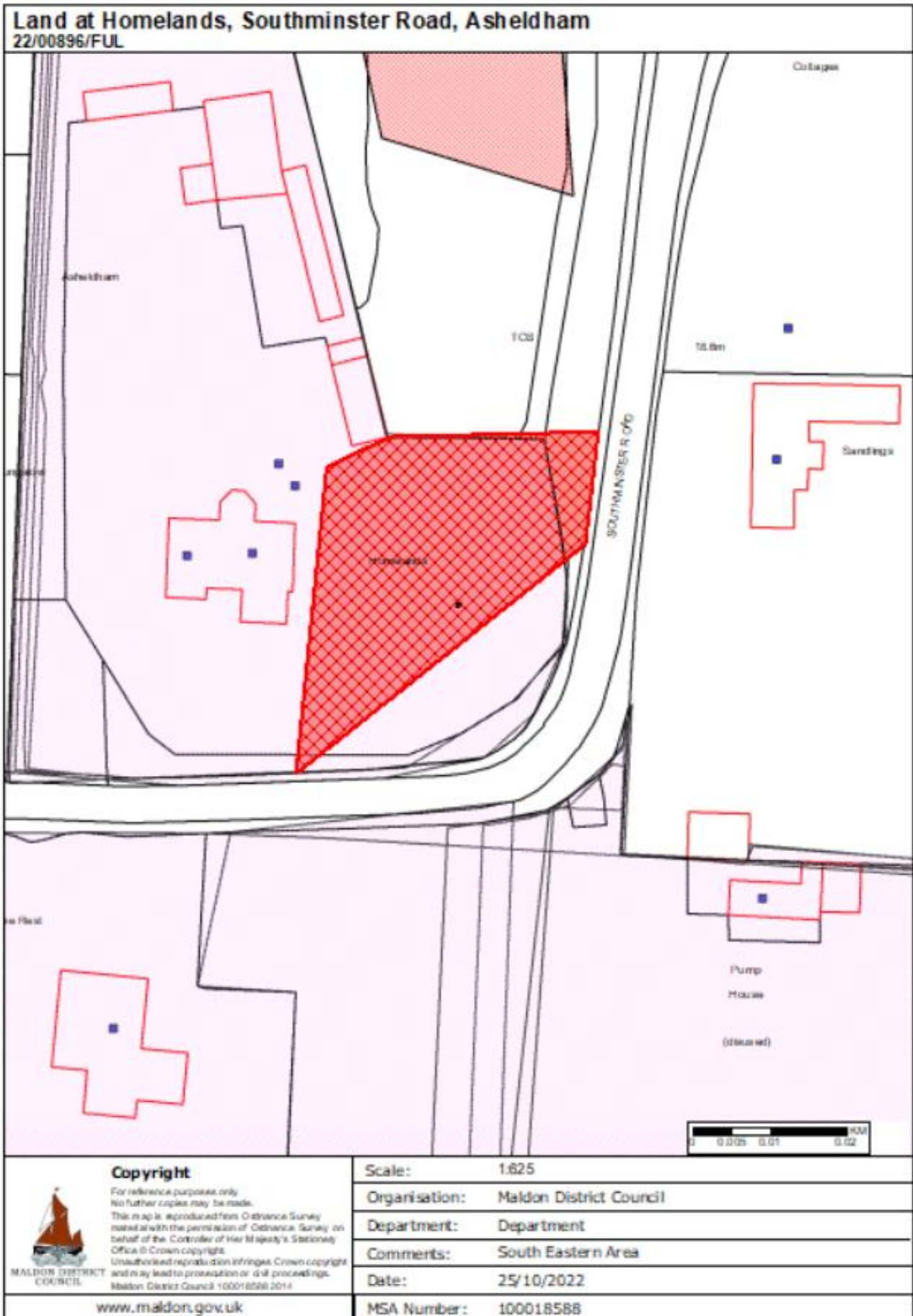
Application Number	22/00896/FUL
Location	Homelands, Southminster Road, Asheldham, CM0 7DZ
Proposal	Erection of 4 bedroom bungalow, detached garage and new vehicular access
Applicant	Mary Anderson
Agent	Raymond Stemp Associates
Target Decision Date	30.11.2022
Case Officer	Kathryn Mathews
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Call-in by Councillor M W Helm for the following reason(s): Policy D1

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8.

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site lies within Asheldham which does not have a settlement boundary. The nearest settlement boundary to the site is that associated with Southminster around 2km along Southminster Road to the south.
- 3.1.2 The site is located to the east of Homelands, a detached chalet bungalow (indicated as being within the ownership of the applicant) and is enclosed by a right-angled bend in Southminster Road (B1021) around 300m to the east of its junction with Foxhall Road. It is stated that the application site falls within the residential curtilage of Homelands. There is loose knit development within the vicinity of the site and there is a Council Depot to the north of the site.
- 3.1.3 The land is irregular in shape and is currently laid to grass but is devoid of existing buildings or other development and the site only benefits from limited boundary landscaping.
- 3.1.4 The proposed, four bedroom bungalow would have a rectangular footprint with a front elevation facing east and a patio and amenity space to the rear. A detached garage is proposed immediately to the north of the dwelling. The external materials to be used would be red facing brick for the walls, red plain tiles for the roof and grey UPVC windows and doors.
- 3.1.5 The bungalow would measure 17.5m x 9.5m and 6.1m in height. The detached garage would measure 6m x 6m and 4.5m in height. Two parking spaces are proposed in front of the garage, each measuring 5.5m x 2.9m. It is stated that there would be an electric car charging point within the garage.
- 3.1.6 The dwelling would be 3.8m from the south-eastern boundary of the site at its closest point and 6.4m from the western boundary of the site with Homelands.
- 3.1.7 The access to the site would be located towards the north-eastern boundary of the site. As part of the application, it is stated that this access is existing, but, whilst there is a gate, there is no dropped kerb or crossover and so the creation of a vehicular access is included within the description of the development.
- 3.1.8 The application is accompanied by a Supporting Statement which contains the following information:
- the 'alignment of the plot has regard to information supplied by the Highway Authority relating to the re-alignment of Southminster Road' understood to be required for highway improvements to allow two lorries to pass in opposite directions around this bend. It is claimed that the development would 'help in the implementation of this essential road improvement' [but it is not explained how]. It is stated that the proposed vehicular access to the site may require revision to accommodate these highway improvements.
 - the applicant intends to give the bungalow to a relative.

3.2 Conclusion

- 3.2.1 It is considered that the principle of the development is not acceptable, and objections are raised in relation to the impact of the proposal on the character or appearance of the area. However, no objections are raised in relation to the impact

of the development on the amenity of local residents, highway safety / access / parking, flood risk or nature conservation.

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
- 55-58 Planning conditions and obligations
- 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
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S8 - Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change and Environmental Impact of New Development
- Policy D5 - Flood Risk and Coastal Management
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards

5. **MAIN CONSIDERATIONS**

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed dwelling, highways / access / parking, flood risk, and nature conservation.

5.2 **Principle of Development**

- 5.2.1 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 Local Development Plan (LDP).
- 5.2.2 Policy S1 of the LDP states that *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF'* and apply a number of key principles in policy and decision making set out in the Policy.
- 5.2.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties such as that proposed.
- 5.2.4 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council is not currently able to demonstrate a deliverable 5YHLS with only 3.66 years of housing land supply.
- 5.2.5 Where a Local Planning Authority is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

"For decision taking this means:

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- Footnote 7 - This includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).
- 5.2.6 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the Local Planning Authority (LPA) in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.2.7 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. Furthermore, where the development plan is 'absent, silent or relevant policies are out of date', 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 this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'.
- 5.2.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.2.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up-to-date five-year supply of deliverable housing and on the basis that proposals outside of the defined development boundaries could be judged to be 'sustainable development' through the three-dimension tests of the NPPF, the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.2.10 Paragraph 78 of the NPPF states that:
- 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.*
- 5.2.11 The application site is located outside any defined settlement boundary and is an 'other village' 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 should be assessed as well as whether the development constitutes sustainable development.
- 5.2.12 Environmental Dimension

5.2.12.1 Accessibility is a key component of the environmental dimension of sustainable development and also is the basis of criteria 2 and 5 of Policy H3. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.

5.2.12.2 There are no services or facilities within Asheldham. Therefore, occupiers of the proposed bungalow would need to travel to other settlements to gain access to services and facilities. As part of the application, it is stated that there is a bus stop to the west towards Brook Lane served by bus service 200 which connects South Woodham Ferrers, Althorne, Tillingham and Southminster; the 104 service which connects Tillingham, Bradwell on Sea, Southminster and Burnham-on-Crouch; and the Dart service connects South Woodham Ferrers, Althorne and Tillingham. However, bus service 104 is only a school bus service with one bus at the beginning and end of the school day during term time; bus service 200 is a single service on Fridays and bus service Dart4 only runs every two hours between 07:25 and 19:42 Mondays to Fridays, some of these services require pre-booking and there is a more limited service on Saturdays. Therefore, the bus service is very limited and would not provide the occupiers of the proposed bungalow a realistic alternative to the use of a private vehicle to gain access to day-to-day services and facilities. Furthermore, due to the rural nature of the roads in the vicinity of the site which lack footpaths and streetlights and the location of this site on a right-angled bend on a main road, it is not considered that it would be realistic to expect occupiers of the proposed bungalow to gain access to any services or facilities by means of walking or cycling. Therefore, whilst Officers are aware that planning permission for other proposals for new residential properties elsewhere within Asheldham have not been refused on accessibility grounds such as that referred to below, it is not considered that this application site is within an accessible location.

5.2.12.3 It is acknowledged that an appeal relating to a dwelling proposed to the east of Wheatsheaf Farm, Rushes Lane (reference 19/00920/OUT) was not dismissed due to a lack of accessibility. The Inspector considered that the site was within walking distance of bus stops, that as 'the proposal would have some connectivity by means of public transport it would not conflict with policies' S1 (which requires minimisation of the need to travel and promotion of sustainable modes of transport and D1 (which seeks to maximise connectivity to surrounding areas). The Inspector concluded that 'there would be some accessibility to services and facilities by sustainable means. This would be limited however and does not weigh either in favour or against the proposal'. However, the Inspector did not have any details of the frequency of any local bus services, and it is important to note that they did not conclude that the development would have been located within an accessible location. For these reasons and due to the information highlighted above it is considered that this appeal decision should be given limited weight when determining the current planning application.

5.2.12.4 The other elements of the environmental dimension (which would include the impact on the character and appearance of the area, the quality of life for the occupiers of the proposed dwelling, nature conservation and residential amenity) are discussed below.

5.2.13 Social Dimension

5.2.13.1 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District at a time when the Council is only able to demonstrate 3.66 years of housing land supply. This matter

weighs in favour of the proposal but is limited as only one additional dwelling is proposed.

5.2.13.2 The provision of an additional four-bedroom dwelling would not help to meet one of the greatest housing needs identified in the recently published Local Housing Needs Assessment (May 2021) which is for two and three bedroom dwellings. This would weigh against planning permission being granted for the development proposed.

5.2.14 Economic Dimension

5.2.14.1 With reference to the economic dimension of sustainable development, the development would result in economic benefits through employment and business created by the construction of the dwelling and the additional expenditure in the local economy by the new residents. These economic benefits would weigh in favour of the proposal but would be very limited as only one additional dwelling is proposed.

5.2.15 Conclusion

5.2.15.1 Based on the above assessment, objections to the principle of the development are raised.

5.3 **Design and Impact on the Character of the Area**

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

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

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

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

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

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

- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG).
- 5.3.5 The application site lies outside of any defined development boundary. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The application site is currently an undeveloped piece of grassland within the visually prominent location within a right angled bend of the main road through Asheldham which benefits from limited existing screening.
- 5.3.7 It is acknowledged that the bungalow proposed would not be greater in height or size than the existing dwelling to the west (Homelands). However, the development proposed would urbanise the site and introduce buildings, hardsurfacing, fencing domestic paraphernalia etc. which would harm the character and appearance of the site and its surroundings. The proposed dwelling would also be located within a plot which is significantly smaller than those within the vicinity of the site and so would be out of keeping with the residential development within the local area which would exacerbate the incongruity of the development. It is noted that, as part of the appeal decision reference 16/00331/OUT, the Inspector commented that the predominant building form in this area is detached dwellings, and the rural character of the area is emphasised by the irregular and informal positions of these dwellings within spacious plots.
- 5.3.8 It is not indicated as part of the application what the treatment of the external boundaries of the site would be; a condition could be imposed to require details and soft landscaping if planning permission were to be granted. However, it is not considered that this would be sufficient to mitigate the visual harm the development would cause.
- 5.3.9 As a result, the development would contravene Policies S8, D1 and H4 of the approved LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The development proposed would be located at a sufficient distance away from existing residential properties to avoid any adverse impact being caused with respect to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.5 Quality of Life for the Occupiers of the Proposed Dwelling

- 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 25m² for flats.
- 5.5.2 The rear garden proposed would extend to over 100sq.m. and so would be sufficient to comply with the minimum recommended within the MDDG for a four bedroom dwelling.
- 5.5.3 Based on the above, it is considered that an adequate quality of life for the occupiers of the proposed dwelling would be provided, in compliance with Policy D1 of the Local Development Plan.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.6.3 The development includes the creation of a new vehicular access onto Southminster Road. Essex County Council (ECC) Highways have not commented on the proposal at the time of writing this report but, in the absence of any concerns having been raised by ECC Highways, no objection to this means of access is raised.
- 5.6.4 There would be sufficient space within the site to accommodate at least two parking spaces which would be sufficient to comply with the adopted parking standards.
- 5.6.5 Therefore, in the absence of any objection having been raised by ECC Highways, no objections to the proposal are raised on the grounds of highway safety, access or car parking.

5.7 Nature Conservation

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of

the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).

- 5.7.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.6 As a result of the location of the site and the nature of the development proposed, the proposal would have off-site impacts on nature conservation. Natural England (NE) has produced interim advice with reference to the emerging strategic approach relating to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' (Zol) of these sites cover the whole of the Maldon District.
- 5.7.7 NE anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.8 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a Habitats Regulation Assessment should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.9 To accord with Natural England's requirements, a Essex Coast RAMS Habitat Regulations Assessment (HRA) Record has been completed to assess if the

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

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

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

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

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

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

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

Summary of Appropriate Assessment – as a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution (currently £137.71 per dwelling), is secured. No such financial contribution or Unilateral Undertaking to secure payment has been received. Therefore, the harm to off-site nature conservation interests has not been adequately mitigated.

5.8 The Planning Balance

- 5.8.1 It is important to recognise the balance between the LDP 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 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 economic, social and environmental objectives as set out in the NPPF.
- 5.8.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate, to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal.
- 5.8.4 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, against the harm which would arise from the proposed development.
- 5.8.5 The main benefit of the proposal is considered to be the social benefits associated with the contribution the development would make to the Council's housing land supply at a time when the supply is significantly below the 5-year minimum required. However, the development would cause harm to the character and appearance of the area, be within an area which lacks reasonable and convenient accessibility to services and would cause harm to nature conservation. These matters are considered to outweigh the benefits of delivering one additional residential unit.
- 5.8.6 The development proposed would, therefore, not be sustainable, and is recommended for refusal below.

6. ANY RELEVANT SITE HISTORY

- **20/00766/FUL** Erection of two bedroom bungalow with an annex and detached cart lodge. Approved 23.09.2020.
- **19/00453/FUL** Erection of two bedroom bungalow with side projection to form an annex and detached cart lodge. Approved 11.07.2019.
- **16/00331/FUL** Proposed construction of two chalet style houses and carport. Refused 26.06.2016. Appeal dismissed due to the adverse impact the development would have had on the character and appearance of the area.
- **15/01147/FUL** Proposed construction of two bungalows. Refused 06.01.2016.
- **15/01100/OUT** Outline application for the construction of a 2 bedroom single storey dwelling. Refused 23.12.2015.
- **14/00252/FUL** Erection of a new two bedroom bungalow and cart lodge. Approved 10.07.2014.
- **12/01083/FUL** Erection of a new two bedroom bungalow and cart lodge. Change of land use to C3. Approved 20.01.2014.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**7.1 Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	No response.	N/A

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No response.	Refer to section 5.6 of report

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. REASONS FOR REFUSAL

1. The site is located in an 'other village' where occupiers of the dwelling would be reliant on the use of private vehicles to gain access to everyday services and facilities. The future occupiers would therefore be dependent on the use

APPENDIX 1

of unsustainable modes of transport as a result of the development being in an unsustainable location, contrary to Policies T1, T2, S1 and D1 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

2. The proposed development would cause harm to the character and appearance of the site and the surrounding area through the urbanisation of the site, contrary to Policies S8, D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, I1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**To
SOUTH EASTERN AREA PLANNING COMMITTEE
9 NOVEMBER 2022**

MEMBERS' UPDATE

AGENDA ITEM NO. 7

Application Number	22/00896/FUL
Location	Homelands Southminster Road Asheldham CM0 7DZ
Proposal	Erection of 4 bedroom bungalow, detached garage and new vehicular access
Applicant	Mary Anderson
Agent	Raymond Stemp Associates
Target Decision Date	30.11.2022
Case Officer	Kathryn Mathews
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Call-in by Councillor Helm for the following reason(s): Policy D1

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham & Dengie Parish Council	Supports this application as the Parish Council wishes to encourage families to stay within the village. However, there were some concerns over the lack of amenity space provided, the size of the development compared to the land available and there were questions over the access track. The Council is also concerned about the impact the new bends project may have on this development.	Noted – these issues are covered in the Officer assessment. A consultation response from ECC Highways has not been received.

7.2 Statutory Consultees and Other Organisations

Name of Statutory	Comment	Officer response
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APPENDIX 2

Consultee / Other Organisation		
ECC Highways	No objection subject to the imposition of conditions relating to the layout of the vehicular access, provision of the vehicle parking and turning areas, positioning of gates and no unbound material within 6m of the highway. They also advise that the proposed development would not adversely affect the implementation of the proposed Local Highways Panel bend improvement scheme at this location.	Noted – these conditions could be imposed if planning permission were to be granted.