

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

10 January 2023

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 18 JANUARY 2023** 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 18 JANUARY 2023

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 17 December 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. **22/00882/FUL - The Ridings, Burnham Road, Latchingdon, Essex, CM3 6EY**
(Pages 15 - 24)

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

6. **22/01141/HOUSE - The Wheat Barn, Keelings Road, Southminster, Essex, CM0 7US** (Pages 25 - 32)

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

7. **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 and 6.
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

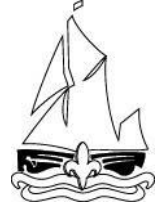
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

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
7 DECEMBER 2022**

PRESENT

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	V J Bell, M W Helm and W Stamp, CC

427. CHAIRMAN'S NOTICES

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

428. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, A L Hull and N J Skeens.

429. MINUTES OF THE LAST MEETING

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

430. DISCLOSURE OF INTEREST

The Chairman, Councillor R P F Dewick declared an interest in Agenda Item 7 partly because it was a deferred item and he was not present when previously discussed and also because in the past he had declared an interest for this applicant as he did business with a company the family owned.

431. 22/01206/FUL - LAND ADJACENT BRICKFIELDS COTTAGE, GREEN LANE, BURNHAM-ON-CROUCH

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

Following the Officer's presentation the Chairman opened the discussion. Councillor W Stamp proposed that the application be approved as per the Officer's recommendation and this was duly seconded by Councillor M W Helm. The Chairman put the proposal to agree 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 complete accordance with approved drawings: Site location plan at 1:1250 Rev A; Block plan 008 C; Floor plans 006; and, Elevations 007.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 There shall be no discharge of surface water from the development onto the Highway.

432. 22/00207/OUT - 13 MILL ROAD, TILLINGHAM, CM0 7SY

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

Following the Officer's presentation the Chairman opened the discussion by saying that as Ward Member he was happy to support the Officer's recommendation to approve

the application and this was seconded by Councillor A S Fluker. The Chairman then put the proposal to approve to the Committee and it was agreed.

RESOLVED that the application be **APPROVED** subject to the applicant first entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a financial contribution towards RAMS and the following 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.
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.
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.
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.

- 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.
- 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.

- 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.
- 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.

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

The Chairman, Councillor R P F Dewick, left the Chamber at 19:41 for Agenda Item 7 in accordance with his earlier declaration.

IN THE CHAIR: COUNCILLOR A S FLUKER

433. 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: Policy D1

Following the Officer's presentation on this deferred item of business, the Agent, Mr Rickards, addressed the Committee. The Chairman, Councillor A S Fluker, then opened the discussion.

A brief debate ensued where Members commented that the site was accessible by public transport and previous appeals relating to similar proposals in Asheldham had not been dismissed on accessibility grounds. Members also commented that the application under consideration was very different to the proposal the subject of the previous appeal for two dwellings at Homelands in terms of design and layout. The consensus was that the application complied with policies D1 and S8 and, given that Essex County Council Highways had no objection to the access, it should be supported.

Councillor W Stamp proposed that the application be approved contrary to the Officer's recommendation and this was seconded by Councillor M W Helm. The reasons for approval were that the site was in an accessible location in accordance with Policies T1, T2, S1 and D1 of the Local Development Plan (LDP) and the development would not cause harm to the character or appearance of the area in accordance with Policies S8, D1 and D4 of the LDP.

RESOLVED that the application be **APPROVED** subject to the applicant first entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a financial contribution towards RAMS and standard conditions contrary to Officers' recommendation.

Councillor R P F Dewick returned to the Chamber at 20:02.

IN THE CHAIR: COUNCILLOR R P F DEWICK

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

The Chairman and the Committee thanked Mr Leigh, Lead Specialist: Place for his guidance over the years and wished him luck in his new endeavours. Given this was the last meeting prior to Christmas the Chairman then wished all in attendance a Happy Christmas.

The meeting closed at 8.03 pm.

R P F DEWICK
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
18 JANUARY 2023**

Application Number	22/00882/FUL
Location	The Ridings Burnham Road Latchingdon Essex CM3 6EY
Proposal	Retention of dwelling as built, detached garage and associated works (further to 16/00968)
Applicant	Mr and Mrs Friend
Agent	Mr Ashley Wynn
Target Decision Date	
Case Officer	Vikki Bowles
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

1. RECOMMENDATION

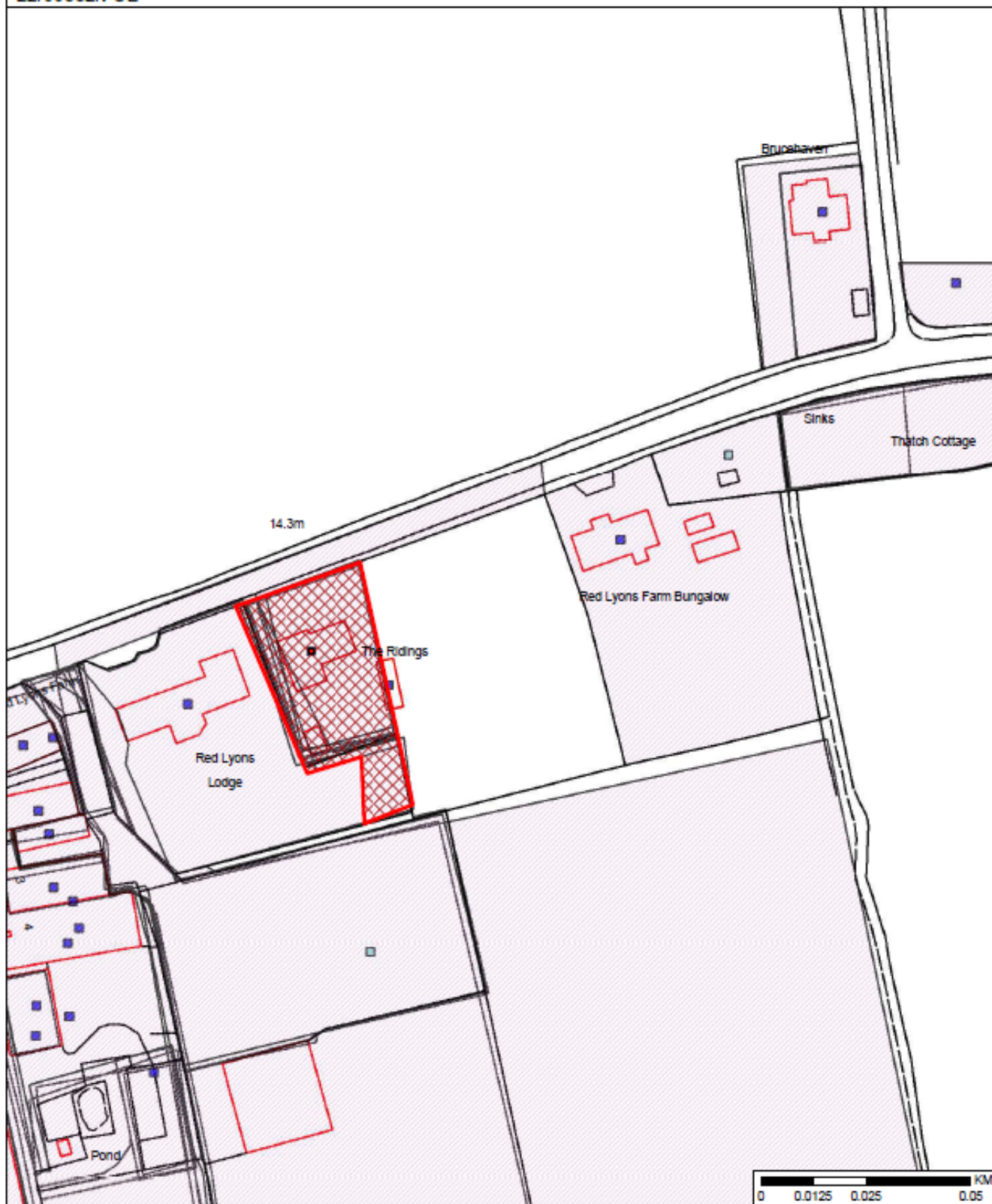
APPROVE subject to the condition (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.

The Ridings

22/00882/FUL



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 21/12/2022

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

3.1.1 The application site is located on the southern side of Burnham Road, a 60 mph road, in a predominantly rural setting, outside of the defined settlement boundary of Latchingdon which lies 1 km west. The site comprises of a single storey detached dwelling, detached garage and a large area of hardstanding to the front which are subject to this application. Prior to the works subject of this application taking place, the site had planning permission for a single storey dwelling which is no longer extant.

3.1.2 There is a large open area to the east which is in the same ownership as the application site and to the east of this is Red Lyons Farm Bungalow which is about 60 metres from the site. To the west is Red Lyons Lodge, approximately 6.7 metres from the application site. There is open countryside to the north and south.

Description of proposal

3.1.3 Planning permission is sought for a single storey dwelling, detached garage and associated works, it is noted that the development has already been undertaken and therefore the application is retrospective in nature.

3.1.4 It should be noted that application 16/00968/FUL gave permission for a bungalow on the site, however, conditions pertaining to parking, boundaries and drainage were not discharged and the permission is considered to be no longer extant.

3.1.5 It is noted that the existing dwelling and associated work is different to the previously approved application.

3.1.6 The differences to the previous application in relation to the dwelling are:

- The current application site is slightly different in that the curtilage has increased and it has increased in width from 29 metres to 36 meters wide, the length of the curtilage appears to be the same.
- There is also an area at the rear of the land to the east of the property, which is confirmed to be outside the curtilage of the dwelling and includes the drainage run for the bungalow.
- The original application was for a three-bedroom bungalow however this application is to regularise a two bedroom bungalow on the site,
- Furthermore, it appears that the bungalow has not been constructed in the correct location, the western boundary with Red Lyons Lodge is located at the centre of a line trees, however, the development has been constructed using a boundary line slightly further east of the trees and further from Red Lyons Lodge.

3.1.7 It is also noted that the current application includes a garage, hardstanding to the front and around the dwelling and associated works which were not included in the 2016 application.

3.1.8 The external design and footprint of the bungalow is identical to the previously approved dwelling. It is 16.5 metres wide and has a maximum depth of 11 metres;

the height to the ridge is 5.5 metres and is finished in brick and tile. and the access is located in the north east corner of the site.

3.1.9 The submitted plans also include a scheme for surface drainage.

3.2 Conclusion

3.2.1 Although the previous 2016 permission is no longer extant, it is not considered that there are changes to the dwelling, to the site or to Policy that are significant enough to alter that stance. Likewise, it is not considered that the alterations to the previous scheme have resulted in demonstrable harm to the character and appearance of the site or the countryside which would justify the refusal of the application. Notwithstanding, a significant area of hardstanding has been built on the site surrounding the dwelling and extending significantly into the site, particularly the frontage and the eastern side. However, it is considered that subject to appropriate conditions to reduce the hardstanding and ensure appropriate hard and soft landscaping, the development would not result in any significant harm to the landscape and amenity character of the area.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 2019, including paragraphs:

- 7-8 Achieving sustainable development
- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-79 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)

- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site lies outside of the defined settlement boundary. However, it is noted that in 2016 application 16/00968/FUL for a bungalow on this site was approved and so the principle of erecting a dwelling here has been established.
- 5.1.2 The proposed development is for the erection of a detached chalet bungalow which would be sited outside the settlement boundary.

5.2 Housing Need and Supply

- 5.2.1 The development provides a two-bedroom dwelling and Policy H2 of the LDP contains a policy and preamble which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of four or more bedrooms, with lower proportions than any of the other areas studied including Essex, the East of England and England for one- and two-bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in May 2021, identifies the same need requirements for 35-45% of new housing to be for two-bedroom units and 25-35% for three-bedroom units.
- 5.2.2 Having regard to the above, the bungalow is a two-bedroom unit and makes a small contribution to the District's Housing Need.

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:

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:

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

- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide 2017 (MDDG).
- 5.3.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.5 Although no longer an extant permission, it has been previously accepted that the site can accommodate a dwelling of this size, scale and bulk. Furthermore, it is not considered that there have been significant changes to policy which would alter this stance. The size, style and external materials used to construct the dwelling has not altered and it is considered that the slight change in the western boundary, away from the neighbouring dwelling and therefore the change in position of the bungalow is acceptable, having no impact on the site and has moved the development away from its nearest neighbour.
- 5.3.6 Additional development has been included within this application as set out above in paragraphs 3.1.6 and 3.1.7. It is therefore, necessary to consider the impact of these alterations on the character and appearance of the dwelling and the intrinsic character and beauty of the countryside.
- 5.3.7 The eastern side of the southern boundary has been extended east to make the amenity area approximately 7 metres wider. The extension to the residential curtilage is considered to urbanise a part of an otherwise open area of land to the east of the dwelling. However, this is not considered to have a significant impact on the character and beauty of the countryside and on balance is not considered to harm the area to a degree that would warrant refusal.
- 5.3.8 The single detached garage has been constructed beside the western boundary at the rear of the site and is accessed via hardstanding alongside the western elevation. It is constructed of brick and red tile to match the existing dwelling and the hipped roof form echoes the roof of the dwelling. The garage is set back from Burnham Road in excess of 32.65 metres and is not a prominent feature in the streetscene, it is modest in scale and is not considered to have a detrimental impact on the character of the area or of the dwelling.
- 5.3.9 The hardstanding which wraps around the property is created from what appears to be paving stones in patio areas and large areas of what appears to be resin bonded gravel to the front and the drive to the garage. The large amount of hardstanding to the front of the site represents a stark feature against the rural and verdant surroundings of the site and appears incongruous taking into account the modest scale of the dwelling. Furthermore, the bulk of the hardstanding beside the highway creates a prominence within the streetscene. Taking account of the previous comments, it is considered that the hardstanding to the front of the property results in material harm to the character and appearance of the area and overwhelms the scale

of the existing dwelling. However, this could be remedied by condition to secure a reduction in the hardstanding particularly to the front and east of the site and a landscaping scheme to improve the appearance of the site in context of its rural location.

- 5.3.10 Overall, it is considered that the dwelling by way of its scale, bulk and design does not cause material harm to the character and appearance of the site or the surrounding area, nor does it harm the intrinsic beauty of the countryside in accordance with policies S1, S8, D1 and H4 of the LDP and guidance contained within the MDDG. However, the hardstanding is considered to be detrimental to the character and appearance of the site and surrounding area but a suitable condition can be imposed to remedy this harm through its reduction and landscaping.

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. Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.4.2 The bungalow is in excess of 10 metres and 55 metres away from the nearest neighbouring residential properties. The development will not result in an adverse impact on the amenity of residents.

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 recommended standard for a two-bedroomed property is a minimum of one car parking space. The parking area accommodates in excess of this and therefore it is considered that the site provides sufficient parking for the property.
- 5.5.3 In terms of the access, which is located to the eastern corner of the front boundary, it was considered acceptable within application 16/00968/FUL and Essex Highways did not object, this stance has not changed for the current application.
- 5.5.4 Therefore, the current access and parking are considered to be in accordance with policies D1 and T2 of the Local Development Plan.

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

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

- 5.6.2 Based on the large plot size of the application site, private amenity space provided within the domestic curtilage of the dwelling is in excess of the recommended standard. Therefore, there is no objection to the proposal in relation to amenity space.

5.7 Foul and Surface Water Drainage

- 5.7.1 The property is already connected to the mains foul drain. A surface water drainage report has been submitted and surface water is dealt with by a soakaway. No objection has been raised by the Council's Environmental Health department.

5.8 European Designated Sites

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

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

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

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

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

Test 2 – the integrity test

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

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

- 5.8.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 5.8.4 The Essex Coastal RAMS document has been adopted. This document states that the flat rate for each new dwelling has been calculated at £137.71 and thus, the developer contribution should be calculated using this figure. A signed legal

agreement has been submitted to mitigate the impact of the development. Therefore, the harm has been offset in this respect.

6. **ANY RELEVANT SITE HISTORY**

Application Number	Description	Decision
11/00347/LDE	Claim for a Certificate of Lawfulness: Use of 'The Bungalow' as a self-contained, single-family dwellinghouse with associated external parking, manoeuvring and access areas (Class C3)	Approved
11/01098/FUL	Demolish dwelling house, store, three stables buildings, barn and hay barn and erect replacement dwelling house and cart lodge/garage, stables and hay barn	Approved
12/00912/OUT	Erect detached bungalow, lay out parking and amenity areas. Stop up existing access and form new vehicular access onto Burnham Road.	Approved
14/01123/FUL	Detached bungalow with double garage	Refused
15/00490/FUL	Detached bungalow & double garage	Refused
15/00685/FUL	Caravan to be sited for duration of new build	Refused
15/00905/FUL	Detached bungalow and garage	Refused
16/00004/RES	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/12/00912 (Erect detached bungalow, lay out parking and amenity areas. Stop up existing access and form new vehicular access onto Burnham Road)	Approved
16/00968/FUL	Proposed bungalow.	Approved
21/05118/DET	Compliance with conditions notification 16/00968/FUL (Proposed bungalow) Condition 4 - Off street parking. Condition 6 - Treatment of the northern & eastern boundaries. Condition 7 - Surface water & foul drainage.	Conditions Refused

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

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

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	Noted

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 CONDITION**

- 1 The dwelling and associated development hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed from the site within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) within three months of the date of this decision a scheme for hard and soft landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The landscaping scheme shall include a boundary hedge to the eastern side of the site. For the avoidance of doubt, the large area of unauthorised hardstanding to the North, east, and southern sides of the site shall be substantially removed.
 - (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

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



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
18 JANUARY 2023**

Application Number	22/01141/HOUSE
Location	The Wheat Barn, Keelings Road, Southminster, Essex, CM0 7US
Proposal	Construction of garden produce and garden equipment store on existing concrete base.
Applicant	Mr & Mrs Adrian Fluker
Agent	Ms Sarah Threlfall
Target Decision Date	25.01.2023
Case Officer	Lisa Greenwood
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	The applicant is a Councillor.

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information and related planning history

Application site

- 3.1.1 The application site is located to the north of Keelings Road, to the north east of the settlement of Southminster. The site benefits from an elongated plot, and comprises 'The Wheat Barn', a grade II listed building (list entry 'Barn approximately 90 metres north east of Dengie Manor, list UID: 1337008), 1no. annex (the subject of planning permission 12/00700/FUL), 1no. cartlodge and workshop, 1no. oil tank and 1no. pond. 'The Wheat Barn' is an early example of a brick barn in the Maldon District. Following its designation in 1986, the barn was converted to 1no. dwelling.
- 3.1.2 The site is located within close proximity to a number of heritage assets. To the south west of the site is the Church of St James, a grade II listed building (list UID: 1111784). Further to the south west is Dengie Manor, a grade II listed building (list UID: 1337007. To the west is walled garden part Crinkle Crankle, approximately 30 metres of Dengie Manor (listed UID: 1111783) and 'Vinnies', a grade II listed building (list UID: 1147314). To the north and east of the site is open countryside, and the character at the site is rural.

The Proposal and Background Information

- 3.1.3 Planning permission is sought for the construction of garden produce and garden equipment store, on top of an existing concrete base.
- 3.1.4 The base is located to the north west of the listed barn. The store is to be erected on top of, but extending, the base. Drawing no. TMA/907/10 Rev B shows that the store will measure 5 metres in depth, 9.1 metres in width and 4 metres to the ridge of a hipped roof (2.722 metres to the eaves). The store will be constructed with a corrugated sheet roof, timber weatherboarding painted black, and will have a half-glazed timber door. 6 metres of the front elevation will remain open to allow access.

3.2 Conclusion

- 3.2.1 The proposal seeks to erect a garden store on an existing concrete base, to the north west of the site. The outbuilding has been sympathetically designed to reflect a traditional agricultural building and will not involve any alterations to the listed building. The store would be partially screened by existing vegetation and would not appear large in relation to the existing barn. The store will be discreetly located at the western boundary and would not detract from any important views of or from the listed building. It is therefore recommended that planning permission is granted, subject to the imposition of conditions.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 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 – 59 Planning conditions and obligations
- 119 – 125 Making effective use of land
- 126 – 136 Achieving well-designed places
- 152 – 173 Meeting the challenge of climate change, flooding and coastal change
- 189 – 204 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- N2 Natural Environment

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG) (first released in 2014, but regularly updated)
- Maldon District Design Guide SPD (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Planning (Listed Buildings and Conservation Areas) Act 1990

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 Policy H4 of the Maldon District Local Development Plan (2017) (LDP) acknowledges that development which includes the alterations, extensions or additions must:
- 1) Maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area;
 - 2) Be 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 enhance the sustainability of the original building; and

- 3) Not involve the loss of any important landscape, heritage features or ecology interests.”

5.1.3 The proposal seeks to introduce a 1no. garden store. The store will be constructed on top of an existing concrete base to the north west of the site, to the north of an existing oil tanker. The site is well screened by existing vegetation. The site benefits from an elongated plot, and the proposal seeks to site the store in a discreet location, adjacent to the western boundary.

5.1.4 The store has been designed to reflect a traditional agricultural barn and will not appear as out of keeping with the character and appearance of the area. Owing to the size of the plot, and the proposed scale of the store, it will not appear as incongruous. As the store is to be located on top of an existing concrete base, it will not involve the loss of any important landscape, heritage features or ecology interests. The acceptance of the scheme has been confirmed by the Council's Conservation Officer. The principle of development is therefore considered to be acceptable, and the merits of the scheme are set out below.

5.2 Design and Impact on the Character of the Area

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

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

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

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

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

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

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide 2017 (MDDG).
- 5.2.5 As aforementioned, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.6 As stated, 'The Wheat Barn' is a grade II listed former barn and is constructed with red brick with a hipped roof clad in clay peg tiles. The barn was designated in 1986, and the list description attributes it to the 18th century. It is an early example of a brick barn in the Maldon District, where brick barns are rare, prior to the Victorian period. Following designation, the listed building was converted to 1 no. dwelling.
- 5.2.7 The application seeks permission to erect an outbuilding / store, to the north west of the listed barn, for the storage of garden equipment and vegetables. Listed building consent is not required, as the development would not involve the alteration to the listed building.
- 5.2.8 The proposed store would have walls clad in timber weatherboarding painted black, and a pitched roof clad in black corrugated sheets, and in these respects would resemble a typical agricultural outbuilding. The building would be partially screened by existing hedges surrounding the proposed location. The site benefits from an elongated and generous plot, and the outbuilding would not appear large in relation to the existing barn. It would also not detract from any important views or from the listed building.
- 5.2.9 The proposal has been reviewed by the Council's Conservation Officer, who acknowledges that the proposed outbuilding would pose no conflict with Policy D3 of the Maldon LDP, Chapter 16 of the NPPF, or the duty set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal has also been found to accord with Policies D1 and H4 of the LDP and is acceptable with regard to design and the impact on the character and appearance of the area. Should planning permission be forthcoming, the Conservation Officer recommends the imposition of planning conditions regarding the materials, to ensure the material and finish would respect the character and setting of the barn, as no information has been included on this product within the application.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight, and sunlight. This is supported by section C07 of the MDDG.
- 5.3.2 The closest residential dwelling to the proposed development is located in excess of 90 metres to the south west of the site. Owing to this, and the fact that the proposed outbuilding is of a single storey and is well screened, it is not considered that the proposed development would result in a loss of privacy or daylight and sunlight to any neighbour, nor would it appear as overbearing. The proposal is therefore acceptable in this regard.

5.4 Access, Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposed development will not result in an increase in the number of rooms capable of use as a bedroom at the site. The parking requirement, therefore, remains unaltered.
- 5.4.3 There are no highways or access issues, and the proposal is acceptable in this regard.

5.5 Nature Conservation and Biodiversity

- 5.5.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity*'.
- 5.5.2 Strategic LDP 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.
- 5.5.3 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. LDP 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.
- 5.5.4 Whilst it is acknowledged that 1no. pond is present at the site, the proposal seeks to construct the store on an existing concrete base, within a well maintained, cultivated garden. As such, no further information has been requested in this regard.

6. ANY RELEVANT SITE HISTORY

The planning history for the site is summarised below:

Application number	Description	Decision
22/01142/LBC	Construction of garden produce and garden equipment store on existing concrete base	Pending
20/00502/HOUSE	Proposed construction of a lean-to storage building to store logs, household and garden equipment	Approved
20/00503/LBC	Proposed construction of	Granted

Application number	Description	Decision
	a lean-to storage building to store logs, household and garden equipment	
12/00700/FUL	Detached annex	Approved
12/00138/FUL	Detached annex	Withdrawn
09/01037/FUL	Stables and garden store	Approved

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 objection.	Noted.
Southminster Parish Council	No comments received.	Noted.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection, subject to the imposition of a condition regarding materials.	Noted, and discussed at Section 5.2 of this report.

7.3 Representations received from Interested Parties

No letters of representation have been received from Interested Parties.

8. **PROPOSED CONDITIONS**

- 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).
- The development hereby permitted shall be carried out in accordance with the following approved plans and documents: TMA/907/05 B, TMA/907 10 Rev B, TMA/907 11.
REASON To ensure the development is carried out in accordance with the details as approved.
- High quality photographs of the black corrugated sheets to be used on the roof, and information on the product, shall be submitted to and approved in writing by the Local Planning Authority prior to their use.
REASON To ensure the materials and finish would respect the character and setting of the grade II listed barn, in accordance with Policies D1, D3 and H4 of the Maldon District Local Plan (2017), Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the policies and guidance contained in the National Planning Policy Framework (2021).