



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
29 MAY 2019**

<b>Application Number</b>	<b>FUL/MAL/19/00228</b>
<b>Location</b>	Riverscourt, Beeleigh Road, Maldon
<b>Proposal</b>	New build part single, part two storey 3 bedroom dwelling and new car port to existing house.
<b>Applicant</b>	Mrs Tina Bishop
<b>Agent</b>	Ms Annabel Brown - Annabel Brown Architect
<b>Target Decision Date</b>	5 June 2019
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from Maldon District Approved Local Development Plan

1. **RECOMMENDATION**

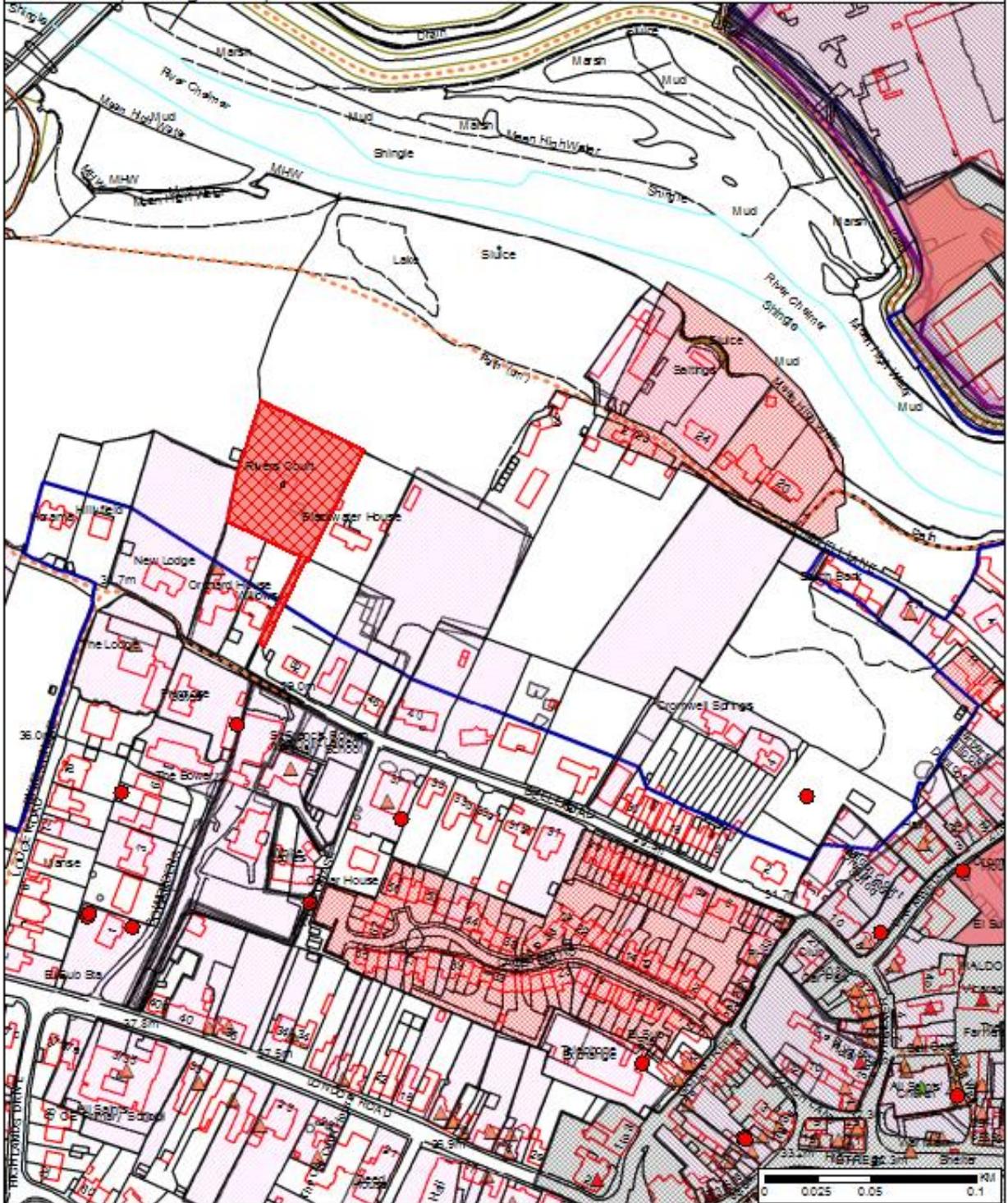
**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see overleaf.

FUL/MAL/19/00228

Riverscourt, Beeleigh Road, Maldon



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 Maldon District Council 10/01/2014



MALDON DISTRICT COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 30/04/2019

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site, except for a section of the proposed access to the site, is located outside the settlement boundary for Maldon as defined by the Maldon District Local Development Plan (MDLDP). The settlement boundary bisects the neighbouring properties, Willows and Orchard House, to the south.
- 3.1.2 The site is located within the Maldon Conservation Area and adjoins the Chelmer and Blackwater Estuary Conservation Area as well as a Local Wildlife Site (MA39 – Hilly Fields) to the north. The Blackwater Estuary, located around 500m to the east at its closest point, is subject to the following designations:- Blackwater Estuary Ramsar site, Blackwater Estuary Special Protection Area (SPA), Blackwater Estuary SSSI, and Blackwater Estuary Special Area of Conservation. These sites all fall within the wider designation of the Blackwater, Crouch Roach and Colne Estuaries Marine Conservation Zone (MCZ).
- 3.1.3 The application site is land within the garden of Riverscourt which is a property located to the north of Beeleigh Road on ground which slopes steeply down northwards and which is accessed off a private driveway located between Willows and 52 Beeleigh Road. The private accessway also provides means of access to Blackwater House which adjoins the site to the east. Beyond the site is open land to the north where ground levels reduce further towards the River Chelmer.
- 3.1.4 The proposed three-bedroom dwelling would be located to the east of the existing dwelling and have an L-shaped footprint measuring 17.7m in depth and a maximum of 10m in width. The maximum height of the dwelling would be 8m, which would be below the height of the existing dwelling at Riverscourt due to the differences in ground levels across the site. The dwelling would include an integral car port at its southern end. The car port and kitchen element of the proposed dwelling would be single storey in height – only the rearmost part of the dwelling would be two storeys in height. The two bedrooms at first floor level would be partly accommodated within the roof space of the dwelling. The materials to be used to construct the external surfaces of the main part of the dwelling would be soft red bricks for the walls, plain clay tiles for the roof and aluminum powder-coated composite window frames. The walls of the single storey element would be black weather boarding. There would be a raised terrace on the rear/northern elevation of the dwelling, around 1m in depth.
- 3.1.5 The proposed new car port to serve the existing dwelling would measure 9m x 6m and 5m in height and be located adjacent to the southern boundary of the site around 5m to the west of the existing vehicular access to the property. The external surfaces of the car port would be finished with black weather boarding for the walls and clay tiles for the roof.
- 3.1.6 A screen wall with gates is proposed between the new dwelling and detached car port proposed. A 1.8m close boarded fence is proposed along the eastern and northern boundaries of the site.

- 3.1.7 The application is accompanied by a Preliminary Ecological Appraisal which concludes that the only potential harm the development would cause would be to nesting birds but that this harm could be avoided through mitigation. The application is also accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. 8 trees and 1 group are proposed for removal but three of these trees are proposed for removal due to their condition and to provide more amenity space and so their removal is not strictly required for construction purposes. Only one tree (a silver birch) required to be removed is of good quality.

### **3.2 Conclusion**

- 3.2.1 Whilst the proposal is contrary to the LDP, it is considered that no harm arises from the development in this location and the proposal represents sustainable development. No objection is, therefore, raised to the principle of the development. It is considered that the proposal would not have an adverse impact on the character and appearance of the area or the character and appearance of the Conservation Area. It is concluded that the development would not have a material adverse impact on the amenity of the occupiers of any neighbouring residential property and would be acceptable in terms of highways safety/access/parking, nature conservation, drainage and the quality of life for the occupiers of the existing and proposed dwellings.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-121 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- S1 - Sustainable Development
- S5 - Maldon and Heybridge Central Area

- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change and Environmental Impact of New Development
- D3 - Conservation and Heritage Assets
- H4 - Effective Use of Land
- N1 - Green Infrastructure Network
- N2 - Natural Environment, Geodiversity and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

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

### **5. MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of this planning application are the principle of the development, the impact on the character and appearance of the area (which is within a Conservation Area), any impact on the amenity of the occupiers of neighbouring residential properties, nature conservation, the quality of life for the occupiers of the existing and proposed dwellings, highways/parking considerations and drainage.

#### **5.2 Principle of Development**

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.2 Except for part of the existing accessway from Beeleigh Road, the application site is located outside the defined development boundaries of Maldon and, therefore, within part of the rural area. Whilst the principle of the detached car port proposed for the existing dwelling as a domestic outbuilding would be acceptable in principle, the proposed additional dwelling would be contrary to the Council's spatial strategy of focusing new development within settlement boundaries. The proposal would, therefore, fail to accord with Policies S1 and S8, which seek to direct development within settlement boundaries. Policy S8 does allow for development outside the development boundaries, in the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon (discussed below) and if it is for specified purposes. Additional dwellings are not one of the exceptions identified.

The proposal would, therefore, fail to accord with Policies S1 and S8, which seek to direct development within settlement boundaries.

- 5.2.3 However, the site is not in an unsustainable location in terms of accessibility, being within walking distance of Maldon town centre and so close to services and facilities including medical services, education, employment and shops, offered within the urban area of Maldon. This would weigh in favour of the proposed dwelling. Furthermore, planning permission has been granted for similar additional dwellings to the rear of the properties which front Beeleigh Road e.g. 44 Beeleigh Road (reference FUL/MAL/17/01386). Therefore, the proposal would not conflict with the established pattern of development and cause no harm to the countryside. A similar conclusion was recently reached as part of the appeal decision relating to new dwellings proposed at Maldon Wycke, Spital Road, Maldon (references FUL/MAL/18/00186 and FUL/MAL/18/00187) as it was considered that the occupiers of those dwellings would have access to services and facilities and would not be dependent on private vehicles.
- 5.2.4 The proposal would contribute towards the District's housing supply but this would only weigh slightly in favour of the proposal as the District can demonstrate a deliverable 5-year housing land supply and the proposal is for a single dwelling only. However, the NPPF seeks to boost significantly the supply of housing, and the Council's housing requirement is not a ceiling to development.
- 5.2.5 Based on the above, as it is considered that the development would not cause material harm to the intrinsic character and beauty of the countryside (see below), no objection is raised to the principle of the development proposed as material considerations outweigh the content of the LDP in this case.

### **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:

- 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;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

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

5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. It is considered that the proposal could be described as ‘infill’ development. The criteria set out in Policy H4 relating to infill development are as follows:-

- 1) there is a significant under-use of land and development would make more effective use of it
- 2) there would be no unacceptable material impact upon the living conditions and amenity of nearby properties [see paragraphs 5.4.2- 5.4.5 below]
- 3) there will be no unacceptable loss of land which is of local social, economic, historic or environmental significance, and,
- 4) the proposal will not involve the loss of any important landscape, heritage features or ecology interests.

5.3.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.3.7 The Conservation Officer has provided the following specialist advice:

*Riverscourt is a late-20th-century house situated within the Maldon Conservation Area and adjacent to the Chelmer and Blackwater Navigation Conservation Area. It is perched upon a well vegetated site on land that slopes steeply down northwards to the river. The property makes a neutral contribution to the special character of both conservation areas.*

*I raise no objection to this application. The size of the plot is quite generous, and the proposed additional dwelling has been designed in such a way that would not appear cramped. The site is relatively secluded from the rest of the town with few public views into it. The most important consideration in terms of impact on the conservation areas is how the development would appear in the long views of the town from the other side of the river. Having carefully studied the proposal, I am satisfied that while the proposed house would be visible in the long views it would not be an unsympathetic development. The modest scale, traditional form and choice of materials would complement rather than detract from the character of the area.*

*I advise that this proposal will cause no harm to the significance of the conservation areas.*

- 5.3.8 The application site is located within and adjacent to a Conservation Area as well as being within the rural area. However, the site benefits from a significant extent of existing trees and other vegetation both within and around the site. Given the size, height and position of the proposed dwelling and detached car port, the development would not be visually prominent in the street scene or the surrounding countryside. The two storey element of the proposed dwelling would be located at the northern end of the dwelling where ground levels are lower. A proposed cross section of the site has been submitted which indicates that the existing dwelling would be higher than the dwelling proposed. The proposed dwelling would be located to the rear of properties which front onto Beeleigh Road but would be positioned in between two existing dwelling houses (Riverscourt and Blackwater House) within the generous residential curtilage of Riverscourt. The detached car port proposed would be a single storey building positioned between the proposed dwelling and the properties immediately to the south which front Beeleigh Road. Therefore, it is not considered that the development would constitute harmful backland development or overdevelopment of the site as the Town Council suggests.
- 5.3.9 With respect to tree removal, based on the Impact Assessment submitted, other than one silver birch tree, all the trees to be removed are small or of low or poor quality. It is considered that the removal of the trees identified will have little impact on the visual amenity of the area as they are internal to a well-screened site and the trees removed are not clearly visible from publicly accessible points.
- 5.3.10 A topographical survey of the site has been submitted but it is recommended below that details of the finished ground and floor levels of the development are submitted for approval. A condition requiring samples or details of all materials to be used on the exterior of the house, as recommended by the Conservation Officer, would also be required in the interests of the character and appearance of the area.
- 5.3.11 Based on the above assessment, it is concluded that the development would not cause harm to the character or appearance of the Conservation Areas or the intrinsic character and beauty of the countryside. The proposal, with reference to Policy H4, would also make more effective use of the land, there would be no loss of land with social, economic, historic or environmental significance and the proposal would not involve the loss of any important landscape, heritage features or ecology interests. Therefore, the proposal does not conflict with the aims and requirements of the abovementioned policies.

## **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 proposed development would have the potential to affect the occupiers of four existing, neighbouring residential properties – Riverscourt to the west, Blackwater House to the east and the existing dwellings either side of the proposed means of access to the site (52 Beeleigh Road and Willows).
- 5.4.3 With respect to Willows and 52 Beeleigh Road, the impact would result from an increased use of the accessway which runs along one side of their rear gardens. However, the increased use of the accessway resulting from a single additional dwelling would not be sufficient to cause harm to the amenity of the occupiers of these neighbouring dwellings as a result of disturbance. The proposed detached car port for the existing dwelling would be located at the end of the rear garden associated with 52 Beeleigh Road but the building would only be single storey in height, on lower ground and this neighbouring property's rear garden extends to around 28m in depth. Therefore, the proposed car port would not cause material harm to the amenity of the occupiers of 52 Beeleigh Road by reason of loss of outlook, dominance or visual impact.
- 5.4.4 The proposed dwelling would be located 3.4m from the eastern boundary of the site at its closest point with Blackwater House. The rear elevation of the two storey element of the proposed dwelling would extend around 10m beyond the rear elevation of Blackwater House. However, there would be a distance of around 11m between the existing and proposed dwellinghouses along with an intervening detached outbuilding located adjacent to the mutual boundary associated with Blackwater House. Whilst the new dwelling would be visible from the rear of Blackwater House, it is considered that the new dwelling would not cause material harm to the amenity of the occupiers of Blackwater House by reason of privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.5 The proposed dwelling would be located 1m from the western boundary of the proposed building plot. However, there would be a distance of 5m between the existing dwelling at Riverscourt and the dwelling proposed, the rear elevation of the two storey element of the proposed dwelling would only extend around 3m beyond the rear elevation of Riverscourt, the two storey element of the new dwelling would be located on lower ground and there would be no habitable rooms windows on the western elevation of the proposed dwelling. On this basis, it is considered that the development would not cause material harm to the occupiers of Riverscourt by reason of privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight, provided that a screen on the western end of the terrace proposed is provided.
- 5.4.6 In conclusion, it is considered that the proposal would not cause material harm to the occupiers of any existing, neighbouring dwelling subject to the imposition of a

condition requiring a privacy screen to be provided at the eastern and western ends of the rear terrace proposed.

## **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 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 to 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.
- 5.5.3 The proposed dwelling would share the existing private accessway from Beeleigh Road with Riverscourt and Blackwater House. Each of the existing and proposed dwellings would be provided with at least two parking spaces which would comply with the adopted parking standards.
- 5.5.4 The Highways Officer has raised no objections to the proposal subject to a condition that use of the public footpath along Beeleigh Road is maintained and not restricted at any time.
- 5.5.5 No objection is raised to the proposed means of access to the site and the parking provision to be made as a result of the nature and scale of the development proposed.

## **5.6 Quality of Life for the Occupiers of the Existing and Proposed Dwellings**

- 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 SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 Both the existing and proposed dwellings would be provided with in excess of 100sq.m. private amenity space which would comply with the MDDG.
- 5.6.3 As the occupiers of the existing and proposed dwellings would be provided with sufficient internal living space and private external amenity space, it is considered that their quality of life would be satisfactory.

## **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 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).

- 5.7.3 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.
- 5.7.4 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 need 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.
- 5.7.5 The application is accompanied by a Preliminary Ecological Appraisal which concludes that the only potential harm the development would cause would be to nesting birds, but that this harm could be avoided through mitigation.
- 5.7.6 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) 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 affects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.7 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.7.8 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply 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.

- 5.7.9 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.10 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (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 £122.30 per dwelling.
- 5.7.11 To accord with Natural England’s requirements, a 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 (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 due to the scale and location of the development proposed. Based on this and taking into account that Natural England’s interim advice is guidance only, it is not considered that mitigation, in the form of a financial contribution, is necessary, in this case.

- 5.7.12 Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

## **5.8 Other Matters**

- 5.8.1 Pre-Commencement Conditions

5.8.2 One pre-commencement condition is recommended (condition 9) and the applicant/agent has confirmed that there is no objection to the imposition of the recommended condition.

5.8.3 It is considered that the pre-commencement condition is necessary on the grounds that, the site is located on a steeply sloping site and details of the finished ground and floor levels have not been included within the application submitted. These details need to be established before any works associated with the development proposed are commenced. Therefore, this matter is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

**6. ANY RELEVANT SITE HISTORY**

- None

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal as the proposed dwelling would result in the overdevelopment of the site and an awkward backland arrangement, detrimental to the riverside environment.	Noted – refer to section 5.3 of report

**7.2 Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Officer	As this section of Beeleigh Road is classified as a private road, the Highway Authority has no objection to the proposal, subject to a condition requiring that the public’s rights and ease of passage over footpath number 3 in Maldon are maintained free and unobstructed at all times.	Noted – refer to section 5.5 of report

**7.3 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	No objection subject to conditions requiring samples or details of all materials to be used on the exterior of the house.	Noted – refer to section 5.3 of report
Environmental Health Officer	No objection to the proposal in principle.	Noted – the conditions recommended are included within the list of conditions set out below.
Tree Consultant	No response	

#### **7.4 Representations received from Interested Parties**

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

<b>Objection Comment</b>	<b>Officer Response</b>
The right of access to this property is down a private narrow lane where access is limited with no room for ‘pull-in’ then once on Beeleigh Road the access again is very limited as road is only narrow again – extra traffic would cause congestion and poor relations would come from this lack of room to manoeuvre vehicles successfully to desired houses. Beeleigh Road struggles now with the volume of traffic that precariously makes its way down the road. Concern regarding pedestrian safety.	Noted – refer to section 5.5 of report
The position of the new dwelling is far too forward in respect of Blackwater House and River Court. The view from the back of Blackwater House will be greatly restricted.	Noted – refer to section 5.4 of report. Loss of view is not a material planning consideration.
The amount of trees, bushes, rough shrub land to be removed would be sacrilege for wildlife	Noted – refer to section 5.7 of report
Health and safety issues raised	None of the issues raised are material planning considerations

#### **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) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: A185578-LOC01A, A185578-PP03B, A185578-PP02B, A185578-PP01A, Arboricultural Impact Assessment and Arboricultural Method Statement, Preliminary Ecological Appraisal.  
REASON To ensure that the development is carried out in accordance with the details as approved.
3. No development works above ground level shall occur until details of the surface water 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. The scheme shall ensure that for a minimum:
  - a. The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - b. 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 11/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)

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 written confirmation from the statutory undertaker that the discharge will be accepted will be required.  
REASON To ensure the incorporation of an appropriate drainage scheme into the development in accordance with policy D5 of the Maldon District Approved Local Development Plan.
4. 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 ensure the incorporation of an appropriate drainage scheme into the development in accordance with policy D5 of the Maldon District Approved Local Development Plan.
5. The public's rights and ease of passage over footpath number 3 in Maldon shall be maintained free and unobstructed at all times.  
REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy T2 of the Maldon District Approved Local Development Plan.
6. The dwellinghouse hereby permitted shall not be occupied until privacy screens at the western end of the external terrace proposed on the rear elevation of the dwellinghouse have been installed in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The privacy screens shall be retained as approved in perpetuity thereafter.

REASON To protect the privacy of the occupiers of neighbouring residential properties in accord with Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

7. No development above slab level shall take place until details or samples of the external materials to be used on the dwelling and car port hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON In the interests of the character and appearance of the Conservation Area in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.

8. No development shall take place above ground level until a scheme of hard and soft landscaping, including boundary treatment, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to the occupation of the dwelling hereby permitted.

REASON In the interests of the character and appearance of the Conservation Area in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.

9. No development shall take place until details of finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

REASON In the interests of the character and appearance of the Conservation Area and the amenity of neighbours, in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.

## **INFORMATIVES**

1. Refuse and Recycling - The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
2. Land Contamination - Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
3. Construction - 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
  - b) licensed waste contractors;
  - c) No dust emissions should leave the boundary of the site;

- d) Consideration should be taken to restricting the duration of noisy activities
- e) and in locating them away from the periphery of the site;
- f) d) Hours of works: works should only be undertaken between 0730 hours and
- g) 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays
- h) and not at any time on Sundays and Public Holidays.
- i) Where it is necessary to work outside of these recommended hours the
- j) developer and builder should consult the local residents who are likely to be
- k) affected and contact the Environmental health Team for advice as soon as the
- l) work is anticipated.

4. Timing of submission of details - It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.