



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
2 SEPTEMBER 2020**

Application Number	20/00577/FUL
Location	Land Adjacent 20 Chapel Lane, Tillingham
Proposal	Two new dwellings and associated works.
Applicant	Mr Mike Otter – GPO Designs Ltd
Agent	N/A
Target Decision Date	04.09.2020
Case Officer	Louise Staplehurst
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In by Councillor A S Fluker Reason: policies D1, D3, H4- Backland and Infill Development

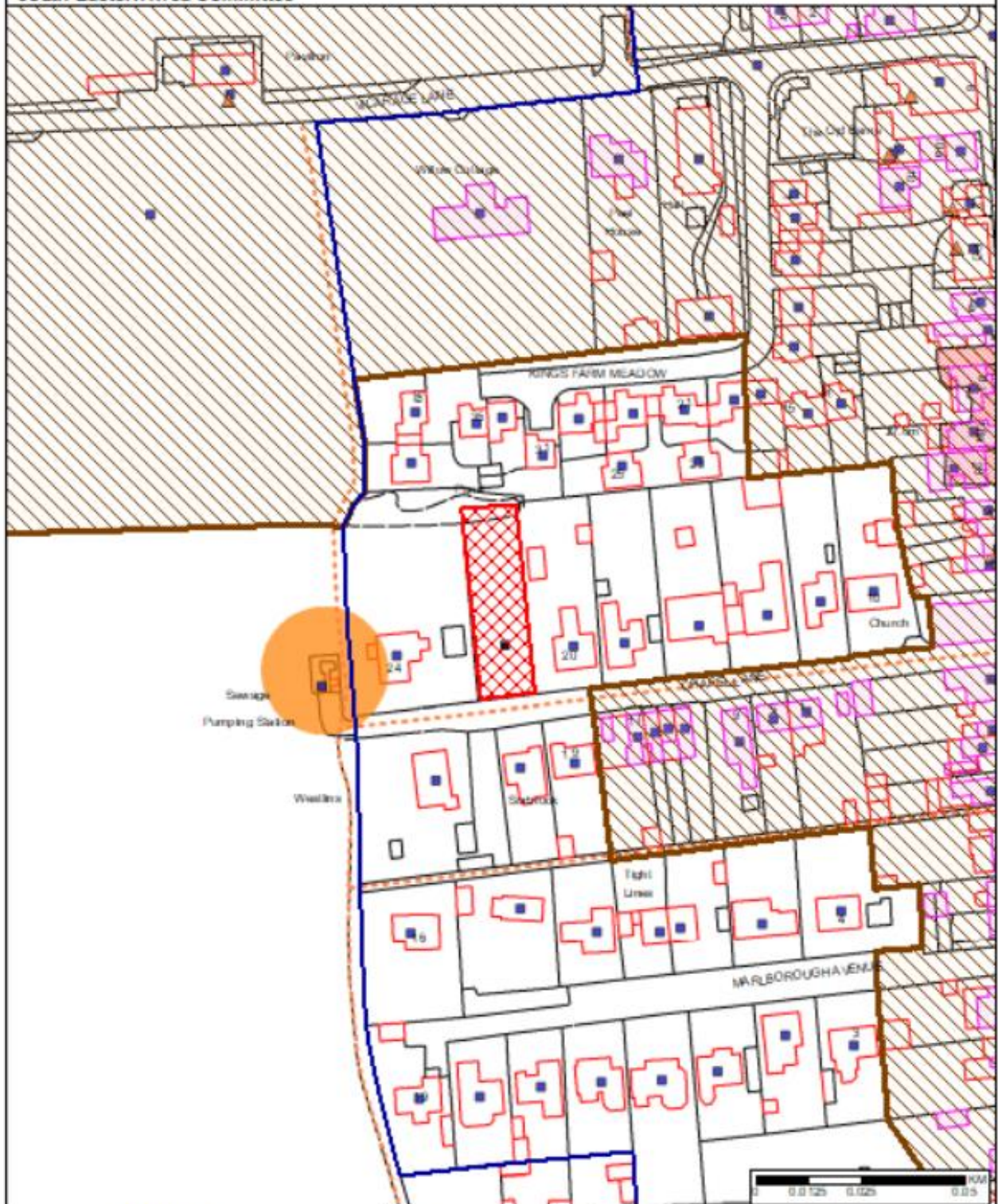
1. RECOMMENDATION


APPROVE subject to a signed Unilateral Undertaking to confirm that the developer will contribute to Essex Coast RAMS and the conditions (as detailed in Section 9 of this report).

2. SITE MAP

Please see overleaf.

Land adjacent 20 Chapel Lane Tillingham
 South Eastern Area Committee



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	Organisation: Maldon District Council	Date: 19/08/2020
	Department: Department	MSA Number: 100018588
	Comments: 2 September 2020	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Chapel Lane, which is west of South Street, within the settlement boundary of Tillingham, but outside of the Tillingham Conservation Area. The site currently consists of open grass land with trees along the northern boundary and a hedge extending along the southern and part of the western boundaries. The eastern part of the site is bounded by a low boundary fence.
- 3.1.2 The dwellings within the surrounding area are mixed in their design and scale, from bungalows, chalet style dwellings and two-storey dwellings. The streetscene is also made up of detached, semi-detached and terraced properties. Development within the area takes a linear form, however there is no strong front building line.
- 3.1.3 Planning permission is sought for a pair of semi-detached chalet style three-bedroom dwellings. Internally, there will be a lounge, kitchen/diner/family room, utility room, toilet and storage at ground floor level. At first floor level, there will be three bedrooms, one with an en-suite and a bathroom.
- 3.1.4 The main part of each dwelling will measure 6.6 metres wide, 11 metres deep, 4.1 metres high to the eaves and 7.4 metres high overall. Each dwelling will have a front projection and covered porch across the width of the dwelling, measuring 1 metre deep, 2.5 metres high to the eaves and 3.4 metres high overall. Both dwellings will have a rear extension measuring 6.6 metres wide, 4 metres deep, 3 metres high to the top of the flat roof and 3.5 metres high overall including the lantern roof.
- 3.1.5 In terms of materials, the walls will be finished in red brick with the dormer walls finished in render, the roof in artificial slate and the windows in white UPVC. The doors will be made of composite or UPVC to the front and UPVC or powder coated aluminium to the rear. The driveway will be finished in paviours. The boundary treatments consist of a 0.8-metre-high fence and a 1.8-metre-high fence.
- 3.1.6 There will be two parking spaces for each dwelling and rear amenity spaces measuring 125 square metres each. The block plan shows an area for shed storage and waste storage in the rear gardens.
- 3.1.7 This application is a re-submission of 19/01077/FUL which was for two semi detached dwellings. That application was refused for the following reasons:
- 1 *The proposed dwellings, due to their design and scale, when compared to the adjoining dwellings, would be overly large and unduly dominant and prominent features within the streetscene, resulting in a visually obtrusive form of development. The proposal would therefore cause detrimental harm to the character and appearance of the site, the streetscene and the surrounding area, contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

- 2 *There would be a shortfall of one parking space for each dwelling, which is considered insufficient for a four-bedroom dwelling in this location. The shortfall of parking would be likely to result in the increase in parking along Chapel Lane, which would have a harmful impact on the free flow of vehicles along this lane. The proposal would therefore be contrary to the guidance contained within the adopted Maldon District Parking Standards SPD, policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

- 3 *In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

3.1.8 The amendments under this application are:

1. The reduction in height of the dwellings by 1.4 metres, reducing their scale from two storey dwellings to chalet style dwellings with two front and rear dormer windows.
2. The reduction from 4 bedrooms to 3 bedrooms.

3.2 Conclusion

3.2.1 Overall, the proposal is not considered to result in a materially harmful impact on the character and appearance of the surrounding area, nor would it result in a detrimental impact on neighbouring sites. The proposal would also be acceptable in terms of parking provision, amenity space and ecology. The proposal is therefore considered to be in accordance with the policies contained within the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 54 – 57 Planning conditions and obligations
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 The proposed dwelling would be located within the settlement boundary of Tillingham and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements thereby preserving the appearance and character of the countryside. Tillingham is recognised as being a ‘smaller village’ within the LDP which has a limited range of services and opportunities for employment, retail and education, as well as limited public transport links. The location would however be regarded as sustainable.

5.1.3 It is noted there is an extant outline permission at the site under the terms of 18/01407/OUT which approved permission for one dwelling, with all matters reserved. It is therefore considered that the principle of residential accommodation at the site has been established.

5.1.4 Therefore, overall, the principle of development in this location is considered to be acceptable.

5.2 Housing Need and Supply

5.2.1 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 only for two dwellings.

The NPPF, however, seeks to boost significantly the supply of housing, and it is acknowledged that the Council's housing requirement is not a ceiling to development.

- 5.2.2 The proposal would provide two new three-bedroom dwellings. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which, when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average 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 June 2014 identifies the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% of housing to be for three-bedroom plus units. The proposed two three-bedroom dwellings will therefore not make a significant contribution to the District's Housing Need and this weighs against the development. As only two dwellings are proposed, it is considered that the social and economic benefits would be negligible.

5.3 Design and Impact on the Character of the Area

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

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

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

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

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

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

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

- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.
- 5.3.6 The dwellings within the surrounding area are mixed in their design and scale, from bungalows, chalet style dwellings and two-storey dwellings, ranging from terraces to detached dwellings. Development within the area takes a linear form, however there is no strong front building line. The plot is situated within a row of residential sites. The proposed dwellings would be positioned in line with No.24 Chapel Lane and would align with the general pattern of development within the area.
- 5.3.7 The previous report noted that there were concerns over the width as it intensified the harm previously identified regarding the scale and bulk. It is noted that the width has not been reduced however as the height has been reduced by 1.4 metres and the dwellings are now of a chalet style, it is considered, on balance, that the previous concerns have been overcome. In relation to the width of the properties and the level of siting it must be noted that other dwellings, including garages, along Chapel Lane also fill the majority of the width of their plots with development. When viewed within the streetscene, it is not considered that the development would result in an unduly dominant development and would not have a significantly harmful impact on the surrounding area.
- 5.3.8 The design of dwellings is considered to be typical for a residential development, with a gable design and single-storey front and rear projections. The overall style including the dormer windows have taken reference from other dwellings within the streetscene and therefore there are no objections to the design. The materials appear to be of an acceptable appearance and reference those used in the surrounding area, however a condition will be included to require further details to be submitted to ensure they are in keeping with the character and appearance of the site and the surrounding area.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.4.2 No.24 Chapel Lane would be located 9.3 metres from the shared boundary with the development and 10.3 metres from the western dwelling itself. There is a double garage positioned in between this neighbour and the proposed dwellings. Due to this and the separation distance, it is not considered that the proposal would result in significant loss of light to this neighbour. The proposed dwellings would be located 1 metre from the shared boundary with this neighbour. Only the 4-metre-deep single storey element will project past the rear elevation of this neighbour, abutting the amenity space of this neighbour. Due to its height and the large size of the

neighbouring garden, the proposed dwelling is not considered to result in a harmful impact by way of a loss of light or being overshadowing to the private amenity space of this neighbour. There will be a ground floor window and a first-floor obscure glazed window on the west flank elevation facing this neighbour. Due to the positioning of the window at ground floor level and the first-floor window being obscure glazed, the proposal is not considered to result in a loss of privacy to this neighbour.

5.4.3 No.20 Chapel Lane would be located 4.8 metres from the shared boundary with the development and 5.8 metres from the eastern dwelling itself. Due to the separation distance and the height of the proposed dwelling, it is not considered that the proposal would result in a significant loss of light or sense of dominance to this neighbour. The proposed dwellings would be located 1 metre from the shared boundary with this neighbour. The proposed dwellings would project along the boundary with the area of land to the western side of the neighbouring dwelling. This appears to be used for parking and leads to the neighbouring detached garage. The proposed dwellings would therefore not impact on the main rear private amenity space of this neighbour, which is located further to the north west of the proposed dwellings. There will be a ground floor window and a first-floor obscure glazed window on the east flank elevation facing this neighbour. Due to the positioning of the window at ground floor level and the first-floor window being obscure glazed, the proposal is not considered to result in a loss of privacy to this neighbour.

5.4.4 It is noted that no objection was raised in relation to residential amenity within the previous application and therefore, considering the scale of the dwellings has been reduced, it would not be reasonable to raise an objection in this regard under this application.

5.4.5 The dwellings would be located 17 metres from the rear boundary of the plots. Due to this distance, it is not considered that the proposal would have a significant impact on the neighbouring site to the rear.

5.4.6 The dwellings would be located 18.5 metres from the properties to the front (south) of the site. Due to the separation distance, there would not be a harmful level of inter-visibility, overlooking or overshadowing to these neighbouring sites.

5.4.7 All other dwellings are located at a distance where the proposal will not impact on their residential amenity.

5.4.8 It is considered that the future occupiers of the proposed dwellings would have acceptable living conditions and would not be overlooked or overshadowed by the neighbouring sites or each other.

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 Both dwellings have three bedrooms. The adopted Vehicle Parking Standards require a three-bedroom dwelling to have two parking spaces, measuring the required standard of 2.9 metres wide and 5.5 metres deep.
- 5.5.3 The plans show there would be two parking spaces of the required dimensions located to the front of each site, which is considered acceptable for the size of the dwellings. It is noted that there is no turning area at each plot however the proposal is located down a residential road where it is common for parking spaces to be positioned with the access and egress straight onto Chapel Lane and therefore it would not be reasonable to refuse the application on this basis.
- 5.5.4 The Highway Authority have been consulted and have not replied at the time of writing the report however it is noted they raised no objections in the previous application, but recommended a condition requiring public rights and ease of passage over footpath number 14, which runs along the south boundary of the site, to remain free and unobstructed at all times. A condition requiring this is considered to meet the six tests of planning conditions and therefore this will be included.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 Both dwellings have over 100 square metres of rear private amenity space and therefore there would be sufficient amenity space provided for each dwelling.
- 5.6.3 Hard landscaping is proposed to the front driveways and footpaths surrounding each dwelling. The existing Holly hedge on the western boundary will be retained, however the front Hawthorn hedge will be removed. There will be a 0.8-metre-high fence towards the front of the dwellings and a 1.8-metre-high fence bounding the sites. These are likely to be acceptable, however, a condition will be included to ensure full details of boundary treatments and landscaping are submitted for approval to ensure they are suitable for the character of the area.

5.7 Impact on European Designated Sites

- 5.7.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging 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.
- 5.7.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England. 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 (ZoI) 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 two dwellings

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

Test 2 – the integrity test

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

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

5.7.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.

5.7.4 It is noted that the Coastal Recreational Avoidance and Mitigation Strategy is currently in consultation and it therefore constitutes an emerging document for the Council. Given the stage of preparation of the emerging strategy, it is considered that material weight should be given to the document and its requirement to mitigate the impact of the development on the European Designated Sites. A flat rate tariff of £125.58 per new dwelling is identified within the submitted Coastal Recreational Avoidance and Mitigation Strategy as the contribution to mitigate the impact of a new residential property. The agent has confirmed on 12 August 2020 that the developer is agreeable to signing and submitting a legal agreement to secure the abovementioned contribution. Therefore, should this be forthcoming the impact of the development will be considered to be mitigated. An update in this respect will be provided within the Members' Update.

5.8 Other Material Considerations

Ecology and Trees

5.8.1 The site is located in close proximity to a pond and there are a number of mature trees and vegetation along the boundaries. Taking into consideration the existing use of the surrounding area for residential purposes, it is considered that any potential impacts

from the erection of a dwelling on protected species would not be materially greater than those already caused by the existing surrounding residential sites. However, in order to make sure that the environment and wildlife are protected in accordance with the policy requirements, a condition can be imposed for a walkover ecological survey to be carried out prior to the commencement of development. It is noted that this was also the conclusion of the report for application 18/01407/OUT which approved permission for one dwelling on the site. It is not considered that the provision of two dwellings on the site would have a materially worse impact on ecology.

- 5.8.2 The Council’s Tree Consultant has commented on the application (full comments found in section 8.3). It is considered that no Arboricultural report has been submitted to show how the Willow on the neighbouring site will be protected and no justification has been given regarding the removal of the Walnut tree. It is noted that the soakaways and bike store could conflict with the root protection area of the trees and may need to be re-positioned. Condition 6 has been imposed to ensure suitable tree protection measures will be in place throughout construction.

6. PRE-COMMENCEMENT CONDITIONS

- 6.1 Three pre-commencement conditions are recommended in relation to a construction method statement, a walkover ecology survey and a tree protection plan and approval for the use of these conditions has been provided by the applicant's agent on 12 August 2020.

7. ANY RELEVANT SITE HISTORY

- **18/01407/OUT** - Outline application for a proposed single dwelling with all matters reserved – Approved
- **19/01077/FUL** - Two new dwellings and associated works. – Refused

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	<p>Object – contrary to LDP</p> <p>D1.1.b – height, scale, form, massing and proportion – the houses are too big for the plot size</p> <p>The 1m access at the side of each house is insufficient, both during construction and when built.</p>	<p>See section 5.3</p> <p>There are no objections to this. Other dwellings along the lane appear to have similar arrangements or are</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>Insufficient parking</p> <p>D1.4 – protect the amenity of surrounding areas taking into account privacy, overlooking, light and visual impact.</p> <p>H4 – effective use of land – density and backland and infill development</p> <p>The walnut tree should not be removed.</p> <p>The level of Chapel Lane has been raised and there is a problem with water run off flooding front gardens and air bricks. Construction vehicles will exacerbate this.</p>	<p>terrace dwellings.</p> <p>See section 5.5.</p> <p>See section 5.4.</p> <p>See section 5.1.</p> <p>See section 5.6.</p> <p>Conditions can be included to mitigate this regarding drainage and construction traffic.</p>

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No response at the time of writing the report.	N/A
Natural England	No response at the time of writing the report.	N/A

8.3 External Consultees

Name of External Consultee	Comment	Officer Response
Tree Consultant	No arboricultural information has been submitted to show how the trees on site or the neighbouring property could be affected, unlike with the previous application where the trees were shown to be retained and protected. The scheme	Comments noted. Condition 6 has been included to ensure tree protection.

Name of External Consultee	Comment	Officer Response
	<p>shows that the Walnut is to be removed, no justified reason for this has been provided and looking at the scheme it could be retained and protected, the previous comments said its structural condition was such that removal should be a consideration, but this was never suitably justified and as mentioned above was shown for retention. I believe the tree can be retained and no good reason to remove it has been provided. The soakaways could impact on the root protection area of the Walnut and the Willow in third party ownership, therefore Arboricultural information is required to show how the trees will be protected. It is likely the soakaways will need to be removed. The same can be said for the Willow in the neighbouring property. This could be affected by the construction of the bike store. Maybe this will need to be moved or a construction methodology provided to show how conflict can be avoided.</p> <p>I think a condition can be placed for this information prior to commencement, but it will be important to ensure it contains sufficient details to address how the trees could be impacted, worked around and protected and provided by a suitably qualified arborist. This will need to indicate frequency of</p>	

Name of External Consultee	Comment	Officer Response
	supervision visits to ensure the protection measures are adhered to and logged to demonstrate the trees have been protected. The tree protection will need to be in place before works start on site.	

8.4 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No response at the time of writing the report.	N/A
Conservation Officer	No response at the time of writing the report.	N/A

8.5 Representations received from Interested Parties

8.5.1 9 letters were received **objecting** to the application at the time of writing the report and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Dismayed a second application has been submitted	The planning process allows for multiple applications to be submitted at a site.
Only 1 house can fit on the plot	Comments noted.
Insufficient parking	Comments noted. See section 5.5.
Unmade private lane being destroyed	Comments noted.
Loss of light and view	A loss of a view is not a material planning consideration. See section 5.4.
Out of keeping with existing properties, concerns regarding design and impact on area	See section 5.3.
They have four bedrooms	The proposed dwellings have three bedrooms, a reduction from the previous application.
Where would visitors park?	Only 2 parking spaces are required and have been provided.
Where will construction traffic park?	A condition regarding a Construction Method Statement will be included to mitigate this.
Impact from traffic on Chapel Lane	The addition of two dwellings is not considered to have a detrimental impact on highway safety or traffic generation to an extent that would justify the refusal of the application.

Objection Comment	Officer Response
Conservation area	The site is not within or directly adjacent to the conservation area.
Application 07/01219/FUL (to raise roof of No.20 and add dormer windows) was refused and objected to by the Conservation Officer.	It is noted that the Conservation Officer objected to this application however it was approved. Notwithstanding, this development is of a different character and there are now different policies in place.
Concerns regarding drainage and flooding along Chapel Lane	Conditions can be included to mitigate this.
Impact on neighbour – No.20 has a patio to the side	See section 5.4
Impact on wildlife and walnut tree	No objection was raised in relation to this in the two previous applications and therefore it would be unreasonable to object now. Conditions can be included to mitigate any possible impacts.
Only 1m from boundary – not adequate	There is no requirement for there to be more than a metre between the boundaries. There are no objections to this.
Obstruction for pedestrians which is a footpath	A condition can be included to ensure the footpath remains unobstructed.
The application site houses the mains water supply and water meter – there is no reference to this on the plans	Comments noted. This would be a civil matter and is not a planning consideration.
Larger than approved application	Comments noted.
Minimal difference from previous application – same footprint	The amendments have been set out in section 3.1.8.
Noise	The proposal may result in some increase noise and disturbance due to activity at the site however this is not considered to be at such a level that would justify the refusal of the application.
Outside site is used as overflow parking as other houses don't have enough	This is not a planning reason that would justify the refusal of the application.

9. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: NDCM07TL-BP1.0, NDCM07TL-SP1.0, NDCM07TL-DR1.2A, NDCM07TL-DR1.2B, NDCM07TL-DR1.2C, NDCM07TL-DR1.2D.

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

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

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) delivery, demolition and construction working hours.

The approved statement shall be adhered to throughout the construction period for the development.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the submitted Local Development Plan.

5 Prior to the commencement of the development, details of the implementation of a walkover ecological survey by a qualified ecologist and their finding shall be submitted to and approved in writing by the local planning authority. If any protected species are found at the site, a scheme of ecological protection and mitigation shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall then be implemented in accordance with the approved details.

REASON: To ensure that protected species are not harmed during the course of development and that appropriate mitigation measures are in place to protect any species found to be present on site, in accordance with policy N2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

6 No works shall take place until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority to clarify the means of protecting the Walnut tree within the application site and the Willow tree located within the curtilage of No.24 Chapel Lane, to the west of the site, during the construction of the development hereby approved. The Tree Protection Plan shall include a scheme of supervision visits to ensure the protection measures are adhered to and logged to demonstrate the trees have been protected. The Tree Protection Plan shall be in accordance with BS5837:2012 and shall be implemented prior to the commencement of the development and adhered throughout the construction process. REASON: To ensure the appropriate retention and protection of the trees on the site, in accordance with policy D1 and N2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

7 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Details of proposed schedules of species of trees and shrubs to be planted, planting layouts and planting numbers/densities.

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

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

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

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

REASON: In the interest of local amenity and in accordance with policy D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

9 Prior to the first occupation of the development hereby approved, details of the design and position of the cycle parking sheds and waste storage area shown on plan NDCM07TL-BP1.0 -Proposed block plan shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the development. REASON: To ensure appropriate facilities are provided at the site to encourage alternative modes of transport and for the storage of waste, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.

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

REASON: To ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and policy D5 of the Maldon District Local Development Plan.

11 No dwelling hereby approved shall be occupied until two car parking spaces have been laid out for each plot, in accordance with drawing NDCM07TL-BP1.0 – Proposed block plan and that space shall thereafter be kept available for such purposes in perpetuity.

REASON: To ensure appropriate parking is retained at the site in accordance with the Maldon District Vehicle Parking Standards SPD, policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

12 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the west and east flank elevations of the dwellings shall be glazed with opaque glass and be of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON: To protect neighbouring amenity, in accordance with policy D1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

13 The public's rights and ease of passage over footpath number 14 in Tillingham shall be maintained free and unobstructed at all times.

REASON: To ensure the public right of way is not impacted on by the development, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.