



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 JANUARY 2018**

Application Number	FUL/MAL/17/01251
Location	Land East Of The Rest Southminster Road Asheldham Essex
Proposal	Demolition of existing stables and pole barn and erection of a new single dwelling and change of use of land to residential (Class C3) (amendment to and repositioning of dwelling approved under reference 13/00595 onto adjacent paddock).
Applicant	Mr David Hall
Agent	Mr Anthony Cussen - Cussen Construction Consultants
Target Decision Date	4 January 2018
Case Officer	Hannah Bowles, TEL: 01621 875822
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Councillor / Member of Staff

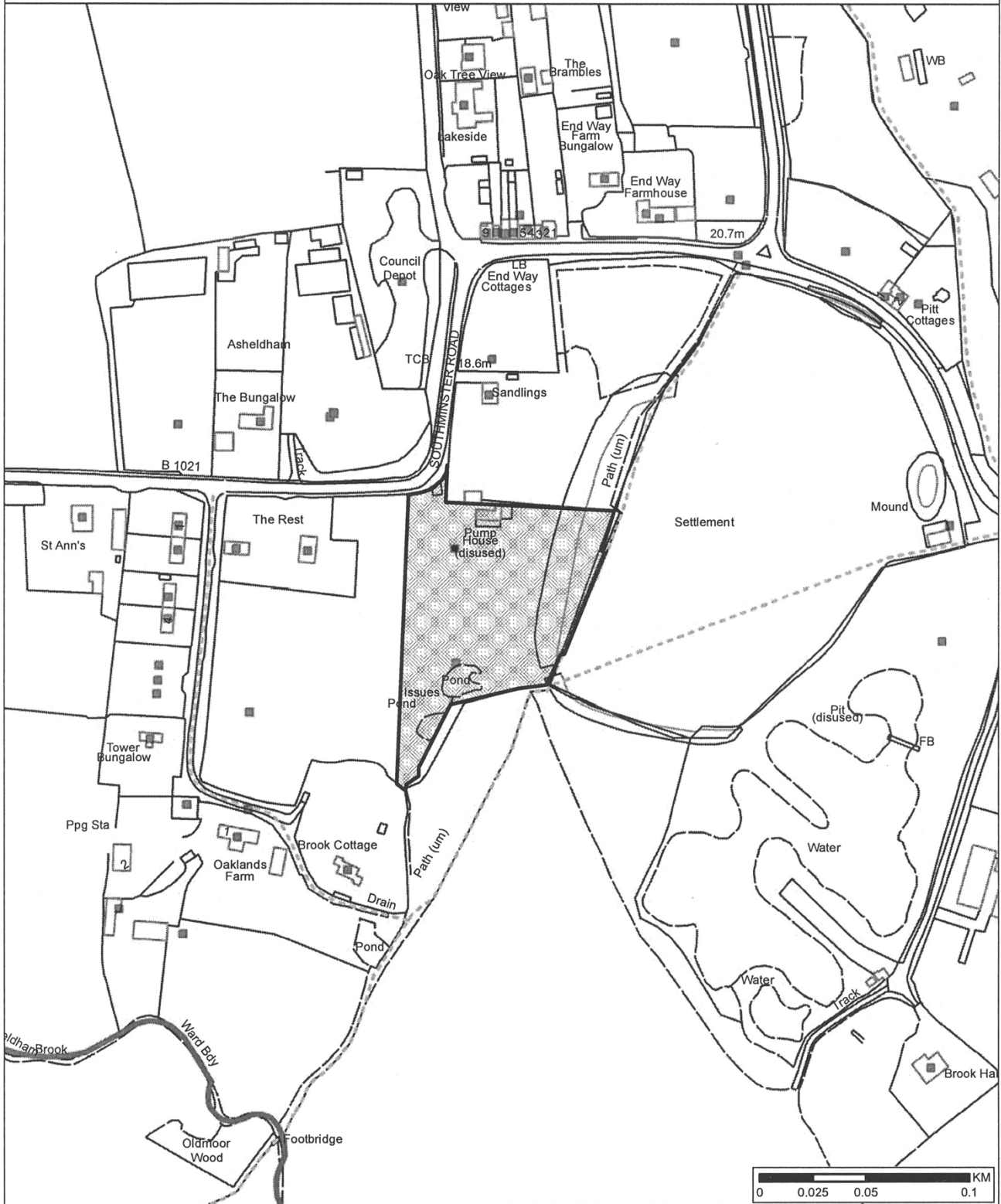
1. RECOMMENDATION


APPROVE subject to the agreement of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to sacrifice planning permission FUL/MAL/13/0055 and conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Land East Of The Rest Southminster Road Asheldam
FUL/MAL/17/01251



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee 17/01251/FUL
	Date:	03/01/2018
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for the demolition of existing stables and pole barn and erection of a new single dwelling and change of use of land to residential (Class C3).
- 3.1.2 There is an extant permission for a bungalow to the west of the application site under reference FUL/MAL13/00595; it is proposed to rescind that permission in favor of the proposed bungalow in a revised position. It is noted that this permission has been implemented as the access has been constructed and therefore, has not expired.
- 3.1.3 The proposed bungalow would measure 8.2m in depth, a maximum of 9.9m in width, 2.3m in height to the eaves and 5.6m in height to the ridge. The dwelling is similar in terms of scale and appearance to the dwelling approved under reference FUL/MAL/13/00595, albeit in an entirely different location.
- 3.1.4 The application site lies outside of a defined settlement boundary, on the south side of Southminster Road around 50 metres to the east of its junction with Brook Lane. The application site currently forms part of the extended curtilage of The Rest comprising grassland and fenced areas. The grassland area extends further to the east and south of the application site. There is an existing gated access to the land at the apex of the bend in Southminster Road and it should be noted that the construction for the access road for the dwelling approved under extant permission FUL/MAL/13/00595 has commenced and it therefore appears that the permission remains extant.
- 3.1.5 The site of the proposed dwelling is currently occupied by a stable block and pole barn close to the northern boundary of the site. To the east there is a public footpath which bounds the site, as well as the site of Asheldham Fort, which is a scheduled ancient monument dating from the early Iron Age.
- 3.1.6 The surrounding area is predominantly rural in character with low density residential development. Apart from The Rest there are no other dwellings in the immediate vicinity of the site.

3.2 Conclusion

- 3.2.1 The application site is located outside of a defined settlement boundary where policies of restraint apply however, the proposed development is being put forward as an alternative to a proposal on an adjacent plot, (ref: 13/00595/FUL). Therefore, it is not considered that this would result in any additional harm and the principle of a dwelling on the application site is acceptable. The proposed dwelling is similar in terms of scale and appearance to the dwelling approved under reference 13/00595/FUL and the revised position is considered to be less prominent than that approved under reference FUL/MAL/13/00595. Therefore the proposed development is considered to accord with policies S1, S8, D1, D3, T1 and T2 of the Local Development Plan.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- **Paragraph 7:** Sustainable development includes an environmental role which requires the use of natural resources prudently and that waste and pollution is minimised.
- **Paragraph 17:** Core principles – effective use of land that has been previously developed (brownfield land) provided not of high environmental quality. The role and character of different areas should be taken into account including the intrinsic character and beauty of the countryside.
- **Paragraph 47:** There needs to be a significant boost to the supply of housing to provide high quality homes. Councils should demonstrate that they have a five year supply of deliverable housing land.
- **Paragraph 56:** Good design is a key aspect of sustainable development.
- **Paragraph 109:** Planning system should contribute to and enhance the natural and local environment by protecting and enhancing local landscapes.
- **Paragraphs 126-132:** Development that will harm the significance of heritage assets should be refused.

4.2 Maldon District Local Development Plan 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
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site is located beyond a defined settlement boundary; the Local Development Plan policy S1 would normally seek to direct development to within established settlements or development plan allocations and protect the appearance and character of the rural areas. However, in this case the proposed development is being put forward as an alternative to a proposal on an adjacent plot that was approved by the South Eastern Area Planning Committee in November 2013 (ref: FUL/MAL/13/00595). Whilst construction works on the dwelling itself have not commenced, the pre-commencement conditions have been discharged and an access has been formed from Southminster Road thereby implementing or “saving” the

consent. The applicant has indicated that if the Council is minded to approve this application the original permission would be rescinded by way of a planning obligation. This must be secured under the terms of a Section 106 agreement.

- 5.1.2 Therefore, the principle of developing a dwelling in the vicinity has to some extent already been established and it is considered unreasonable to object to the application on those grounds.

5.2 Housing Need

- 5.2.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change. The Council will therefore support, by way of approved policy H2 a greater proportion of smaller units to meet the identified needs and demands for such housing.

- 5.2.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. The proposed development would provide 1 no. two bedroomed bungalow, which is considered to assist in meeting the housing needs of the District. Whilst this benefit is minimal the Council must also consider the extant permission.

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 The proposed bungalow would measure 8.2m in depth, a maximum of 9.9m in width, 2.3m in height to the eaves and 5.6m in height to the ridge. The overall footprint of the proposed bungalow would be 79sq m. The dwelling approved under reference FUL/MAL/13/00595 measured 9m in width and 8.2m in depth giving it an overall footprint of 73.8sq m. The proposed dwelling, whilst marginally larger, is in line with the previously approved dwelling in terms of visual appearance. Given the similarities between the previously approved and proposed dwelling, it is not considered that the marginal difference in the scale of the dwellings is significant enough to warrant a reason for refusal.
- 5.3.3 The proposed dwelling would be sited around 37m from the previously approved application; it would replace an existing building consisting of stables and a pole barn. There is an existing garage which serves the neighbouring property 'Sandlings' located along the front boundary of the site, this would assist in shielding the dwelling from the streetscene. The proposed location is considered less prominent than that previously approved.
- 5.3.4 It should also be noted that the curtilage of the dwelling has been significantly increased; it is now 0.71ha as opposed to 0.1ha for the scheme approved in 2013. Given the location of the site; within the open countryside and the extent of curtilage, the potential attendant domestic paraphernalia could adversely affect the character and

appearance of the area. In order to minimise the potential impact of the proposed development, it is considered that the permitted development rights for residential properties should be removed for this particular development.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved Local Development Plan (LDP) seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 There are two adjacent neighbouring properties to the application site. “The Rest” which is located to the west of the application site and in excess of 60m from the proposed dwelling and “Sandlings” located to the north which is in excess of 40m from the proposed dwelling. Given the distance, single storey nature of the dwelling and the screening provided by the outbuilding along the neighbouring boundary and the existing vegetation; it is not considered that a loss of amenity would arise in relation to overlooking, overshadowing or domination.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council’s adopted parking standards 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. The Vehicle Parking Standards recommend that a two bedroomed dwelling should provide space to park two cars.
- 5.5.2 The proposed access is the same as that approved for FUL/MAL/13/00595 and has already been formed; the Highway Authority has not raised an objection.
- 5.5.3 The submitted plans indicate parking and turning areas which could accommodate in excess of two vehicles which is in accordance with the Council’s adopted standards.

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 Essex Design Guide Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.6.2 Given the large plot size at 0.71ha; the private rear amenity space will be provided in excess of the recommended standard.

5.7 Impact on Heritage Asset

- 5.7.1 The Essex Historic Environment Record shows that the proposed development is located immediately adjacent to the Scheduled Asheldham Camp hillfort. To the east of the proposed development is Asheldham Camp, a univallate hill-fort of Iron Age date, there is also evidence for multi-period activity on the site in the form of

cropmarks and finds. These include a possible Neolithic settlement, and Bronze Age, Roman and Saxon finds. To the north of the proposed development are cropmarks of a probably penannular ring ditch and various linear features. To the west and south, prehistoric and Roman finds have been recovered from the riding-stables and Oaklands Farm. It is evident therefore that the proposed development lies within a complex, multi-period site.

Given the proximity of the Scheduled Monument, Historic England have been consulted and have stated '*we consider that the scale and orientation of the bungalow in its revised location will not be prominent in approaches to the hillfort, and that as a result, this development would be unlikely to result in serious harm to the hillfort's significance*'. They have raised no objection to the proposal.

5.7.2 Archaeological features are both fragile and irreplaceable and it is recommended by both Historic England and the Historic Environment Officer at Essex County Council that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice contained within the National Planning Policy Framework.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/13/00595**– Erection of new bungalow and change of use of land to C3. Approved - 28.11.2013.
- Details were agreed in relation to conditions imposed on the above permission under the terms of application **DET/MAL/14/05152**

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.	The Parish Council support this application subject to a legal requirement. If approved then the other planning is rescinded.	Noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent.	See conditions 4 and 5.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions.	Noted
Historic England	Historic England has no objection to the application on heritage grounds. We advise that should your authority be minded to approve this application, this should be conditional on a scheme of archaeological work being secured, in accordance with the NPPF paragraph 141.	See conditions 4 and 5.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle. Should you be minded to grant planning permission it is recommended that the following condition and informatives are applied.	See condition 6 and informatives 1 and 2

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Voluntary agreement for the non-implementation of planning application **FUL/MAL/13/00055**

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings: 1092/08 A, 1092/09 A, 1092/10, 1092/11, 1092/12.

REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.

- 3 Prior to the construction of the dwelling hereby approved, samples and written details of the materials to be used in the construction of the external surfaces of the dwelling 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: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

- 4 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site.

Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON: To protect the site which is of archaeological interest in accordance with policy D3 of the Maldon District Local Development Plan.

- 5 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise trial-trenching of the site, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON: To protect the site which is of archaeological interest in accordance with policy D3 of the Maldon District Local Development Plan.

- 6 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.

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.

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.

- 7 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m from the highway boundary.

REASON: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety and in accordance with policy T2 of the Local Development Plan.

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

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

- 9 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including 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 use/occupation of the development to which it relates and be retained as such thereafter.

REASON: To ensure that the appearance of the development is appropriate to the locality in the interests of visual amenity and the protection of the rural character and appearance of the area in accordance with policy D1 of the Maldon District Local Development Plan.

- 10 No works or development shall take place until full details of both hard and soft landscape works to be carried out 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 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, or any tree or plant planted in its replacement, is

removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

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

- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

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

INFORMATIVES

- 1 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.

- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.