



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2018**

Application Number	FUL/MAL/18/00333
Location	Springfield Nurseries, Steeple Road, Latchingdon, Essex, CM3 6LD
Proposal	Construction of two bungalows
Applicant	Mrs M Anderson
Agent	TMA Chartered Surveyors
Decision Date	10 th May 2018 (Extension of time agreed: 24 th May 2018)
Case Officer	Anna Tastsoglou TEL: 01621 875741
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Springfield Nurseries Steeple Road Latchingdon
FUL/MAL/18/00333



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Committee
	Date:	08/05/2018
	MSA Number:	100018588

3. SUMMARY

3.1 Application Site

- 3.1.1 The site is located to the south of Steeple Road, outside of the defined settlement boundary of Latchingdon and measures approximately 0.33 hectares in size.
- 3.1.2 The site is accessed by a service road on the south side of Steeple Road, extending around “Lawland Bungalows” which front onto Steeple Road. There are also other residential properties within proximity of the application site, including two large detached chalet style dwellings either side. To the rear the site abuts the open countryside.
- 3.1.3 The site was previously occupied by three concrete and steel buildings. At the time of the site visit, the site was cleared and the footings of the previously approved dwellings (FUL/MAL/14/00360) had been dug. The site has extensive history which is further discussed below.

3.2 Proposal

- 3.2.1 Planning permission is sought for the erection of two detached bungalows at the land known as the Springfield Nursery Site.
- 3.2.2 The bungalows would be sited a minimum of 10.7m back from the highway and they would be a T-shape, measuring a maximum of 19.6m deep and 12.3m wide. The height to the eaves would be 2.5m, with a maximum height of 5.4m.
- 3.2.3 The dwellings would have a main gabled roof with a deep rear gable projection and a front projecting feature, incorporating a canted bay window. A pitched roof canopy would be erected to the front of the main entrances of the dwellings.
- 3.2.4 Both properties would benefit from large rear gardens measuring approximately 880sqm for plot 1 and 760sqm for plot 2. At least two off-street parking spaces would be provided per dwelling.
- 3.2.5 Internally the dwellings would accommodate a lounge, an open plan kitchen/diner, three bedrooms (one en-suite) and a bathroom.
- 3.2.6 Materials to be used to the external elevations would include brown UPVC windows and doors, multi red Tudor clay roof tiles and the external walls would be finished in Maradale antique red sand faced bricks. Gutters and downpipes would be squared brown plastic, while driveways and parking areas would be finished in light brown permeable bound resin gravel. With regard to boundary treatments a 1800mm close boarded timber fence with concrete gravel boards would be erected to east and west boundaries with adjoining land and between both plots 1 and 2, a 1000mm post and rail fence would be installed to south boundary with fields and a 1500mm post and two rail fence to north boundary (front) with timber country style 5 bar entrance gate.

3.3 Planning History

- 3.3.1 The site has an extensive planning history relating to proposed residential development of this site, commercial uses, and enforcement matters.
- 3.3.2 The most recent planning history relates to the approval an application to erect two bungalows within the application site (FUL/MAL/14/00360). This application was approved at the Committee Meeting on the 13th October 2014. The decision was issued on 20th October 2014 and expired on 20th October. Although works commenced, conditions that go to the heart of the permission (conditions precedent) had not been discharged and therefore, the permission had not been lawfully implemented and therefore, the site no longer benefits from extant permission.
- 3.3.3 It is noted though that the bungalows previously approved were identical to those currently proposed. Although the application site of the previous application was larger, including a squared parcel of land to the southwest of approximately 1700sqm, this area was proposed to be used as paddock and not as part of the curtilages of the dwellinghouses. A number of applications to comply with the imposed conditions of application FUL/MAL/14/00360 were subsequently submitted, with some but not all conditions being discharged.
- 3.3.4 The previous history of the site includes a claim for a Lawful Use Certificate for a residential dwellinghouse on this site which was allowed on appeal on 15 August 2011. Following this application planning permission was granted for a replacement dwelling (FUL/MAL/13/00350) on land to the west of the application site.

3.5 Conclusion

- 3.5.1 In this particular instance, whilst representing a departure from the policies of the development plan, given the special circumstances of the application site which constitutes a redundant brownfield site and taking into consideration that planning permission was previously approved for an identical proposal by, the erection of two dwellings in this location is considered to be acceptable. The development would not cause material harm to the character or appearance of the site or the surrounding area or the amenities of neighbouring occupants to an extent that would justify the refusal of the application. The proposed dwellings would be served by ample parking and amenity space. The proposals would therefore comply with the policies of 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 2012 including paragraphs:

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles

- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

4.2 Maldon District Local Development Plan adopted by the Secretary of State for in July 2017:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 Policies S1, S2 and S8 of the approved LDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.1.3 The abovementioned policies are in compliance with the NPPF which in order to promote sustainable development in rural areas, suggests that housing should be located where it will enhance or maintain the rural communities, such as small settlements. It is also stated that local authorities should avoid new isolated residential developments in the countryside, unless special circumstances indicate otherwise.

- 5.1.4 The application site is located outside the defined settlement boundaries and not in close proximity to public transportation or local amenities. Policy S8 includes a list of acceptable developments in the countryside, which does not include open market housing. Therefore, unless other material considerations and circumstances indicate otherwise, the development of the site would be contrary to the development plan policies.
- 5.1.5 Whilst at the time of the site visit the application site was cleared, it is noted that a number of structures were previously located within it. The site was historically used in connection with a landscape contractors' business, including a workshop, offices and stores, as well as use of the external area for parking purposes and storage of plant and materials. Various attempts to regularise the use were made but all applications were refused, with the exception of one to use the site for light industrial purposes (B1 use class) (Application number: FUL/MAL/03/00738), preventing from outdoor storage and outdoor working. Whilst it is acknowledged that the site was in an employment use as landscape contractors, it is unknown whether the approved B1 development was implemented or the landscape contractors' use was continued, which due to the passing of the time would likely to be lawful.
- 5.1.6 Policy E1 of the LDP states that *"Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*
- 1) *The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
 - 2) *The site would have a greater benefit to the local community if an alternative use were permitted; or*
 - 3) *The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use."*
- 5.1.7 Whilst it is accepted that the site was in an employment use, it is unknown whether that was a lawful use. As noted above, the historic use of the site as a landscape contractors' business was never considered acceptable, due to the unacceptable impact on the character of the area and the harm caused on the residential amenity of the neighbouring occupiers. On that basis, it is considered that the previous use and activity on the site was harmful to the the character and amenity of the adjacent area; thus, its loss would accord with the exceptions of policy E1. Furthermore, the loss of the employment land was found acceptable previously and the site cleared to the extent that it would no longer be possible to use the site for those purposes in its current condition.
- 5.1.8 Policy S1, in compliance with the core principles of the NPPF, states that the Council will *"Promote the effective use of land and prioritise development on previously developed land"*. The proposed development, whilst outside the defined settlement boundaries, where development should be directed to, would reuse a site that has

previously been the subject of development, in accordance with policy S1 and the guidance contained within the NPPF.

5.1.9 Policy H4 specifically addresses infill developments such as this and states that backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the following criteria are met:

- 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;*
- 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.*

5.1.10 Given the position of the site in between residential units, it is considered that the proposed use would be more effective and it would have an acceptable impact on the amenity and living conditions of the neighbouring properties. Considering also that the development would not result in loss of land which is of local social, economic, historic or environmental significance and the site is not of a landscape, heritage or ecologic value, the development would accord with the requirements of policy H4.

5.1.11 Although permission for the previously approved application for the erection of two bungalows was expired five months before the submission of this application, it is noted that attempts to discharge the previously imposed conditions were made during the period of the three years and also the development had commenced at the time of the site visit, albeit not lawfully. Given that the development is identical to that previously approved (with the exception of the provision of a paddock), on balance, it is reasonable, in this particular instance, for consideration to be given to the previous decision of the Council to approve two dwellings on site, which was made by the Members of the South Eastern Area Planning Committee. Furthermore, the Council considered the site to be sustainable at the time of the last application and the site on less sustainable at this time.

5.1.12 If not approved, it is considered that the site could be left vacant, in whatever condition (within reason) that the applicant sees fit. This could become an unsightly gap within the string of dwellings and as such, there would be an environmental benefit to development.

5.1.13 For the reasons stated above, in this particular instance, no objection is raised to the principle of the erection of two dwelling at the application site. Other material planning considerations are discussed below.

5.2 Housing need and Supply

5.2.1 The proposal would provide a pair of three bedroom dwellings. The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of smaller one and two bedroom units to create a better housing offer and

address the increasing need for smaller properties due to demographic and household formation change.

- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.3 The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. Therefore, the proposal which proposes to provide three bedroom dwellings would not contribute towards the identified need for smaller houses.
- 5.2.4 The Council has an up-to-date development plan which will generally deliver the housing required. As part of its Five Year Housing Land Supply Statement (August 2016), the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). The statement provided evidence that the Council is able to demonstrate a 6.04 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable. This is a substantial and fundamental change in comparison to the time when the previous application was considered. However, for the reasons stated in the above section of this report, it is considered unjustified to raise an objection to the principle of the proposed development.

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 should be sought 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 basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.3.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.3.4 The NPPF states that:

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

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

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

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

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

5.3.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.3.8 The proposed bungalows would each have a frontage onto the public realm and would therefore sit reasonably comfortably within the streetscene. In terms of their positioning, the dwellings would not have a prominent appearance, given that they would be sited almost in line with the established front building line, created by the neighbouring properties. Both dwellings to the east and west are chalet style dwellings, providing roof accommodation and thus, the proposed bungalows would not unacceptably break the continuity of the ridge line by detrimentally raising the roof height or resulting in a double storey appearance.

5.3.9 The proposed development would be of the same width, height and overall appearance with the neighbouring dwelling to the west (Reference Number: FUL/MAL/13/00350), except for the pitched roof dormers to the front and rear of the neighbouring property that are not hereby proposed. Although the nearby dwelling to

the east is a comparably larger dwelling than those currently proposed and that accommodated in the adjacent site to the west, the surrounding area features single storey dwellings, and it is therefore considered that the proposed development appears in keeping with the overall character and appearance of the streetscene and the wider area and it would not appear disproportionate within the wider context.

- 5.3.10 With regard to their design, the proposed dwellings would have an overall acceptable appearance. The front and rear projections would break down the mass of the buildings and the bay window features and canopies to the front would provide some architectural interest and articulation to the dwellings. The projections to the front would be set lower from the main gable roof which runs horizontally, mitigating the prominence of the projection. Sufficient level of fenestration is proposed to be provided to all elevations and the development does not result in unattractive blank walls. The proposed external finishing materials would match those of the neighbouring dwelling to the west and as such, they would appear in keeping with the surrounding area. Thus, no objection is raised with regard to proposed the finishing materials.
- 5.3.11 Overall, given the mixed character and design of properties within the surrounding area it is considered that the dwellings would not harmfully conflict with the prevailing character of the area.
- 5.3.12 The proposal would result in built form and domestic paraphernalia extending into the countryside. The visual impact of this would erode the character of the countryside contrary to policy S8. However, given the former use and the abovementioned comments about the benefits of the development, it is considered that the visual benefits outweigh the harm. Furthermore, this has not altered between this and the last application, where it was considered not to raise harm to such a degree as to warrant refusal.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policies D1 and H4 of the approved LDP seek 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 MDDGuide (2017).
- 5.4.2 The proposal is to convert a previously commercial yard to two residential dwellings. Given the nature of the former use of site, although the development would result in a level of activity from the future occupants of the dwelling, this would be likely to result in less activity and associated noise than the previous commercial use. Therefore, it would not result in a materially harmful impact on the residential amenity of the nearby neighbours, in terms of noise and disturbance and in some respect would represent an improvement.
- 5.4.3 The proposed dwellings would be sited 5.3m and 6.3m away from the shared boundaries to the west and east, respectively and further separation distance would be maintained to the neighbouring dwellings. Taking into consideration the limited height of the dwellings and the separation distance maintained to the side boundaries and adjacent properties, it is not considered that the proposed bungalows would result in unacceptable loss of light or domination. It is also noted that the deepest section of

the dwellings would be kept away from neighbouring sites, thus the development would not be have an undue sense of enclosure or appear obtrusive. With regard to windows, given that no first floor windows are proposed and high fence and vegetation separated the application site with the neighbouring sites, it is considered that the development would not result in overlooking or adversely affect the privacy of the neighbours.

- 5.4.4 No other properties are considered to be affected by the proposed development, given that sufficient separation distance would be maintained to the properties to the north (minimum of 23m) and considering that the site abuts the open countryside to the south.
- 5.4.5 The proposed dwellings would be orientated in a way that their interrelationship would be acceptable in terms of overshadowing or dominance. There are windows to habitable rooms fronting the shared boundary; however, a distance of approximately 3m would be retained to the boundary to provide sufficient light and outlook and a 1.8m high fence is proposed to be erected along the shared boundary to protect from direct overlooking. This will be secured by condition.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 Access to the site would be gained via an existing crossover onto the service road off of Steeple Road and it has been found to be acceptable by the Highway Authority
- 5.5.4 Each dwelling would be served by at least two off-street parking spaces, in accordance with the parking requirements as set out in the Vehicle Parking Standards SPD. It is therefore considered that the provision of parking can be found acceptable and would not lead to on-street parking that would detract from highway safety.
- 5.5.5 No details of cycle parking have been submitted. Such facilities can be accommodated within the proposed garages. However, in order to secure that sufficient cycle parking is provided for the future occupiers, a condition would be imposed for cycle parking details to be submitted and approved in writing by the local planning authority.

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 SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The proposed dwellings would be served by large amenity areas and sufficient soft landscaping has been shown to the front of the dwellings, in accordance with abovementioned policy and guidance.
- 5.6.3 With regard to fences and gates, a 1.8m high timber fence is proposed to be erected along the east and west boundaries as well as between plots 1 and 2. A one metre post and rail fence is proposed along the southern boundary with the countryside and a wrought iron fence and gate to the northern boundary. It is considered that the proposed boundary treatments are acceptable and would blend in with the character of the surrounding area. Further details with regard to hard and soft landscaping would be requested to be submitted and agreed in writing by the local planning authority.

5.7 Other matters

Drainage System

- 5.7.1 Details of a drainage scheme have been submitted for both foul and surface water. The Environmental Health Services have been consulted and found the details submitted acceptable. The installation of the proposed drainage system would be secured by the imposition of a condition.

Contamination

- 5.7.2 A contamination investigation report has been submitted stating that from the analysis results obtained, there are no contaminants remaining (asbestos fibres) that are likely to impact human health. The Environmental Health Team has been consulted and found the details submitted acceptable. Therefore, the development would be acceptable in terms of contamination and no further details are required to be submitted.

Lighting

- 5.7.3 An external lighting scheme has been submitted with the application, which appears to be modest and not materially harmful to the residential amenity of the neighbouring occupiers. Thus, no objection is raised in that respect.

6. ANY RELEVANT SITE HISTORY

- 6.1 **MAL/32/53** – Greenhouse for agricultural holding. Approved 24/03/53.
- 6.2 **MAL/254/55** – Agricultural building. Approved 21/02/56.
- 6.3 **MAL/50/66** – Greenhouses. Approved 22/02/66.

- 6.4 **FUL/MAL/90/00823** – Temporary planning permission limited for five years personal to A&B Contractors to use land for the parking of three lorries and temporary storage of surplus building materials and civil engineering materials with ancillary use of existing storage and workshop buildings. Refused 08/11/90.
- 6.5 **FUL/MAL/02/01269** – Retain use of buildings as workshops, offices and stores with ancillary external vehicle parking and storage of plant and materials in connection with landscape contractors business. Refused 12/05/03.
- 6.6 **FUL/MAL/03/00760** – Discontinue commercial uses, demolish all buildings and greenhouses; erecting two detached houses and associated garages and form vehicular access onto Steeple Road. Refused 09/12/2003.
- 6.7 **FUL/MAL/03/00738** – Change of use of buildings for class B1. Approved 09/12/2003.
- 6.8 **FUL/MAL/04/00264** – Retain use of buildings as workshops, offices and storage with ancillary external vehicle parking and storage of plant and materials. Withdrawn 29/06/2004.
- 6.9 **FUL/MAL/04/00696** - Retain use of buildings as workshops, offices and storage with ancillary external vehicle parking and storage of plant and materials in connection with landscape contractors. Refused 11/10/2004.
- 6.10 **FUL/MAL/05/00903** - Demolition of all existing buildings and structures, the cessation of commercial uses of the land and erection of three detached dwellings with garages. Refused 26/09/2005 and appeal dismissed 08/12/2006.
- 6.11 **FUL/MAL/08/00967** - Demolition of existing structures and replace existing residential unit with one detached three bedroom bungalow and landscaping. Refused 11/11/2008.
- 6.12 **FUL/MAL/08/01313** - Extension of time for consent 03/00738/FUL: Change of use of existing buildings for class B1 (business purposes). Retention of existing managers dwelling. Refused 19/02/2009.
- 6.13 **LDE/MAL/10/00307** - Claim for Lawful Development Certificate for existing use of residential dwelling. Refused 15/07/10 and appeal allowed 29/06/2011
- 6.14 **FUL/MAL/12/00877** - Continuation of B1 light industrial use for existing buildings A, B and C and replacement dwelling. Withdrawn 08/04/13
- 6.15 **FUL/MAL/12/00948** - . Temporary mobile home. Withdrawn 08/04/13
- 6.16 **FUL/MAL/13/00348** – Temporary Mobile home to provide accommodation. Pending consideration
- 6.17 **FUL/MAL/13/00350** – Replacement Dwelling. Approved 05.08.2013
- 6.18 **FUL/MAL/14/00360** – Construction of two bungalows. Approved 20.10.2014

- 6.19 **DET/MAL/15/05060** – Compliance with Conditions notification ref **FUL/MAL/13/00350** - Replacement Dwelling. Condition 5. External Surfaces. Condition 6. Landscapes Condition 7. Siting, height, design & materials of treatment of all boundaries. Condition 10. Sewage. Condition 11. Surface Water. Condition cleared 15.12.2015
- 6.20 **FUL/MAL/15/00914** - Temporary storage of 3 Mobile Caravans and 3 Heavy Goods Vehicles - limited to two years. Application withdrawn.
- 6.21 **FUL/MAL/15/01348** - Retention of 3 static caravans (2 of which are to be occupied as residential) and retention of temporary storage of 3 touring caravans and 2 heavy goods vehicles - limited to six months. Refused 08.02.2016.
- 6.22 **DET/MAL/16/05093** - Compliance with conditions notification FUL/MAL/14/00360 (Construction of two bungalows) Condition 5 - Samples. Condition 6 - Siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers. Condition 7 - Hard & soft landscaping. Deemed consent.
- 6.23 **DET/MAL/ 17/05114** - Compliance of conditions notification of approved application FUL/MAL/14/00360 (Construction of Two bungalows). Condition 8 - Site Clearance. Condition cleared 12.09.2017
- 6.24 **DET/MAL/17/05125** - Compliance of condition notification of approved application **FUL/MAL/14/00360** (Construction of two bungalows). Condition 9 - Contamination investigation and risk assessment. Condition 10 - Remediation scheme. Condition 11 - Remediation. Condition 13 - Surface water drainage scheme. Condition 14 - Foul drainage scheme. Condition 15 - Illumination details. Conditions part cleared/pat refused 07.11.2017
- 6.25 **FUL/MAL/ 17/01168** - Variation of conditions 9, 10, 11, 13, 14, 15 on approved planning permission **FUL/MAL/14/00360** (Construction of two bungalows). Application withdrawn.
- 6.26 **DET/MAL/ 17/05125** - Compliance of condition notification of approved application **FUL/MAL/14/00360** (Construction of two bungalows). Condition 9 - Contamination investigation and risk assessment. Condition 10 - Remediation scheme. Condition 11 - Remediation. Condition 13 - Surface water drainage scheme. Condition 14 - Foul drainage scheme. Condition 15 - Illumination details. Application pending consideration.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No comments received at the time of writing the report	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection subject to the imposition of conditions.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions to secure that the development is implemented in accordance with the submitted details for the drainage scheme.	Comment noted and conditions imposed.
Economic Development	Objection raised, due to the loss of future opportunities to create jobs on site.	Comment noted and addressed in section 5.1 of the report.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No representations were received for this application:

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: Location Plan, Proposed Block Plan (received 08.05.2018), Lighting Plan (received 08.05.2018), TMA/738/01A (received 08.05.2018), TMA/738/1 Rev C, TMA/738/05 (received 08.05.2018), Building B Elevations, Building C Elevations and Building B & C Floor Plans.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the dwellings hereby approved shall be constructed of the materials specified on Materials Document received 08.05.2018.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 Prior to the occupation of the development full details of hard landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. Full details of soft landscape works to be carried out shall

be submitted to and approved in writing by the Local Planning Authority, prior to the first planting season after first occupation of the dwellings. 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 ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

- 5 The Kingspan Klargester Biodiscs for the treatment of foul water and associated drainage scheme as detailed on Drawing Number TMA/738/1 rev B shall be installed and be fully operational prior to the first occupation of the dwellings and maintained in accordance with manufacturers instructions throughout the occupation of the dwellings.

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

- 6 The surface water drainage schemes as detailed on drawing number TMA/738/1 rev B shall be installed and be fully operational prior to the first occupation of the dwellings and maintained throughout the occupation of the dwellings.

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

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any act or order revoking and re-enacting that Order) the building hereby permitted shall not be extended in any manner whatsoever or have outbuildings of any type added without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

INFORMATIVES

- 1 The access route to Plot 1 from the connection to the highway should be at least 4.2m in width across the frontage of both Plots to enable convenient and efficient vehicular access.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

- 3 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

- 4 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.