



TOLLESBURY
PARISH
COUNCIL

Tollesbury Parish Council

Notice is hereby given that the Meeting of Tollesbury Parish Council will be held on Tuesday 21st September 2021, in The Centre commencing at 7.30 pm, to which members of the Council are summoned for the transaction of the under-mentioned business.

M. Curtis

Michelle Curtis – Clerk to the Council

14th September 2021

Councillors: S Plater (Chairman), T Lowther (Vice-Chairman), M Bell,
V Chambers, R Clare, S Hawes, J Rogers, A St Joseph

THE PRESS AND PUBLIC ARE CORDIALLY INVITED TO ATTEND

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted however the privacy of (i) persons who object to the same and (ii) children and vulnerable adults must be respected by anonymising the identities of such.

1. Apologies for Absence

To receive apologies for absence.

2. Declaration of Interest

Members are reminded that they are required to declare any Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests which they know they might have in items of business on the agenda. They are reminded that they will need to repeat their declarations at the appropriate point in the meeting and leave the room if required under the Code of Conduct. Unforeseen interests must be declared similarly at the appropriate time.

3. Public Forum

Members of the public will be given an opportunity to put forward their question(s) or statement to the Council. The Chairman will at his discretion then decide if he is able to answer the question(s) or proposes to put the item on the agenda for the next meeting.

4. County Councillor and District Councillors

To receive information from the County Councillor and District Councillors

5. Minutes

To receive and approve the minutes of the Parish Council Meeting held on 7th September 2021

6. Planning Applications and Decisions

6.1 Planning Applications

Applications are circulated to all Councillors with the agenda, for study ahead of the meeting. Planning documents are also available for everyone to view on Maldon District Council's website (www.maldon.gov.uk).

To consider planning applications received from Maldon District Council including the following:

Application No: FUL/MAL/21/00702 PP-09991099

Proposal: Create residential specialist neighbourhood for older people, consisting of 29 affordable dwellings and community hub building, with associated landscaping and infrastructure.

Location: Land North Of 48 Woodrolfe Road Tollesbury

Application No: HOUSE/MAL/21/00674

Proposal: First floor rear extension. Single storey rear extension.

Location: 3 Mallard Close Tollesbury

Application No: FUL/MAL/21/00785

Proposal: Single storey lean-to rear extension.

Location: Ashtec Automotive Unit 4 Woodrolfe Road Tollesbury

Application No: TCA/MAL/21/00868

Proposal: T1 Acacia - Reduce height by 3m or to same height as the fruit trees.

Location: 9 North Road Tollesbury

6.2 Planning Decisions

[FUL/MAL/21/00168 - Land Adjacent To 14 Darnet Road – Approved](#)

[FUL/MAL/21/00344 - The Sail Lofts Woodrolfe Road - Approved](#)

[HOUSE/MAL/21/00596 – 7 Hasler Road – Approved](#)

[FUL/MAL/21/00606 - Industrial Building At Woodrolfe Road – Approved](#)

[HOUSE/MAL/21/00642 - 1 Thurstable Road – Approved](#)

6.3 Planning Appeal Decisions

[Appeal Ref: APP/X1545/D/20/3264519](#)

Application No: HOUSE/MAL/20/00729

Location: 16 Darnet Road, Tollesbury

Decision: Appeal Dismissed

6.4 Tree Preservation Orders for information

To note TPOs made by Maldon District Council.

7. Administration

To receive information from the Clerk – update on current and ongoing matters.

8. Community Concerns

To receive information only or note future agenda items.

9. Dates of the Next Meetings

Tuesday 5th October 2021 – Full Council Meeting - 7.30 pm

Agenda items for consideration at the Full Council Meeting to be sent to the Clerk by Monday, 27th September 2021, at the latest.

Tuesday 19th October 2021 – Full Council Meeting – PLANNING ONLY – 7.30 pm

Tuesday 19th October 2021 – Woodup Pool Committee - Following the Full Council Meeting.

Agenda items for consideration at the Woodup Pool Committee Meeting to be sent to the Clerk by Monday, 11th October 2021, at the latest.

Clerk: Michelle Curtis

Address: 4 Valkyrie Close, Tollesbury, Essex CM9 8SL

Telephone: 01621 869039. **Email:** tollesburypc@btinternet.com

Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 13th August 2021



FUL/MAL/21/00168 Tollesbury East
New four bedroom dwelling
Land Adjacent To 14 Darnet Road Tollesbury Essex
(UPRN - 010094634627)
White

APPROVE subject to the following conditions:-

1 **CONDITION**

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 **CONDITION**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

105-PLA-001 rev.B location plan
105-PLA-002 site and roof plan
105-PLA-003 block plan
105-PLA-005 floor plans
105-PLA-006 elevations

REASON

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

3 **CONDITION**

No development above slab level shall take place until details of the external materials to be used 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 CONDITION

No development works above ground level shall occur until details of the surface water drainage scheme to serve the development have been submitted to and approved 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) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

In order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network, written confirmation from the statutory undertaker that the discharge will be accepted will be required.

REASON

In order to ensure that a satisfactory system of surface water drainage is provided, in accordance with Policy D5 of the approved Local Development Plan and the National Planning Policy Framework.

5 CONDITION

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

REASON

To ensure a satisfactory system of foul drainage is provided in accordance with Policies D2 and D5 of the approved Local Development Plan and the National Planning Policy Framework.

6 CONDITION

Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON

To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policies T1 and T2 of the approved Local Development Plan.

7 CONDITION

Prior to first occupation of the development, and as shown on drawing 105-PLA-003, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

REASON

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policies T1 and T2 of the approved Local Development Plan.

8 CONDITION

Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown on drawing 105-PLA-003, this includes a minimum of three off-street parking spaces. Furthermore, a fast charging point shall be provided adjacent to at least one parking space. The vehicle parking areas shall be retained in the agreed form at all times.

REASON

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy D1 of the approved Local Development Plan.

9 CONDITION

Prior to first occupation of the development, cycle parking shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The approved facility shall be secure, convenient, covered and retained at all times.

REASON

To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T2 of the approved Local Development Plan.

10 CONDITION

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 approved Local Development Plan.

11 CONDITION

Prior to occupation of the proposed development, the occupiers of the dwelling shall be provided with a Residential Travel Information Pack for sustainable transport. Details of the Pack shall have been submitted to and approved in writing by the local planning authority and shall include six one day travel vouchers for use with the relevant local public transport operator.

REASON

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

12 CONDITION

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (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 beyond the rear elevation of the approved dwelling without planning permission having been obtained from the Local Planning Authority.

REASON

To protect the character and appearance of the rural area, in accordance with Policies S1, S8, D1 and H4 of the approved Local Development Plan and the National Planning Policy Framework.

13 CONDITION

No works or development shall take place above slab level until full details of the provision and subsequent retention of soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers densities.
- b) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and or other support.
- c) Details of the aftercare and maintenance programme.
- d) Boundary treatments.

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 agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, 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 of the site in the interests of visual amenity and the character of the area in accordance with Policies D1 and H4 of the approved Local Development Plan and the National Planning Policy Framework.

14 CONDITION

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Christian Whiting, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON

To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies S1, D1 and N2 of the approved Local Development Plan and the National Planning Policy Framework.

15 CONDITION

No development above slab level shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies S1, D1 and N2 of the approved Local Development Plan and the National Planning Policy Framework

16 CONDITION

The raised terrace proposed shall not be used until privacy screens at least 1.8m in height have been provided along the whole of the sides (northern and southern) of the terrace. The privacy screens shall be retained in situ in perpetuity.

REASON

In the interests of the privacy of the occupiers of neighbouring residential properties, in accordance with Policy D1 of the approved Local Development Plan and the National Planning Policy Framework.

17 CONDITION

Prior to the first occupation of the building hereby permitted, the windows proposed to be obscure glazed shall be glazed with opaque glass and 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

In the interests of the privacy of the occupiers of neighbouring residential properties, in accordance with Policy D1 of the approved Local Development Plan and the National Planning Policy Framework.

INFORMATIVES

1. Land Contamination - should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
2. Construction - the applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974. Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is a requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

3. Small Sewage Treatment Plants - when a sewage treatment plant or septic tank is installed the applicant must ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see www.gov.uk for more information on General binding rules for small sewage discharges.
4. Timing of submission of details - it is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects, it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.
5. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.
6. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Kathryn Mathews
Dated : 09/08/2021



Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 13th August 2021

FUL/MAL/21/00344 Tollesbury East

Creation of office space within existing roof space with new internal staircase at first floor (Sail Loft A). Creation of new office space in roof space and replacement stairs to rear (Sail Loft B) and Replacement of external fire escape stair (Sail Loft C and D).

The Sail Lofts Woodrolfe Road Tollesbury Essex
 (UPRN - 100091455406)

Mr Andrew Eastham - Fellowship Afloat Charitable Trust

APPROVE subject to the following conditions:-

1 **CONDITION**

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 **CONDITION**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- o 1417/01 received 24th May 2021
- o 1402/03 rev.A
- o 1417/04 rev.A
- o 1417/03
- o Flood Risk Assessment
- o Design and Heritage Statement rev.B

REASON

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

3 **CONDITION**

The proposed office space hereby approved shall only be used for purposes falling within use Class E (g) of the Schedule to the Town & Country Planning Use Classes Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

REASON

To protect and ensure the appropriate employment use of the site in accordance with Policy E1 of the approved Maldon District Local Development Plan and guidance contained within the Vehicle Parking Standards SPD and the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Amit Patel
Dated : 12/08/2021

Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 03 September 2021



HOUSE/MAL/21/00596 Tollesbury East

Proposed two storey side extension.
7 Hasler Road Tollesbury Essex CM9 8XA
(UPRN - 100090559901)
Mr J McCaulay

APPROVE subject to the following conditions:-

1 **CONDITION**

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 **CONDITION**

The development hereby permitted shall be carried out in accordance with the following approved plans: MD2102.04, MD2102.02, MD2102.05, MD2102.06, MD2102.07, MD2102.08 and MD2102.09.

REASON

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

3 **CONDITION**

The external surfaces of the extension shall be constructed of the materials specified within the application form.

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 **CONDITION**

Prior to the first occupation of the extension hereby permitted, the first floor window in the northern elevation shall be glazed with opaque glass and 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 the amenity of the neighbouring occupiers in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Hannah Bowles
Dated : 02/09/2021

Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 20 August 2021



FUL/MAL/21/00606 Tollesbury East
Proposed industrial building
Industrial Building At Woodrolfe Road Tollesbury Essex
(UPRN - 010094634883)
Mr G Frost - Gamart Fabrications Ltd

APPROVE subject to the following conditions:-

1 **CONDITION**

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 **CONDITION**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1940/21/01 Rev B, Planning Statement and Flood Risk Assessment.

REASON

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

3 **CONDITION**

The materials to be used in the construction of the external surfaces of the building hereby permitted shall be as detailed within the application documents.

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 **CONDITION**

The use hereby permitted shall only be undertaken between 07:00 hours and 17:00 hours on Mondays to Fridays and not at any time on Saturdays, Sundays and Public Holidays.

REASON

To protect the amenities of nearby residential properties and the surrounding area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

5 CONDITION

The building hereby approved shall be used for a use falling within a E(g), B2 or a B8 use class as set out in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON

To protect the established uses of the site and wider designated employment area, in accordance with policy E1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

6 CONDITION

Prior to the first use of the building hereby approved, details of the car parking layout shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be in accordance with the adopted Vehicle Parking Standard and shall be made available prior to the first use of the building and retained for such purposes in perpetuity.

REASON

To ensure adequate off-street parking provision is retained at the site in accordance with policies D1 and T2 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

7 CONDITION

Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON

To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policies D1 and T2 of

the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

8 CONDITION

No development above ground level shall occur until the applicant has submitted, in writing a construction management plan to the local planning authority for approval. Within the construction management plan, it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

REASON

To protect the amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan.

9 CONDITION

No development works above ground level shall occur until 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) 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 prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

10 CONDITION

No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

REASON

To protect the amenities of nearby residential properties and the surrounding area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

11 CONDITION

The development shall be carried out in complete accordance with the with the Flood Risk Assessment prepared by Evans Rivers and Coastal dated June 2021 and retained as such thereafter.

REASON

To ensure that an appropriate level of protection is provided in accordance with policy D5 of the Local Plan Development Plan.

12 CONDITION

The applicant/occupier is required to have in place a flood warning, evacuation and response plan to respond to any flood warnings issued by the Environment Agency. Details of the flood plan shall be submitted to and agreed in writing by the local planning authority, prior to first use/occupation of the development hereby permitted.

REASON

To ensure that an appropriate flood evacuation plan is in place as the site is located within Flood Zone 3 in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

INFORMATIVE

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.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been

received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Hannah Bowles

Dated : 16/08/2021

Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 27 August 2021



HOUSE/MAL/21/00642 Tollesbury East

Two storey side extension
1 Thurstable Road Tollesbury Essex CM9 8SF
(UPRN - 100090564920)
Mr & Mrs Baker

APPROVE subject to the following conditions:-

1 **CONDITION**

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 **CONDITION**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: TB/01, TB/02a, TB/03, TB/04a, TB/05, TB/06 & TB/07

REASON

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

3 **CONDITION**

The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.

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 CONDITION

The extension hereby permitted shall not be occupied until the parking area proposed has been provided in accordance with the approved drawings/details and retained as such in perpetuity.

REASON

To ensure that adequate provision for off-street parking is made in the interests of the convenience of users of the highway and highway safety, in accordance with Policy D1 of the approved Local Development Plan.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Hayley Sadler
Dated : 26/08/2021



The Planning Inspectorate

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Your Ref: HOUSE/MAL/20/00729
Our Ref: APP/X1545/D/20/3264519

06 September 2021

Dear Sir / Madam,

Town and Country Planning Act 1990
Appeal by Mr Matthew Baker
Site Address: 16 Darnet Road, Tollesbury, MALDON, CM9 8XG

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Ian Aston

Ian Aston

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Site visit made on 10 August 2021

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal Ref: APP/X1545/D/20/3264519

16 Darnet Road, Tollesbury, Maldon CM9 8XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Baker against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/20/00729, dated 19 July 2020, was refused by notice dated 30 September 2020.
 - The proposed development is for single storey extension to the rear with extended balcony/terrace at first floor.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a modern two storey gabled house with rooms in the roof within a residential street a short distance from the centre of the village of Tollesbury. The row of four dwellings was approved around 2012¹ and consists of ground and first floor living accommodation with two other bedrooms and en suite located on the second floor. The first floor accommodation already comprises of a Juliet balcony to the first floor living room and small terrace accessed from bedroom two. To the second floor a large, floor to ceiling glazed gable gives expansive views out to the rear of the property towards the countryside and the surrounding tidal marshes and nearby marina.
4. The four properties are constructed along the same building line to the front and rear and as such all the houses abide by very nearly the same alignment. To the rear relatively extensive gardens reveal an open aspect. Two of the neighbours have a first floor steel balcony that is open beneath and protrudes beyond the rear building line with clear glazed balustrades to their front and side elevations, presumably to maximise the visibility of this aspect.

¹ Planning reference number 12/00647/FUL for 1no five bed and 3no. four bed dwellings, two storey, pitched roof with accommodation in roof space.

5. The proposal before me intends to create a similar balcony or terrace over a single storey rear extension with the exception that it would run nearly the full width of the existing house. The proposed terrace would give direct access from the rear first floor living room and bedroom.
6. The proposal would extend by slightly over 3 metres from the rear of the property and glass balustrades would form a safety rail around its perimeter. The terrace would also have direct access from the garden through steps that would be located adjacent to number 14 Darnet Road and the balustrade to these steps would be clad in timber cladding.
7. In assessing this appeal I firstly recognise the orientation of this row of houses who's rear elevations face in a north easterly direction. Secondly I notice the distance between the proposed extension and the side wall of the neighbouring properties that is around 2.4m on the south side, adjacent number 14, and around 2.1m to the north side, adjacent number 18.
8. Although I don't consider the single storey extension in itself to have an impact upon the living conditions of neighbours, the proximity of the proposed balcony to the northern boundary would, I consider, result in a significant loss of amenity for the adjoining residents at number 18 through the potential for direct overlooking.
9. Although I recognise that adjoining neighbours have a similar, albeit less extensive, balcony to the rear of their properties, I consider that the main difference in this case is due to the proximity of this balcony to the boundary together with the extent to which it protrudes from the rear of the appeal property.
10. I consider therefore that harm would occur through the ability of people using the balcony to be able to look directly into the adjoining gardens to a greater degree to what they can now through the existing windows of the property. Moreover, I consider that it would be possible for a degree of overlooking to occur directly into the rear rooms of 18 Darnet Road due to the 3 metre protrusion of the terrace from the rear of the property.
11. In assessing the condition suggested by the Council for screening to this balcony and those changes suggested in the Appellant's revised plans, I do consider that increasing the effective height of the balustrade up to 1.8 metres would result in relieving this issue of overlooking. However, in doing so the proposed extension would extend upwards to something like a two storey rear extension and I consider that the resultant scale, dominance and associated overshadowing of such a structure would have the effect of further harming the living conditions of neighbours at number 18.
12. Whilst I consider that a single storey extension, and associated terrace could in principle be designed so as to relieve this impact upon neighbours, the case before me, due primarily both to the proximity of the proposed extension to the northern boundary and its potential height following screening solutions, would result in harm to the living conditions of neighbours to a sufficient degree to dismiss this appeal.

13. In light of this I consider that the proposal is contrary to Policy D1 of the Maldon District Local Development Plan as well as the aspirations for sustainable development within the National Planning Policy Framework.

Conclusion

14. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR