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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

23 December 2016

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 9 JANUARY 2017 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fiona Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor H M Bass

VICE-CHAIRMAN

Councillor Mrs M E Thompson

COUNCILLORS

J P F Archer
E L Bamford
M F L Durham
J V Keyes
A K M St. Joseph
D M Sismey
Miss S White

Ex-officio non-voting Members: Councillor Mrs P A Channer, CC

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 9 JANUARY 2017

1. Chairman's notices (please see page 5)
2. Apologies for Absence
3. **Minutes of the last meeting** (Pages 9 - 22)

To confirm the Minutes of the meeting of the Committee held on 28 November 2016 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Members' Briefing**

To receive an Officer led presentation.

6. **FUL/MAL/16/00959 - Stables At Bridlemere Place, Fambridge Road, North Fambridge** (Pages 23 - 32)

To consider the planning application and recommendations of Chief Executive (copy enclosed, Members' Update to be circulated)*.

7. **FUL/MAL/16/01061 - Purleigh Grange, Chelmsford Road, Purleigh** (Pages 33 - 42)

To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)*.

8. **FUL/MAL/16/01102 - Barn, Tudwick Farm, Tudwick Road, Tolleshunt D'Arcy** (Pages 43 - 54)

To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)*.

9. **RES/MAL/16/01130 - Land North West of 34 to 46 Maldon Road, Goldhanger**
(Pages 55 - 66)

To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)*.

10. **HOUSE/MAL/16/01148 - Grove Wood, Mope Lane, Wickham Bishops** (Pages 67 - 74)

To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)*.

11. **HOUSE/MAL/16/01162 - Bridlemere Place, Fambridge Road, North Fambridge**
(Pages 75 - 82)

To consider the planning application and recommendations of the Chief Executive (copy enclosed, Members' Update to be circulated)*.

12. **Other Area Planning and Related Matters** (Pages 83 - 86)

To consider the report of the Chief Executive on the following matters:

- (i) Appeals Lodged
- (ii) Appeal Decisions

13. Any other items of business that the Chairman of the Committee decides are urgent

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 6 – 11.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) and Technical Guidance
 - Planning Practice Guidance (PPG)
 - Planning policy for traveler sites
 - Planning practice guidance for renewable and low carbon energy
 - Relevant government circulars
- ii) Essex County Council
 - Essex Design Guide 1997
- iii) Maldon District Council
 - Submission Local Development Plan (April 2014) (as amended)
 - Five Year Housing Land Supply Statement 2014/15
 - Planning Policy Advice Note v.4 (October 2015)
 - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
 - Infrastructure Phasing Plan (January 2015)
 - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014

- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- Accessibility to Buildings SPD – December 2006
- Children’s Play Spaces SPD – March 2006
- Sadd’s Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
28 NOVEMBER 2016**

PRESENT

Chairman	Councillor H M Bass
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	J P F Archer, E L Bamford, M F L Durham, A K M St. Joseph, D M Sismey, Miss S White and Mrs P A Channer, CC
Ex-Officio Non- Voting Member	Councillor Mrs P A Channer, CC

735. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

736. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor J V Keyes and the Chairman advised that Councillor D M Sismey would be arriving approximately 10 minutes late.

737. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 31 October 2016 be approved and confirmed.

738. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was a Member of Essex County Council who was consulted on highways, footpaths and other matters.

739. MEMBERS' BRIEFING

The Group Manager for Planning Services gave a presentation to the Committee on Material Considerations and highlighted that Material Considerations must:

- relate to Planning;
- must fairly and reasonably relate to the application;
- where considerations pull in different directions, then the relative weight of considerations must be balanced.

The Group Manager for Planning Services also highlighted to Members matters that are generally accepted to be material considerations and identified those matters that are not material considerations.

Members were advised of the importance of the planning history of a site being one of the most important material considerations.

In response to a request, the Group Manager for Planning Services confirmed that the presentation would be circulated to Members.

Councillor D M Sismey arrived at this point in the meeting.

The Committee received the following reports of the Director of Planning and Regulatory Services and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

740. FUL/MAL/16/00782 - THE BARN, MOPE LANE, WICKHAM BISHOPS

Application Number	FUL/MAL/16/00782
Location	The Barn Mope Lane Wickham Bishops Essex
Proposal	Removal of Conditions 2 & 3 on approved application FUL/MAL/11/00531 allowed on appeal APP/X1545/A/11/2160940 (Change of use of existing rural building from stables to self-contained holiday accommodation)
Applicant	Mr K Walter
Agent	Mr Russell Forde - Smart Planning Ltd
Target Decision Date	7 October 2016
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In Previous Committee Decision Major Application

Following the Officer's presentation of the report, Russell Forde, the Agent, addressed the Committee.

Members debated this application at length. Concern was raised regarding the conversion of the stables to holiday accommodation, which was granted on appeal. Members were of the opinion that the applicant had never intended to build stables due to the original design of the building which was unsuitable for stables. Furthermore, the property had never been used for holiday accommodation and had not been marketed as such. Members were concerned that if this application was granted, a precedent would be set for similar applications and other holiday accommodation could be lost. This would be detrimental to the District, as tourism was important in this area.

The Group Manager for Planning Services advised Members that as part of the appeal there was some weight given to the tourism aspect as a reason for granting permission. He also advised that, on balance, the scheme before the Committee was an acceptable scheme, but that Members must draw their own conclusions. Furthermore, it was difficult to advise how much weight would be given to tourism and that Members must give the weight they saw fit to material considerations.

In response to a question, the Group Manager for Planning Services advised Members that the planning conditions had not been breached as no-one had been at the property for more than 28 days and the register had been checked. However, Members pointed out that the property had only been occupied by friends, relatives and the applicant, rather than tourists.

Councillor Miss S White proposed refusal of this application as there had been no effort made to market it as holiday accommodation. This proposal was duly seconded.

Members discussed the reasons for refusal and were concerned that a property for which there was no requirement in the District would be permitted at the expense of a potentially valuable tourist asset that there was a need for. Members were of the opinion that the applicant's intention was to build a property for residential accommodation.

There followed a vote to refuse this application contrary to Officers' recommendation and this was duly carried.

RESOLVED that this application be **REFUSED** for the following reasons:

1. The proposed removal of conditions would result in the loss of tourist accommodation in the District, with a lack of supporting justification to demonstrate why there is no longer a need, contrary to policies REC20 of the Maldon District Replacement Local Plan, E5 of the submitted Local Plan and the National Planning Policy Framework.
2. The removal of conditions would result in an independent dwelling, the site lies within an area where rural planning policies of restraint apply, as set out in policy S2 of the Maldon District Replacement Local Plan. The development of this site for housing remote from community services and essential support facilities and inaccessible by a range of transport would represent an unsustainable form of development and would therefore be contrary to policies S2, CC19 and H1 of the adopted Maldon District Replacement Local Plan, policies S1 and S8 of the submitted Local Plan and the National Planning Policy Framework.

741. HOUSE/MAL/16/00854 - 10 BUCKLEYS CLOSE, WICKHAM BISHOPS

Application Number	HOUSE/MAL/16/00854
Location	10 Buckleys Close Wickham Bishops Essex CM8 3PA
Proposal	Proposed side and rear extension
Applicant	Mr R Holt
Agent	DMH Architectural
Target Decision Date	28 October 2016
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Mrs A Keatley-Clarke, an Objector, of 8 Buckleys Close, Wickham Bishops and Mr R Holt, the Applicant, both addressed the Committee.

Members debated this application and discussed the potential loss of light to the neighbouring property that the side and rear extension may cause. Although loss of light was a material consideration, Members were advised that any loss to the neighbouring property was not significant enough to justify refusal of this application.

Councillor M F L Durham, a Ward Member, proposed approval of this application. This was duly seconded and upon a vote, the motion was carried.

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

742. **FULMAL1600883 - THE CARAVAN, CHURCH ROAD, NORTH FAMBRIDGE**

Application Number	FUL/MAL/16/00883
Location	The Caravan Church Road North Fambridge Essex
Proposal	Erection of a single detached chalet style dwelling with detached garage
Applicant	Mr Steve Wheelhouse - Moody Group
Agent	Mr Mark Morgan - Petro Designs Limited
Target Decision Date	19 September 2016
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Parish Trigger Departure from the Local Plan 2005

Members raised concerns regarding drainage as there were existing problems with flooding in North Fambridge. However, the Chairman pointed out that this application had been reduced from two dwellings to only one. Furthermore, the Group Manager for Planning Services advised Members that planning permission had previously been granted on this site, although it had expired.

Councillor J P F Archer, a Ward Member, proposed refusal of this application contrary to Officers' recommendation and suggested reasons for refusal to be due to surface water and drainage problems. This was duly seconded and, upon a vote, the motion failed.

The Chairman then put the Officers' recommendation to approve this application.

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until samples of all materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 4 The hedges and trees along the southern and western site boundaries, adjacent to Church Road, shall not be removed, cut back in any way, or damaged unless or otherwise first agreed in writing with the Local Planning Authority. No development shall commence until fencing / ground protection to protect the hedge to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the Local Planning Authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. The protective fencing shall be maintained until all equipment, machinery and

surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the Local Planning Authority. If within five years from the completion of the development the hedge, or part of it, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

- 5 The hard and soft landscape works to be carried out, shall be carried out in accordance with the details on Drawing No. 0955/12 Dated July 2016 and submitted on 25 July 2016 prior to the beneficial occupation of the development.
- 6 No development shall commence until details of the surface water drainage scheme to serve the development have 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.
- 7 Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with Drawing No. 0955/12 Dated July 2016 and submitted on 25 July 2016 and retained as such thereafter. The development shall be carried out in accordance with the details / samples as agreed.
- 8 No unbound materials shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.

743. FUL/MAL/16/00924 - RED ROOF, 25 STRAWBERRY LANE, TIPTREE

Application Number	FUL/MAL/16/00924
Location	Red Roof 25 Strawberry Lane Tiptree Essex
Proposal	Construction of hay store/tractor shed/workshop and manege for the domestic keeping of horses.
Applicant	Mr & Mrs Everitt
Agent	Mr Chris Tivey - Chris Tivey Associates
Target Decision Date	27/10/16
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Not Delegated to Officers

RESOLVED that this application be **APPROVED** subject to the Applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed below:

- The applicant undertakes not to implement any other extant planning permission for the same development on the site.

AND the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications unless otherwise agreed in writing by the Local Planning Authority.
- 3 No floodlighting or other external form of illumination of the site shall be undertaken.
- 4 The development hereby permitted shall only be used for those purposes ancillary and incidental to the use of the land to which it relates and not for any commercial or business purpose or for any overnight sleeping purposes.
- 5 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

744. FUL/MAL/16/01016 - GREAT TOTHAM HALL, HALL ROAD, GREAT TOTHAM

Application Number	FUL/MAL/16/01016
Location	Great Totham Hall Hall Road Great Totham Essex
Proposal	Stable block and manege for domestic purposes
Applicant	Mr & Mrs N Snelling
Agent	Mrs C Legg - Smart Planning Ltd
Target Decision Date	14 December 2016
Case Officer	Julia Sargeant, TEL: 01621 875851
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Major Application Parish Trigger

Following the Officer's presentation of the report, Caroline Legg, the Agent, addressed the Committee.

Members discussed this application and, although they were in favour of approval in accordance with the Officers' recommendation, the following matters were raised:

- In response to a question about commercial activity, Members were advised that the sale of less than five horses per year would not constitute being a horse dealer;
- The visibility of the stables from the road would be mitigated by adequate landscaping conditions.

There was some concern that the proposed site for the stables was some distance from the main dwelling house, but there did not appear to be any other suitable place for them to be situated.

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The stables and manege hereby permitted shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.
- 4 No development shall commence until samples of the roof and ridge coverings to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 5 The roof to the stable building shall not incorporate any rooflights or strips of transparent material unless otherwise agreed in writing by the Local Planning Authority.
- 6 The stable building hereby approved shall be clad in featheredged timber weatherboarding painted black. All window frames and doors shall also be painted black unless otherwise agreed in writing by the Local Planning Authority.
- 7 Prior to the commencement of the development details of the surface water and foul 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 use of the development and retained in perpetuity.
- 8 No 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.
- 9 No floodlighting or other external form of illumination of the site shall be undertaken without the express consent of the Local Planning Authority. The external illumination shall be maintained and retained in accordance with the approved details thereafter.
- 10 The stables hereby permitted shall not be used unless and until details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes have been submitted to and approved in writing by the Local Planning Authority. All such wastes shall be stored and disposed of in accordance with the scheme as approved.

- 11 There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are referenced and form part of this permission.

745. OUT/MAL/16/01034 - LAND ADJACENT 18 TOTHAM HILL GREEN, GREAT TOTHAM

Application Number	OUT/MAL/16/01034
Location	Land Adjacent 18 Totham Hill Green Great Totham Essex
Proposal	Erect detached bungalow with integral garage, and lay out parking and amenity areas.
Applicant	Mr & Mrs L And R De Belligny
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	9 November 2016
Case Officer	Emily Hall, TEL: 01621 875744
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In

It was noted from the Members' Update that this Application was **WITHDRAWN** by the Agent.

746. FUL/MAL/16/01088 - LAND ADJACENT ORCHARD COTTAGE, HATFIELD ROAD, LANGFORD

Application Number	FUL/MAL/16/01088
Location	Land Adjacent Orchard Cottage, Hatfield Road, Langford
Proposal	Proposed outbuilding for storage of historic motor vehicles including change of use to class B8
Applicant	Mr Lester Magness
Agent	Mr Tony James - Anthony. G. James RIBA
Target Decision Date	19 January 2017
Case Officer	Rebecca Greasley
Parish	LANGFORD
Reason for Referral to the Committee / Council	Member Call In Major Application

Following the Officers' presentation of the report, Mr L Magness, the Applicant, addressed the Committee.

In response to a question, The Group Manager for Planning Services advised Members that legislation had recently changed and the Environment Agency must now look at coastal change. He advised Members to be mindful of the Environment Agency's comments and take them in to consideration.

The Group Manager for Planning Services further advised Members that if they were minded to refuse this application, then they could delegate the decision to the Chief Executive, in Consultation with the Chairman of this Committee, to await the Environment Agency's response to the Applicant's response to their comments.

Members were concerned that this application had been submitted with a change of use to class B8. They were of the opinion that this was not necessary if the outbuilding would be used for his private use. If the application was granted with a change of use to class B8, then commercial use would be permitted for the current occupier and any future occupiers of the site. If the application was resubmitted without the change of use to class B8, then Members would be minded to approve it based on the information before them.

RESOLVED that this application be **REFUSED** and delegated to the Chief Executive, in consultation with the Chairman of this Committee, to await the Environment Agency's response to the revised Flood Risk Assessment. Members raised concerns in relation to the B8 use of the site, this is to be reflected in the revised first reason for refusal.

747. OTHER AREA PLANNING AND RELATED MATTERS

(i) Appeals Lodged:

It was noted from the Agenda and Members' Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 28/10/2016

Application Number: OUT/MAL/16/00048 (APP/X1545/W/16/3155011)

Site: Land Between Heath House And Little Braxted House Braxted Road Little Braxted

Proposal: Outline application for a single dwelling

Appeal by: Mr M Harvey

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 28/10/2016

Application Number: COUPA/MAL/16/00593 (APP/X1545/W/16/3157810)

Site: Honeywood Farm Honeypot Lane Purleigh

Proposal: Prior approval of proposed change of use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development

Appeal by: Mr A Brown

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 01/11/2016

Enforcement Notice Reference Number: ENF/15/00094/01

Appeal Reference Number: APP/X1545/C/16/3158563

Site: Old Pond Wood Within Chantry Wood Witham Road Wickham Bishops

Alleged Breach of Planning Control: Without planning permission the unauthorised operational development to extend an existing building, its approximate location marked with an "X" on the attached plan (Annex 2), install a flue on the building and lay concrete blocks to the front and around the building.

Appeal by: Mr Eamonn Fitzgerald

Grounds of Appeal: That, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice

Appeal procedure requested: Public Inquiry

Appeal Start Date: 9 November 2016

Application Number: FUL/MAL/16/00440 (APP/X1545/W/16/3159546)

Site: Land Rear Of Krallis Tan, Sheepcoates Lane, Great Totham

Proposal: Construction of an agricultural storage building to serve farm holding utilising existing farm access to Sheepcoates Lane

Appeal by: Mr J Purdy

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 10/11/2016

Application Number: OUT/MAL/15/01319 (APP/X1545/W/16/3158808)

Site: Glen Loy Latchingdon Road Cold Norton

Proposal: Outline planning application for twelve dwellings, including four affordable units with all matters reserved for subsequent approval with the exception of vehicular access

Appeal by: Mr Ted Law

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 08/11/2016

Application Number: FUL/MAL/15/01200 (APP/X1545/W/16/3154913)

Site: The Old Dairy - Broad Street Green Road - Great Totham

Proposal: Replace existing B1 industrial building with proposed children's day nursery and one dwelling

Appeal by: J A P Contracts – The Old Dairy – Broad Street Green Road – Great Totham

Appeal against: Refusal

Appeal procedure requested: Informal Hearing

Appeal Start Date: 11/11/2016

Application Number: FUL/MAL/16/00819 (APP/X1545/W/16/3160262)

Site: Land Rear Of 60 Maldon Road - Goldhanger

Proposal: Change of use of land and proposed development of four, 5 bedroom detached dwellings, with detached/attached garages, together with access drive from new adjoining development.

Appeal by: Mr Clive Stevenson-Roberts

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 16/11/2015
Application Number: FUL/MAL/16/00353 (APP/X1545/W/16/3159655)
Site: Great Canney Cottage, Hackmans Lane, Purleigh, Essex
Proposal: Demolition of existing dwelling and erection of a replacement dwelling with associated triple garage
Appeal by: Mr G Stripe
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 18/11/2016
Application Number: FUL/MAL/16/00743 (APP/X1545/W/16/3162966)
Site: Land North Of Poplar Grove Chase, Great Totham, Essex
Proposal: One dwelling
Appeal by: Mr A Lawson
Appeal against: Refusal
Appeal procedure requested: Informal Hearing

(ii) Appeal Decisions:

It was noted from the agenda and Members' Update that the following appeal decisions had been received from the Planning Inspectorate.

OUT/MAL/15/01214 (Appeal Ref: APP/X1545/W/16/3152889)
Proposal: 4no. four bedroom detached houses with detached garage and access drive
Address: Land Adjacent Shrub Hill Farm - Maldon Road - Tiptree
APPEAL DISMISSED – 15 November 2016
DECISION LEVEL: Delegated

ENF/14/00144/CU (Appeal Ref: APP/X1545/C/15/3136823)
Alleged Breach of Planning Controls: Without planning permission the change of use of a building to residential use.
Address: Gardeners Farm - Maldon Road - Goldhanger
THE APPELLANT'S APPLICATION FOR COSTS AGAINST THE COUNCIL SUCCEEDS TO THE EXTENT THAT A PARTIAL AWARD OF COSTS IS BEING MADE. THE COUNCIL'S APPLICATION FOR COSTS AGAINST THE APPELLANT FAILS AND NO AWARD OF COSTS IS BEING MADE.
21 November 2016

FUL/MAL/16/00202 (Appeal Ref: APP/X1545/W/16/3151358)
Proposal: Siting of mobile home as agricultural workers dwelling for temporary period of 3 years
Address: Land At Corner Of Fambridge Road And St Stephens Road - Cold Norton
APPEAL ALLOWED – 23 November
APPELLANTS COST APPLICATION AGAINST COUNCIL – REFUSED
COUNCILS COST APPLICATION AGAINST APPELLANT - REFUSED
DECISION LEVEL: Not Determined

748. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

Councillors J P F Archer and Miss S White left the meeting at this point and did not return.

749. ENFORCEMENT UPDATE

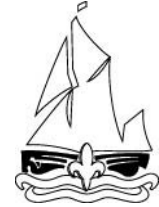
The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Various cases were discussed in detail and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

There being no further items of business the Chairman closed the meeting at 10.01 pm.

H M BASS
CHAIRMAN

- (a)
- (b)

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**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

Application Number	FUL/MAL/16/00959
Location	Stables At Bridlemere Place Fambridge Road North Fambridge Essex
Proposal	Retrospective - Erection of stable buildings
Applicant	Mr & Mrs Brown
Agent	Mr Robert Parish - RSP Design
Target Decision Date	15 February 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Parish Trigger Major Application

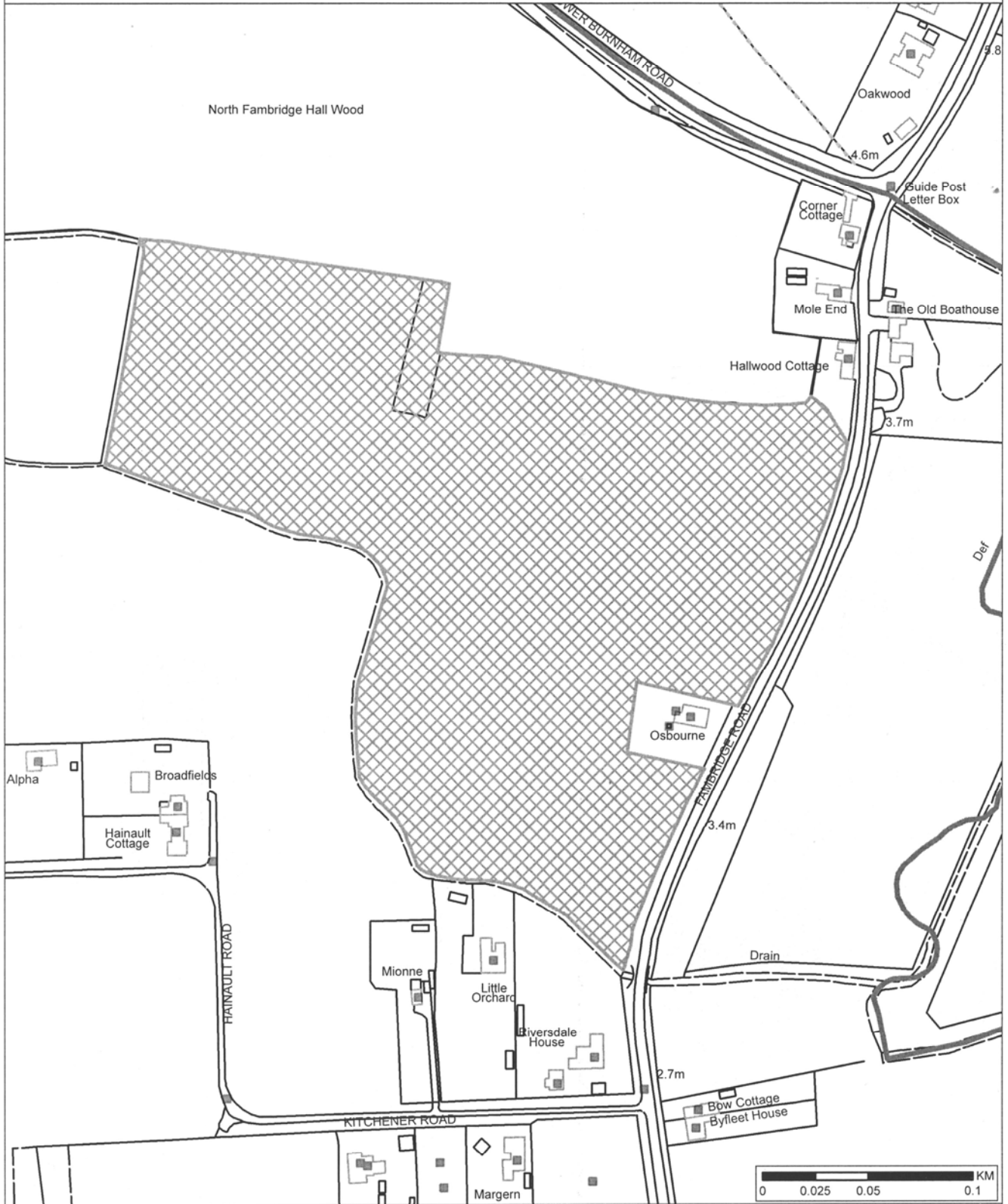
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Stables At Bridlemere Place - Fambridge Road - North Fambridge
FUL/MAL/16/00959



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments: NW Committee

Date: 22/12/2016

MSA Number: 100018588



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The site lies to the western side of Fambridge Road and is a plot of open land set adjacent to the highway. It is currently occupied by two single-storey stable buildings which are the subject of this application. The site lies within a rural area outside of the development boundary of North Fambridge and within the designated Coastal Zone and Special Landscape Area. The site also lies within a Flood Zone 3.

3.1.2 To the east of the stable buildings, outside the site but under the same ownership is Bridlemere Place, a two-storey dwellinghouse. The vehicle access is to the east via Bridlemere Place. There are two more access points to site, one to the north of Bridlemere Place and one to the south via an unnamed rural road which runs along the southern and western boundary of the site. The site is bounded by an existing hedgerow. The site is surrounded by open agricultural fields with the exception of sporadic residential development to the north and south adjacent to Fambridge Road.

3.1.3 Planning permission is sought for two single-storey buildings to be used as stables. The buildings have already been erected and as such the application is retrospective in nature. The buildings are of identical design. They measure 3.6m deep by 7.4m wide and have a dual-pitched roof with a ridge height of 3m. The buildings are located more than 100m away from the northern, southern and western boundaries of the site and 6.3m away from the rear boundary of Bridlemere Place, the associated residential property.

3.2 Conclusion

3.2.1 The stable buildings by nature of their siting, scale and appearance are considered to be acceptable and compliant with the Maldon District Replacement Local Plan, the submission Local Development Plan and the National Planning Policy Framework, subject to conditions.

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:

- 14 - Presumption in favour of sustainable development
- 17 - Core Planning Principles
- 56-68 - Requiring good design
- 93-108 - Meeting the challenge of climate change, flooding and coastal change
- 109-125 - Conserving and enhancing the natural environment

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development Outside Development Boundaries
- CON5 - Pollution Prevention
- BE1 - Design of Development and Landscaping

- CC6 - Landscape Protection
- CC7 - Special Landscape Areas
- CC11 - Coastal Zone
- T1 - Sustainable Transport and Location of New Development
- T8 - Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change and Environmental Impact of New Development
- T1 - Sustainable Transport

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Esses Design Guide
- Car Parking Standards
- EB009a - Braintree, Brentwood, Chelmsford, Maldon And Uttlesford Landscape Character Assessments

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Whilst, the development is located outside of any defined development boundary, within the rural countryside, it is considered reasonable to have a provision of outdoor recreational facilities such as this in rural locations within the district. Therefore, the principle of the development is acceptable.
- 5.1.2 Other material considerations, such as the impact of the proposal to the residential amenity and to the character and appearance of the area, are discussed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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 sought to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with saved policy BE1 of the Replacement Local Plan (RLP), the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted Local Development Plan

(LDP) ensures that 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.

- 5.2.3 Policies CC6 and CC7 of the Local Plan and emerging policy S8 seek to ensure that the natural beauty, tranquility, amenity and traditional quality of the District's landscape will be protected, conserved and enhanced. Similarly, policy CC11 of the RLP seeks to protect the coastal landscape of the district. Proposals for development in the countryside will only be permitted if no harm is caused to the landscape character of the locality, the location, siting, design and materials are appropriate and if the development is landscaped to protect and enhance the local distinctiveness.
- 5.2.4 Mainly, the boundary of the site is treated with mature hedges, reflective of its rural location. There are temporary soft metallic fences around Bridlemere Place as the property is under construction. These fences and a metal field gate form the eastern boundary of the site. The eastern building is located 6.3m away from the boundary with Bridlemere Place, approximately 26m to the west of the dwelling house and 54m away from Fambridge Road. The buildings can be glimpsed from Fambridge Road and the unnamed rural road but they are viewed within the context of the adjoining substantial two-storey residential property.
- 5.2.5 Generally, stables, by the nature of their design, are traditional in appearance and with appropriate detailing they can have a limited impact upon the character and appearance of the area. In terms of their design, the stables buildings on site are considered to be typical for this type of development and reflective of those observed within the District. The siting, size and scale of the buildings is considered appropriate. In particular, the low level dual pitched roof and the proximity to the adjoining residential property have resulted in a development that blends in with the surrounding environment. Moreover, the use of materials is considered suitable for the rural location. Given that the size of the site measures 6.1ha. The buildings sit comfortably within their site and setting.
- 5.2.6 The buildings provide space for two to three horses and storage space. Under the British Horse Society standards, at least 0.5Ha of grazing land are required per horse. As the site area is measuring 6.1Ha, it is considered sufficient to accommodate the grazing of two to three horses without an adverse impact on the character and appearance of the land due to overgrazing.
- 5.2.7 Conditions could be used to ensure that no external lighting is provided to the stables, without permission first obtained from the Local Planning Authority, in order to prevent unacceptable light spillage in the isolated rural locality.
- 5.2.8 Overall, the stable buildings are not considered to cause demonstrable harm to the character and appearance of the rural locality, in compliance with local policies and national guidance.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property.

Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.

- 5.3.2 The stable buildings are located approximately 26m away from Bridlemere Place and more than 100m away from any other neighbouring property. Given the distance of the stable buildings from the neighbouring residential dwellings, concerns regarding overpowering, overlooking and overshadowing are not considered to be demonstrable to neighbouring occupiers.
- 5.3.3 It has been noted that the application site and the neighbouring property to the west are under the ownership of the applicant.
- 5.3.4 Conditions could be imposed over the burning of waste to protect residential amenity. Also, a condition for the submission of a waste management scheme should be imposed to protect against pollution and smell in accordance with saved policy CON5 of the RLP.
- 5.3.5 It is considered that the above means of control would ensure the protection of neighbouring amenity in accordance with local policies and national guidance.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with a change of use. Likewise, policy D1 of the submission LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 It is considered that the users of the site already rely and will continue to rely on private motor vehicles to attend to their needs. The proposed development would have some impact upon existing patterns of traffic and would increase the needs for parking provision on site. It is not considered the proposal would have an undue impact on highway safety as Lodge Road is a rural highway with low levels of traffic. Furthermore, whilst no designated parking spaces have been shown on the submitted drawings, there is enough space on site to accommodate the appropriate parking provision. Therefore, the proposal is considered on balance acceptable in relation to highway safety.
- 5.4.3 The existing access arrangements for the site are to be retained as part of the application. Currently there is no provision of parking on site. However, given that the users of the site are the residents of the adjoining dwelling, the lack of parking provision on site is not considered to be detrimental for the highway safety and the free flow of traffic. Moreover, Bridlemere Place, benefits from ample parking space.
- 5.4.4 A condition shall be imposed to prevent the use of the site for commercial purposes in order to discourage the generation of additional traffic in the interests of highway safety. On this basis, the proposal is not considered to result in any demonstrable harm by way of highway safety.

5.5 Flood Risk

5.5.1 The buildings are located within tidal Flood Zone 3a, the high probability zone. Table 2 of the Flood Risk and Coastal Change section of the Planning Practice Guidance (PPG) classifies outdoor recreation use as 'water-compatible development'. Table 3 of the PPG advises that 'water-compatible development' could be permitted in Flood Zone 3a. It is not considered that the level of development would increase the risk of flooding elsewhere.

5.5.2 Therefore, the development is considered suitable for this location.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/15/00552**– Construct replacement dwelling. Approved [02.09.2015].
- **FUL/MAL/15/00785**– Temporary siting of residential caravan. Refused [10.12.2015], Appeal Dismissed [05.05.2016].
- **HOUSE/MAL/16/00927**– New vehicle access/egress. Refused [12.10.2016].
- **LDP/MAL/16/01035**– Claim for lawful development certificate for proposed development - Construct detached garage & cartlodge outbuilding. Approved [26.10.2016].
- **PDE/MAL/16/01054**– Single storey rear extension which would extend beyond the rear wall of the original house by 6.75m, height to the eaves would be 3m and the maximum height would be 3.7m. Withdrawn [12.10.2016].
- **LDP/MAL/16/01161**– Claim for Lawful Development Certificate for proposed single storey rear/side extension. Refused [29.11.2016].
- **PDE/MAL/16/01164**– Single storey rear extension which would extend beyond the rear wall of the original house by 8m, height to the eaves would be 3m and the maximum height would be 3.7m. No Prior Approval is Required [04.11.2016].

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Fambridge Parish Council	Object – <ul style="list-style-type: none">• The current use of this land is agricultural not equestrian.• The grazing of livestock (including horses) is an agricultural use• The placing of stables/field shelters etc. on skids does not remove	The issues regarding the need of the application or not are not relevant as the application has already been submitted. The application is retrospective in nature as the buildings have already been erected. The Parish Council's concerns about the impact

Name of Parish / Town Council	Comment	Officer Response
	<p>the need for planning permission unless they are very regularly moved (see APP/:U1430/C14/300380 3 and 3002995). It is clear these structures are not intended to be regularly moved.</p> <ul style="list-style-type: none"> • The application is therefore to retain two existing stables where they are currently sited. They are very obvious from the road and although they are agricultural buildings they are a mass of building which intrudes into the countryside. They are prominent from the road and look out of place in the rural scene. • The stables are additional buildings on zone 3 land and there are serious concerns about flooding onto the road. • The lawful development granted on this plot was for the same footprint as the previous building – a one storey wooden building. MDC have recently passed plans for an extension to the 2 storey building on the original footprint, which extends the building allowed. These stables are for more buildings. It is felt that they provide an overdevelopment of the plot. 	<p>of the development to the character and appearance of the area are addressed on section 5.2 of the report.</p> <p>The Parish Council's concerns regarding flood risk are addressed on section 5.5 of this report.</p>

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No comment.	

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding restriction of use for private purposes, details of waste management, restriction of waste burning on site.	Noted.

7.4 Representations received from Interested Parties (summarised)

7.4.1 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Mr & Mrs Mitchell Little Orchard Kitchener Road North Fambridge

Supporting Comment	Officer Response
It would be nice to watch the horses.	Noted.

8. PROPOSED CONDITIONS

Conditions:

- 1 The development hereby permitted shall be used solely for the private stabling of horses owned and tended by the occupiers of the dwellinghouse known as 'Bridlemere Place' shown edged in blue on the approved location plan, drawing no. 16-100-PP-02 and for no other purpose including for the purposes of business or commercial use, livery or riding school.
REASON: To prevent the generation of additional traffic in the interests of highway safety and in accordance with Policy T1 of the Local Plan and to ensure the nature of the use is appropriate within the rural area and in accordance with policy CC6, CC7 and BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 2 No floodlighting or other external form of illumination of the site or stables hereby approved shall be undertaken without the prior written approval of the Local Planning Authority.
REASON: To prevent unacceptable light spillage in the rural locality in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

- 3 No jump equipment or other form of riding obstacle shall be placed upon the land nor shall any caravan or similar chattel be stationed on the site without the prior written approval of the Local Planning Authority.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 4 No manège, riding arena, hardstanding or similar finished surface, other than those forming part of this permission, shall be constructed within the site without the prior written approval of the Local Planning Authority.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CC6, CC7, CC11 and BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 5 The stables hereby permitted shall not be used unless and until details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes have been submitted to and approved in writing by the local planning authority. All such wastes shall be stored and disposed of in accordance with the scheme as approved.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.
- 6 There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

Application Number	FUL/MAL/16/01061
Location	Purleigh Grange Chelmsford Road Purleigh Essex
Proposal	Retrospective - Erection of stable building
Applicant	Mr Gary Pulham
Agent	Mr Jonathan King
Target Decision Date	11 January 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Parish Trigger

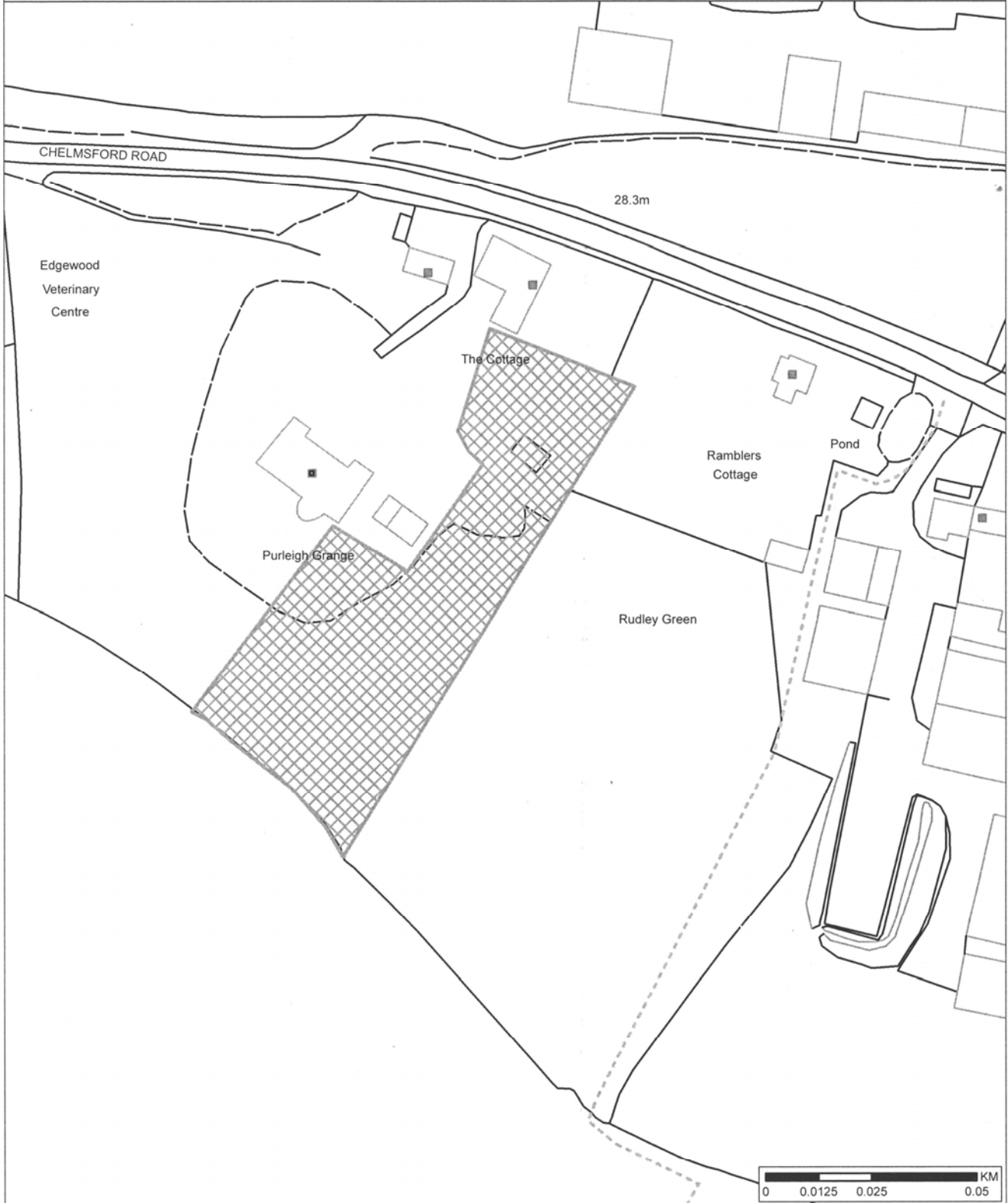
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Purleigh Grange - Chelmsford Road - Purleigh
FUL/MAL/16/01061



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	NW Committee
	Date:	22/12/2016
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the north-west of the settlement of Purleigh, outside of any defined settlement boundary, on the south side of Chelmsford Road, in a rural setting of undulating countryside with a scatter of detached dwellings in the vicinity and is currently occupied by a detached, chalet-style, two-storey dwellinghouse, an associated two-storey converted garage and two agricultural outbuildings. The site is of irregular shape, measures 1.6 hectares in area and rises away from Chelmsford Road. Ample parking is available on the site.
- 3.1.2 Planning permission is sought for the erection of a single-storey building to use as stables with a mono-pitched roof of maximum height of 3.2 metres high. The building measures 8.5 metres deep by 4.5m wide and is located to the north-east of the existing dwellinghouse, in front of the building line, near the eastern boundary of the application site.
- 3.1.3 The construction of the development has commenced and thus the application is partially retrospective in nature. However, following the refusal of planning application HOUSE/MAL/15/00812, a reduced development is proposed for this application. The proposed materials would be timber cladded walls to match those used for the dwelling and garage and tiles / felt on the roof.

3.2 Conclusion

- 3.2.1 It is considered that, on balance, the proposed development has addressed the previous reasons for refusal. It is not considered that the proposed development would have a detrimental impact upon the amenity of neighbouring occupiers or highway safety and it would not cause substantial harm upon the character and appearance of the rural area. The proposal is therefore considered to be in accordance with local policies S2, CON5, CC6, CC7, BE, T1 and T8 of the adopted Maldon District Replacement Local Plan, emerging policies S8, T1, T2 and D1 of the submitted Local Development Plan and national advice as contained within the National Planning Policy Framework.

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:

- 14 - Presumption in favour of sustainable development
- 17 - Core Planning Principles
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development Outside Development Boundaries

- CON5 - Pollution Prevention
- BE1 -Design of Development and Landscaping
- CC6 - Landscape Protection
- CC7 - Special Landscape Areas
- T1 - Sustainable Transport and Location of New Development
- T8 - Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- T1 - Sustainable Transport
- T2 - Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Esses Design Guide
- Car Parking Standards
- EB009a - Braintree, Brentwood, Chelmsford, Maldon And Uttlesford Landscape Character Assessments

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Whilst, the development is located outside of any defined development boundary, within the rural countryside, it is considered reasonable to have a provision of outdoor recreational facilities such as this in rural locations within the district. Therefore the principle of the development is acceptable.

5.1.2 Other material considerations, such as the impact of the proposal to the residential amenity and to the character and appearance of the area, are discussed below.

5.2 Design and Impact on the Character of the Area

5.2.1 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 sought to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with saved policy BE1 of the Replacement Local Plan (RLP), the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external

materials. Similarly, the basis of policy D1 of the submitted Local Development Plan (LDP) ensures that 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.

- 5.2.3 The application site is located within the countryside and according to the Landscape Character Assessment is part of the designated Wooded Farmland Landscape F16 Woodham Wooded Farmland. Policies S2, CC6 and CC7 of the Local Plan and emerging policy S8 seek to ensure that the natural beauty, tranquility, amenity and traditional quality of the District's landscape will be protected, conserved and enhanced. Proposals for development in the countryside will only be permitted if no harm is caused to the landscape character of the locality, the location, siting, design and materials are appropriate and if the development is landscaped to protect and enhance the local distinctiveness.
- 5.2.4 The application site rises away from Chelmsford Road and despite the vegetation on its boundaries, the development, due to its scale, bulk and sitting is clearly visible from vantage points within the public realm and the highway. However, the proposed development, on balance, is not considered to appear as an intrusion of development into the countryside. The erection of a low level stable building would not look incongruous in this rural location. Part of the application site and a big part of the adjoining site under the same ownership have already been developed and are currently used as residential curtilage. The addition of a single-storey building in relatively close proximity to the existing development would, on balance, appear to be in context of the character and appearance of the locality.
- 5.2.5 The south and eastern boundaries of the site are covered with mature hedges, reflective of its rural location. On the northern boundary of the site was located the original dwellinghouse which has been demolished recently. In order to soften the views from the highway to the site and the building, a hedge shall be planted by the end of the next planting season. This can be required with a condition.
- 5.2.6 According to the applicant the construction started under the permitted development rights of the Cottage, the original dwelling house on the site. The stable building was located to the rear of the dwellinghouse, but the Cottage has now been demolished as per the requirements of planning permission FUL/MAL/09/00172 and associated Section 106 (S106) agreement. The stable building is now located to the front of Purleigh Grange, the existing dwellinghouse and given that it would not be used for purposes incidental to the enjoyment of the dwellinghouse as such, it is not considered to be permitted development.
- 5.2.7 Generally, stables, by the nature of their design, are traditional in appearance and with appropriate detailing they can have a limited impact upon the character and appearance of the area. In terms of its design, the proposed stable building is considered to be typical for this type of development and reflective of those observed within the District. The sitting, size and scale of the buildings are, on balance, considered appropriate. Moreover, the proposed materials are, on balance, considered suitable for the rural location.
- 5.2.8 The applicant states that the stables would be used to accommodate two horses. The British Horse Society recommends that the minimum requirement for grazing is 0.4

hectares per horse. The site measures less than 0.4 hectares and it would not be used solely for the grazing of horses. However, it has been noted that the applicant owns the adjoining land which accumulates to a total of 1.6 hectares, with areas that could potentially be available for grazing. As such, whilst the grazing arrangements may result in an awkward relationship between the stables and the grazing areas, on balance, it is considered that there is sufficient space to accommodate the grazing of two horses without an adverse impact upon the character and appearance of the land due to overgrazing.

- 5.2.9 Conditions could be used to ensure that no external lighting is provided to the stables, without permission first obtained from the Local Planning Authority, in order to prevent unacceptable light spillage in the isolated rural locality.
- 5.2.10 Overall, the stable building would not be considered to cause demonstrable harm to the character and appearance of the rural locality, in compliance with local policies and national guidance.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The stable building is a minimum of 0.5m away from the boundary of the site and at least 60m away from the closest neighbouring property to the north-east. Due to the nature of the proposal and the distance from the neighbouring properties issues regarding overshadowing, overlooking, overpowering and noise impact are not considered to be a concern.
- 5.3.3 Conditions could be imposed over the burning of waste to protect residential amenity. Also, a condition for the submission of a waste management scheme should be imposed to protect against pollution and smell in accordance with saved policy CON5 of the RLP.
- 5.3.4 It is considered that the above means of control would ensure the protection of neighbouring amenity in accordance with local policies and national guidance.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with a permitted use. Likewise, policy T2 of the submission LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The existing access arrangements for the site are to be retained as part of the application. No provision of parking spaces is shown on the site edged red. However, given that the users of the site would be the residents of the adjoining

dwelling, the lack of parking provision on site is not considered to be detrimental for the highway safety and the free flow of traffic. Moreover, Purleigh Grange benefits from ample parking space.

- 5.4.3 A condition shall be imposed to prevent the use of the site for commercial purposes in order to discourage the generation of additional traffic in the interests of highway safety. On this basis, the proposal is not considered to result in any demonstrable harm by way of highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100sq m.
- 5.5.2 The application site is used in association with Purleigh Grange. The garden of the dwelling is in excess of the standard contained within the Essex Design Guide and will be even if the application site was to be fenced and separated from the rest of the property. Therefore, there is no objection to the development in relation to amenity space.

5.6 Other Considerations

- 5.6.1 Concerns have been raised regarding the available area for grazing in terms of the welfare of the animals that would be kept on site. It is considered that the applicant has under his control an area of land that could be used to provide an acceptable level of grazing. Any further issues in relation to animal husbandry are dealt with under separate legislation.
- 5.6.2 The Environmental Health department has been consulted on the application. In their response they state that the department was not consulted for the previous planning permission FUL/MAL/09/00172. They went on to propose conditions in relation to risk assessment from contaminated land. Given the partially retrospective nature of the application, it is not considered that the proposed conditions would accord with guidance contained within the Planning Policy Guidance (PPG) in relation to planning conditions.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00172** – Demolition of existing dwelling and development of four bedroom detached chalet style dwelling with detached double garage and car port. APPROVED (22.05.2009).
- **HOUSE/MAL/15/00812** - Retrospective application for stables, construction started under the permitted development rights of the curtilage of "The Cottage". REFUSED (02.03.2016).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object – 1. The proposed stables do not fall within the permitted development rights of Purleigh Grange. 2. The stables have no paddock area attached and may therefore be detrimental to animal welfare. 3. The stables are sited too close to a neighbouring residential property whose occupiers may consequently be adversely affected by them. 4. The development will appear visually intrusive within the rural countryside in this location, which is recognised for its landscape value in the adopted Local Plan.	Please see section 5 of the report.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No formal recommendation.	Comment noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding contamination of land and foul water drainage details.	See section 5.6.2.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received.

8. **PROPOSED CONDITIONS**

Conditions:

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To protect the character and amenity of surrounding areas in line with policies BE1 of the Replacement Local Plan and D1 of the submission Local Development Plan and guidance contained within the National Planning Policy Framework.
- 2 The development hereby permitted shall be used solely for the private stabling of horses owned and tended by the occupiers of the dwellinghouse known as 'Purleigh Grange' shown edged in blue on the approved location plan, drawing no. 106-01A and for no other purpose including for the purposes of business or commercial use, livery or riding school.
REASON: To prevent the generation of additional traffic in the interests of highway safety and in accordance with Policy T1 of the Local Plan and to ensure the nature of the use is appropriate within the rural area and in accordance with policy CC6, CC7 and BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 3 No floodlighting or other external form of illumination of the site or stables hereby approved shall be undertaken without the prior written approval of the Local Planning Authority.
REASON: To prevent unacceptable light spillage in the rural locality in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.
- 4 No jump equipment or other form of riding obstacle shall be placed upon the land nor shall any caravan or similar chattel be stationed on the site without the prior written approval of the Local Planning Authority.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 5 No manège, riding arena, hardstanding or similar finished surface, other than those forming part of this permission, shall be constructed within the site without the prior written approval of the Local Planning Authority.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CC6, CC7, CC11 and BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 6 The stables hereby permitted shall not be used unless and until details of the arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes have been submitted to and approved in writing by the local planning authority. All such wastes shall be stored and disposed of in accordance with the scheme as approved.

REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

7 There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.

REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

Application Number	FUL/MAL/16/01102
Location	Barn Tudwick Farm Tudwick Road Tolleshunt D'Arcy
Proposal	Change of use and conversion of barn to form single dwellinghouse (renewal of FUL/MAL/13/00689)
Applicant	Mr A Ferguson
Agent	Mr Edward Gittins - Edward Gittins & Associates Ltd.
Target Decision Date	5 December 2016 Extension of Time 13.01.2017
Case Officer	Emily Hall, TEL: 01621 875744
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

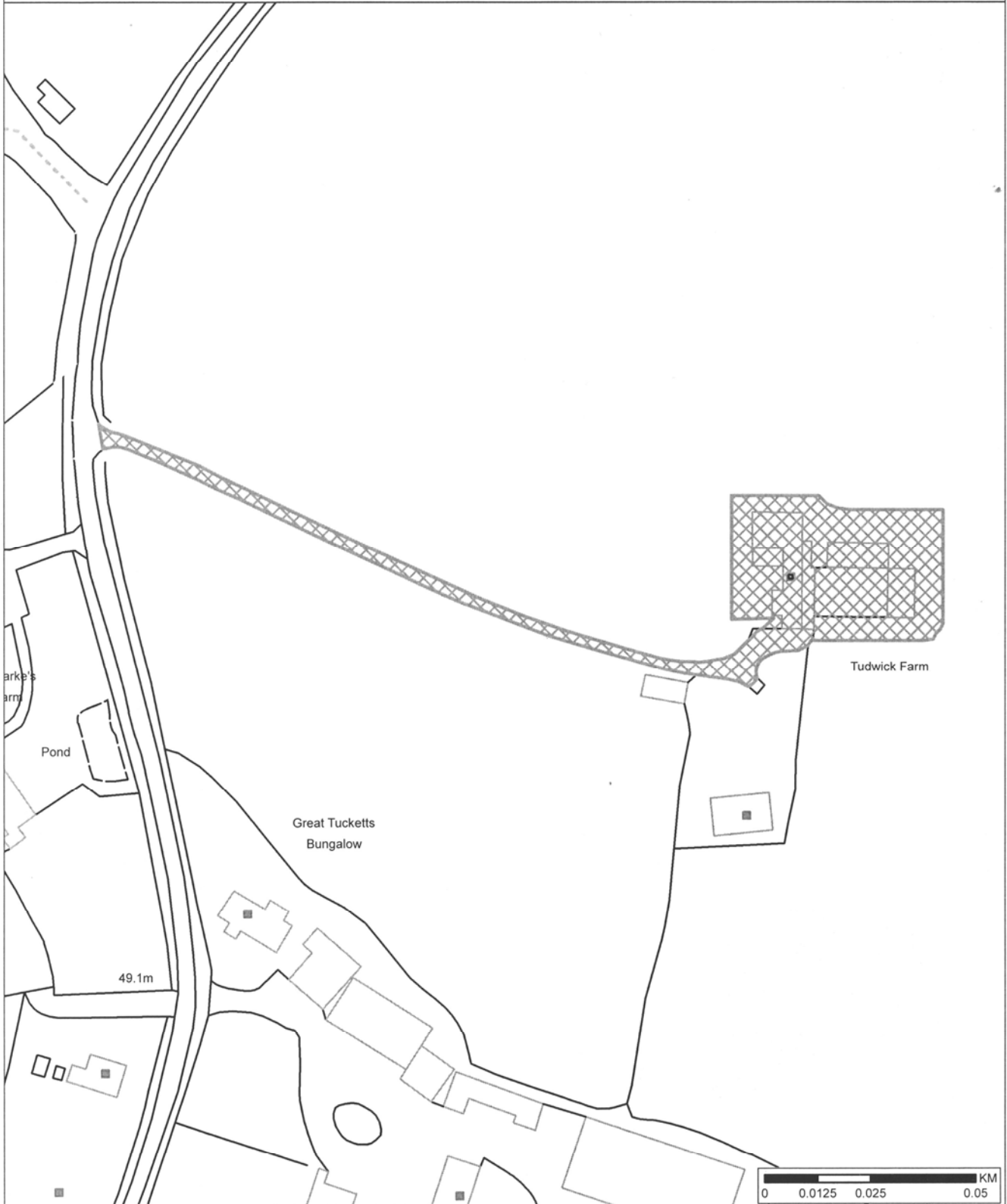
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Barn - Tudwick Farm - Tudwick Road - Tolleshunt D'Arcy
FUL/MAL/16/01102



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MALDON DISTRICT COUNCIL

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 Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: NW Committee

Date: 22/12/2016

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located outside of the defined development boundary of Tolleshunt D'Arcy and in a rural area surrounded by agricultural land. It is accessed off a single track from the eastern side of Tudwick Road. This also serves a bungalow at Tudwick Farm which is not within the application site.
- 3.1.2 The site contains a group of former agricultural buildings in a U shaped formation. These buildings include former milking sheds, some of which contain original features. There is also a large barn which is attached to two milking sheds. There are various small additions to this barn. This combined structure is the subject of this application. There are also two additional detached barns which are single storey structures and do not form part of the proposal.
- 3.1.3 The entire group of barns are timber and brick structures with a combination of slate tiled roofs and corrugated sheet metal roofs. Whilst the buildings have not been used for their original purpose for some time, the applicant did indicate on a site visit that the combined structure, the subject of this application, had been recently used for rearing game birds for shoots. In the centre of this group, there is an area of land which has fencing and runs for chickens. A small area to the east of the barns contains few fruit trees and a small grassed area.
- 3.1.4 In the immediate vicinity there are few sporadically located dwellings. This includes Clarke's Farm on the western side of Tudwick Road, Greengates and River View to the north of the site, and Great Tucketts Bungalow and Tucketts Farm to the south. Tucketts Farm is a Grade II Listed Building. The barns at the application site form part of the wider setting of the Listed Building although they are not in the immediate curtilage.
- 3.1.5 To the rear of the site and beyond the agricultural field is High Hall Wood (identified on the local plan proposals map as area W44). This wood comprises a mix of Hornbeam, Pedunculated Oak, and uncommon in this region, Sessile Oak. English Elm and Field Maple also occur with planted coniferous species.
- 3.1.6 Planning permission is sought for the conversion of the combined barn on the western most part of the site to create a new dwelling. The remaining two detached single storey structures would be retained and have not been referred to in the application.
- 3.1.7 It is proposed to convert the barn into a three bedroom dwelling, with new mezzanine floor. A family bathroom would also be provided at first floor level. At ground floor level, the barn would comprise a cloak room, large lounge, large dining room, kitchen, large living room, store, study and utility.
- 3.1.8 External alterations would also take place to the barn to allow its use as a dwelling. This includes large glazing panels and windows and doors mainly in the position of existing openings.
- 3.1.9 The existing access would be utilised.

3.1.10 The application does not indicate an intention to alter the remaining two single storey detached barns at the site or to use them for ancillary residential outbuildings. Without this information, it is therefore assumed that these would be retained for agricultural purposes.

3.2 Conclusion

3.2.1 The principle of the development has been accepted through the positive determination of FUL/MAL/13/00689 (date of decision 15 October 2013). Whilst the Council's five year housing land supply position has improved since the determination of the previous application, this in itself is not a reason for refusal. There are no new material considerations that would alter the Council's stance in relation to the proposed development.

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

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development outside Development Boundaries
- BE1 - Design of New Development and Landscaping
- BE16 - Extensions, Alterations and Additional Buildings in the Curtilage of Listed Buildings
- CC6 - Landscape Protection
- CC19 - Rural Diversification
- H1 - Location of New Housing
- T1 - Sustainable Transport and Location of New Development
- T8 - Vehicle Parking Standards
- CON5 - Pollution Prevention

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

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

4.4 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 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 and S2 of the Replacement Local Plan (RLP) provide the strategic position for the District through defined development boundaries for villages / urban areas and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy S2 of the RLP, as well as policies CC6 and H1, indicate that outside defined settlements housing will not normally be allowed and the landscape be protected for its own sake. Any proposal should be assessed in accordance with policy BE1 where the compatibility of a scheme to its surroundings and neighbouring residents is imperative to the acceptability of a development in any location.
- 5.1.3 The Local Development Plan (LDP), as submitted, has been produced in light of the NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.1.4 Policy S8 of the LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside.
- 5.1.5 The application site lies outside of a defined settlement boundary and is in the countryside for the purposes of application of planning policy. As such the proposal is in conflict with the adopted and submitted policies.
- 5.1.6 However, the principle of the site accommodating residential development has been accepted through the positive determination of planning application FUL/MAL/13/00689 and there are no new material considerations that would alter this position. Therefore, on balance, the principle is considered acceptable.

5.2 Housing Land Supply and Need

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is now able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer an address the increasing need for smaller properties due to demographic and household formation change.

- 5.2.3 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (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.
- 5.2.4 The Council is therefore encouraged in the emerging policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal provides a dwelling with three bedrooms. The proposal is considered to make a limited contribution to the identified housing needs within the district.

5.3 Impact on the character and appearance of the area and design

- 5.3.1 Policy CC6 of the RLP seeks to maintain the attractive and varied landscape present within the District and the Council has commissioned a Landscape Character Assessment to recognise and protect the visual quality of the wider countryside within the District. The Landscape Character Assessment supersedes the designation of Special Landscape Areas and is relevant for the determination of this application.
- 5.3.2 The application site is located within the Tolleshunt Coastal Farmland Area, as identified within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area is the hinterland to the North Blackwater Estuary. It is a landscape characterised by its open landscape of flat to slightly undulating arable fields. In addition, the open nature of the skyline of several areas of the coastal farmland is visually sensitive, with new development potentially visible within expansive views across the area and also within views to and from adjacent drained estuarine marsh and coastal farmland.
- 5.3.3 The proposal seeks to reuse an existing building with minor alterations to its appearance to facilitate a residential layout. The scheme is identical in nature to the previously approved application and there was no objection raised in relation to the design at the time of the previous application and there are no new material considerations that would alter this position.

5.4 Effect on Neighbouring Residential Occupiers

- 5.4.1 Policy BE1 requires consideration of the impact of development on the safety and amenity of neighbouring occupiers. Policies D1 and H4 of the Local Development Plan (LDP) similarly required that there is no material impact on living conditions and amenity of neighbouring residential properties.
- 5.4.2 The closest dwelling to the application site is the adjacent bungalow which is approximately 40m from the flank wall of the barn to be converted. Although there would be an increase in activity at the site, this would be of the same nature and kind as that of the bungalow. The distance between the bungalow and barn is also reasonable. Therefore, there is unlikely to be any harm caused by the proposal to neighbouring amenity.
- 5.4.3 In addition, the scheme is identical in nature to the previously approved application and there was no objection raised in relation to the neighbouring amenity at the time

of the previous application and there are no new material considerations that would alter this position.

5.5 Access, Parking and Highway Safety

- 5.5.1 Parking has not been shown on the submitted plans. It is likely that this would take place towards the west of the combined barn close to the access drive and hardstanding area serving the adjacent bungalow. Although there would appear to be sufficient parking space it is not clear if this could be provided without having either a detrimental impact on the parking and access to the adjacent bungalow, or an increased visual impact on the locality. Details would have to be provided in order for this to be clarified.
- 5.5.2 The highways authority has raised no objection to the proposal on highway safety grounds.
- 5.5.3 In addition, the scheme is identical in nature to the previously approved application and there was no objection raised in relation to access, parking or highways safety at the time of the previous application and there are no new material considerations that would alter this position.

5.6 Provision of Amenity Space and Landscaping

- 5.6.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m².
- 5.6.2 Amenity space for the dwelling is provided surrounding the dwelling and within the courtyard area and measures in excess of 100m² in accordance with the guidance contained within the Essex Design Guide.
- 5.6.3 In addition, the scheme is identical in nature to the previously approved application and there was no objection raised in relation to amenity space and landscaping at the time of the previous application and there are no new material considerations that would alter this position.

5.7 Sustainability

- 5.7.1 Sustainability is tripartite, relating to economic, social and environmental aspects which are explained in paragraph 7 of the NPPF and does not relate solely to the location of the development. Regardless of this the application site is isolated in terms of distance from key services, employment and main towns and these are only accessible by vehicular transport. It is therefore considered that the proposed development would result in a new dwelling whose future occupiers would be heavily reliant on the private motor vehicle to access day to day facilities and services contrary to guidance contained within the NPPF.
- 5.7.2 However, the principle of the site accommodating residential development has been accepted through the positive determination of planning application FUL/MAL/13/00689 and there are no new material considerations that would alter this position. Therefore, on balance, the principle is considered acceptable.

5.8 Other considerations

- 5.8.1 Given that there are no new material planning considerations it is considered unreasonable to add or remove any conditions from those imposed upon extant permission FUL/MAL/16/00635.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/13/00689** – Proposed conversion of existing barn to dwelling. Approved: 15 October 2013.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt D'Arcy Parish Council	The Parish Councillors have no objection to this application.	Acknowledged.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 No letters of representation have been received.

8. PROPOSED CONDITIONS

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: 13.2085/M002 Rev B, 13.2085/E102 REV A,

13.2085/E103 REV A, 13.2085/E104 REV B, 13.2085/E105 REV B,
13.2085/P201 REV B, 13.2085/P202 REV B, 13.2085/P203 REV B,
13.2085/P204 REV C, 13.2085/P205 REV C.

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

- 3 All rainwater goods shall be of cast metal with a black painted finish unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 4 All weatherboarding shall be black painted or black stained timber only and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 5 All windows and doors shall be black painted or black stained timber only and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 6 Prior to the commencement of the development large scale drawings [1:20] shall be submitted to show all new window frames, external doors and door frames including sections through the head, jamb, cill and glazing bars. The details shall be submitted to and approved in writing by Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 7 Prior to the commencement of the development samples of the roof and ridge coverings to be used 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 and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 8 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 In order to ensure appropriate landscaping for the development in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

- 9 There shall be no means of external illumination to the access drive.
REASON In order to protect the character and appearance of the rural locality, and the wider setting of the nearby listed building in accordance with policies BE1, CC6, and BE16 of the adopted Maldon District Replacement Local Plan.
- 10 Notwithstanding condition 9 above, prior to commencement of the development hereby permitted, details of all external illumination of the site shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
REASON In order to protect the character and appearance of the rural locality, and the wider setting of the nearby listed building in accordance with policies BE1, CC6, and BE16 of the adopted Maldon District Replacement Local Plan.
- 11 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.
REASON To ensure appropriate surface water drainage at the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and in accordance with the Government Guidance contained in the Technical Guidance to The National Planning Policy Framework.
- 12 Prior to the commencement of the development details of the foul 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.
REASON To prevent pollution of the water environment and to ensure a satisfactory means of foul drainage disposal is provided in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.
- 13 Prior to commencement of the development hereby approved, details of the proposed parking layout, including marked space, shall be submitted to and approved in writing by the Local Planning Authority. The parking arrangement for the site shall be carried out in accordance with the approved details and made available for use prior to occupation of the dwelling and shall be retained as such thereafter.
REASON To ensure appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan and the adopted Parking Standards Supplementary Planning Document.
- 14 Prior to commencement of the development hereby approved, details of the location and size of private amenity space for the dwelling shall be submitted to and approved in writing. Notwithstanding condition 8 above, this shall include details of landscaping for the amenity space and any boundary

treatments proposed. The approved amenity space shall be made available in accordance with the approved details prior to occupation of the dwelling and retained as such thereafter.

REASON To ensure an appropriate amenity space is provided for the development and protect the character and appearance of the rural locality in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2-15 (or any Order amending, revoking or re-enacting that Order), no fencing, walls or other means of enclosure shall be undertaken within the extended garden area hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

REASON In order to protect the character and appearance of the rural area in accordance with policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan.

- 16 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 In order to protect the character and appearance of the rural area in accordance with policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan.

- 17 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the Local Planning Authority.

REASON In order to protect the character and appearance of the rural area in accordance with policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan.

INFORMATIVES

1. Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials.

It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.

2. Should any contaminated ground conditions or the existence, extent and concentrations of any landfill gas be found that was 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 a scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority.
3. 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.
4. Prior to commencement it is recommended that the applicant contacts Building Control (01621 854477) to ensure there are no issues with the proposed conversion including the structural stability of the building.



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

Application Number	RES/MAL/16/01130
Location	Land North West Of 34 To 46 Maldon Road Goldhanger Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/00147 (Outline planning application with all matters reserved for the construction of 9 dwellings with associated off-street parking)
Applicant	Mr Jordan Day - Arbora Homes Ltd
Agent	Mr Jamie Kelly - Arbora Design
Target Decision Date	16 December 2016
Case Officer	Emily Hall, TEL: 01621 875744
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land North West Of 34 To 46 Maldon Road - Goldhanger
RES/MAL/16/01130



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 Maldon District Council 100018588 2014



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	NW Committee
Date:	22/12/2016
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is a piece of agricultural land with open countryside to the north and west. The site is approximately 0.39 hectares and the gradient is relatively flat. The site is bounded on the southern east boundary by an established hedgerow which runs the length of the site boundary apart from where the field is accessed from Maldon Road.
- 3.1.2 The south west of the site and on the east side of Maldon Road is characterised by suburban development; this is predominantly semi-detached and detached dwellings in a linear group with average plot frontages within the built up area of Goldhanger. The locality is on the fringe of the settlement of Goldhanger and the area has a residential feel and appearance. Immediately adjacent to the settlement boundary there is a telephone exchange building.
- 3.1.3 Outline planning permission has been granted for the erection of nine dwellings within the site, through the positive determination of the appeal submitted in relation to OUT/MAL/14/00147. Access was also considered and approved.
- 3.1.4 This application is a reserved matters application for the approval of appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/14/00147.
- 3.1.5 In terms of layout the nine dwellings are arranged in a loosely linear road fronting arrangement accessed by an internal access road.
- 3.1.6 There are three dwelling types proposed:
- **House Type A:** Four bedroom, two storey, detached dwelling with a small two storey front projection and part two storey, part single storey rear projection. Measuring: 8.5 metres wide, 10.4 metres deep and 8.1 metres to the ridge. Finish materials: facing brick, painted render, vertical cladding, slate roofing, grey uPVC fenestration.
 - **House Type B:** Three bedroom, two storey, detached dwelling with a facing gables to the front and rear elevations and small single storey lean-to side extension. Measuring: 5.7 metres wide, 12.1 metres deep and 8.8 metres to the ridge. Finish materials: facing brick, painted render, slate roofing, grey uPVC fenestration.
 - **House Type C:** Four bedroom, two storey, detached dwelling with an L-shaped footprint with an integral garage, facing gable to the front elevation, single storey lean-to rear extension. Measuring: 9.8 metres wide, 12.1 metres deep and 8.4 metres to the ridge. Finish materials: facing brick, painted render, vertical cladding, slate roofing, grey uPVC fenestration.
- 3.1.7 Whilst outline planning permission was granted for the erection of nine dwellings the reserved matters application is for eight dwellings, the mix of the designs are as follows: three of House Type A, two of House Type B and three of House Type C.
- 3.1.8 Each dwelling has off-street parking and private amenity space.

3.2 Conclusion

- 3.2.1 The principle of the site accommodating residential development has been established through the outline planning permission. The proposed development is considered to be of an appropriate design for the context of the site with a palette of materials which is acceptable. The proposed development is not considered to cause overlooking, loss of light or be overbearing to any of the surrounding properties and provides sufficient space for parking and amenity space.

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

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 - Development Boundaries and New Development
- S2 - Development Outside Development Boundaries
- CC6 - Landscape Protection
- CC7 - Special Landscape Features
- H1 - Location of New Housing
- BE1 - Design of New Development and Landscaping
- T1 - Sustainable Transport and Location of New Development
- T8 - Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 - Sustainable Development
- D1 - Design Quality and Built Environment
- H4 - Effective Use of Land
- T1 - Sustainable Transport
- T2 - Accessibility

4.4 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 finish materials include facing brick and render to the elevations and slates to the roof which are all traditional materials and are evident in the locality. It is also proposed to use vertical cladding and grey uPVC fenestration; which are much more contemporary in their aesthetic. The use of these materials is not considered to detract from the character or appearance of the area but add to the visual interest of the scheme.
- 5.1.2 Plots 1, 2, 6, 7 and 8 would accommodate detached garages. Plots 1 and 2 would each have a single garage which would measure 3 metres wide, 6 metres deep and 3.4 metres tall. Plots 6 and 7 would share a semi-detached pair and would have a single garage each; this building would measure 6 metres wide and 6 metres deep with a ridge height of 4.1 metres. Plot 8 would have a detached garage with two bays, one an enclosed garage and the other an open carport but this would be one building. This garage would measure 5.9 metres wide, 6 metres deep and 4 metres to the ridge. The garages all have dual pitched roofs with gable ends. The garages for Plots 1, 2, 6 and 7 would be located to the rear of the dwellings but the garage / car port for Plot 8 would be located to the front of the dwelling. The scales of the garages are incidental to the dwellings and are of a typical design. The garage / car port for Plot 8 would be located to the front of the dwelling but would still be set back from the highway and is not considered to appear detrimental to the character and appearance of the streetscene.

5.2 Effect on Neighbouring Residential Occupiers

- 5.2.1 Policy BE1 requires consideration of the impact of development on the safety and amenity of neighbouring occupiers. Policies D1 and H4 of the Local Development Plan (LDP) similarly required that there is no material impact on living conditions and amenity of neighbouring residential properties.
- 5.2.2 To the south of the site beyond the telephone exchange fronting Maldon Road are dwellings and opposite the site, also fronting Maldon Road are also dwellings. The surrounding dwellings are a mixture of semi-detached and detached two storey and single storey buildings.
- 5.2.3 The proposed dwellings are arranged in a loose-knit broadly linear arrangement which is reflective of the prevailing pattern of development and all of the proposed dwellings front the internal access road and Maldon Road.

Plot No.	Distance from highway
1	14 metres
2	20 metres
3	20 metres
4	21 metres
5	21 metres
6	19 metres
7	15 metres
8	17 metres (detached garage – 9 metres from the highway)

- 5.2.4 The dwellings located to the southeast of Maldon Road are set at a minimum 6 metres from the highway and the highway itself is 6 metres wide, meaning that the dwellings fronting the application site are located at a minimum of 12 metres from the boundary fronting the highway.
- 5.2.5 To the south of the site is the telephone exchange and beyond that is No. 27 Maldon Road which is 15 metres from the southern boundary of the application site. The dwelling in plot 1 is located approximately 1 metre from the southern boundary.
- 5.2.6 All of the proposed dwellings are two storeys in height with ridge heights ranging between 8.1 metres and 8.8 metres. However, given the distances between the proposed dwellings and the existing dwellings fronting Maldon Road (opposite the site and also to the south of the site), the proposal is not considered to be overbearing or oppressive.
- 5.2.7 Windows are proposed at ground and first floor level on the principal elevations of the proposed dwellings. These windows serve a mixture of habitable and non-habitable spaces and afford views towards into the public realm and to the road facing elevations of the dwellings opposite the site. Whilst there would be built form opposite the existing dwellings, the distance between the principle elevations is considered to be ample to mitigate any perceived issues of overlooking.
- 5.2.8 The windows on the rear elevations afford views over agricultural fields and are not considered to give rise to issues of overlooking.
- 5.2.9 Within the site House Types A and B feature openings at ground and first floor on both flank elevations and House Type C features windows at ground and first floor on the north flank elevation. The windows on the flank elevations of the proposed dwellings serve bathrooms, circulation spaces or provide secondary sources of light to habitable rooms; there is not considered to be any issues of overlooking within the site or between Plot 1 and No. 27 Maldon Road.

5.3 Access, Parking and Highway Safety

- 5.3.1 Access to the site was agreed at the time of the outline planning application and the details submitted are consistent with the approved details. In addition, the Highways Authority have been consulted and raise no objection to the application subject to conditions.
- 5.3.2 Policy T8 of the Replacement Local Plan (RLP) seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.
- 5.3.3 The Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) requires that dwellings with three bedrooms should provide a maximum of two spaces and dwellings with four or more bedrooms should provide a maximum of three spaces. The preferred bay size for cars is 5.5 metres by 2.4 metres and the minimum garage size for cars is 5 metres by 2.5 metres.

Plot No.	No. of bedrooms	Max no. of car parking spaces required	No. of car parking spaces provided
1	4	3	3
2	3	2	3
3	4	3	2
4	4	3	2
5	4	3	2
6	3	2	3
7	4	3	3
8	4	3	4+

5.3.4 On the basis of the Council's parking requirements and drawing reference AH02/PA001A which details the layout of the site plots 1, 2, 6, 7 and 8 provide at least the maximum required parking spaces. Plots 3, 4 and 5 provide two spaces per dwelling which is less than the maximum required by the Council. However, the Council's standards are expressed as maximums and each dwelling would have at least two spaces providing for family needs; it is considered that a reason for refusal based on a deficit of three parking spaces for the entire scheme would be unreasonable and unlikely to be upheld at appeal. Therefore, it is considered that there is adequate parking provision within the site for the proposed quantum of development.

5.4 Provision of Amenity Space and Landscaping

5.4.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development.

5.4.2 Planning conditions 5 and 6 imposed upon the appeal decision are explicit in their requirements for specific landscaping details to be submitted pursuant to Condition 1 (submission of reserved matters). Some of the information required has been included within the submission but other required information has been not provided. The information which is required by planning conditions 5 and 6 of the outline planning permission is presented below and comment has been made about the status of the information in relation to the current application.

5.4.3 Condition 5:

- Proposed finished levels or contours (*not provided at the current time*)
- Means of enclosure (*1.8 metre close boarded fences enclosing the private amenity spaces, 1.2 metre post and rail fences marking the flank boundaries of the front gardens and enclosing the front garden to Plot 8, 5 bar gate to Plot 8*)
- Car parking layouts (*detailed on AH02/PA001A*)
- Other vehicle and pedestrian access and circulation areas (*not provided at the current time*)
- Hard surfacing materials (*not provided at the current time*)
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) (*not provided at the current time*)

- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.) (*not provided at the current time*)

5.4.4 Condition 6:

- A schedule and plan of trees, hedges and shrubs to be retained (*not provided at the current time*)
- Details of the measures to be taken for their protection during site preparation and construction (*not provided at the current time*)
- A schedule and planting plans for all new trees and shrubs (*not provided at the current time*)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate (*not provided at the current time*)
- Implementation programme (*not provided at the current time*)

5.4.5 With respect to the means of enclosure close boarded fences are proposed to define the boundaries of the private amenity space at a height of 1.8 metres. 1.8m close boarded fences are typical boundary treatments for residential development and their use is not considered to detract from the character and appearance of the area. To the front of the dwellings post and rail fences, at a height of 1.2 metres, are proposed to define the flank boundaries of each plot and enclose the front garden of Plot 8. It is typical for residential plots to be formerly demarcated and post and rail fences are common in rural areas. Furthermore, the reduced height of the post and rail fences is considered appropriate within the context of the site.

5.4.6 The car parking layout has been detailed on drawing reference AH02/PA001A. This is discussed in the parking section of this report. However, in terms of landscaping, the level and arrangement proposed is not considered to detract from the character and appearance of the area.

5.4.7 In terms of the outstanding information, best practice requires that further conditions are imposed on the reserved matters to ensure the information is provided prior to the commencement of the development.

5.4.8 The Essex Design Guide sets out that dwellings with three or more bedrooms should provide a minimum of 100m² of private amenity space. The submitted block plan details the layout of the site and the provision of private amenity space for each of the proposed dwellings; this is also set out in the table below.

Plot No.	No. of bedrooms	Size of private amenity space
1	4	190m ²
2	3	160m ²
3	4	120m ²
4	4	130m ²
5	4	170m ²
6	3	170m ²
7	4	210m ²
8	4	200m ²

5.4.9 The proposed layout facilitates sufficient and useable amenity space for each of the proposed dwellings, in excess of the Essex Design Guide’s requirements and there is no objection to the scheme with respect to amenity space provision.

5.5 Other considerations

5.5.1 Condition 8 of the outline planning permission required that, concurrently with the reserved matters application, the details of the measures to be taken for the disposal of foul and surface water were to be submitted. This information has not been provided by the Applicant and the comments provided by the Council’s Environmental Health reflect this. In terms of the outstanding information best practice requires that further conditions are imposed on the reserved matters to ensure the information is provided prior to the commencement of the development.

6. ANY RELEVANT SITE HISTORY

Application site

- **OUT/MAL/14/00147** - Outline planning application with all matters reserved for the construction of 9 dwellings with associated off-street parking. Refused: 27 May 2014. Allowed on appeal: 6 November 2014.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Goldhanger Parish Council	<p>Object to the application but did not use the parish response form so the parish trigger does not take effect.</p> <ul style="list-style-type: none"> • Agricultural access between plots 3 and 4 is unsafe • The design is not in keeping <ul style="list-style-type: none"> • Poor choice of finish materials • Non-descript uniformity • Harsh modern estate • Cramped • Lack of detail about landscaping • Condition 9 has not been complied with (details of 	Acknowledged

Name of Parish / Town Council	Comment	Officer Response
	foul and surface water schemes to serve development, supplied concurrently with reserved matters application).	

7.2 Internal Consultees (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted – conditions should be imposed if planning permission is granted.
Archaeology	No objection subject to conditions.	Noted – conditions should be imposed if planning permission is granted.

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Mr S. Smith, 46 Maldon Road, Goldhanger
- Mr & Mrs D. Wylie, Silver Gale, 42 Maldon Road, Goldhanger

Objection Comment	Officer Response
Sufficient landscaping should be provided (and existing trees protected).	Noted
Traffic calming measures should be provided.	Noted
Drainage should be maintained and concern about drainage.	Noted
Visual impact of the development.	Noted
The design is not in keeping: <ul style="list-style-type: none"> • Poor choice of finish materials • Non-descript uniformity • Harsh modern estate • Cramped 	Noted
Overbearing development and detrimental impact on the amenities of neighbouring occupiers.	Noted

8. PROPOSED CONDITIONS

Conditions:

- 1 The development hereby permitted shall begin no later than two years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development shall be carried out in accordance with the following approved plans and documents: AH02/PA001B, AH02/PA002, AH02/PA003, AH02/PA004, AH02/PA005, AH02/PA006, AH02/PA007, AH02/PA008 & AH02/PA009.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
- 3 Prior to the commencement of the development details of the measures to be taken for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
REASON: To prevent pollution of the water environment and to ensure a satisfactory means of foul drainage disposal is provided in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and to ensure appropriate surface water drainage at the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and in accordance with the Government Guidance contained in the Technical Guidance to The National Planning Policy Framework.
- 4 Prior to the construction of the dwellings hereby approved written details and samples of the materials to be used in the construction of the external surfaces of the dwellings 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: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy BE1 of the Maldon District Replacement Local Plan.
- 5 Prior to the construction of the dwellings hereby approved landscaping details including the proposed finished levels or contours; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
REASON: In order to ensure appropriate landscaping for the development in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.
- 6 Prior to the construction of the dwellings hereby approved soft landscaping details including a schedule and plan of trees, hedges and shrubs to be retained, details of the measures to be taken for their protection during site preparation and construction, a schedule and planting plans for all new trees and shrubs; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: In order to ensure appropriate landscaping for the development in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

- 7 Prior to the occupation of the development the means of enclosure shall be constructed in accordance with approved drawing: AH02/PA001B and retained as such thereafter.

REASON: In order to ensure appropriate landscaping for the development in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

- 8 Prior to the occupation of the development the car parking layouts shall be laid out and made available for their intended purpose in accordance with approved drawing: AH02/PA001B and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan.

- 9 The outbuildings hereby approved shall be used for the accommodation of private motor vehicles or purposes incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.

REASON: To ensure appropriate parking is provided and no loss of amenity will result to the locality in accordance with BE1 and T8 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

Application Number	HOUSE/MAL/16/01148
Location	Grove Wood Mope Lane Wickham Bishops Essex
Proposal	Demolition of dilapidated corrugated piggeries to be replaced with new timber framed woodcutting vehicle store.
Applicant	Mrs Carol Mills
Agent	Mr James Hunter - Jenner Jones
Target Decision Date	28 December 2016 Extension of Time: 13.01.2017
Case Officer	Emily Hall, TEL: 01621 875744
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Grove Wood - Mope Lane - Wickham Bishops
HOUSE/MAL/16/01148



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 Maldon District Council 100018588 2014



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Scale: 1:2,500

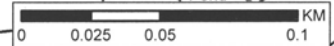
Organisation: Maldon District Council

Department: Planning Services

Comments: NW Committee

Date: 22/12/2016

MSA Number: 100018588



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located outside of a defined settlement boundary to the northwest of Wickham Bishops. The site accommodates a large detached dwelling set in a generous plot; in terms of landscaping the site comprises of both a formal domestic garden and an extensive area of established woodland. The site is bound to the east by Mope Lane.

3.1.2 Planning permission is sought to demolish two existing dilapidated pig sties and erect a domestic outbuilding to accommodate the equipment required for the maintenance of the woodland within the site. The outbuilding would measure 17 metres wide and 6.5 metres deep with a small projection measuring 1.5 metres deep and 3.6 metres wide on the northeast elevation. The outbuilding would have a ride height of 6.9 metres. Finish materials would be timber cladding.

3.2 Conclusion

3.2.1 The application site is partially occupied by established woodland and is also on sloping topography which means that a level of specialist machinery and equipment is needed for the on-going management and maintenance of the woodland. The building proposed would securely store this equipment and a list of the equipment which is intended to be stored within the building has been provided to the Council; these site specific circumstances weigh in favour of the proposal.

3.2.2 The building would be set back from Mope Lane, would be partially screened from view by the existing woodland and would be located in the site of existing pig sties. In terms of its appearance the building is of an agricultural design and the lack of domestic features such as windows / doors ensures that it appears as a utilitarian outbuilding with a functional relationship with the host dwelling, Grove Wood. Furthermore, the use of timber cladding softens the appearance of the building and would help to assimilate the building with its surroundings. The site provides sufficient parking and amenity space and the development would not have a detrimental impact on the amenities of neighbouring occupiers.

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:

- 59, 64

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 - Design of New Development and Landscaping
- T1 - Sustainable Transport and Location of New Development
- T8 - Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 - Design Quality and Built Environment
- T1 - Sustainable Transport
- T2 - Accessibility

4.4 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 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 The principle of providing facilities in association with residential accommodation is considered acceptable, in compliance with BE1 of the RLP and H4 of the emerging Local Development Plan (LDP). Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

5.2.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with Policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the emerging LDP ensures that 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.

5.2.2 Planning permission is sought for the erection of an outbuilding within the garden associated with Grove Wood. The outbuilding would measure 17 metres wide and 6.5 metres deep with a small projection measuring 1.5 metres deep and 3.6 metres wide on the northeast elevation. The outbuilding would have a ride height of 6.9 metres. Finish materials would be timber cladding. It would be used to store equipment required for the management and maintenance of the established woodland within the site.

5.2.3 The building would be set back from Mope Lane at a distance of between 50 and 60 metres and would be partially screened from view by the existing woodland. In addition, the building would be located in the site of existing pig sties, which whilst of a significantly lower level of prominence in the landscape, mean that built form is not

a completely new feature in this location. Furthermore, the use of timber cladding softens the appearance of the building and would help to assimilate the building with its surroundings.

- 5.2.4 The proposed outbuilding is considered to be of a substantial scale. However, in terms of its appearance the building is of an agricultural design and the lack of domestic features such as windows / doors ensures that it appears as a utilitarian outbuilding with a functional relationship with the host dwelling, Grove Wood.

5.3 Impact on Residential Amenity

- 5.3.1 The proposed outbuilding is located at a distance of 100 metres from the nearest neighbouring dwelling. There are no openings proposed except doors on the flank and front elevations and the building is not considered to cause overlooking or loss of privacy to the detriment of the amenities of the neighbouring occupiers.
- 5.3.2 In addition, given the distance between the building and neighbouring dwellings the proposal is not considered to represent an unneighbourly form of development.
- 5.3.3 Therefore, the proposed development will not result in a demonstrable impact on the amenities of neighbouring occupiers, in accordance with the stipulations of BE6 of the RLP and D1 of the emerging LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Planning permission is sought for the erection of an outbuilding within the grounds of a residential dwelling. Access to the site would remain the same as existing. Parking is provided to the front of the dwelling and would not be impacted by the proposed development. The proposed outbuilding would be used for the secure storage of equipment used in connection with the husbandry of the woodland present within the site. The proposed development would therefore increase parking provision within the site and there is no objection to the proposal in relation to car parking.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m².
- 5.5.2 The proposed development would be located within an area within the site which is currently occupied by dilapidated pig sties. The footprint of the outbuilding would be larger than the footprint of the pig sties. However, the site has a garden which is significantly in excess of the Essex Design Guide requirements and therefore there is no objection to the proposal in relation to amenity space provision.

5.6 Other considerations

- 5.6.1 Material planning considerations must relate to planning and must fairly and reasonably relate to the application. In this instance the site is occupied by established woodland and is on sloping topography which means that a level of specialist machinery and equipment is needed for the on-going management and

maintenance of the woodland. The building proposed would securely store this equipment and a list of the equipment which is intended to be stored within the building has been provided to the Council; these site specific circumstances weigh in favour of the proposal. Furthermore, the functional appearance of the building with no domestic features also weighs in favour of the proposal, as explained in the design section of this report.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/16/01146** - Demolition of dilapidated garage to be replaced with new garage. Approved 28.12.16.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Object to the application: <ul style="list-style-type: none"> • Height of the building would be intrusive in the landscape. • Object to the scale, mass, height and visual impact of the building. 	Acknowledged.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection.	Acknowledged.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Acknowledged.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received.

8. **PROPOSED CONDITIONS**

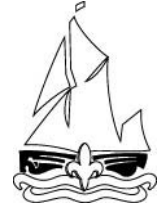
Conditions:

- 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: 16/9538/DWG/AJ/09, 16/9538/DWG/AJ/06, 16/9538/DWG/AJ/08 REV A, 16/9538/DWG/AJ/01, 16/9538/DWG/AJ/03, 16/9538/DWG/AJ/04 REV A, PROPOSED ELEVATIONS, PROPOSED FLOOR PLAN.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
- 3 No development shall take place until written details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.
- 4 The outbuilding hereby approved shall be used for the accommodation of equipment for the management and maintenance of the woodland within the site and for any purpose incidental to the enjoyment of the dwelling house as such but shall not at any time be converted or used as habitable space/living accommodation.
REASON: To ensure appropriate parking is provided and no loss of amenity will result to the locality in accordance with BE1 and T8 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

INFORMATIVE

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.

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**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

Application Number	HOUSE/MAL/16/01162
Location	Bridlemere Place Fambridge Road North Fambridge Essex
Proposal	Proposed single storey rear/side extension
Applicant	Mr & Mrs Brown
Agent	Mr Robert Parish - RSP Design
Target Decision Date	7 December 2016 Extension of Time 10.01.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Parish Trigger

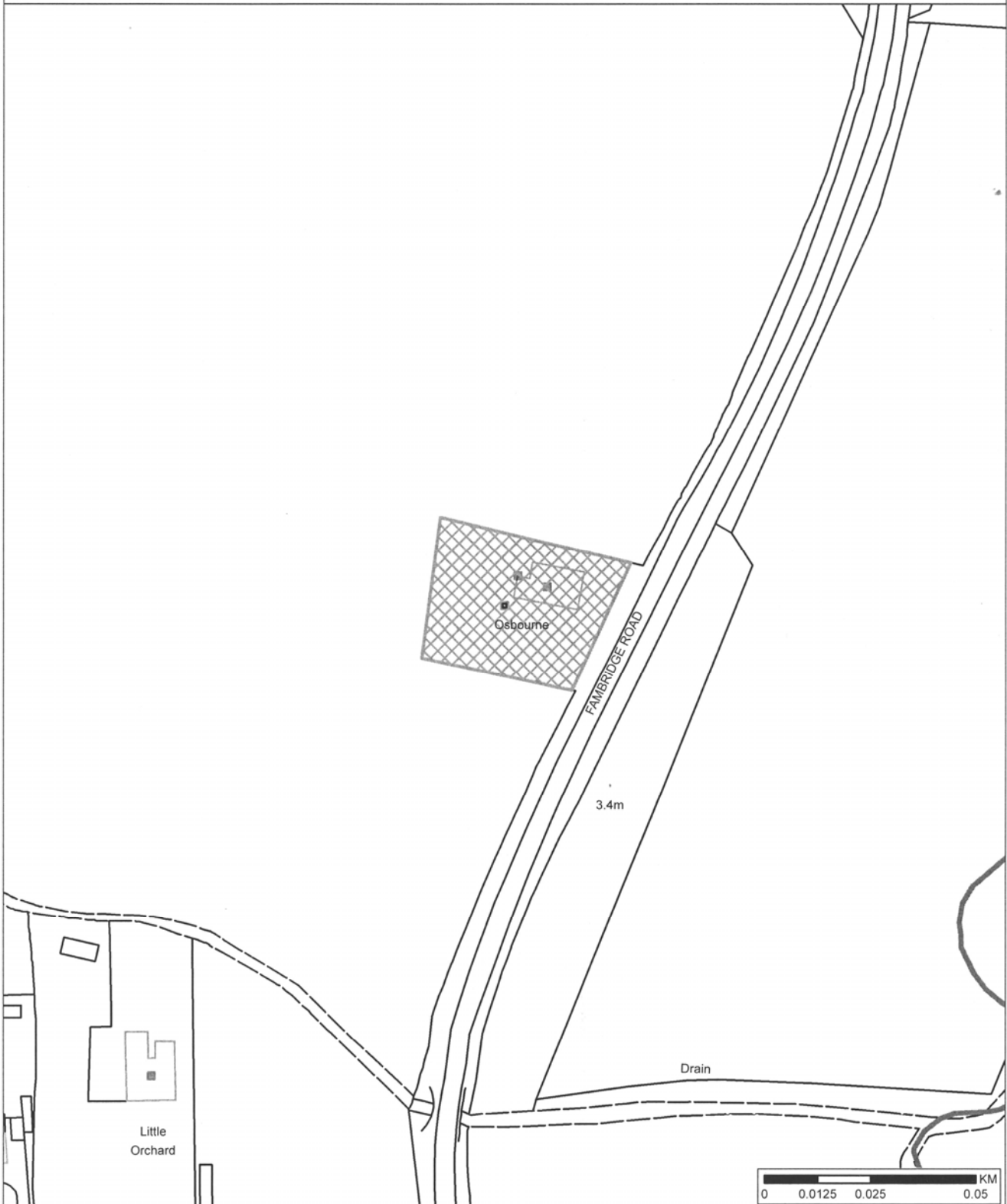
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Bridlemere Place - Fambridge Road - North Fambridge
HOUSE/MAL/16/01162



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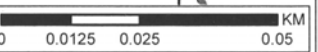
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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	NW Committee
Date:	22/12/2016
MSA Number:	100018588



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the western side of Fambridge Road and is an isolated site set adjacent to the highway. To the west of the site are open agricultural fields and there are no directly adjacent dwellings. The site lies within a rural area outside of the development boundary of North Fambridge. The site is currently occupied by a two storey detached dwelling.
- 3.1.2 Planning permission is sought for a single storey rear and side extension. The proposed extension would have an overall width of 11.9m wide, it would be 3m to the eaves and 3.7m to the top of the roof lantern, it has a staggered depth with the elevation to the north projecting from the rear of the existing dwelling by 4m and the elevation to the south projecting 5m from the rear of the existing dwelling.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its scale, bulk and siting would not harm the appearance or character of the existing dwelling or locality. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies BE1 and BE6 of the Replacement Local Plan (RLP) and D1 of the Local Development Plan (LDP).

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:

- 56
- 58
- 59

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 - Design of New Development and Landscaping.
- BE6 – Extensions to dwellings
- T8 - Vehicle Parking Standards.

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 - Design Quality and Built Environment.

4.4 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 principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE6 of the RLP and H4 of the emerging LDP. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 The proposed single storey rear and side extension would have an overall width of 11.9m, it would be 3m in height to the eaves and 3.7m to the top of the roof lantern finished with a flat roof. It has a staggered depth with the elevation to the north projecting from the rear of the existing dwelling by 4m and the elevation to the south projecting 5m from the rear of the existing dwelling. The proposed development would create an extended kitchen, dining room and lounge.
- 5.2.3 The proposed flat roofed extension is considered to be of limited architectural merit nonetheless its appearance is typical of a residential development. In terms of proportions, namely its size, bulk and appearance, it is considered that the extension would be a large addition to the existing dwelling. However, it would not appear as a dominant feature given that the overall width of the dwelling would not increase and it is single storey in nature. In addition, the proposed materials would match those of the dwelling ensuring that it harmonises with the general character and appearance of the existing dwelling. Therefore, it is considered that the proposal would be acceptable in relation to the main dwelling.
- 5.2.4 The proposed extension would be located to the rear of the property where limited views are available from public vistas and as such it would have limited impact on the streetscene and is not considered to harm the character and appearance of the area. Therefore, the proposed development is considered to be in compliance with saved policies BE1 and BE6 of the RLP, policy D1 of the submission LDP and guidance contained within the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.

- 5.3.2 There are no adjacent properties to the application site and given the distance between the properties within the vicinity of the site and the proposed extension, it is not considered to be an unneighbourly form of development or to give rise to significant overlooking or overshadowing.

5.4 Access, Parking and Highway Safety

- 5.4.1 T8 seeks to provide appropriate off-street parking provision in accordance with the District's adopted vehicle parking standards (Adopted Supplementary Planning Document (SPD) July 2006). The recommended standard for a four bedroom dwelling is three off street car parking spaces.
- 5.4.2 The existing dwelling has four bedrooms and the proposed development does not result in any additional bedrooms or impact the parking area to the front of the property, which is considered to provide space to park three cars. Therefore, there is no objection to the proposal in relation to the provision of vehicle parking provision.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate for the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100sq m.
- 5.5.2 The existing private amenity space on the site is in excess of the standard contained within the Essex Design Guide, measuring around 627sq m, although the proposed development would result in the loss of some of the rear garden, the remaining space would still be larger than the standard measuring around 495sq m. Therefore, there is no objection to the proposal in relation to amenity space.

5.6 Flood Risk

- 5.6.1 The site lies within Flood Zone 3 and the applicant has submitted a Flood Risk Assessment confirming the floor levels within the proposed development will be set no lower than the existing level and flood proofing of the development has been incorporated where appropriate. The Environment Agency has been consulted. However at the time of writing this report a response had not been received. Any response will be reported by way of the Members Update. Concern has been raised about localised flooding which may be exacerbated should planning permission be granted given the increased area of impermeable surfaces within the site. It is considered appropriate to impose a condition requiring details of how surface water will be managed to mitigate any impacts of increased surface water resulting from the proposed development.

5.7 Other Considerations

- 5.7.1 The parish council has objected to the proposed development. One of the grounds for the objection is '*planning permission for this development was based on a lawful development certificate for building to the area of the existing footprint*'. Whilst a Lawful Development Certificate established the use of the application site (LDE/MAL/10/00525), an application for planning permission for a replacement dwelling was approved, as it was considered to comply with the relevant policies

(FUL/MAL/15/00552). Whilst it was noted within the officers report (for application FUL/MAL/15/00552) that the replacement dwelling would not exceed that of the existing footprint of the dwelling on site, this was not the sole reason for approval and no condition was implemented restricting permitted development rights. Subsequently, a Lawful Development Certificate and a Prior Approval application both proposing rear extensions have been approved (for clarity only one the approved applications in relation to a rear extension will be implemented). Therefore, it is considered unreasonable to refuse the application on the above grounds.

5.7.2 Environmental Health has been consulted and has raised no objection. They have recommended the inclusion of a condition. However the condition does not meet the six tests and is considered to be unreasonable, due to the scale of the proposed works.

6. ANY RELEVANT SITE HISTORY

- **LDE/MAL/10/00525** - Claim for Lawful Certificate for use of dwelling. Approved 17.08.2010.
- **FUL/MAL/15/00552** - Construct replacement dwelling. Approved 02.09.2015.
- **FUL/MAL/15/00785** - Temporary siting of residential caravan. Refused 10.12.2015.
- **HOUSE/MAL/16/00927** - New vehicle access/egress. Refused 12.10.2016/
- **LDP/MAL/16/01035** - Claim for lawful development certificate for proposed development - Construct detached garage & cartlodge outbuilding. Approved 26.10.2016.
- **PDE/MAL/16/01164** - Single storey rear extension which would extend beyond the rear wall of the original house by 8m, height to the eaves would be 3m and the maximum height would be 3.7m. Prior Approval Not Required 04.11.2016.
- **LDP/MAL/16/01161** - Claim for Lawful Development Certificate for proposed single storey rear/side extension. Refused 29.11.2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Farnbridge Parish Council	<ul style="list-style-type: none"> • Recommend refusal. • The original planning permission for this development was based on a lawful development certificate for building to the area of the existing footprint (shack named 	Addressed within paragraphs 5.6.1 and 5.7.1 of this report.

Name of Parish / Town Council	Comment	Officer Response
	Osborne). <ul style="list-style-type: none"> • This plot is on zone 3 land and the more concrete placed on it will add to the flooding of the road, which already floods during rainy weather. 	

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to the inclusion of a condition	Addressed within paragraph 5.7.2 of this report.

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation have been received.

8. **PROPOSED CONDITIONS**

Conditions:

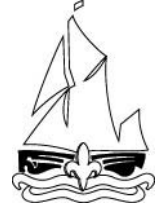
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
- 3 The external surfaces of the extension hereby approved shall be constructed of materials and finish as detailed within the application.
REASON: To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
- 4 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.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with CON5 of the adopted Maldon District Replacement Local Plan and emerging policy D5 of the Submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

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 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 neighbors:
 - 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.



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

OTHER AREA PLANNING AND RELATED MATTERS

ITEM 1 APPEALS LODGED

ITEM 2 APPEAL DECISIONS

ITEM 1 APPEALS LODGED

Notification has been received from the Planning Inspectorate of the following appeals lodged:

Appeal Start Date: 1 December 2016

Application Number: FUL/MAL/16/00296 (APP/X1545/W/16/3163155)

Site: Land Between 4 Oaktrees And Lee Cottages The Street Little Totham

Proposal: Three bed dwelling

Appeal by: Mr J Purdy

Appeal against: Refusal

Appeal procedure requested: Written Representation

Appeal Start Date: 07/12/2016

Enforcement Notice Reference Number: ENF/16/00189/01

Appeal Reference Number: APP/X1545/C/16/3161468

Site: Rudley Oaks Chelmsford Road Purleigh

Alleged Breach of Planning Control: Without planning permission the unauthorised

- A) Change of use of the land to use as residential curtilage.
- B) The unauthorised erection of two detached outbuildings on the land
- C) The unauthorised creation of a swimming pool on the land
- D) The unauthorised erection of walls, gates, fences and other means of enclosure on the land

Appeal by: Mr John Lawrence

Grounds of Appeal:

- that there has not been a breach of planning control
- that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice
- that the time given to comply with the notice is too short.

Appeal procedure requested: Written Representations

Appeal Start Date: 21/12/2016

Application Number: OUT/MAL/16/00858 (APP/X1545/W/16/3163300)

Site: Land South Of Buller Lodge, Buller Road, North Fambridge, Essex

Proposal: Proposal for a small two bedroom bungalow (Plot 5). (Plots 1 to 4 as previously approved).

Appeal by: Lord Ronald Rayner

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 21/12/2016

Application Number: OUT/MAL/16/00289 (APP/X1545/W/16/3162631)

Site: Land Opposite 34 Hall Road - Great Totham

Proposal: Residential development

Appeal by: J & M Developers

Appeal against: Refusal

Appeal procedure requested: Written Representations

ITEM 2 APPEAL DECISIONS

Notification has been received from the Planning Inspectorate of the following appeal decisions.

FUL/MAL/15/01300 (Appeal Ref: APP/X1545/W/16/3155729)

Proposal: Erection of detached bungalow with associated parking, landscaping and ancillary works.

Address: Rosemead, D'Arcy Road, Tolleshunt Knights, Essex

Decision Level: Committee as per Officer recommendation to refuse

APPEAL DISMISSED – 1 December 2016

OUT/MAL/15/01061 (Appeal Ref: APP/X1545/W/16/3147983)

Proposal: Outline planning application with all matters reserved for the construction of 10 dwellings with associated off-street parking

Address: Development At Beckingham Road, Beckingham Road, Tolleshunt D'Arcy

Decision Level: Delegated

APPEAL DISMISSED – 2 December 2016

PARTIAL COSTS ALLOWED – 2 DECEMBER 2016

FUL/MAL/16/00330 (Appeal Ref: APP/X1545/W/16/3153508)

Proposal: Retrospective - Erection of shed.

Address: Mackmurdos, Beacon Hill, Wickham Bishops, Essex, CM8 3EA

Decision Level: Delegated

APPEAL ALLOWED – 6 December 2016

FUL/MAL/14/00769 (Appeal Ref: APP/X1545/W/15/3038212)

Proposal: The change of use of land to the stationing of caravans for residential purposes for 2No. gypsy pitches together with the formation of hardstanding and utility/day-room ancillary to that use.

Address: Rose Stables Land South Of Captains Wood Road - Great Totham

APPEAL ALLOWED – 14 December 2016

FULL AWARD OF COSTS AGAINST THE COUNCIL ALLOWED – 14 December 2016

DECISION LEVEL: Committee (overturned Officer recommendation to approve)

FUL/MAL/16/00152 (Appeal Ref: APP/X1545/W/16/3156693)

Proposal: Redevelopment of the site for business, workshops and offices.

Address: Fambridge Yacht Haven Limited, Adjacent Waterfront House, Ferry Road, North Fambridge, Essex

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED – 15 December 2016

FUL/MAL/15/00146 (Appeal Ref: APP/X1545/W/16/3156248)

Proposal: Brick pier and metal entrance gates to barn site. Alterations to internal arrangement including foaling box and alterations to fenestration (Retrospective)
Address: Land North East Of Woodham Mortimer Lodge, Lodge Road, Woodham Mortimer, Essex

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED – 22 December 2016

OUT/MAL/16/00295 (Appeal Ref: APP/X1545/W/16/3156877)

Proposal: Outline planning application with all matters reserved for the construction of 5 dwellings with associated off-street parking

Address: Land Adjacent To Dalkeith - Kelvedon Road - Tolleshunt D'Arcy

APPEAL DISMISSED – 22 December 2016

DECISION LEVEL: Delegated

OUT/MAL/16/00247 (Appeal Ref: APP/X1545/W/16/3156019)

Proposal: Erection of 4 detached houses

Address: Land South Of Strathmore Road North Fambridge

Decision Level: Committee as per Officer recommendation to refuse

APPEAL DISMISSED – 21 December 2016