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APOLOGIES Committee Services
Tel. 01621 875763

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

27 January 2017

Dear Councillor

You are summoned to attend the meeting of the;

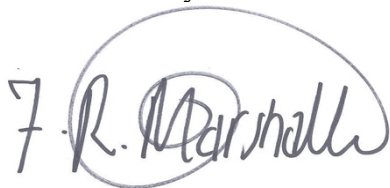
NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 6 FEBRUARY 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 blue ink, appearing to read 'F. R. Marshall', enclosed within a large, loopy circular flourish.

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 6 FEBRUARY 2017

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 18)

To confirm the Minutes of the meeting of the Committee held on 9 January 2017, (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. **HOUSE/MAL/16/01319 - Fairwind, 14 Waterworks Road, Tollesbury** (Pages 19 - 26)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)*.

7. **HOUSE/MAL/16/01322 - 4 Wellands, Wickham Bishops** (Pages 27 - 36)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)*.

8. **FUL/MAL/16/01419 and LBC/MAL/16/01420 - Vaulty Manor, Goldhanger Road, Heybridge** (Pages 37 - 44)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)*.

9. **OUT/MAL/16/01490 - Land Adjacent 18 Totham Hill Green, Great Totham** (Pages 45 - 56)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)*.

10. **Other Area Planning and Related Matters** (Pages 57 - 62)

To consider the report of the Interim Head of Planning Services on the following matters:

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

11. **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 – 9.
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 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

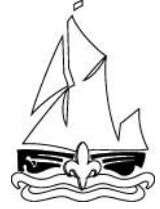
- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and 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



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

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, J V Keyes, A K M St. Joseph, D M Sismey and Miss S White
Ex-Officio Non- Voting Member	Mrs P A Channer, CC

836. CHAIRMAN'S NOTICES

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

837. APOLOGIES FOR ABSENCE

There were none.

838. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the North Western Area Planning Committee held on 28 November 2016 be approved and confirmed.

839. 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, education and other matters.

840. MEMBERS' BRIEFING

There was no Members' Briefing at this meeting.

841. FUL/MAL/16/00959 - STABLES AT BRIDLEMERE PLACE, FAMBRIDGE ROAD, NORTH FAMBRIDGE

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

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

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

842. FUL/MAL/16/01061 - PURLEIGH GRANGE, CHELMSFORD ROAD, PURLEIGH

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

Following the Officer's presentation of the report, a question was raised regarding the outline of the site in question. In response, the Officer clarified that the conditions provided for the main dwelling and the usage of the stables to be tied together.

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

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

843. FUL/MAL/16/01102 - BARN, TUDWICK FARM, TUDWICK ROAD, TOLLESHUNT D'ARCY

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

The Officer presented the report and advised Members that there were some administrative errors in the conditions. If Members were minded to approve this application, then it would be subject to those amendments being made. Following the presentation of the report, Mr J Greenhow, from the Agent, addressed the Committee.

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

- 9 There shall be no means of external illumination to the access drive.
- 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.
- 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.
- 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.
- 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.
- 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.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than

ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.

844. RES/MAL/16/01130 - LAND NORTH WEST OF 34 TO 46 MALDON ROAD, GOLDHANGER

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

Following the Officer's presentation of the report, together with the addendum thereto, Mrs Wylie of Silver Gale, 42 Maldon Road, Goldhanger, an Objector and Peter Le Grys, on behalf of the Agent, addressed the Committee.

Members discussed this application in detail and Councillor E L Bamford, a Ward Member advised the Committee that Goldhanger Parish Council had made very strong objections to this application, but unfortunately they were not submitted in the correct manner. Notwithstanding this, the Parish Trigger would have brought this application before the Committee, rather than Member Call In.

Members raised concerns regarding the issues to be dealt with by conditions and, in response, the Group Manager for Planning Services advised that there was extensive and clear guidance that a scheme cannot be refused when a condition can overcome any perceived harm. Members were reminded that outline planning permission had already been approved and this application was for reserved matters only.

In response to a question regarding detailed landscaping, the Interim Head of Planning Services recommended that if Members were minded to approve this application, then the condition relating to landscaping be agreed in consultation with the Chairman of this Committee and the Ward Members.

A question was asked regarding surface water drainage and the Group Manager for Planning Services advised Members that it would not be proportionate for a condition regarding the maintenance of surface water drainage to be imposed on the Applicants.

RESOLVED that this application be **APPROVED** subject to the reserved matters being considered by Officers in consultation with the Chairman of this Committee and Ward Members and subject to the following conditions:

- 1 The development hereby permitted shall begin no later than two years from the date of this decision.
- 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.
- 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.
- 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.
- 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.).
- 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.
- 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.
- 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.
- 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.

845. HOUSE/MAL/16/01148 - GROVE WOOD, MOPE LANE, WICKHAM BISHOPS

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

Following the Officer's presentation of the report, Members raised concern that the Environmental Health department had not made any comments regarding the disposal of asbestos. The Group Manager for Planning Services advised that this was not a planning consideration, although it could be added as an informative if Members were minded to approve this application. Members also requested that condition 4 be amended to tie the site to the dwelling house known as "Grove Wood".

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 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.
- 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.
- 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 known as "Grove Wood" as such but shall not at any time be converted or used as habitable space/living accommodation.

INFORMATIVE

1. As the building is known/suspected to contain asbestos, an appropriate asbestos survey of the buildings shall be undertaken and a scheme implemented to remove

and safely dispose of any asbestos-containing materials if alterations are to be made. These shall be in accordance with the Control of Asbestos Regulations 2006 including the use of licensed and premises to carry and dispose of the waste.

846. HOUSE/MAL/16/01162 - BRIDLEMERE PLACE, FAMBRIDGE ROAD, NORTH FAMBRIDGE

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

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 extension hereby approved shall be constructed of materials and finish as detailed within the application.
- 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.

847. 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: 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

(ii) Appeal Decisions:

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

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

OUT/MAL/15/01234 (Appeal Ref: APP/X1545/W/16/3154503)

Proposal: 1No. four bedroom detached house with detached garage and extension to existing drive.

Address: Bouchiers Lodge Farm Back Road Tolleshunt D'Arcy

APPEAL DISMISSED – 30 December 2016

DECISION LEVEL: Committee as per Officer recommendation to refuse

ENF/15/00094/01 (Appeal Ref: APP/X1545/C/16/3158563)

Appeal against: 'Without planning permission the unauthorised operational development to extend an existing building, install a flue on the building and lay concrete blocks to the front and around the building

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

APPEAL WITHDRAWN - 6 January 2017

There being no further items of business the Chairman closed the meeting at 8.35 pm.

H M BASS
CHAIRMAN

(a)
(b)



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**
to
NORTH WESTERN AREA PLANNING COMMITTEE
06 February 2017

Application Number	HOUSE/MAL/16/01319
Location	Fairwind 14 Waterworks Road Tollesbury Essex CM9 8RF
Proposal	Retrospective - Erection of outbuilding
Applicant	Mr Dave Walsh
Agent	Mr Samuel Rabin - 3bd LLP
Date Valid	16 December 2016
Target Decision Date	10 February 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	TOLLESBURY EAST
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.

Fairwind, 14 Waterworks Road, Tollesbury
HOUSE/MAL/16/01319



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 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: NW Committee -16/01319/HOU

Date: 24/01/2017

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 south side of Waterworks Road, within the settlement boundary of Tollesbury. Fairwind is occupied by a detached two storey dwellinghouse and a detached outbuilding, which is the subject of this application. Planning permission was granted under 15/00541/HOUSE to extend the dwelling. The boundary of the site is comprised of closed boarded panels approximately 2m in height. The area of the site is approximately 540 square metres.
- 3.1.2 Planning permission is sought for the erection of a detached outbuilding. As the construction of the outbuilding has already commenced and is at an advanced stage, the application is retrospective in nature.
- 3.1.3 The outbuilding has a footprint that measures 8.4m wide by 5.9m deep with a flat roof of 2.9m high from the ground. The outbuilding is located approximately 26m away from the rear wall of the dwelling and between 0.9m to 1.4m away from the southern, western and eastern boundary of the site. The outbuilding has been finished in timber with white plastic windows. The outbuilding is currently used for storage in association with the construction works at the dwelling and the intended use is for storage and workshop for the occupiers of the dwelling.

3.2 Conclusion

- 3.2.1 The development is considered acceptable in terms of design, scale and bulk and its resultant impact upon the character and appearance of the locality and the main dwelling. The development is also acceptable in terms of its impact upon the residential amenity of the neighbouring properties, highway safety, vehicle parking provision and private amenity space provision. It would therefore be in accordance with the stipulations of policies BE1 and T8 of the adopted Maldon District Replacement Local Plan, policies D1, H4 and T2 of the emerging Maldon District Local Development Plan and 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

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 Design of New Development and Landscaping
- 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
- H4 Effective Use of Land
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of constructing an outbuilding within the curtilage of a dwellinghouse to provide facilities in association with residential use of the site is considered acceptable, in compliance with policy BE1 of the RLP and policy H4 of the submission LDP. Furthermore, a similar development has been previously approved under reference 15/01075/HOUSE. 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, 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 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 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 outbuilding is of a simple design with a flat roof. The eaves of the outbuilding are measured at 2.6 metres in height with the maximum height of the roof being measured at 2.9m. The external walls have been finished in timber. It is considered that the height of the development, coupled by its position, at a distance of approximately 26m from the dwelling, with only glimpses available from the highway, would not have a detrimental impact upon the character and appearance of the area. Furthermore, the scale of the development is not dissimilar to other detached outbuildings in the locality, namely the outbuilding at No.16 Waterworks Road.

- 5.2.4 The local Parish Council has stated in their response that the development has resulted in overdevelopment of the site. Although there is another outbuilding on site at the moment, it has to be taken into consideration that according to the provisions of the General Permitted Development Order 2015, half of the garden area can be developed with buildings used for purposes incidental to the enjoyment of the dwelling house. In this instance, the combined footprint of the outbuildings does not exceed 15% of the garden area. It also needs to be taken into consideration that a smaller outbuilding was already in situ prior to the erection of this outbuilding. Therefore, it is not considered that there is overdevelopment on site.
- 5.2.5 Whilst the use of light coloured timber appears to be at odds with the prevailing appearance of materials, it has been noted that the timber in general is very common and with the passing of time the building will appear more in line with the darker outbuilding in the neighbouring properties. It has been noted that some levelling of the ground around the development has taken place, but this is considered to be de minimis development associated with the erection of the outbuilding which is subject of this application.
- 5.2.6 Therefore, the proposal is considered acceptable as it would be in keeping with the prevailing form of the development in the locality and would not detrimentally impact the character and appearance of the area or the main dwelling.

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 outbuilding is located approximately 0.9m away from the southern and eastern boundary of the site and 1.4m away from the western boundary of the site. Despite its close proximity to the boundary, the development is located at least 30m away from the nearest neighbouring dwelling. Furthermore, the outbuilding is located to the rear part of the garden, adjacent to the rear part of the neighbouring elongated gardens. Hence, it is considered that the development does not give rise to any issues of overpowering or undue reduction of light to such a degree as to warrant a reason for refusal.
- 5.3.3 In addition, the only openings are facing towards the main dwelling and as such it is not considered that there would be any overlooking, perceived or actual. Therefore, the development does not have a detrimental impact to the amenity of the neighbouring occupiers in accordance with local and national policies.

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 alterations and/or additions to dwellings. 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 development has not altered the access and parking arrangements on the site. Also, no additional bedrooms have been created and as such the parking requirements of the site remain the same. On this basis, the proposal is not considered to result in any demonstrable harm by way of highway safety or 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 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 Despite the size of the outbuilding, the private amenity space on the site is in excess of the standard contained within the Essex Design Guide. Furthermore, there is no creation of any additional bedrooms. Therefore, there is no objection to the development in relation to amenity space.

6. ANY RELEVANT SITE HISTORY

- **15/00541/HOUSE** – Extensions to existing building - new first floor and accommodation in new roof space. Single storey rear extension, APPROVED 16.10.2015.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Object – overdevelopment of the site	

7.2 Representations received from Interested Parties (*summarised*)

- 7.2.1 Letters were received **objecting, in support or commenting** to the application:
- No comments have been received

8. PROPOSED 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 ensure that the development is carried out in accordance with the details as approved.
- 2 The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates.

REASON: To protect the amenity of existing neighbouring residential properties in accordance with Policy BE1 of the adopted Maldon District Replacement Local Plan; Policy D1 of the Maldon District Pre-Submission Local Development Plan; and Government advice contained within the National Planning Policy Framework.

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**REPORT of
INTERIM HEAD OF PLANNING SERVICES**
to
NORTH WESTERN AREA PLANNING COMMITTEE
6 February 2017

Application Number	HOUSE/MAL/16/01322
Location	4 Wellands, Wickham Bishops
Proposal	Proposed annexe accommodation within existing garage and proposed extensions, plus dining room and bedroom extensions to main house.
Applicant	Mr & Mrs Taylor
Agent	Mr Stephen Waud
Date Valid	5 December 2016
Target Decision Date	30 January 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.

4 Wellands, Wickham Bishops
HOUSE/MAL/16/01322



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee -16/01322/HOU
Date:	24/01/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the north western side of Wellands within the settlement of Wickham Bishops. The dwelling is a two storey semi-detached property set back from the highway and with frontage parking. The dwelling benefits from private rear amenity space which is bounded to the north by properties fronting onto Witham Road.
- 3.1.2 Planning permission is sought for alterations to the existing dwelling. A part two storey and part single storey front extension is proposed; the ground floor element would measure 4.6 metres deep (to the front of the roof) and 4.8 metres wide and would enclose the existing porch. The first floor element would measure 2.4 metres deep and 4.8 metres wide. The ground and first floor elements would be finished with a hipped roof. The front extension would be located 0.3 metres from the nor eastern boundary of the site
- 3.1.3 To the rear two single storey extensions are proposed. One extension would measure 5.2 metres deep and 4 metres wide with a flat roof and integral rooflight; it would be located 0.2 metres from the south western boundary of the site. The other extension would measure 5.4 metres deep and 4 metres wide with a dual pitched roof and gable end; it would be located 0.5 metres from the nor eastern boundary of the site.
- 3.1.4 Finish materials are to match existing with an artificial slate roof.

3.2 Conclusion

- 3.2.1 The proposed annexe complies with the Council's policy H11 and the design of the front extension is considered to improve the appearance of the dwelling. The rear extensions are of a typical design and appropriate scale when viewed against the existing dwelling. The bulk of built form in close proximity to the neighbouring property No. 2 Wellands will increase but the increase is largely to the rear and at single storey level which is not considered to be overbearing or unneighbourly. The site provides sufficient parking provision 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 including paragraphs:

- 59, 64

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 Design of New Development and Landscaping
- H11 Special Family Needs
- 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 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 Special family needs

5.2.1 The Council recognises that there are times where special family needs require the provision of additional facilities through the alteration or extension of existing dwellings. Policy H11 of the RLP states that proposes or extensions to existing dwellings to provide for special family needs will be considered sympathetically, provided a separate dwelling unit is not created and the curtilage of the original dwelling is adequate to meet the increased residential use of the site and the pre-ambles sets out a list of criteria which must be satisfied for an application to be determined favourably.

5.2.2 The proposal is to provide accommodation for an elderly family dependent. The proposed annexe would be at ground floor level in the form of a bathroom, living space and bedroom, which will be accessed from the existing front door of the dwelling and has an internal door between the two areas. The applicants have been provided supporting information in respect of the circumstances of the prospective occupier of the annexe, who is elderly.

5.2.3 The Council's adopted policy seeks to provide accommodation for special family needs; the preamble to the policy sets out four criteria which must be satisfied in order for an application to be considered favourably, these will be considered in turn below.

5.2.4 The accommodation is the minimum required to satisfy the functional needs of the prospective occupier/occupiers. The accommodation proposed consists of a bedroom,

living space and bathroom. The occupier of the annexe would need to use the kitchen of the main dwelling. Therefore, it is considered that the proposed annexe complies with this criterion.

- 5.2.5 The proposed accommodation can be satisfactorily used as part of the accommodation to the existing dwelling house. The proposed accommodation can be satisfactorily used as part of the accommodation to the existing dwelling house once the need for the annexe is no longer. Therefore, it is considered that the proposed annexe complies with this criterion.
- 5.2.6 There is a common main entrance to both the existing house and the proposed new accommodation. There would be one front door to the dwelling with internal doors between the host property and the annexe accommodation, in compliance with this criterion.
- 5.2.7 The extended property does not result in over-development of the curtilage. Overall, the proposed development is not considered to result in overdevelopment of the site.
- 5.2.8 The proposal for the annexe is considered to comply with policy H11 of the RLP. Notwithstanding the above assessment, Policy H11 of the RLP sets out that extensions of this nature will need to have regard to the policies in the Built Environment, this will be discussed in the next section of the report.

5.3 Design and Impact on the Character of the Area

- 5.3.1 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.
- 5.3.2 Planning permission is sought for alterations to the existing dwelling. A part two storey and part single storey front extension is proposed; the ground floor element would measure 4.6 metres deep (to the front of the roof) and 4.8 metres wide and would enclose the existing porch. The first floor element would measure 2.4 metres deep and 4.8 metres wide. The ground and first floor elements would be finished with a hipped roof. The front extension would be located 0.3 metres from the north eastern boundary of the site.
- 5.3.3 The existing dwelling has a two storey flat roofed side extension which is of limited architectural merit and detracts from the appearance of the dwelling. The front extension will be finished with a hipped roof and this roof alteration is considered to notably enhance the appearance of the dwelling. The scale of the development is limited and the design, including arrangement of fenestration and finish materials match the existing dwelling.
- 5.3.4 To the rear two single storey extensions are proposed. One extension would measure 5.2 metres deep and 4 metres wide with a flat roof and integral rooflight; it would be located 0.2 metres from the south western boundary of the site. The other extension

would measure 5.4 metres deep and 4 metres wide with a dual pitched roof and gable end; it would be located 0.5 metres from the nor eastern boundary of the site. Both extensions are located to the rear of the dwelling and would be afforded limited views from the public domain. Both extensions are of a typical residential design and are of scales which appear subservient to the existing dwelling.

5.4 Impact on Residential Amenity

- 5.4.1 The dwelling is located in a residential setting and is surrounded by residential properties. To the north of the site is detached dwelling No. 2 Wellands and to the south is No. 6 Wellands which is the semi-detached pair to the application site. To the rear of the property is the rear garden 12 Witham Road and to the front of the application site is the private amenity space of No. 16 Witham Road.
- 5.4.2 No. 2 Wellands is located 9 metres from the shared boundary with the application site and is separated by a detached garage of a similar height to the existing two storey extension at No. 4 Wellands. No. 2 Wellands' garage has no windows or rooflights on the flank elevation. The front extension would project forward of the front elevation of the garage of No. 2 Wellands by 3 metres, it would not project forwards of the building line of No.4 and No. 6 Wellands. The front extension is not considered to appear overbearing or unneighbourly.
- 5.4.3 A first floor window is proposed at first floor on the north eastern elevation of No. 4 Wellands, this window serves a bathroom and a condition should be imposed requiring obscure glazing in the interests of privacy.
- 5.4.4 The northern-most rear extension would project 5.4 metres from the rear elevation of the dwelling and would be single storey in height. This would extend the built form beyond the rear elevation of the garage associated with No. 4 Wellands to a greater extent. The entire depth of built form would measure approximately 18 metres at the boundary shared between No. 4 and No. 2 Wellands. Whilst there would be an increase in the amount of built form in close proximity to the boundary, the additional length created by the proposed development is single storey to the rear and this is not considered to be overbearing or unneighbourly. The existing two storey wall would not be altered. The rear extension because of its single storey nature would not result in loss of light or overlooking.
- 5.4.5 The occupiers of No. 2 Wellands have objected to the proposal but their objection relates to issues of construction and access which are not material planning considerations.
- 5.4.6 The southernmost extension to the rear of No. 4 Wellands would be located adjacent to the boundary shared with No. 6. This property has previously been extended and the proposed development would not extend as far as the built form on the neighbouring site. Therefore, this element is not considered unneighbourly or overbearing.
- 5.4.7 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.

5.5 Access, Parking and Highway Safety

- 5.5.1 Planning permission is sought for extensions and alterations to a residential dwelling. Access to the site would remain the same as existing. Parking is provided to the front of the dwelling.
- 5.5.2 The existing dwelling has four bedrooms and the site provides space to park at least four vehicles in the frontage and space in the garage.
- 5.5.3 The proposed dwelling would have five bedrooms and the garage would be lost as a parking space as a result of its conversion. The extension to the front of the dwelling would also impact the parking arrangements to the front of the site. As a result of the development the site would provide four spaces for cars to park.
- 5.5.4 The Maldon District Vehicle Parking Standards SPD requires that a dwelling with four or more bedrooms should provide a maximum of three spaces. The site provides four spaces and therefore there is no objection to the proposal in relation to car parking.

5.6 Private 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 The existing dwelling has a garden which measures in excess of 400m². The two extensions to the rear would reduce the level of amenity space available within the site. However, the remaining garden would still be in excess of the Essex Design Guide requirement and therefore there is no objection to the proposal in relation to amenity space provision.

6. ANY RELEVANT SITE HISTORY

- 16/00011/HOUSE - Development of an annex to the rear of the garden.
Refused: 08.04.16.

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	<p>Object to the application</p> <ul style="list-style-type: none">• Front would improve the streetscene• Development would result in a long, unrelieved, overbearing wall along the boundary shared with No. 2	<ul style="list-style-type: none">• Noted see design section of report• Noted see impact on residential amenity section• The application is for an extension to a dwelling and not for the creation

	Wellands <ul style="list-style-type: none"> Concern about subdivision of plot 	of a new dwelling, this would require planning permission in its own right.
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7.2 Representations received from Interested Parties (*summarised*)

7.2.1 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 & Mrs Lawless, Oaklands, (No. 2) Wellands, Wickham Bishops

Objection Comment	Officer Response
Extension would extend 4 metres beyond the existing rear wall and question how it can be constructed without impacting the boundary fence or without accessing the neighbours land	Concern about practicalities of construction are not a material planning consideration.

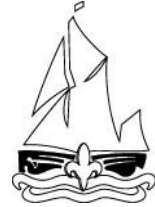
8. PROPOSED CONDITIONS

- 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).
- The development hereby permitted shall be carried out in complete accordance with approved drawings: PA-160427-01 Rev. A, PA-160427-03, PA-160427-02, PA-160427-05 Rev. A, PA-160427-04 Rev. B, PA-160427-07, PA-160427-06 Rev. A.
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.
- The external surfaces of the development hereby approved shall be constructed of materials and of a 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.
- An internal pedestrian access shall be retained at all times between the existing dwelling house and the extension hereby permitted.
REASON: To prevent the extension being an independent annex in accordance with H11 of the adopted Maldon District Replacement Local Plan.
- The annex hereby permitted shall be occupied only as an annex for purposes ancillary and incidental to and in conjunction with the use of the existing property as a single dwelling house and not as a separate or independent unit of residential accommodation.
REASON: To prevent the extension being an independent annex in accordance with H11 of the adopted Maldon District Replacement Local 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
INTERIM HEAD OF PLANNING SERVICES**
to
NORTH WESTERN AREA PLANNING COMMITTEE
6 February 2017

Application Number	FUL/MAL/16/01419
Location	Vaulty Manor Goldhanger Road Heybridge Essex
Proposal	Wedding gazebo within the enclosed garden of Vaulty Manor
Applicant	Mr Colin Downie - Osea Leisure Park
Agent	Geoffrey Vale - Geoffrey Vale Chartered Architect
Date Valid	6 December 2016
Target Decision Date	07 March 2017
Case Officer	Yee Cheung, Tel: 01621 876220
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	The planning application and Listed Building Consent both fall under the parishes of Goldhanger and Heybridge and therefore would need to be considered by Members at the North Western Area Planning Committee and Central Area Planning Committee.
Application Number	LBC/MAL/16/01420
Location	Vaulty Manor Goldhanger Road Heybridge Essex
Proposal	Wedding gazebo within the enclosed garden of Vaulty Manor
Applicant	Mr Colin Downie - Osea Leisure Park
Agent	Geoffrey Vale - Geoffrey Vale Chartered Architect
Target Decision Date	31.01.2017
Case Officer	Yee Cheung, Tel: 01621 876220
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	The planning application and Listed Building Consent both fall under the parishes of Goldhanger and Heybridge and therefore would need to be considered by Members at the North Western Area Planning Committee and Central Area Planning Committee.

1. RECOMMENDATION

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

GRANT LISTED BUILDING CONSENT subject to the conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Vaulty Manor, Goldhganger Road, Heybridge
FUL/MAL/16/01419



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Scale:	1:5,000
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee -16/01419/FUL
Date:	24/01/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located in the rural area beyond the settlement boundaries for both Goldhanger and Heybridge. The site is located on the north side of Maldon Road/Goldhanger Road with the buildings set back approximately 140 metres from the highway. To the front / southern boundary of the application site there is an established hedge and some trees have been planted along the private driveway into the site. The site itself is occupied by a Grade II listed building and planning permission was granted to change the use of the existing six bedroom 'Vaulty Manor' to be used as a hotel in association with the existing wedding venue (reference: FUL/MAL/16/00026).
- 3.1.2 Planning permission is sought for the erection of a gazebo to be used in conjunction with the existing wedding venue. The gazebo would be octagon in shape and measure approximately 4 metres wide and 4 metres deep with a height of 3.9 metres to ridge level. It would be positioned approximately 12 metres further forward and 32 metres away to west from the main house.

3.2 Conclusion

- 3.2.1 The gazebo, to be used in conjunction with the existing wedding venue at Vaulty Manor is considered acceptable in principle and would not cause demonstrable harm to the character and appearance of the rural area, the residential amenity of neighbouring properties and the setting of the Grade II listed building. In this respect, the proposal would accord with policies BE1, BE16 and CC6 of the adopted local plan, policies S1, S8, D1, D3 and H4 of the Local Development Plan, and Government advice 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:

- 7, 14, 17, 56, 57

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1, BE16, CC6

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

- S1, S8, D1, D3, H4

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of erecting a gazebo to be used in conjunction with the established wedding venue within the house and ground is considered acceptable. There is no objection to the development proposal in principle subject to other planning considerations which will be discussed below:-

5.2 Design and Impact on the Character of the Area and the setting of the Listed Building

- 5.2.1 Policy BE1 of the adopted local plan states that development proposals will only be permitted if they are compatible with their surroundings in terms of layout, scale, bulk, height and visual impact. The gazebo would be set within the grounds of a listed building and as such policy BE16 would also apply to this case. Further, policy D3 of the Local Development Plan and the National Planning Policy Framework both provide guidance on heritage assets. Policy BE16 states that ‘extensions, alterations to, and additional buildings in the curtilage of listed buildings’ will only be permitted if the proposal would not harm the building, its setting and any features that contribute to its special architectural or historic interest.
- 5.2.2 The development proposes to construct a gazebo to be used for wedding purposes in conjunction with the main house. The gazebo would be octagon in shape and of a simple design. It is modest in scale, featuring external materials such as wood composite for the decking and painted timber posts supporting the cedar shingles to form the roof. The gazebo would be positioned approximately 35 metres away from west of the main house and therefore would not have material impact on the principle building which is Grade II listed. Whilst it is noted that the gazebo would be set 12 metres further forward than the house, it would still be screened by existing line of trees and therefore cannot be seen from the public domain. The structure is considered to be appropriate and sympathetic to the rural setting in accordance with Policies BE1, BE16 and CC6 of the adopted local plan and Policies S1, S8, D1 and D3 of the Local Development Plan. The Conservation Officer has raised no objection to the proposal.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the adopted local plan seeks to protect neighbouring occupiers from development which would be detrimental to their amenities by reason of overlooking, overpowering and loss of light. The nearest dwellings are No. 1 and 2 Vaulty Manor Cottages located approximately 190 metres away to the south east of the site with the Barrow Marsh Caravan Park located some 170 metres to the south west. Having considered the scale and nature of work proposed, it is not considered the gazebo would have an adverse impact on the amenity of the occupiers at the named cottages or the occupiers at the caravan park to warrant refusal.
- 5.3.2 Whilst it is acknowledged that the gazebo, to be used for wedding purposes, may result in some noise and disturbance i.e. with music being played from the structure, it is important to note that there is currently no restriction within the grounds of the house to erect a temporary structure such as a tent for a day with music being played

within. As such, it is considered the gazebo would not significantly harm the residential amenity of the above residential properties to justify refusal of this application.

- 5.3.3 Having checked the planning history for the site, it appears that no restriction has been placed on the house and grounds to facilitate functions, parties and weddings, it is therefore considered to impose a condition restricting music being played during wedding ceremonies within the gazebo would be unreasonable.

5.4 Access, Parking and Highway Safety

- 5.4.1 The construction of a gazebo would not reduce the level of car parking spaces that are currently available within the grounds of Vaulty Manor. The proposed gazebo would not result in additional visitors on top of the existing facility to such a degree as to result in any demonstrable increase in on-site parking. In this respect, the proposal would accord with policy T8 of the adopted local plan and policy T2 of the Local Development Plan.

5.5 Landscaping

- 5.5.1 The proposed gazebo positioned on a lawn area and would be screened by existing soft landscaping. In preparation for wedding ceremonies temporary decorations such as flower displays, mats and seats would be laid out for the people attending the wedding. As these features would be temporary, it is considered that it would not harm the character and appearance of the area and the setting of the listed building.

5.6 Other Material Considerations

- 5.6.1 The application site is located on the boarder of Flood Zones 2 and 3. The site area is approximately 2.6 hectares and as such the Environment Agency, Essex County Council's Sustainable Urban Drainage Team and the Emergency Planner were consulted regarding the development proposal. No replies have been received from these external consultees at the time of writing this report.

6. ANY RELEVANT SITE HISTORY

- 01/00105/FUL - Proposed additional banqueting hall and covered terrace alongside the existing banqueting hall. Approved 28.03.2001
- 01/00106/LBC - Proposed additional banqueting hall and covered terrace alongside the existing banqueting hall.
- 02/00201/FUL - Convert covered terrace approved under refs: FUL/MAL/01/00105 and LBC/MAL/01/00106 to extensions of banquet hall. Approved 15.04.2002
- 02/00202/LBC - Application for listed building consent to Convert covered terrace approved under refs: FUL/MAL/01/00105 and LBC/MAL/01/00106 to extensions of banquet hall. Approved 15.04.2002
- 02/00849/FUL - Erection of guest accommodation rooms. Approved 12.11.2002

- 03/01220/FUL - Extend existing barn currently used for wedding ceremonies to provide additional area for seating, disabled WC, and improved WC facilities. Approved 14.01.2004
- 03/01221/LBC - Extend existing barn currently used for wedding ceremonies to provide additional area for seating, disabled WC, and improved WC facilities. Approved 14.01.2004
- 05/00666/FUL - Extension to Banqueting Hall. Approved 07.02.2006
- 16/00026/FUL - Change of use (of the house on the estate site) from (C3) private dwelling house to (C1) hotel/guest house. Approved: 10.05.2016
- 16/00027/LBC - Minor alterations to first floor interior bedroom and en-suite arrangements. Granted Listed Building Consent: 08.03.2016.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Goldhanger Parish Council	Supports the FUL and LBC applications	Acknowledged
Heybridge Parish Council	To grant planning permission and Listed Building Consent	Acknowledged

7.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	No reply at the time of writhing this report	Any comments received will be presented to Members on the Members Update
Emergency Planner	No reply at the time of writhing this report	Any comments received will be presented to Members on the Members Update
SUDs Team	No reply at the time of writhing this report	Any comments received will be presented to Members on the Members Update
ECC Highways	No reply at the time of writhing this report	Any comments received will be presented to Members on the Members Update

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection to the proposed gazebo. It will cause no harm to the setting or significance of the Grade II listed Vaulty Manor.	This has been addressed in Paragraph 5.2.2.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation at the time of writing this report.

8. **PROPOSED CONDITIONS**

Planning application 16/01419/FUL:-

- 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 by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.

Listed Building Consent 16/01420/LBC:-

- 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 18(1) of the Planning (Listed Buildings and Conservation Areas) 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: To ensure that the development is carried out in accordance with the details as approved.

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**REPORT of
INTERIM HEAD OF PLANNING SERVICES**
to
NORTH WESTERN AREA PLANNING COMMITTEE
6 February 2017

Application Number	OUT/MAL/16/01490
Location	Land Adjacent 18 Totham Hill Green, Great Totham
Proposal	Erect detached bungalow with integral garage, and layout parking and amenity areas.
Applicant	Mr & Mrs L And R De Belligny
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Date Valid	22 December 2016
Target Decision Date	16 February 2017
Case Officer	Emily Hall, TEL: 01621 875744
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Land Adjacent 18 Totham Hill Green, Great Totham
OUT/MAL/16/01490



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 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee -16/01490/OUT
Date:	24/01/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site sits on the west side of Totham Hill Green, south of a pair of listed semi-detached dwellings. A fairly continuous line of built development runs north from these cottages. To the south of the site is Croft Cottage, a listed detached dwelling, beyond which is open agricultural land. The site is roughly square and measures some 45m along its road frontage. This frontage is marked by a substantial hedge. The site accommodates a field access and some modest agricultural style buildings and there is some evidence of low key open storage. Otherwise it is free of built development and its character has more in common with an agricultural holding than with the residential development to the north.
- 3.1.2 The application site is outside of the defined settlement boundary of Great Totham.
- 3.1.3 Outline planning permission is sought for the erection of a detached bungalow with integral garage, amenity space and parking. Access and layout are matters for consideration at the current time but all other matters are reserved for consideration at a future date.
- 3.1.4 The submitted block plan details that the existing three barns / structures on the site would be removed. The proposed dwelling would have an irregular footprint and would be set back from the highway by between 14 and 18 metres.
- 3.1.5 The application is a resubmission of a previously withdrawn scheme. The alignment of the hedge at the eastern boundary has been set back from the highway to allow for a 2.4 metre wide parallel band visibility splay to be formed as requested by the Highway Authority in relation to the previous application 16/01034/OUT which was withdrawn.

3.2 Conclusion

- 3.2.1 The application site is in a rural location outside of the defined settlement boundary of Great Totham where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site application site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District.
- 3.2.2 The proposal would have a suburbanising effect on the site and visually link Croft Cottage, which currently sits apart, to the built up area. Furthermore, the gradual transition from built up area to countryside within the vicinity of the site would be undermined by the construction of a new dwelling and associated domestic paraphernalia within the application site harming the character and appearance of the area. The visual intrusion of a residential dwelling, vehicle access and parking area, along with associated domestic paraphernalia, is considered to result in an urban style development with significant detrimental impacts upon the character and appearance of the countryside location.

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
- CC6 Landscape Protection
- 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
- 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 RLP provide the strategic position for the District through defined development boundaries for villages/urban areas and seek 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 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. Policy S8 of the LDP states that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and the development is for one of the development types listed within Policy S8.

- 5.1.4 The site is in a location where policies of restraint apply and for the purposes of planning policy is located within the countryside. The proposed development would not fall within any of the categories listed within policy S8 and is outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations. Therefore, the principle of development is unacceptable.
- 5.1.5 Outline planning permission has been granted for the erection of a dwelling at a site on the east side of Totham Hill Green at Land south of Wesley Cottage, planning reference 16/00534/OUT. This site is opposite the southern end of the application site. The application site for 16/00534/OUT is located within the defined settlement boundary of Great Totham, where the principle of development is acceptable. The material planning considerations between the two sites are vastly different and the unsuitability of the current application site for residential development has been confirmed by the planning inspector's decision which dismissed the appeal lodged in relation to 14/00411/OUT.

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 and 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.
- 5.2.5 Outline planning permission is sought for the erection of a bungalow within the site; the number of bedrooms proposed has been indicated as "unknown" on the application form. However, submitted block plan and design and access statement refer to a "three/four bedroom bungalow". 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 The application site is located outside of the settlement boundary of Great Totham. 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 and is relevant for the determination of this application.
- 5.3.2 The application site is located within the Totham Woodham 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 covers the wooded eastern hills and slopes above the River Blackwater, which stretches from the sparsely settled Kelvedon Hall Farm area in the north, through Great Braxted and to the Eastern Wood and Captain's Wood in the south. The landform is rolling hills with some steep ridges and the field pattern is irregular, usually following the topography of the land. The scale varies from intimate and enclosed on the higher thickly wooded slopes and ridges, to medium scale on the lower southern slopes where hedges and hedgerow trees predominate as field boundaries.
- 5.3.3 The application is outline in nature with the matters of layout and access for consideration.
- 5.3.4 The application site sits on the west side of Totham Hill Green, south of a pair of listed semi-detached dwellings. A fairly continuous line of built development runs north from these cottages. To the south of the site is Croft Cottage, a listed detached dwelling, beyond which is open agricultural land. This frontage is marked by a substantial hedge. The site accommodates a field access and some modest agricultural style buildings and there is some evidence of low key open storage. Otherwise it is free of built development and its character has more in common with an agricultural holding than with the residential development to the north.
- 5.3.5 By virtue of its size and character the site creates a substantial gap between Croft Cottage and the cottages to the north. As such, the proposed development would amount to an extension of the built up area, rather than infilling within an otherwise built up frontage. There is built development opposite, and to the south of, the site on the east side of Totham Hill Green. However, these properties are fairly widely spaced and are set back from the road behind a greensward which increases in depth towards its southern end. This section of the road also becomes more rural in character, not least due to the substantial hedge along the appeal site frontage. This gradual transition from built up area to countryside contributes positively to the character of the area. It would be undermined by the construction of a new dwelling and associated domestic paraphernalia at the appeal site. The proposal would have a suburbanising effect on the site and visually link Croft Cottage, which currently sits apart, to the built up area.
- 5.3.6 This view is consistent with the dismissed appeal on the site, planning application reference FUL/MAL/14/00411 and there are no new material considerations that would alter this stance.

- 5.3.7 As highlighted previously the application is outline in nature with the matters of layout and access to be determined within the current application. Because access is a matter for consideration the highways authority has been consulted who have no objection to the proposal subject to conditions. One of the proposed conditions relates to the facilitation of a 2.4 metre wide parallel band visibility splay across the entire sites frontage to Totham Hill Green which must be maintained free from obstruction clear to ground in perpetuity the alignment of the existing hedge has been proposed on the block plan to accommodate this condition. Whilst the hedge could be replanted/ re-sited, a new a hedge in a new position behind the visibility area would dilute the existing rural character of the road.
- 5.3.8 This view is consistent with the dismissed appeal on the site, planning application reference FUL/MAL/14/00411 and there are no new material considerations that would alter this stance.

5.4 Impact upon Historic Interest of Listed Building

- 5.4.1 The site is located between listed buildings, Croft Cottage to the south and Bean Cottage and Walnut Tree Cottage to the north. All are Grade II Listed. Croft Cottage is located outside of the settlement boundary and is a post medieval timber-framed cross-wing dwelling with exposed timber frame, an unusual feature in the district. This dwelling is set in an attractively landscaped garden and is relatively isolated. The dwellings to the north (Bean and Walnut Tree Cottage) are late Georgian with timber frame and painted brick face. Its design with a gambrel roof is a distinct feature in the district. The dwellings are less isolated than Croft Cottage and more integrated with the village due to their location within the defined development boundary.
- 5.4.2 Whilst policy BE16 relates to development in the curtilage of a listed building, it is considered a relevant policy in assessing the proposal's impact on the adjacent heritage assets. The policy states that permission would not be granted for development that would harm the setting of a listed building.
- 5.4.3 The Conservation Officer has raised no objection to the current proposal subject to conditions. These conditions are considered necessary and reasonable to protect the character and setting of the two adjacent listed buildings.

5.5 Effect on Neighbouring Residential Occupiers

- 5.5.1 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.
- 5.5.2 Layout is a matter for consideration and whilst the arrangement of fenestration is not known at this stage the proposal is for a single storey dwelling.
- 5.5.3 The proposed dwelling would be set back from the northern boundary by 9.9 metres, the eastern boundary by 18 metres, the southern boundary by 17.9 metres and the western boundary by 10.4 metres.

- 5.5.4 The application site is located in a semi-rural setting. There are residential dwellings to the north, east and south of the site.
- 5.5.5 The proposal is for a single storey dwelling; given its single storey nature the dwelling is unlikely to give rise to issues of overlooking. However, this will be further considered at reserved matters stage.
- 5.5.6 In addition, given the distance of the proposal from the neighbouring properties, it is not considered to represent an unneighbourly or oppressive form of development. However, this will be further considered as reserved matters stage.

5.6 Access, Parking and Highway Safety

- 5.6.1 It is proposed to utilise the existing access to the site at the eastern boundary. Totham Hill Green is a classified road. The highways authority has been consulted and raises no objection to the proposal on highways safety terms subject to the imposition of suitable planning conditions.
- 5.6.2 One of the proposed conditions relates to the facilitation of a 2.4 metre wide parallel band visibility splay across the entire sites frontage to Totham Hill Green which must be maintained free from obstruction clear to ground in perpetuity. The alignment of the hedge at the eastern boundary of the site has been amended to comply with this condition.
- 5.6.3 The proposal complies with policies T8 of the RLP and D1 and T2 of the LDP and guidance contained within the NPPF.
- 5.6.4 Outline planning permission is sought for the erection of a bungalow within the site; the number of bedrooms proposed has been indicated as “unknown” on the application form. However, submitted block plan and design and access statement refer to a “three/four bedroom bungalow”.
- 5.6.5 The Council’s Vehicle Parking Standards requires dwellings of with three bedrooms to provide a maximum of two parking spaces and a dwelling with four or more bedrooms to provide a maximum of three parking spaces.
- 5.6.6 Layout is a matter to be considered within the scope of the current application. The block plan details a dwelling that would be located centrally within the plot with an integral double garage and hard standing in the north east corner of the site. Parking for at least four vehicles would be provided within the site in compliance with the Council’s Vehicle Parking Standards.

5.7 Provision of Amenity Space and Landscaping

- 5.7.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development.
- 5.7.2 Outline planning permission is sought for the erection of a bungalow within the site; the number of bedrooms proposed has been indicated as “unknown” on the application form. However, submitted block plan and design and access statement refer to a “three/four bedroom bungalow”.

- 5.7.3 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m².
- 5.7.4 Layout is a matter to be considered within the scope of the current application. The block plan details a dwelling that would be located centrally within the plot with amenity space surrounding the dwelling. The private amenity space, set back from and to the rear of the dwelling measures approximately 900m² which is in excess of the guidance contained within the Essex Design Guide.
- 5.7.5 Landscaping is not a matter for consideration within the scope of the current application. However, the block plan details that the existing hedges and trees at the boundary are to be retained but reduced in height to 1 metre at the eastern boundary of the site adjacent to Totham Hill Green. Concerns about highways safety have previously been highlighted in respect of this. To ensure that adequate visibility is provided with respect to accessing the site the existing hedge would need to be removed. The existing hedge makes a valuable contribution to the character and appearance of the area, and a new a hedge in a new position behind the visibility area would dilute the existing rural character of the road.

5.8 Sustainability

- 5.8.1 Sustainability does not relate solely to the location of the development but is tripartite, relating to economic, social and environmental aspects which are explained in paragraph 7 of the NPPF.
- 5.8.2 The application site adjoins established residential development but is outside of the defined settlement boundary of Great Totham. It is some 640m from the nearest local facilities and bus stops. The route is along a lane which is, for the most part unlit and without footpaths. It would not, therefore, be attractive for pedestrians and would be unlikely to encourage cycling, particularly after dark or during inclement weather.
- 5.8.3 Moreover, the facilities available comprise a public house, florist and a church, which are unlikely to provide for the majority of day to day needs of future occupiers. The bus stops near these facilities provide services to Great Totham South as well as Heybridge, Tiptree and Colchester where greater ranges of facilities are available. However, the need to catch a bus, together with the shortcomings of the route to the bus stop, would not be an attractive option for future residents and that they would be more likely to use a car to travel for their day to day needs. Therefore, even taking into account that that NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, it is considered that the proposal would not contribute to sustainable travel patterns.
- 5.8.4 In terms of the social dimension of sustainability, the Council is in a position where it can demonstrate a five year housing land supply and the provision of an additional dwelling which is not aligned with the Council's needs is considered to make a negligible contribution in respect of social sustainability.
- 5.8.5 The application site would not be isolated from the established community. However, in view of its harmful effect on the character and appearance of the area, the proposal

would have a negative impact of the natural and built environment and would not contribute to environmental sustainability.

- 5.8.6 The proposal would create jobs during the construction of the dwelling and this would contribute to the economic dimension of sustainability, albeit for a limited period. Future residents could also be expected to help to support the limited range of local facilities.
- 5.8.7 Nevertheless, taking into account the concerns over the proposals harmful effects on the character and appearance of the area and travel patterns, it is concluded that its adverse impacts would significantly and demonstrably outweigh its benefits. The proposal would not, therefore, amount to a sustainable form of development. Nor would it accord with the aims of RLP policy T1 or emerging LDP policies S1, T1 and T2.

6. ANY RELEVANT SITE HISTORY

Application site

- 14/00411/FUL - Erection of one detached dwelling. Refused: 11 September 2014. Appeal dismissed: 19 February 2015.
- 13/00126/FUL - Demolition of ancillary buildings and proposed 4 new 2 bedroom semi-detached dwellings with associated parking. Refused: 12 April 2013.

Other sites within the vicinity of the application site

- 16/01034/OUT - Erect detached bungalow with integral garage, and lay out parking and amenity areas. Withdrawn.
- 14/01218/OUT - Erection of 2no. bungalows and 2no. chalet bungalows. Refused: 30 March 2015.
-

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees (*summarised*)

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

7.2 Representations received from Interested Parties (*summarised*)

- 7.2.1 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 & Mrs D. Harris, 19 Totham Hill Green, Great Totham

Objection Comment	Officer Response
Application site is outside of the settlement boundary	Noted
Development would harm the character of the area	Noted

Objection Comment	Officer Response
Site is remote from community and transport services	Noted
Worried about future applications	Noted
Concern about highways safety	Noted

7.2.2 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:

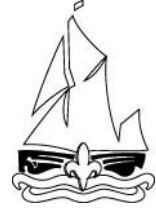
- Mrs Lockett, 11 Staplers Heath, Great Totham
- Mr Goodchild, 10A Totham Hill Green, Great Totham
- Mr & Mrs J. Gregan, Winwoof Lodge, Totham Hill Green, Great Totham
- Mr & Mrs Whitney, 31 Totham Hill Green, Great Totham
- Mr Wakelin, 2 Jepcracks Farms, Church Road, Great Totham
- Mr Reynolds, Longfield, Plains Road, Great Totham
- Mr Frost, Perrins, Colchester Road, Great Totham
- Mr & Mrs Gregan, Winwoof Lodge, Totham Hill Green, Great Totham
- M. J. Phillis, Godfreys Farmhouse, Sheepcoates Lane, Great Totham
- Mr P. Whitnall, 19 Totham Hill Green, Great Totham

Supporting Comment	Officer Response
Proposal will tidy up the plot and round off the development in the area	Noted
Design of dwelling in keeping	Noted
Development would not harm the character of the area	Noted
Development would not harm the amenities of neighbouring occupiers	Noted

8. REASON FOR REFUSAL

1. The proposal would have a suburbanising effect on the site and visually link Croft Cottage, which currently sits apart, to the built up area. Furthermore, the gradual transition from built up area to countryside within the vicinity of the site would be undermined by the construction of a new dwelling and associated domestic paraphernalia within the application site harming the character and appearance of the area contrary to policies CC6 and BE1 of the Maldon District Replacement Plan and D1 of the Maldon District Local Development Plan as well as guidance within the National Planning Policy Framework.

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**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
6 FEBRUARY 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: 17 January 2017

Enforcement Notice Reference Number: ENF/15/00093/2

Appeal Reference Number: APP/X1545/C/16/3161041

Site: Tolleshunt Wood Within Chantry Wood Witham Road Wickham Bishops

Alleged Breach of Planning Control: Without planning permission the unauthorised operational development to erect a building

Appeal by: Mr Guy Dehn

Grounds of Appeal:

Ground A

That planning permission should be granted for what is alleged in the notice

Ground C

that there has not been a breach of planning control

Ground F

that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections

Appeal Start Date: 25/01/2017

Application Number: HOUSE/MAL/16/00921 (APP/X1545/D/17/3166724)

Site: 48 Maldon Road, Great Totham, Essex, CM9 8NL

Proposal: Erection of an approximately 1800 mm high fence along the boundary of the property

Appeal by: Mr Andrew Porcas

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 26/01/2017

Application Number: FUL/MAL/16/00460 (APP/X1545/W/16/3163932)

Site: Land At Goat Lodge Road - Great Totham

Proposal: Erection of nine dwellings, creation of new accesses to Goat Lodge Road and Staplers Heath, estate roads, garages and car spaces, foul and surface water drainage and landscaping.

Appeal by: Mr Alan Collier

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.

COUPA/MAL/16/00593 (Appeal Ref: APP/X1545/W/16/3157810)

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

Address: Unit 1 Honeywood Farm - Honeypot Lane - Purleigh

**APPEAL ALLOWED & FULL COSTS AGAINST THE COUNCIL ALLOWED
– 9 January 2017**

DECISION LEVEL: Delegated

OUT/MAL/16/00048 (Appeal Ref: APP/X1545/W/16/3155011)

Proposal: Outline application for a single dwelling

Address: Land Between Heath House And Little Braxted House, Braxted Road, Little Braxted

Decision Level: Committee as per Officer recommendation to refuse

APPEAL ALLOWED/DISMISSED – 19 January 2017

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