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APOLOGIES Committee Services
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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

24 February 2017

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 6 MARCH 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, hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor H M Bass

VICE-CHAIRMAN

Councillor Mrs M E Thompson

COUNCILLORS

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

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

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 6 MARCH 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 18)

To confirm the Minutes of the meeting of the Committee held on 6 February 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. **FUL/MAL/16/01373 - The Warren Lodge Park, Herbage Park, Herbage Park Road, Woodham Walter** (Pages 19 - 34)

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

7. **FUL/MAL/16/01426 - Oakfield Farm, Hyde Chase, Purleigh** (Pages 35 - 40)

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

8. **RES/MAL/16/01475 - The Summer House, Back Lane, Wickham Bishops** (Pages 41 - 52)

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

9. **OUT/MAL/17/00072 - Land at Broadfield Farm, Braxted Park Road, Great Braxted** (Pages 53 - 64)

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 65 - 66)

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**

12. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

13. **Enforcement Update** (Pages 67 - 124)

To receive and note a quarterly update on enforcement cases affecting the Committee's area.

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 being monitored and recorded by CCTV.

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

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

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

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

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
6 FEBRUARY 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 and Miss S White
Ex-Officio Non- Voting Member	Mrs P A Channer, CC

952. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

953. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D M Sismey.

954. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the North Western Area Planning Committee held on 9 January 2017 be received.

**Minute No. 844 – RES/MAL/16/01130 – LAND NORTH WEST OF 34 TO 36
MALDON ROAD, GOLDHANGER**

Councillor E L Bamford requested that the wording in the final sentence of the second paragraph of this Minute be amended to read “The Parish Trigger would not have brought this application before the Committee.”

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 9 January 2017 be confirmed.

955. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest in respect of Agenda Item 8 – FUL/MAL/16/01419 and LBC/MAL/16/01420 – Vaulty Manor, Goldhanger Road, Heybridge and Agenda Item 9 – OUT/MAL/16/01490 – Land Adjacent 18 Totham Hill Green, Great Totham as he knew the Applicants.

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on planning applications in relation to highways, education and other matters. She also declared a non-pecuniary interest in relation to Agenda Item 8 – FUL/MAL/16/01419 and LBC/MAL/16/01420 – Vaulty Manor, Goldhanger Road, Heybridge, as she knew the Applicant.

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

956. MEMBERS' BRIEFING

There was no Members' Briefing.

957. HOUSE/MAL/16/01319 - FAIRWIND, 14 WATERWORKS ROAD, TOLLESBURY

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

Following the Officer's presentation of the report, the Committee debated this application raising concerns about both the height of the building and the possibility of it being used for residential use in future. The Interim Head of Planning Services advised the Committee that under permitted development rights a substantial building would have been allowed, provided that it was ancillary to the main dwelling. If Members were minded to refuse this application, then the Council would be in danger of being seen to be unreasonable.

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 building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purpose or as annexe accommodation.

958. HOUSE/MAL/16/01322 - 4 WELLANDS, WICKHAM BISHOPS

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

Following the Officer's presentation of the report, Mr S Waud, 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 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.
3. The external surfaces of the development hereby approved shall be constructed of materials and of a finish as detailed within the application.
4. An internal pedestrian access shall be retained at all times between the existing dwelling house and the extension hereby permitted.
5. 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.

959. FUL/MAL/16/01419 AND LBC/MAL/16/01420 - VAULTY MANOR, GOLDHANGER ROAD, HEYBRIDGE

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.

RESOLVED that the Planning and Licensing Committee be **recommended to APPROVE** application FUL/MAL/16/01419 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.

RESOLVED that the Planning and Licensing Committee be **recommended to GRANT LISTED BUILDING CONSENT** for application LBC/MAL/16/01420 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.

960. OUT/MAL/16/01490 - LAND ADJACENT 18 TOTHAM HILL GREEN, GREAT TOTHAM

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

The Officer presented the report to the Committee and advised that the letters of representation shown in the Report and the Members' Update were incorrect. There had been 23 letters of support and 4 letters of objection received, as follows:

Support:

Mr Martin Frost, Perrins Colchester Road Great Totham Maldon Essex CM9 8ED
Mr David Goodwin, Slough House Farm Scraley Road Great Totham Essex CM9 8JA
Mr Daniel Gower, 2 Foster Road Great Totham Essex CM9 8PZ
Mr J Gower, 22 Heriot Way Great Totham Essex CM9 8BW
Mr S Gower, 18A Walden House Road Great Totham Essex CM9 8PN
Mr & Mrs J Gegan, Winwoof Lodge Totham Hill Green Great Totham Essex CM9 8DX
Miss A Gregory, 13 Spring Lane Great Totham Essex CM9 8DL
Mrs Rachel Hamilton, Lawns Farm 29 Plains Road Great Totham Maldon Essex CM9 8DT
Mrs Jacqueline Jenkins, Great Totham Garage 2 Hall Road Great Totham Essex CM9 8NN
Mrs Jan Lockett, 11 Staplers Heath Great Totham Maldon Essex CM9 8NG
Mr Brian Lorkin, 27 Totham Hill Green Great Totham Essex CM9 8DX
Brian & Theresa Marshall, Sheepcoates Hall Sheepcoates Lane Great Totham Essex CM9 8NT
Mr J Marven, Marvens Riding Stables Fanners Farm Wickham Bishops CM8 3LX
Mr & Mrs P Witney, 31 Totham Hill Green Great Totham Maldon Essex CM9 8DX
Mr & Mrs Petett, Hill Farm Beckingham Road Great Totham Essex CM9 8DY
M J Phillis, Godfreys Farmhouse Sheepcoates Lane Little Totham Maldon Essex
Mr N Reynolds, Longfield Plains Road Great Totham Essex
Stephen Ross & Amanda Burton, 10A Totham Hill Green Great Totham CM9 8DX
Mr Robert Wakelin, 2 Jepcracks Farm Church Road Great Totham Maldon Essex
Mrs J White, 55 Maldon Road Great Totham Essex CM9 8NL
Mr & Mrs Brian Whiting, Hill House 1 Colchester Road Great Totham Essex CM9 8BZ
Peter Whitnall, 18 Totham Hill Green Great Totham Essex CM9 8DX
Daniel Wylie, Beckingham Manor Beckingham Road Great Totham Essex CM9 8EB

Object:

Mr & Mrs D Harris, 19 Totham Hill Green Great Totham Essex CM9 8DX
C A Heaviside, 12 Totham Hill Green Great Totham Essex CM9 8DX
Mrs Jean Perratt, Wesley Cottage 21 Totham Hill Green Great Totham Essex CM9 8DX
Mrs Gail Todd, Bean Cottage 14 Totham Hill Green Great Totham Essex CM9 8DX

Following the Officer's presentation of the report, Mr J Gregan, a Supporter, of Winwoof Lodge, Totham Hill Green, Great Totham and Mr R King, the Applicant's father, representing the Applicant, both addressed the Committee.

Councillor J V Keyes, a Ward Member, advised the Committee that he had called this application in to be considered by the Committee. Permission was originally sought for a house on this site, whereas this application was for a bungalow where an old asbestos shed was currently situated. Planning permission had been granted for a house on a site on the opposite side of the road. Councillor Keyes proposed that this application be approved contrary to the Officer's recommendation.

The Officer advised Members that the dwelling on the opposite side of the road for which permission had been granted was within the settlement boundary, whereas the application on this site was outside of the settlement boundary.

A discussion then ensued. A previous application for a house on this site was dismissed on appeal, with the conservation officer's concerns being a material consideration. Members noted that the conservation officer had not raised any concerns regarding the application which was now being considered. Although as this application was outline in nature, if Members were minded to approve it, then any conditions to be imposed by the conservation officer would be considered at the reserved matters stage.

Members raised concern that as this was an outline application and if permission was granted, then the applicant could come back with a very different proposal at a later stage. However, attention was drawn to the fact that the application before the Committee, whilst outline, was clearly for a bungalow and that the site was right on the edge of the settlement boundary.

The proposal to approve this application was duly seconded and, upon a vote, the motion was passed.

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

- 1 The development shall be carried out in accordance with plans and particulars relating to the scale, appearance and landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the Local Planning Authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.
- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.

- 4 Prior to the commencement of development, details and samples of the external materials to be used on the dwelling hereby approved 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.
- 5 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 6 As part of the reserved matters full details of both hard and soft landscape works to be carried out shall be 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.
- 7 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
 - (i) a survey of extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
 - (i) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's

- 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 8 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.
- 11 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

- Reason: To prevent pollution and to ensure the foul drainage scheme is adequate to serve the development in accordance with policy CON5 of the Maldon District Replacement Local Plan
- 12 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.
 - 13 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
 - 14 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

961. 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: 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

(ii) **Appeal Decisions:**

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

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

APPEAL DISMISSED – 19 January 2017

DECISION LEVEL: Committee as per Officer recommendation to refuse

FUL/MAL/16/00353 (Appeal Ref: APP/X1545/W/16/3159655)

Proposal: Demolition of existing dwelling and erection of a replacement dwelling with associated triple garage

Address: Great Canney Cottage, Hackmans Lane, Purleigh, Essex, CM3 6RP

APPEAL DISMISSED – 27 January 2017

DECISION LEVEL: Delegated

OUT/MAL/15/01342 (Appeal Ref: APP/X1545/W/16/3152640)

Proposal: Outline planning permission for demolition of existing dwelling and erection of up to 52 residential dwellings with associated vehicular access.

Address: Land Rear Of 9 Church Road - Wickham Bishops

APPEAL ALLOWED – 1 February 2017

DECISION LEVEL: Delegated

There being no further items of business the Chairman closed the meeting at 8.22pm.

H M BASS
CHAIRMAN

(a)
(b)



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

Application Number	FUL/MAL/16/01373
Location	The Warren Lodge Park Herbage Park Herbage Park Road Woodham Walter Essex
Proposal	28 new holiday lodges with associated infrastructure and access
Applicant	The Warren Estate
Agent	Mr D Wallis - Smart Planning Ltd
Target Decision Date	9 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Major Application

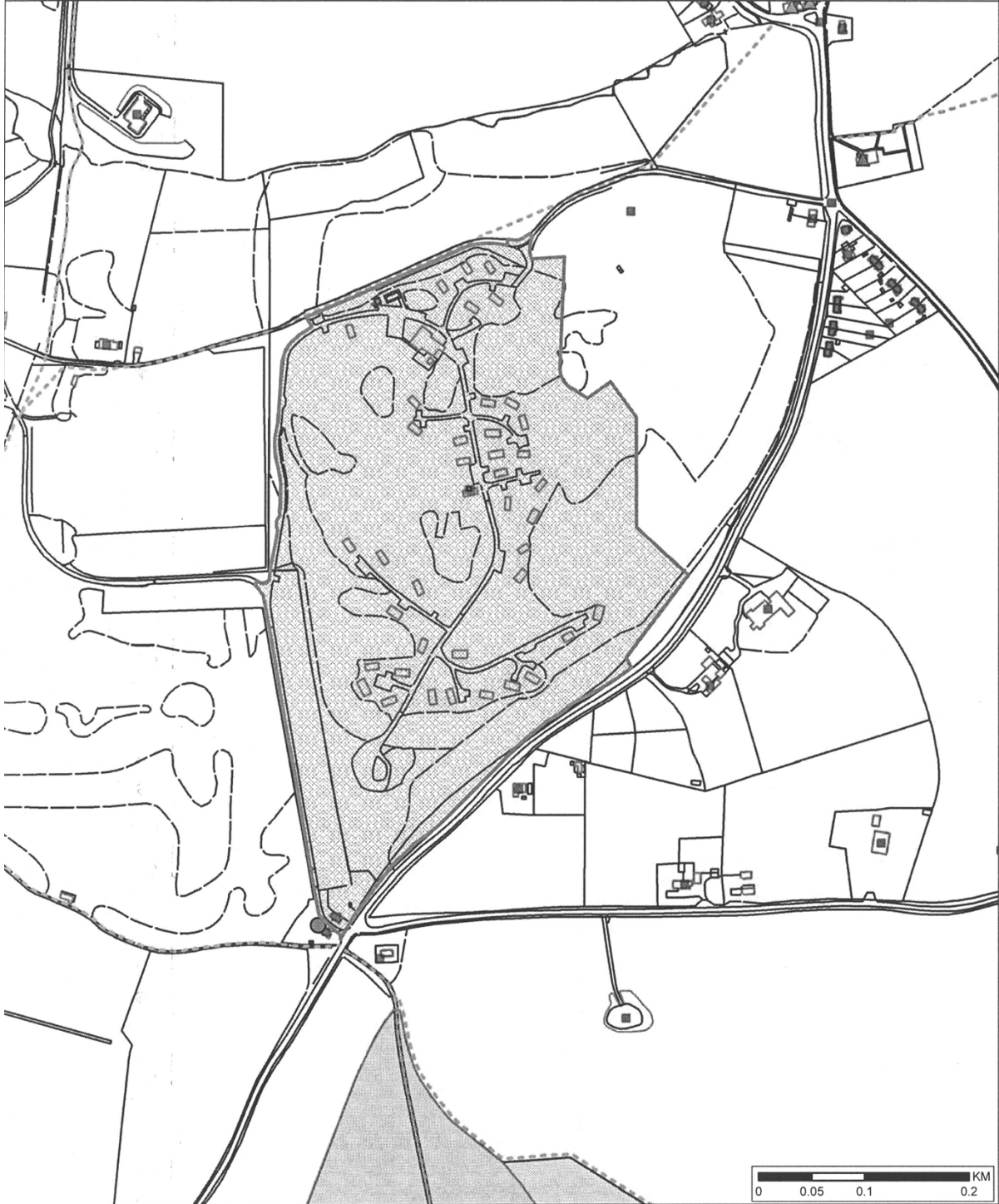
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The Warren Lodge Park, Herbage Park Road, Woodham Walter
FUL/MAL/16/01373



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 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 16/01373

Date: 23/02/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is situated outside of the defined settlement boundary of Woodham Walter and falls within the designated Chelmer/Blackwater Ridges Special Landscape Area. The land forms part of an overall leisure complex incorporating holiday lodges, the Warren Golf Club and Bunsay Downs golf courses including clubhouses and ancillary facilities. The site was a former quarry but restored via natural re-colonization of species and is now referred to as 'Herbage Park'.
- 3.1.2 There is a long strip of woodland to the site's northern boundary that forms part of a green corridor from the village of Woodham Walter off to the west through the 'Badgers' course of the Bunsay Downs range. A public footpath is within this woodland and links this area back to the parish church and public playing fields on Church Hill.
- 3.1.3 Access is via the principal access to the Warren golf course, being a single lane made track linking to the junction of Old London Road and Herbage Park Road between a pair of cottages known as No. 1 and No. 2 Redgates.
- 3.1.4 Planning permission was granted in 2006 by planning application FUL/MAL/05/00798) and 2012 by planning application (FULMAL/11/00953) to place 48 and 26 holiday lodges within the site.
- 3.1.5 The current application seeks to add an additional 28 holiday lodges within the site. The holiday lodges would be interspersed to the north, east, south east, west and north west of the site amongst the existing lodges.

3.2 Conclusion

- 3.2.1 The planning application for the proposal of 28 holiday lodges is considered to be acceptable as the development meets policy requirements contained within REC20 'Static and Touring Caravan Sites, Chalet Sites and Camping Sites' of the adopted local plan, policy E5 of the Local Development Plan, and Government advice in 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, 8, 14, 17, 28

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2, BE1, CC2, CC6, T2, REC20

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

- S1, D1, H4, N2, T2, E5

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 current adopted Local Plan (Paragraph 8.87) recognises that the tourist industry is an important source of income and employment in the District. It also recognises that the Council may be flexible and allow some development to existing sites, providing it is reasonable to do so and would secure environmental improvements to the existing site. This Plan seeks to maintain the high environmental quality of the coast and countryside, in particular its remote, isolated and open nature. For these reasons, it is essential that any development proposals affecting existing sites are strictly controlled, taking into account the Plan's development strategy and its policies on the coast and countryside.

5.1.2 In determining this application, it is considered Local Plan policy REC20 (Static and Touring Caravan Sites, Chalet Sites and Camping Sites) would be pertinent to this case. The first part of this policy states that:-

Planning permission will only be granted for new static and touring caravan sites, chalet sites and camping sites or extensions to existing facilities where all of the following criteria are satisfied:

(a) A need for the additional tourist accommodation can be demonstrated;

(b) The proposal involves the use of previously-developed land and existing rural buildings or replaces existing agricultural buildings;

(c) Landscaping and site layout of the development complement and enhance views into and across the site;

5.1.3 Policy E5 of the Local Development Plan provides a more up to date position and is NPPF compliant when compared to Local Plan policy REC20. Policy E5, in summary, seeks support tourism across the District providing there is a need, there are good connections to other tourist destinations, and there would be no significant impact upon amenity or the natural and historic environment. The policy, however, is silent on caravan site uses and their occupation. Previously, the most recent approach to occupancy of caravan parks was outlined in the Good Practice Guide to Tourism which provided a more update version than that applied through Policy REC20 from the Local Plan in that planning conditions should ensure the accommodation is only used for holiday purposes only, that the accommodation is not used as a person's sole/main residence, and that an up to date register is maintained. In addition, those

suggested conditions this Council has imposed an additional time limit condition limiting the occupation of a caravan for 28 days.

- 5.1.4 The general policy approach is therefore supportive for the principle of the proposal. The main issue for consideration is whether the additional holiday lodges would result in demonstrable harm or adversely impact on the rural landscape.
- 5.1.5 In terms of sustainability, the application site is located in a rural location and is an established caravan park on site which is operational and provides benefits to the local tourism economy of the District. It is noted that the site is in a remote location with poor access to a reasonable range of services and facilities. As such, the site is not considered to be suited for permanent residential occupation other than periodic holiday purposes. Also, the permanent occupation of the holiday lodges would be in direct conflict with adopted Local Plan policies, particularly S2 and T1 and Policies S1, S8 and T1 of the Local Development Plan and the core planning principles as contained within the NPPF which steers permanent housing to or adjacent to settlements with good access to a wide range of services, community facilities, employment and public transport.
- 5.1.6 With regard to any concerns over permanent residential occupation of the site beyond the dates specified by the Applicant, this would result in a breach of the planning conditions in which could result in future enforcement action against the Applicant. For consistency, any planning conditions imposed on the new 28 holiday lodges would be in line with the existing lodges that were previously approved on site.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The holiday lodges proposed are of single-storey in height. Each lodge would measure approximately 11.4 metres wide, 6.5 metres deep with a shallow roof pitch. The height of the lodges would be no higher than 4.1 metres. Based on the Drawing No: 15.3071/P204 dated 26 August 2015 submitted, it shows that each lodge would have two bedrooms, a bathroom, kitchen and lounge.
- 5.2.2 The holiday lodges would be positioned within the bowl and basin of the former gravel pit. It is noted that some of the holiday lodges around the perimeter of the site would be positioned on a cliff-type escarpment. While these new lodges may appear 'high' and 'prominent' when viewed by the existing lodges that are centrally positioned and where the site gradient is at its lowest, but when the lodges are viewed at a distance and against the backdrop of the existing soft landscaping and boundary treatment, the visual impact of the development and its impact on the wider landscape would not be considered harmful to the rural landscape to warrant refusal.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the adopted Local Plan states that development proposals will be permitted if: a) They are compatible with their surroundings, and/or improve the surrounding location in terms of:- vii) the effect on the safety and or amenity of neighbouring properties or the occupiers therein. The Local Development Plan policy relevant to this section is Policy D1 which considers similar residential amenity considerations to Policy BE1 of the adopted Local Plan.

- 5.3.2 Besides the existing holiday lodges within the site, there are no neighbouring residential properties that would be directly affected by this development proposal.

5.4 Access, Parking and Highway Safety

- 5.4.1 This section of the report needs to be assessed with adopted Local Plan policies T1 - Sustainable Transport and Location of New Development, T2 - Transport Infrastructure in New Developments, T6 - Improvement to Pedestrian Facilities and T8 - Vehicle Parking Standards, as well the NPPF. The LDP policies relevant to this section are T1 Sustainable Transport and T2 Accessibility.
- 5.4.2 Letters of representation have been received concerning the level of traffic to and from the site as a result of this development proposal. Whilst it is noted that the additional 28 holiday lodges would result in an increase in traffic, it is not considered that the level would be significant harm to the area to warrant refusal.
- 5.4.3 The access to the site, which is shared with the golf club and course, would not be affected by this development proposal or result in any significant impact upon the local highway network. The Highway Authority has raised no objection or has made comments to this application.

5.5 Nature Conservation

- 5.5.1 Paragraph 109 of the NPPF states that ‘the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible’. Policy CC5 of the adopted Local Plan (Protection of Wildlife on Development Sites) seeks to protect animals and plants protected under law unless steps for their protection are satisfactory through the planning application process. This policy is reflected in Policy N2 of the Local Development Plan which seeks to protect the District’s natural environment, geo-diversity and biodiversity.
- 5.5.2 Concerns have been raised with regard to the impact of development on the local wildlife. As part of the planning application in 2011 for the 26 holiday lodges (FUL/MAL/11/00953), a S106 legal agreement was submitted and signed between the relevant parties to ensure that the area of land to the north east of the site remains as an area for nature conversation and ecological purposes. This legal agreement still stands with this current application. As such, it is not considered that the development would not adversely affect the natural environment and biodiversity of the rural area to justify refusal.

5.6 Other Material Considerations

- 5.6.1 Issues have been raised with regard to details of bins / waste collection point. Whilst this issue was addressed in a previous planning application for the construction of 26 lodges in 2011, the bins / waste collection point would not have been included back then for this development 6 years on. As such, it is not considered unreasonable for the Council to impose a condition for the Applicant to submit further details regarding the additional 28 holiday lodges which would not have been covered in the 2011 application.

- 5.6.2 In the previous planning application for the 48 and 26 holiday lodges, the Council's Environmental Health Services (EHS) requested details regarding a comprehensive site management plan for the whole site to be submitted to and approved in writing by the local planning authority. The comprehensive site management plan would have included mitigation measures to limit light, noise and disturbance from guests upon the local wildlife and the amenities of other occupiers, as well as the means to control and limit pollutants upon the surroundings. However, this information was not requested in this current application by EHS and as such, it would be unreasonable for the Council to impose a condition for the Applicant to submit such details for approval prior to the commencement of development on site.
- 5.6.3 Letters of representation was received concerning emergency vehicles entering the site in the event of a fire. Essex County Fire & Rescue Service have been consulted and advised that the access, facilities and water hydrants for the development would be considered at Building Regulation consultation stage.

6. ANY RELEVANT SITE HISTORY

- FUL/MAL/01/00120 - Use of gravel pit for recreational purposes (mountain boarding). Approved 24.05.2001.
- FUL/MAL/02/00462 - Retention of planning permission ref: FUL/MAL/01/00120 (use of gravel pit for recreational purposes (mountain boarding) without compliance with condition No. 1 to allow the use on a permanent basis). Approved 28.06.2002.
- FUL/MAL/05/00798 - Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building. Approved 25.01.2006.
- FUL/MAL/07/01159 - Location of temporary show home for a six month period. Approved 29.11.2007.
- FUL/MAL/11/00953 - Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park. Approved: 13.09.2012.
- FUL/MAL/15/00590 - Variation of condition 3 on approved planning permission FUL/MAL/11/00953 (Proposed addition of 26 new timber holiday lodges plus associated infrastructure within the existing Herbage Park Holiday Park) Variation: holiday accommodation occupancy period. Variation of condition 2 on approved planning permission
- FUL/MAL/05/00798 (Change of use of disused gravel pit to site for 48 holiday lodges with formation of associated access tracks, landscaping and construction of central administrative and facilities building) Variation: holiday accommodation occupancy period. Approved: 21.09.2015.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	<p>i. The ‘defined benefits’ do not outweigh the loss of landscaped areas contrary to NPPF 14 and 28</p> <p>ii. Overdevelopment of the site contrary to Policy D1 of the Maldon District Local Development Plan as submitted.</p> <p>iii. Detracts from the character, local distinctiveness, and landscaping of the area. Contrary to D1, E5 of the Maldon District Local Development Plan as submitted.</p> <p>iv. Does not maintain the rural character of the village. Contrary to S1 of the Maldon District Local Development Plan as submitted.</p> <p>v. It is outside of the defined settlement area and therefore appears non-compliant with S8 of the Maldon District Local Development Plan as submitted.</p> <p>vi. Design of lodges is alien to the rural community and against the principles of the emerging Woodham Walter Village Design Statement and Policy D1 of the Maldon District Local Development Plan as submitted.</p> <p>vii. Concern over excessive and additional vehicle movements at the Red Gates junction contrary to T2 of the Maldon District Local Development</p>	Noted

Name of Parish / Town Council	Comment	Officer Response
	Plan as submitted.	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No comments to make on this application	Noted
Essex County Fire & Rescue Service	More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.	Noted
Essex County Fire & Rescue Service (Water Supplies)	Due to the distance between the existing water hydrants and the new lodges, it would be necessary to install new water hydrants	Noted
Environment Agency	No comments received at the time of writing this report	Any comments received will be presented on the Members Update

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection in principle subject to the compliance to the site licence in accordance with the Caravan Sites and Control of Development Act 1960	Noted
Economic Development	No objections to the above application.	Noted
Tree Officer	No objection	Noted

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 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. LAP French, The Batteries, Claxfield Road , Lynsted, Kent
- Mr Graham Bannerman, Burnt House, Stivvys Road, Woodham Walter Maldon, Essex
- Mrs Rita Jupp, 58 Priory Road, Bicknacre, Chelmsford, Essex

- David Whittel (Lodge 8) 3 Jenner Close, Braintree, Essex
- Andrew Vesey, Calderbank, Little Baddow Road, Woodham Walter
- Alan Houston, 39 Warren Lodge Park, Warren Estate, Woodham Walter
- Chris Gore, Poldhu, Lt Baddow Rd, Woodham Walter, Maldon
- Mr Alf Mancktelow, 1 Saltcote Maltings, Heybridge, Maldon, Essex
- Christina Page, Parkside, Herbage Park Road, Woodham Walter Maldon, Essex
- J Williams, Beightons, Bassetts Lane, Little Baddow, Chelmsford
- Mr and Mrs Felts, 12 Oliver Court, Crouchfields, Ware, Herts

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The development will go on for years • Increase in noise - impacting on the local community • Anti-social behaviour from visitors • Increase in traffic i.e. onto the junction of the A414 / increase in vehicle movement • The lodges would be used as permeant homes • This area will become a housing estate • Overdevelopment of the site • Privately owned holiday homes • Light pollution and • Impact on wildlife • No details of bins / waste collection • No details regarding to the provision water hydrants in the event of a fire • Not a sustainable development • There are no shops in the village • Should the application be approved, the following restrictions should be in place: <i>No dogs allowed; No drones or quad bikes or similar machines to be allowed on the site; No expansion of clubhouse facilities, no outdoor music licence or alcohol licences to be granted; and The planning permission given in 2005 for a board walk to be built through the woodland area between the lodges and Bunsay Downs (which has not been built) should be rescinded.</i> 	<p>Noted</p>

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Impact on the trees • Need to analysis the financial records of the development • The site looks like a travellers site • People are living there all year round • No street lightings or pavements for visitors 	

7.4.2 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 Sarah Maxted, Holly Lodge, Hop Garden Lane, Woodham Walter Maldon, Essex

Supporting Comment	Officer Response
Woodham Walter needs to move forward	

7.4.3 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Derek Renaud, Lodge 44 Warren Lodges, Woodham Walter

Comment	Officer Response
Q1. When you visited the site in connection with your decision on this application?	<i>The Economic Development team is very familiar with the site. The most recent visit was prior to Christmas 2016.</i>
Q2. Who you have spoken to from either the applicant or existing residents or other interested parties at the site and when (approximately)?	<i>Economic Development's interest is in addressing known and ongoing demand for visitor/tourist accommodation across the District. The topic is regular brought to our attention by local businesses who find it difficult to locate suitable accommodation for visiting contractors, and more recently the Maldon & Blackwater Estuary Coastal Community Team who have raised the issue of 'lack of tourist accommodation' as a reason why overnight stays in the District fell by 4% in 2015. The lack of suitable tourist accommodation has a measurable impact on overall tourism spend and the number of jobs which can be supported in this key sector.</i>
Q3. What factors you have taken into account in balancing the opposing effects of economic development verses quality	<i>"The observations of the Economic Development Officer do not constitute an agreement to the planning application,</i>

Comment	Officer Response
of life as required to meet District Economic Prosperity Strategy?	<i>but are made in respect of the District's Economic Prosperity Strategy which seeks to 'Maintain a vibrant and competitive economy, balancing the needs of industry and prosperity whilst sustaining a high quality of life, increasing incomes and promoting the Maldon District as a great place to live, play, work and do business'.</i>
Q4. What views you formed with brief outline reasons from the factors in Q3. above in reaching you decision?	<i>Economic Development Team has raised no objection to the proposal</i>

8. **PROPOSED CONDITIONS**

APPROVE 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.
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 Location Plan No: 15.3071/M002 dated 18.04.2016 and Site Plan No: 15.3071/P201 Revision B dated 24.07.2015 and Plans and Elevations No: 15.3071/P204 dated 26.08.2015 specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No holiday lodges shall be used as a person's sole or main place of residence and shall be used for holiday purposes only.
REASON: The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with Policy REC20 of the Maldon District Replacement Local Plan, policy E5 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework. .
- 4 The holiday lodges shall not be used for human habitation between 15 January and 28 January (inclusive).
REASON: The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with Policy REC20 of the Maldon District Replacement Local Plan, policy E5 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

- 5 The owners / operators of the site shall maintain an up-to-date register of the names of all owners / occupiers of individual holiday accommodation units on the site, dates of arrival and departure from the site, their main home addresses and place(s) of employment. The register shall be made available at all reasonable times for inspection and copying by the Local Planning Authority for record keeping purposes.
REASON: The application site lies outside any area where planning permission would normally be granted for residential development. The site is permitted for holiday purposes only in the interest of contributing to tourism and the local economy in accordance with Policy REC20 of the adopted Maldon District Replacement Local Plan, policy E5 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.
- 6 With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents or similar items shall be erected or placed on the site without the prior approval in writing of the Local Planning Authority.
REASON: To ensure the appropriate development and use of the site for recreational purposes in accordance with policy REC20 of the adopted Maldon District Replacement Local Plan.
- 7 The use of the site for holiday purposes shall be undertaken only in conjunction with and ancillary to the use of The Warren Golf Club.
REASON: To ensure the appropriate development and use of the site for recreational purposes in accordance with policy REC20 of the adopted Maldon District Replacement Local Plan.
- 8 Notwithstanding the provisions of the Caravan Sites and Control of Development Act 1960, the location and siting of any timber holiday lodge shall only be in accordance with the layout plan which is attached to and forms part of this permission unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the appropriate development and use of the site for recreational purposes in accordance with policy REC20 of the adopted Maldon District Replacement Local Plan.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected within or around the site without the prior grant of planning permission by the Local Planning Authority.
REASON: To safeguard the appearance and character of the rural area in accordance with policies BE1, CC6 of the adopted Maldon District Replacement Local Plan, policies S1 and D1 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no hardstanding, access road or similar hard surface shall be laid within or around the site other than shown on the Site Plan No: 15.3071/P201 Revision B dated 24.07.2015 without the prior approval in writing by the Local Planning Authority.

REASON: To ensure the appropriate development and use of the site for recreational purposes in accordance with policy REC20 of the adopted Maldon District Replacement Local Plan.

- 11 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. Prior to the commencement of the development fencing to protect the trees shall be erected in accordance with British Standard 5837 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected, unless otherwise first agreed in writing with the Local Planning Authority. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON: To secure the retention of the trees within the site in the interests of visual amenity and the character of the rural area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

12. Details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

REASON: To ensure adequate refuse facilities are available in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

INFORMATIVES

- 1) This application should be read in conjunction with the S106 legal agreement which formed part of planning application FUL/MAL/11/00953 which relates to nature conservation and the ecological management of the site.
- 2) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU
- 3) Water Supplies
The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

4) Sprinkler Systems

The architect or applicant is advised that “There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.”

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

Application Number	FUL/MAL/16/01426
Location	Oakfield Farm Hyde Chase Purleigh Essex
Proposal	Retrospective - Two brick piers, five bar gate and entrance fence panels
Applicant	Mr Michael King
Agent	-
Target Decision Date	21 March 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Major Application

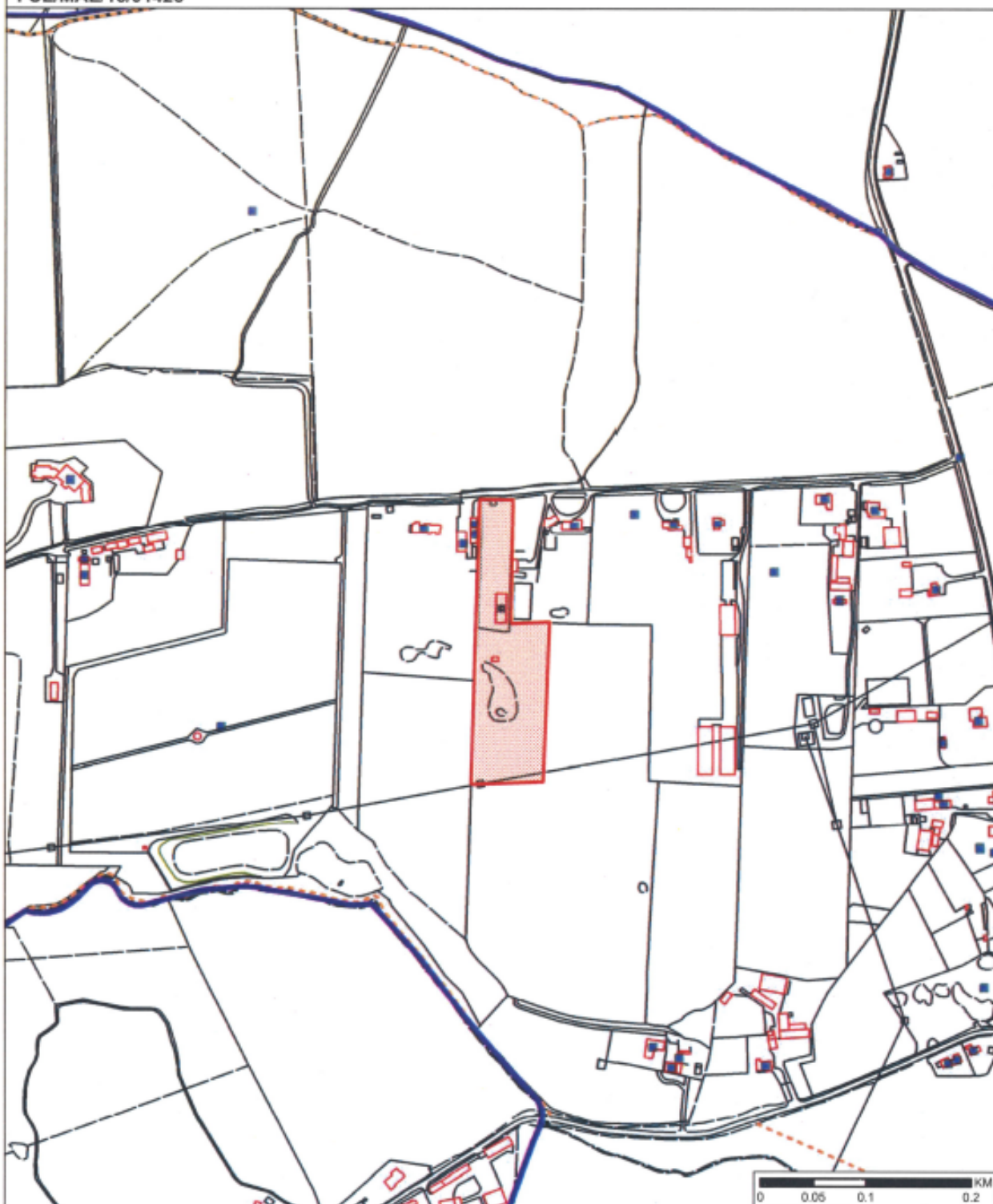
1. RECOMMENDATION

APPROVE with no conditions.

2. SITE MAP

Please see overleaf.

Oakfield Farm, Hyde Chase, Purleigh
FUL/MAL/16/01426



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:5,000
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 16/01426
Date:	21/02/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is on the south side of Hyde Chase in a rural location, outside of a development boundary. Hyde Chase is a private road and host to a handful of detached dwellings set within very large plots. A small business use site can be found to the west. Agricultural land can be seen to the North and many large trees and established hedges are found in this location. The application site lies within a Special Landscape Area and is located south of a designated Site of Importance for Nature Conservation/ Ancient Woodland.
- 3.1.2 The site to which this application relates is currently occupied by a large steel building set within the site with access from Hyde Chase. The site is bordered to the west by large trees and by a small wooden post and rail fence to the east boundary shared with The Firs.
- 3.1.3 Planning permission is sought for the erection of two brick piers, five bar gate and entrance fence panels. The boundary treatment has already been erected and as such the application is retrospective in nature. The fence measures between 1.2 and 1.5m high, the brick piers 1.7m high and the gate 1.2m high. The boundary treatment encloses the area around the site entrance, which extends by 13m in width by 8m in depth.

3.2 Conclusion

- 3.2.1 Overall, whilst the style and design of the erected enclosure detracts from the character and appearance of the locality, given the fallback position and the verdant and open nature of the rest of the site, on balance, it is not considered that there is enough harm caused by the development in order to warrant the refusal of the application. Therefore, the development is in accordance with the stipulations of saved policies CC6, CC7 and BE1 of the Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and the guidance contained in the National Planning 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:

- S2 Development Outside Development Boundaries
- CC6 Landscape Protection
- CC7 Special Landscape Areas

- BE1 Design of New Development and Landscaping

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

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of providing facilities in association with an existing use of a site is considered acceptable. Other material planning considerations are discussed in the following sections of this report.

5.2 Design and Impact on the Character of the Area

- 5.2.1 In order to comply with policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, design and choice of external materials. Similarly, the basis of policy D1 of the emerging LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.2 The application site is located outside of the defined development boundary for Burnham-on-Crouch and within a rural locality where strategic policies S2 of the RLP and S8 of the submission LDP apply. Both policies are unequivocal in their purpose by stating that outside defined settlement boundaries the coast and countryside will be protected for their own sake and particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value. New development should not take place outside the defined development boundaries – as specified in the Development Plan - unless the development in question is for other purposes specified elsewhere in the Development Plan
- 5.2.3 The property is located within the countryside. According to the Landscape Character Assessment is part of a designated special landscape. Saved policies CC6 and CC7 of the RLP seek to ensure that the District's landscape will be protected, conserved and enhanced and development proposals will not be permitted unless their location, siting, design, materials and landscaping achieve the above objective.
- 5.2.4 The application site lies in a verdant locality where the majority of the properties have open frontages. The erected enclosure around the vehicle access of the site comprises of two brick piers, a five bar timber gate and closed boarded fence. The enclosure abuts areas within the site which have been planted with laurel.

- 5.2.5 Bearing in mind that the enclosure bends away from the road and given that the rest of the site appears verdant and open, whilst the style and design of the erected boundary treatment is considered to detract from the character and appearance of the area, on balance, it is not considered to cause detrimental harm to such a degree as to warrant the refusal of the application.
- 5.2.6 Furthermore it has to be considered that the due its height and distance from the adjacent highway, the majority of the erected enclosure would be considered permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 5.2.7 Overall, whilst the style and design of the erected enclosure detracts from the character and appearance of the locality, given the fallback position and the verdant and open nature of the rest of the site, on balance, it is not considered that there is enough harm caused by the development in order to warrant the refusal of the application.

5.3 Impact on Residential Amenity

- 5.3.1 Due to the nature of the development, there is no impact upon the amenity of neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Saved policy BE1 of the RLP seeks to ensure that any development proposals are compatible with their surroundings in terms of traffic impact and access arrangements.
- 5.4.2 The parking arrangements have not been altered as a result of this proposal. Bearing in mind that the road is private, the visibility splay provided by the development is sufficient. On this basis, the development is acceptable in terms of access, parking and highway safety.

5.5 Other Matters – Procedure

- 5.5.1 The application is considered to be a major but only due to the site area. In accordance with the Council's scheme of delegation, the Chairman of the Committee and the Ward Members were advised of the officer's recommendation and were asked to allow the application to be determined under delegated authority.

6. ANY RELEVANT SITE HISTORY

- Whilst there is extensive planning history on the site, none is relevant to this application.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Support	Comment noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection as the road is private	Comment noted

7.3 Representations received from Interested Parties

7.3.1 No letters were received.

8. PROPOSED CONDITIONS

No conditions are proposed given that the development is already on site.



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

Application Number	RES/MAL/16/01475
Location	The Summer House Back Lane Wickham Bishops Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout & scale on approved planning application OUT/MAL/13/00118 allowed on appeal ref APP/X1545/A/13/2201061 (Demolition of two storey detached double garage with workshop and demolition of storage shed. Removal of hard surfaced tennis court including means of enclosure and erection of single dwelling house)
Applicant	Mr David Brown
Agent	N/A
Target Decision Date	02 March 2017
Case Officer	Yee Cheung
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The Summer House, Back Lane, Wickham Bishops
RES/MAL/16/01475



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Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 16/01475

Date: 23/02/2017

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, but outside the defined settlement boundary of Wickham Bishops with open countryside to the south and west. To the north School Road and Grange Road are characterised by suburban development. This is predominantly detached dwellings with modest plot frontages within the built up area of Wickham Bishops. To the east there is a group of larger detached dwellings on Back Lane, also within the development boundary. The existing dwelling 'The Summer House' sits on the junction of School Road and Back Lane within a generous plot. The site to the south contains a garage and tennis court. The garage would be demolished. The site forms part of the residential garden for the existing dwelling. Whilst the site marks a transition between the areas to its north and south it has a greater affinity to the domestic character of the settlement than the open countryside to the south.
- 3.1.2 Outline planning permission was granted with the detailed matters of access and layout submitted for consideration. This was allowed on appeal (APP/X1545/A/13/2201061 dated 10 February 2014). Whilst it is noted that the application has expired, the application was extant at the time of submission of this application (5 January 2017).
- 3.1.3 The current application, Reserved Matters, seeks to address the appearance, landscaping and scale of the development. The ground floor of the dwellinghouse comprising the sitting room, dining, kitchen, family room and lounge dwelling proposed would measure approximately 16 metres in width and 9.8 metres in depth. At first floor, there would be with four bedrooms (three with en-suite) and a family bathroom.
- 3.1.4 Due to the site gradient, the dwelling house would be approximately 8.8 metres in height to ridge level when measured on the north elevation and 7.8 metres in height to ridge level when measured on the south elevation.
- 3.1.5 Based on the Drawing No: 16.09.02 Revision A dated 3 February 2017 submitted, the dwellinghouse would be constructed using red multi-stock brickwork and painted render for the walls. For the roof, red clay plain tiles would be used.

3.2 Conclusion

- 3.2.1 It is considered that the dwellinghouse, with an appearance of a traditional farmhouse, would not appear out of keeping with the character and appearance of the area, increase activity significant, and the impact on the tranquility of the wider rural area. In this respect, the proposal would accord with policies BE1, CC6, T2 and T8 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1 and H4 of the Maldon District 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, 8, 14, 17, 56, 57, 60

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2, H1, BE1, CC6, T2, T8

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

- S1, S8, D1, H4, T2

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990)).

5.1.2 The application site lies outside the defined settlement boundary of Wickham Bishops as identified in the adopted Proposals Map Inset 27 and the Local Development Plan Proposals Map Inset 1 of 4.

5.1.3 Policies S1 and S2 of the adopted local plan provide the strategic position for the District through defined development boundaries for villages/urban areas and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy S2 of the adopted local plan, 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 also 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.

5.1.4 The Local Development Plan (LDP) emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the National Planning Policy Framework. 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.

- 5.1.5 In terms of sustainable development, the Planning Inspector stated that *‘the application site is within close proximity of the village where there are a number of facilities. The site is close to the library and there is a store and post office and a public house on The St/Maypole Road. There are some services in the village and connection to public transport but it is likely that to undertake day to day activities and meet day to day needs, such as shopping and employment, the occupants of the new dwelling would rely on the private car for some trips. However the location of the site would mean that there would be the option to use other modes such as walking, cycling or public transport. The site is as accessible to services as other dwellings in the settlement boundary and in the context of the district as a whole; the appeal site is in a relatively sustainable location. The scheme would contribute a dwelling to the supply of housing, that would not be isolated, and this does weigh in favour of the proposal’.*
- 5.1.6 Outline planning permission was allowed on appeal in February 2014 (APP/X1545/A/13/2201061) for the removal of an existing two-storey double garage with workshop, storage shed and the tennis court and enclosure and to construct a dwellinghouse on this site. As such, the principle of development for a residential unit on this site has been established by virtue of the above appeal decision. Whilst it is noted that the application has expired, the application was extant at the time of submission of this application (5 January 2017).

5.2 Design and Impact on the Character of the Area

- 5.2.1 The National Planning Policy Framework (NPPF) in Paragraph 56 states that ‘the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people’. Such design principles are encapsulated by Local Plan policy BE1 that seeks to ensure new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and harmonises with the character of the area in which it is located. It should be noted that design is not just about how buildings will appear visually but how buildings function and relate to their surroundings, and with regard to sustainable development.
- 5.2.2 With regard to the impact on the landscape, policies BE1 and CC6 of the adopted Local Plan are considered applicable to this proposed scheme. Further, Policies S1, D1 and H4 of the LDP also highlight the need for new development to make a positive contribution to the natural environment, and contribute to and enhance local distinctiveness.
- 5.2.3 The application site is located to the south of the development boundary with open countryside to the south and west. To the north School Road and Grange Road are characterised by suburban development. This is predominantly detached dwellings with modest plot frontages within the built up area of Wickham Bishops. To the east there is a group of larger detached dwellings on Back Lane, also within the development boundary. The existing dwelling sits on the junction of School Road and

Back Lane within a generous plot. The site to the south contains a garage and tennis court. The garage would be demolished. The site forms part of the residential garden for the existing dwelling. The locality is on the fringe of the core settlement of Wickham Bishops and the immediate area has a suburban residential feel and appearance. Whilst the Planning Inspector had noted that site marks a transition between the areas to its north and south, it was considered that the site had a greater affinity to the domestic character of the settlement than the open countryside to the south.

- 5.2.4 The site would be read as part of the edge of the settlement area. It would continue the line of dwellings and form a logical addition at the end of the group of properties as it turns the corner of School Road. Therefore, the introduction of a dwelling in this location would sit comfortably as part of the existing frontage development that typifies the settlement at this point. This is reinforced by the site levels where the difference is approximately 1 metre when compared between the Summer House and the tennis court area where the new dwelling would be sited upon. The proposal would place the new dwelling lower than the existing dwelling Summer House, and the ability to reinforce landscaping through the current reserved matters. It is considered the factors in combination with the size of the plot would lessen the visual impact of the development proposal.
- 5.2.5 Back Lane / School Road comprises a mix of dwellings of a variety of design, appearance, scale, bulk and height. In terms of design, the proposed dwelling would have an appearance of a traditional farmhouse. The dwelling would have symmetrical pattern of window openings arranged around the front door on the central axis. This results in the dwelling being symmetrical, well balanced and in proportion in appearance when viewed from the public domain in accordance with policy BE1 of the adopted local plan, policy D1 of the Local Development Plan and Government advice contained in the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the adopted local plan and policy D1 of the Local Development Plan aim to ensure good design for new development. These policies also encompass the need to ensure the protection of neighbouring amenity.
- 5.3.2 In terms of neighbouring amenity there would remain a reasonable distance of 23 metres between ‘Summer House’ and the proposed dwelling to the south of the plot. It is noted that no first floor windows are proposed on the northern flank wall of the dwelling and as such, no overlooking, interlooking or loss of privacy would occur between the existing occupiers at that property or the future occupiers at this property. In this respect, the proposal would accord with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan.

5.4 Access, Parking and Highway Safety

- 5.4.1 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising three or more bedrooms require a maximum of three parking spaces. The dwelling is set back by approximately 10 metres from the eastern boundary of the site which allows additional vehicles to be accommodated within the side and front curtilage of the dwellinghouse. In this respect, the proposal would

accord with policy T8 of the adopted local plan and policy T2 of the Local Development Plan.

- 5.4.2 In terms of access / egress point to the site, this has been approved under the Outline planning application as it was submitted for consideration at the time. The Highway Authority was consulted and raised no objection to the proposal.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the adopted local plan 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 of 100 sqm for dwellings with three or more bedrooms is easily achievable. This requirement depends on the location and how the development relates to the prevailing character of the area.
- 5.5.2 The garden space proposed to the rear and side for the new dwelling measures approximately 530 square metres and would be in excess of the standard contained within the Essex Design Guide for a three or more bedroom dwelling. As such, the proposal would accord with policy BE1 of the adopted local plan and policy S1, D1 and H4 of the Local Development Plan.

5.6 Other Material Considerations

- 5.6.1 Letters of representation have been received concerning traffic movement by construction vehicles to and from the site. The Highway Authority has assessed the application and no conditions have been suggested regarding this matter. Further, this issue was not flagged up by the Planning Inspector in the outline planning application OUT/MAL/13/00118 and as such, the Council has not imposed such condition on this current reserved matters application.
- 5.6.2 With regard to the surface water and foul water drainage.

6. ANY RELEVANT SITE HISTORY

- 13/00118/OUT - Demolition of two storey detached double garage with workshop and demolition of storage shed. Removal of hard surfaced tennis court including means of enclosure and erection of single dwelling house. Refused: 19 April 2013. Allowed on Appeal: 10 February 2014.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Object for the following reasons:- <ul style="list-style-type: none">• Increase in size of the proposed dwelling, the	Noted

Name of Parish / Town Council	Comment	Officer Response
	<p>addition of a third storey, layout alterations and tree removal, all contrary to the plans approved at Appeal for this site.</p> <ul style="list-style-type: none"> The dwelling would appear visually intrusive in the rural landscape due to its size, height, massing and proportions and would result in an overdevelopment of the plot. 	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection subject to informative	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	Foul water detail is acceptable. More detail is required for the surface water drainage	

7.4 Representations received from Interested Parties (*summarised*)

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

- David Pearl 26 Grange Road, Wickham Bishops, Witham
- Peter Elvish Timberleys, 28 Grange Road, Wickham Bishops
- P D Layley 2 School Road, Wickham Bishops, Essex
- Andrew Francis 4 School Road, Wickham Bishops, Essex
- Peter Elvish Timberleys, 28 Grange Road, Wickham Bishops (15.02.2017)

Objection Comment	Officer Response
<ul style="list-style-type: none"> As this application relates to matters of appearance, landscaping, layout and 	Noted

Objection Comment	Officer Response
<p>scale, may I request that your site visit should include examining these matters not only from within the developer's site but also from the land to its west? It is fairly open in that direction and would provide you with a full perspective as to how the proposed building would sit within its environment</p> <ul style="list-style-type: none"> • The proposal is not two-storey as indicated in the outline planning application, it is now three-storey in height with six bedrooms • Conditions should be imposed to ensure that any vehicles associated with construction works must not park on School Road, Back Lane or in and around the Library, and care taken to ensure grass verges are not damaged. These roads and lanes are narrow and adequate care must be taken to ensure proper access for other residents, and protect against damage to their properties and to Council property • Trees are being removed at the rear of the site • Further comments received on 15.02.2017:- if a garage is added, the plot would be reduced; continue to object as the development is not harmonious with its surroundings 	

7.4.2 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 S Warner, Ballingdon, Maypole Road, Wickham Bishops

Supporting Comment	Officer Response
<ul style="list-style-type: none"> • The new house would sit comfortably amongst the other houses in Back Lane • The site is well screened by the copse of trees 	Noted

7.4.3 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mr Richard Morley Springbrooks, Grange Road, Wickham Bishops

Comment	Officer Response
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Comment	Officer Response
Not against the development. The planning department should grant the application for the layout and scale based on the original application and not on the newly submitted substantially larger one to ensure the property still 'sits inoffensively in its surroundings'.	Noted

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings Location Plan: 12.2005/M002; Site Layout / Block Plan Drawing No: 16.09.03; Proposed Floor and Roof Layout Plan Drawing No: 16.09.01; and Proposed Elevations Drawing No: 16.09.02.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed below and retained as such thereafter:-
Dwellinghouse
Roof Tiles: Barrow: 'Brindle Mix' by Wienerberger Ltd
Brickwork: Durham Red Multi by Wienerberger Ltd
Render: White painted finish
Joinery: Timber
Porch frame: Natural oak
Black rainwater goods and downpipes
REASON: To ensure the external materials to be used in construction of the development is appropriate to the locality accordance with policy BE1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.
- 4 The access and parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved Drawing: 16.09.03 and shall be retained as such thereafter.
REASON: In the interest of highway safety and to ensure appropriate parking is provided in accordance with policies T2 and T8 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.
- 5 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no first floor windows or other form of opening shall be constructed on the northern flank wall of the dwellinghouse hereby permitted without planning permission having been obtained from the Local Planning Authority.
REASON: To protect the amenity of the neighbouring residential properties to the north of the site in accordance with policy BE1 of the Maldon District

Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

- 6 The garage hereby permitted shall only be used for purposes incidental to the use of the main dwelling house at the site.

REASON: To protect the amenity of the neighbouring residential properties to the north of the site in accordance with policy BE1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

- 7 No development shall take place until details of the surface water drainage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed before the building is occupied in accordance with the approved details.

REASON: To ensure the surface water drainage is appropriate for the site in accordance with policy CON5 of the Maldon District Replacement Local Plan.

INFORMATIVES

- 1 This Reserved Matters application: RES/MAL/16/01475 shall be read in conjunction with Outline Planning Application: OUT/MAL/13/00118.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.
- 3 The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

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

Application Number	OUT/MAL/17/00072
Location	Land at Broadfield Farm Braxted Park Road Great Braxted Essex
Proposal	Demolition of former packing house buildings and erection of one dwelling
Applicant	Stanfords
Agent	Mr Peter Le Grys
Target Decision Date	24 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call In

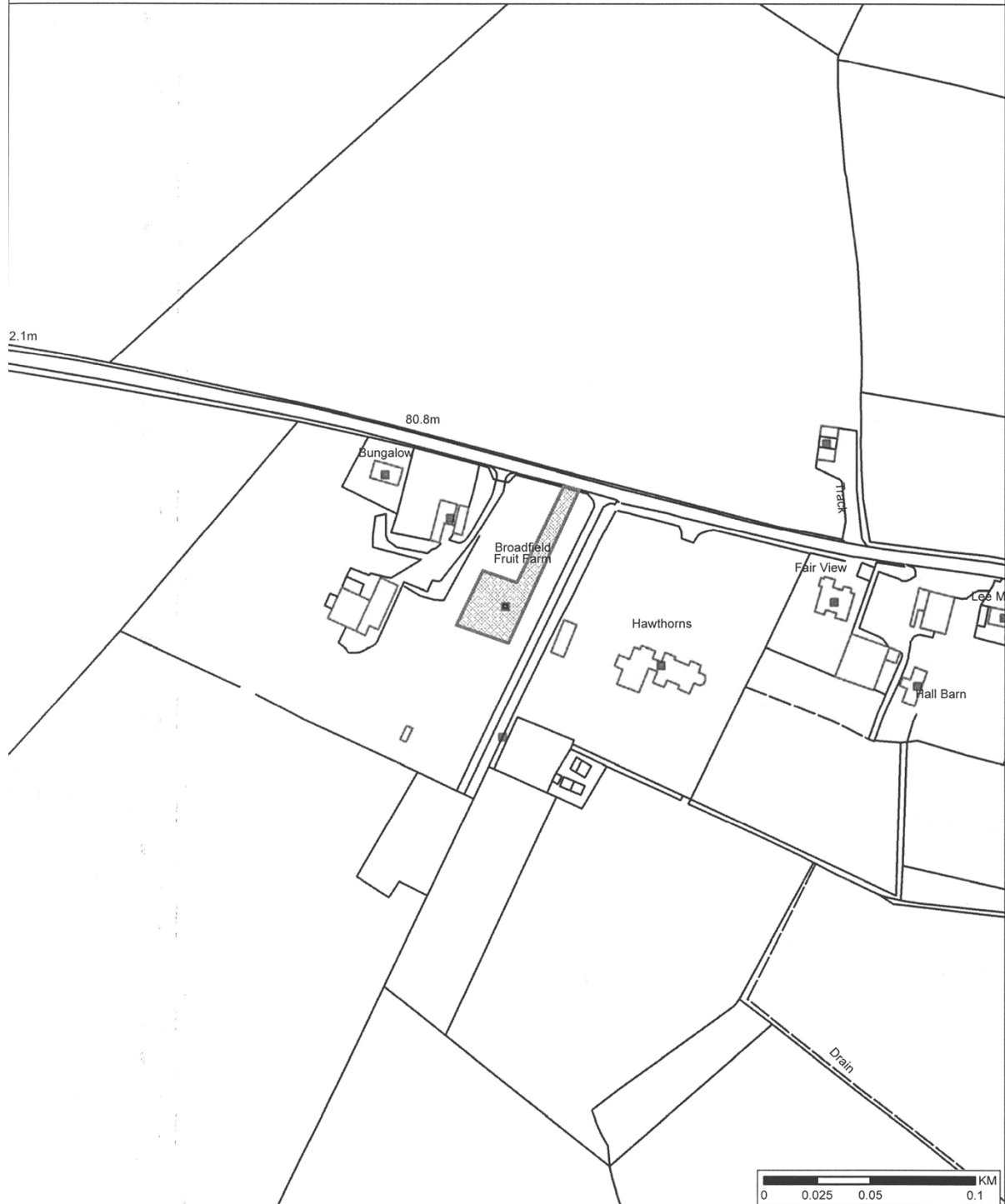
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land At Broadfield Farm, Braxted Park Road, Great Braxted
OUT/MAL/17/00072



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Maldon District Council 100018588 2014

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 17/00072
Date:	23/02/2017
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 southern side of Braxted Park Road outside of a defined settlement boundary. To the west of the application site is a substantial sized detached dwelling ‘Hawthorns’ and to the east of two modest sized dwellings which fronts onto the highway. To the north of the site is open agricultural land.
- 3.1.2 The application site, edged in red, forms part of a fruit farm formerly known as ‘Broadfield Fruit Farm’. To the south west of the site are redundant buildings, formerly used for storage and distribution purposes, associated with the fruit farm is also in the Applicant’s ownership, edged in blue. Vehicular and pedestrian access to these buildings is outside the Applicant’s ownership.
- 3.1.3 The application site is of a rural character and appearance with contributes to the wider rural landscape setting.
- 3.1.4 Outline planning permission is sought for the demolition of the redundant buildings within the site edged in blue and to construct one dwelling within the application site edged in red. All matters are reserved for consideration at a later stage. An indicative front and rear elevations and ground floor and first floor plans have been submitted in support of the application. The indicative plans detail a substantial two storey five-bed dwelling house with an “H”-shaped layout measuring approximately 17.6 metres wide, on average of 11.4 metres in depth with a height of 9.5 metres to ridge level. The dwelling would be positioned approximately 60 metres back from the highway almost in line with ‘Hawthorns’ to the east of the site.

3.2 Conclusion

- 3.2.1 The outline planning application contravenes policies S2, H1, BE1 and CC6 of the Maldon District Replacement Local Plan, policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework which seeks to provide control over new buildings in rural areas that are beyond defined settlement boundaries; to ensure that new residential developments are directed to appropriate; and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is currently undeveloped, free from any built form of development and contributes positively to the character and appearance of the rural area. The proposed development would urbanise the site and represent an unwelcome visual intrusion into the countryside, contrary to the aforementioned Development Plan Policies.

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, 8, 14, 17, 49, 55, 56, 60, 64

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development Outside Settlement Boundaries
- BE1 Design of New Development and Landscaping
- CC6 Landscape Protection
- H1 Location of New Housing
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in 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
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004) and Section 70(2) of the Town and Country Planning Act 1990 (1990)).
- 5.1.2 Policies S1 and S2 of the adopted local plan 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 adopted local plan, as well as policies CC6 and H1, indicate that outside the defined settlement boundaries housing will not normally be allowed and the landscape be protected for its own sake. Any development proposal should also be assessed against policy BE1 of the adopted local plan 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 above policies should be read in conjunction with the Local Development Plan (LDP). The LDP has been produced in light of the National Planning Policy Framework's emphasis on sustainable development and policy S1 of the LDP promotes the principles of sustainable development encompassing the three dimensions (social, economic and environmental) identified in the NPPF. Policy S8 of the LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside.
- 5.1.4 The application site lies outside of the defined settlement boundary and is in a rural location. It is considered that the adverse impact of the development would significantly and demonstrably outweigh the benefits that a new dwelling would provide when assessed against the adopted local plan, policies contained within the LDP and Paragraphs 14 and 49 of the NPPF. The proposal would not therefore be the sustainable development for which the NPPF indicates a presumption in favour.

5.2 Housing Land Supply

- 5.2.1 The Council can demonstrate in excess of a five year supply of housing and this is set out in the Council's Five Year Housing Land Supply Statement 2015/16 (FYHLS) dated August 2016 and the Council's Advisory Note dated August 2016.
- 5.2.2 Following the annual monitoring of housing completions undertaken in March 2016, and taking into account comments from Inspectors at recent appeals where the District's FYHLS position has been considered, as well as planning approvals and resolutions to grant planning permission subject to the completion of a Section 106 Agreement up to 24 August 2016, the Council has produced the August 2016 FYHLS Statement.
- 5.2.3 The August 2016 FYHLS Statement concludes that 2,353 dwellings are deemed to be deliverable over the next five years (including an allowance for a 5% local slippage rate which has been applied to the total number of housing deemed deliverable in the next five years). Assessed against the requirement to deliver 1,946 dwellings in the next five years based on the District's OAN (including a 5% buffer which has been applied in accordance with NPPF paragraph 47) and shortfall in delivery since 2014, the District can currently demonstrate 6.04 year supply of deliverable housing land.
- 5.2.4 Since the Council published the July 2015 FYHLS Statement, in the 17 appeals where the Council's FYHLS position has been considered, 12 appeals concluded that the Council could demonstrate a FYHLS with the latest being the appeal decision at Nipsells Farm Lodge, Nipsells Chase, Mayland (Appeal Ref: APP/X1545/W/15/3139154 dated 7 December 2016) where a Public Inquiry was held over a period of 6 days. In that appeal decision, the Planning Inspector states that the can demonstrate a five year housing land supply. The August 2016 FYHLS Statement and the recent appeal decisions has therefore strengthened the Council's FYHLS position.

5.3 Housing Need

- 5.3.1 The application is outline in nature with all matters reserved for consideration at a later date. However, it is noted that the indicative plans submitted in support of the application proposes that the resulting dwelling would have five bedrooms at first floor level.
- 5.3.2 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.
- 5.3.3 Policy H2 of the Local Development Plan 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. The Council is therefore encouraged to provide a greater proportion of smaller units to meet the identified needs and demands. The illustrative floor plans submitted in support of the application show that the proposal would provide one, five bed dwellinghouse. As such, the proposal is considered to make a limited contribution to the housing supply in the District.

5.4 Design and Impact on the Character of the Area

- 5.4.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the National Planning Policy Framework. In order to comply with Policy BE1 of the adopted local plan, 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 Local Development Plan 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.
- 5.4.2 The proposal seeks to demolish the existing redundant buildings and to construct a dwelling of a substantial size within the plot. The application is outline in nature with all matters reserved to be considered at a later date. Planning permission is sought for the erection of a dwelling within the site. Layout, scale and design are not matters for consideration within this application. However, based on the indicative elevational plans and floor plans submitted, it shows a substantial two storey dwelling with an “H”-shaped floor layout.
- 5.4.3 The application site, edged in red, is irregular in shape. The dwelling would be positioned some 60 metres back from the highway and the area where the dwelling would be sited upon measures approximately 25 metres wide and 28 metres deep. It is considered that the proposal, if approved, would introduce a considerably greater level of built form onto the application sit where it is currently free from any built form of development.
- 5.4.4 The redundant buildings, formerly used for storage and distribution, are currently tucked behind the two modest sized bungalows fronting onto Braxted Park Road and

as such, the height, bulk and massing of the buildings would not be apparent when viewed from the street scene. The proposed dwelling and its position, whilst acknowledged in illustrative form, is considered to be significant in terms of height, bulk, massing and visual prominence in its rural setting. The development proposal would substantially reduce the spatial qualities of the application site and its surroundings and would erode, to a considerable degree, the rural qualities of the area. Consequently, the proposal would result in significant harm to the character and appearance of the area. Due to the location of the development, it is not considered that any landscaping of the application site would adequately mitigate this inherent harm. The proposal is therefore contrary to policies BE1 and CC6 of the adopted local plan, policies S1, S8, D1 and H4 of the Local Development Plan, and Government advice contained within the National Planning Framework.

- 5.4.5 It is noted that the Applicant has submitted examples of appeal approvals in support of the case. The sites being referred to in the submission are located in the Colchester Borough and the Tendring District. As these examples are not located within the immediate vicinity of the application site and therefore do not share the same context.
- 5.4.6 Policy CC6 of the adopted local plan states that the natural beauty, tranquillity, amenity and traditional quality of the District's landscape will be protected, conserved and enhanced. Proposals for development in the countryside will only be permitted provided that no harm is caused to the landscape character in the locality, and the location, siting, design and materials are appropriate for the landscape in which the development is proposed, and the development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.
- 5.4.7 The application site is currently undeveloped and its boundaries within the wider field are undefined. There is residential development fronting Braxted Park Road to the east and west of the site and redundant agricultural buildings are also to the west of the site. The application site makes a positive contribution to the rural landscape setting of the locality.
- 5.4.8 The application is outline form with all matters reserved for consideration at a later date. Planning permission is sought for the erection of a dwelling within the site. Layout, scale and design are not matters for consideration within this application. However, indicative elevations and floor plan have been submitted. The indicative plans detail a substantial two storey dwelling with an "H"-shaped layout.
- 5.4.9 It is considered that the construction of a new dwelling in this locality and resultant loss of the break in built form in this part of Braxted Park Road would cause significant harm to the countryside and its intrinsic characteristics as a result of intensification of ribbon development in the street scene.
- 5.4.10 In this location, and on the basis of the indicative plans, the proposed residential dwelling would be visually prominent in the open landscape, thus creating an unwelcome form of development which would materially and adversely encroach onto the rural landscape and significantly detract from the natural beauty, quality and amenity of the countryside. In light of the submitted plans it is considered that the scale of the proposed dwelling and its associated residential paraphernalia would be noticeable as well as causing demonstrable harm to the rural setting of the site.

- 5.4.11 The proposed development would erode the gap between the existing dwellings which conflicts with the aspirations of the Council's policies to protect the rural landscape for its intrinsic values and the NPPF. The proposal is therefore considered to conflict with policies BE1 and CC6 of the adopted local plan, policies S1, S8, D1 and H4 of the Local Development Plan, and Government advice contained within the National Planning Framework.

5.5 Impact on Residential Amenity

- 5.5.1 Policy BE1 of the adopted local plan 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 The application is outline in nature with all matters reserved for consideration at a later date. Planning permission is sought for the erection of a dwelling within the site. No block plan has been submitted to indicate the position of the dwelling within the plot.
- 5.5.3 Scale, layout and design are not matters for consideration in this application as this would be dealt with under a subsequent reserved matters application. Based on the illustrative plans submitted, it is considered that it would be possible to design a scheme that would not result in material overlooking to or loss of privacy to the neighbouring properties in accordance with the criteria of policy BE1 of the adopted local plan, policy D1 of the Local Development Plan, and the Government guidance contained within the NPPF.

5.6 Access, Parking and Highway Safety

- 5.6.1 The application is outline in nature with all matters reserved for consideration at a later date. Planning permission is sought for the erection of a dwelling within the site. No block plan has been submitted and no details of access or parking have been provided.
- 5.6.2 The Highways Authority has been consulted. No comment has been received at the time of writing this report however it is noted that in the previous submission (reference: 16/01369/OUT), the Highways Authority had raised no objection to the proposal subject to the imposition of suitable conditions.
- 5.6.3 For a dwelling with five bedrooms, as shown on the illustrative plans submitted, the Council's adopted Vehicle Parking Standards (SPD, 2006) requires that a maximum of three parking spaces should be provided for dwellings with four or more bedrooms. Given the extent of the application site, it appears that there would be sufficient room within curtilage of the dwelling to accommodate the number of vehicles to meet policy requirement T8 of the adopted local plan and policy T2 of the Local Development Plan.

5.7 Private Amenity Space and Landscaping

- 5.7.1 The illustrative floor plans submitted show a dwelling comprising five bedrooms. For a dwelling with five bedrooms, the Essex Design Guide advises that amenity space measuring 100m² should be provided. Whilst a block plan has not been submitted, given the extent of the site, it appears such amenity space can be achieved on within the plot. In this respect, the proposal would accord with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan.
- 5.7.2 It is noted that no landscaping details have been provided as this can be dealt with at the reserved matters stage.

5.8 Contaminated Land

- 5.8.1 The application site has previously been used for intensive agricultural/commercial purposes. Because of this, the current state of the site and the proposed sensitive end use, further information in relation to contamination would be required. It would be reasonable to impose planning conditions to address this should the application be approved.

5.9 Other Material Considerations

Whether or not the site would represent sustainable development?

- 5.9.1 The application site is outside of any defined settlement boundary. Policy T1 of the adopted local plan seeks to direct development to within defined development boundaries where, amongst other things, there is a choice of transport modes and it encourages walking, cycling and public transport. The adopted local policies provide a basis for understanding the approach to transport objectives for new development and the aim and purpose is broadly consistent with paragraph 35 of the Framework which sets out that ‘...developments should be located and designed where practical to... give priority to pedestrian and cycle movements, and have access to high quality public transport facilities...’.
- 5.9.2 Paragraph 7 of the NPPF indicates that there are three dimensions to sustainable development; economic, social and environmental. Concerning the economic role the provision of a new dwelling would provide employment during construction. Future residents would also be likely to make use of existing services. There would be some economic benefits, albeit some would be temporary.
- 5.9.3 The proposed dwelling would be within walking or cycling distance of the bus stops on the main road (B1022). These buses connect to Tiptree, Maldon and Colchester. However, parts of the route would not be conducive to walking or cycling after dark or in inclement weather. Further, there is no station and the nearest one is at Witham which is about 3.8 miles away. The route would again be via country roads to connect to the main B1022 and across to the A12 to Witham. Great Totham North has a florist and public house. In practical terms, in order to access a substantial range of facilities to undertake day to day activities and meet day to day needs, such as shopping, the occupants of the new dwelling are likely to be reliant upon the private car for a large proportion of trips. 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.

- 5.9.4 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.
- 5.9.5 The proposal would have a negative and harmful impact of the natural and built environment and would not contribute to environmental sustainability. Taking into account the concerns over the proposals harmful effects on the character and appearance of the rural 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 thus failing to accord with the aims of policy T1 of the adopted local plan, policies S1, T1 and T2 of the Local Development Plan, and Government advice contained within the NPPF.

Rationale for application

- 5.9.6 The description of the application states "*demolition of former packing house buildings and erection of one dwelling*" and the planning statement refers to "*the extent of the buildings on the site*". The application site is outlined by the red line on the location plan and is entirely laid to grass. There are buildings present within the wider field in which the application site is located, and which is in the same landowner as the application site, but they are not within the application site.
- 5.9.7 The Applicant also referred to the fall-back position of Class Q of Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) permitting the change of use of agricultural buildings to residential dwellings subject to prior approval and has referenced two appeal decisions where this fall-back position has been afforded material weight.
- 5.9.8 Appeal reference: APP/P1560/W/16/3145830 dated 27 July 2016 related to a refused planning application which was outline in nature for the erection of three dwellings with a combined floor space not exceeding 450m² at Larges Farm, Rectory Road, Great Holland. The site was situated on the edge of a settlement and was formerly a farmyard. At the time of the determination of that appeal, the local authority was unable to demonstrate a five year housing land supply. Reference to a fall-back position of the GPDO was dismissed by the Inspector at paragraph 20 of the appeal decision "*It has been suggested by the appellant that an alternative scheme for the residential development of the site may potentially be achieved by the use of the 'permitted development rights' for the conversion of the existing buildings to a residential use. Details of such scheme are not before me, or any substantive evidence to demonstrate that a specific position would not be required in this respect*". There was no need to investigate this further due to her previous findings. In this instance, the Applicant is not applying to convert the existing buildings or even demolish them and erect a dwelling in a similar position within the site. As such, that appeal decision is not considered to be comparable to this current scheme.
- 5.9.9 Appeal reference: APP/A1530/W/16/3144635 dated 14 July 2016 related to a refused planning application which was outline in nature for the three detached dwellings with a combined floor space not exceeding 450m² at Chestnut Farm, Abberton Road, Layer De La Haye. In the context of that appeal site, prior approval had previously been granted for the conversion of agricultural buildings to three dwellings on the site

and in paragraph 13 of the appeal decision evidence was provided in the appeal to show that the proposed development would not be occupied more intensively than the prior approved development and this was afforded significant material weight (paragraph 16). It is worth noting in the case of that site there was a previous appeal decision APP/A1530/A/14/2223563 dated 26 November 2014 following the refusal of an application seeking planning permission for three additional dwellings, paragraph 19 notes the fall-back position but states that with limited information of the fall-back details it must be given reduced weight.

- 5.9.10 The appeals above acknowledge the fall-back positions but require that information is required so that it can be afforded the relevant weight, and a key consideration is whether the proposed development would be '*occupied more or less intensively*' that that permissible through the provisions of the GPDO; this information has not been provided within the application. Regardless of this, the Applicant is not applying to convert the existing redundant buildings or even demolish them and to erect a dwelling in a similar position within the site. An assessment of the GPDO has not been undertaken, nor have the buildings been inspected in any depth to ascertain whether they would even benefit from the provisions of the GPDO in light of the case law published in November 2016 where the above mentioned appeal case studies predate. Therefore, the fall-back position as presented by the Applicant is considered to be of limited weight given that the redundant buildings referenced not within the application site.

6. **ANY RELEVANT SITE HISTORY**

- 16/01369/OUT - Demolition of former packing house buildings and erection of one dwelling. Refused: 25 January 2017.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	No reply at the time of writing this report	Any comments received will be reported on the Members Update

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

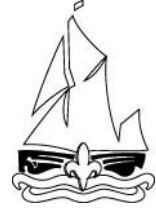
Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No reply at the time of writing this report	Any comments received will be reported on the Members Update

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No reply at the time of writing this report	Any comments received will be reported on the Members Update

8. **REASON FOR REFUSAL**

- 1 Policies S2 and H1 of the Maldon District Replacement Local Plan and policies S1 and S8 of the Maldon District Local Development Plan seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site, edged in red, is currently free from built form and undeveloped. The site is wholly rural and tranquil feel which makes a positive contribution to the character and appearance of the area. The proposed development, if approved, would urbanise the site and represent an unwelcome visual intrusion into the open and undeveloped countryside. The remote nature of the application site also means that future occupiers would be reliant on the private motor vehicle thus represent an unsustainable form of development. As such, the proposal would be contrary to policies S2, BE1, H1, CC6, T2 of the adopted Maldon District Replacement Local Plan, policies D1, S1, S8, H4, T2 of the Maldon District Local Development Plan, and the core planning principles and guidance contained in the National Planning Policy Framework.



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
6 MARCH 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: 14/02/2017

Application Number: LDP/MAL/16/01165 (APP/X1545/X/17/3168107)

Site: Lodge Farm - Old London Road - Woodham Mortimer

Proposal: Claim for Lawful Development Certificate for proposed development: Change of use of two agricultural buildings to residential

Appeal by: Mr Ian Fowler

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.

HOUSE/MAL/16/00921 (Appeal Ref: APP/X1545/D/17/3166724)

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

Address: 48 Maldon Road Great Totham

Decision Level: Delegated

APPEAL DISMISSED – 21.02.2017

FUL/MAL/16/00440 (Appeal Ref: APP/X1545/W/16/3159546)

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

Address: Land Rear Of Krallis Tan, Sheepcoates Lane, Great Totham, Essex

Decision Level: Committee as per Officer recommendation to refuse

APPEAL DISMISSED – 17 February 2017

OUT/MAL/16/00858 (Appeal Ref: APP/X1545/W/16/3163300)

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

Address: Land South Of Buller Lodge, Buller Road, North Fambridge

Decision Level: Committee as per Officer recommendation to refuse

APPEAL ALLOWED – 23 February 2017

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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