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APOLOGIES Committee Services
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Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

05 May 2017

Dear Councillor

You are summoned to attend the meeting of the;

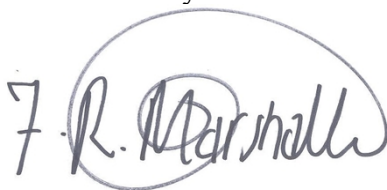
NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 15 MAY 2017 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

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

Chief Executive

COMMITTEE MEMBERSHIP

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

Ex-officio non-voting Member: *Chairman of Planning and Licensing Committee*

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 15 MAY 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 3 April 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. **OUTMAL1700028 - Land to the South East of Tiptree Road, Wickham Bishops, Essex** (Pages 17 - 34)

6. **HOUSEMAL1700161 - Paddock House, Maldon Road, Langford** (Pages 35 - 42)

7. **FULMAL1700165 - The Rowans, Tudwick Road, Tiptree (Tolleshunt D'Arcy)** (Pages 43 - 52)

8. **OUTMAL1700171 - Land Adjacent to The Poplars, Plains Road, Little Totham** (Pages 53 - 68)

9. **ADVMAL1700190 - Splendid Hand Car Wash, Maldon Road, Woodham Mortimer** (Pages 69 - 76)

10. **FULMAL1700203 - Land Adjacent Orchard Cottage, Hatfield Road, Langford, Essex** (Pages 77 - 86)

11. **FULMAL1700210 - Fairviews, Post Office Road, Woodham Mortimer, Essex** (Pages 87 - 98)

12. **FULMAL1700233 - 13 Barnhall Road, Tolleshunt Knights** (Pages 99 - 108)

13. **HOUSEMAL1700342 - Old Times Cottage, Mill Lane, Tolleshunt Major** (Pages 109 - 114)

14. **TPO1116 - 83 East Street, Tollesbury** (Pages 115 - 120)
15. **Other Area Planning and related Matters** (Pages 121 - 124)
16. **Any other items of business that the Chairman of the Committee decides are urgent**

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 14.
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



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
3 APRIL 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

1137. CHAIRMAN'S NOTICES

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

1138. APOLOGIES FOR ABSENCE

There were none.

1139. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 6 March 2017 be approved and confirmed.

1140. DISCLOSURE OF INTEREST

Councillor J P F Archer declared a pecuniary interest in Agenda Item 8 – OUT/MAL/17/00137 Land North of 29 Green Trees Avenue, Cold Norton as he was the applicant.

Councillor J V Keyes declared an interest as he sat on Great Totham Parish Council.

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.

1141. FUL/MAL/16/01495 - LAND OPPOSITE 18 HANDLEYS, WICKHAM BISHOPS

Application Number	FUL/MAL/16/01495
Location	Land Opposite 18 Handleys Lane Wickham Bishops Essex
Proposal	Redevelopment of the site to provide 5 residential units including (5x5 bed units) with associated soft landscaping and shared access from Handleys Lane
Applicant	Marden Homes Ltd
Agent	Miss Georgia Barrett - RPS CgMs
Target Decision Date	3 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In Departure from the Local Plan

It was noted from the Members' Update that a consultation response had been received from Essex County Fire and Rescue Services along with a further letter of objection.

During her presentation the Development Control Team Leader advised the Committee of a letter received from Priti Patel MP regarding this application. The Officer summarised the content of the letter which highlighted a number of concerns regarding the proposed development.

Following the Officers' presentation, an objector, Mr Clare of 18 Handley's Lane, Wickham Bishops, Councillor Iain McGregor from Wickham Bishops Parish Council and the Agent, Mr James Dempster from RPS CgMS addressed the Committee.

In response to comments made by the Agent, the Group Manager - Planning Services clarified that the Council was able to demonstrate a five year housing land supply as referred to in paragraph 5.1.3 of the report. The provision of five dwellings was considered a small weight towards demonstrating a lack of five year housing land supply. The Officer also made reference to a recent appeal decision which had also confirmed that the Council had a five year housing land supply.

Councillor M F L Durham, a Ward Member, referred to the proposed vehicular access to the site and expressed concern as he felt the current lane was no more than a track and therefore unsuitable for any additional access. He raised further concerns regarding the consultation response from Essex County Council Highways, the proposed development being outside the defined settlement boundary and recent major developments located close to the site. Councillor Durham advised that he disagreed with the Officers' recommendation and proposed that the application be refused, contrary to Officers' recommendation. This proposal was duly seconded.

Councillor H M Bass, the other Ward Member, agreed with the comments of his fellow Ward Member. He advised that following a telephone conversation with Essex County Council Highways he had been advised that they had not visited the site and were not aware of the size of the access road.

Councillor Durham suggested that the Council formally contact the Cabinet Member for Highways, Councillor Johnston, to advise him of the poor service received by this Council.

A debate ensued during which further comments against the Officers' recommendation were raised. In response, the Group Manager - Planning Services advised that Officers' recommendation was made having taken a balance view on the impact of the proposed dwelling on the character of the area. The Officer then provided Members' further information in response to Members' comments. Further comments were raised regarding the demonstrable harm of the proposed development.

Members discussed reasons for refusal and the Group Manager - Planning Services provided the Committee provided further advice and guidance with regards to these.

It was clarified that the Council had a housing assessment which indicated that it needed less large and more smaller dwellings and it was felt by Members that this should be taken into consideration in respect of this application.

Following further discussion the Chairman clarified should Members be mindful to refused the application the reasons for refusal should relate to the development being outside the village envelope, the demonstrable harm it would cause and the housing mix.

The Chairman then put the proposal in the name of Councillor Durham, duly seconded, and upon a vote being taken this was unanimously agreed.

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

- 1 The application site is in a rural location outside of the defined settlement boundary for Wickham Bishops where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District.

The proposed development would fail to respect the existing pattern of development or urban grain of the area thus failing to protect and enhance to the character and appearance of the rural locality. Furthermore, the proposed development would have an intrusive visual impact upon the site and its surroundings as well as a material detrimental effect on the character and appearance of the wider countryside which is noted for its landscape value. The development proposal would introduce unwelcome domestic activity to the site which would also have a detrimental impact upon the character and appearance of this edge of settlement countryside location. As such the proposal is contrary to policies S2, H1, CC6, CC7 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan, and Government advice as contained within the National Planning Policy Framework.

- 2 The proposal would provide five, five bedrooms detached dwellings. In the Council's Strategic Housing Market Assessment (SHMA), it identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer an address the increasing need for smaller properties due to demographic and household formation change. Policy H2 of the Maldon District Local Development Plan 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 of the District. In this instance, the development proposal would fail to meet the local need and mix as set out in the Strategic Housing Market Assessment (SHMA) for the District thus failing to provide a supply of housing required to meet the needs of present and future generations, contrary to Policy H2 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

1142. FUL/MAL/17/00064 - LAND ADJACENT TO LANGFORD WATERWORKS, HATFIELD ROAD, LANGFORD

Application Number	FUL/MAL/17/00064
Location	Land Adjacent To Langford Waterworks Hatfield Road Langford Essex
Proposal	Proposed application for the development of six detached dwellings with associated garage & parking and access road (formerly consented for four detached dwellings - consent has been implemented)
Applicant	Mr Terry Brunning - Sunbury Developments LLP
Agent	-
Target Decision Date	27 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	LANGFORD
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

It was noted from the Members' Update that this application had been **WITHDRAWN** by the applicant.

1143. HOUSE/MAL/17/00086 - THE OLD BOATHOUSE, FAMBRIDGE ROAD, NORTH FAMBRIDGE

Application Number	HOUSE/MAL/17/00086
Location	The Old Boathouse Fambridge Road North Fambridge Essex
Proposal	Erect single storey side extension to existing bungalow
Applicant	Mr Carl Hall
Agent	Mr Stephen Ladner - SJCS
Target Decision Date	3 April 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Parish Trigger

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
- 4 The measures contained within the Flood Risk Assessment, a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first use of the development hereby approved and retained as such thereafter.

In accordance with his earlier declaration Councillor J P F Archer left the meeting at this point and did not return.

1144. OUT/MAL/17/00137 - LAND NORTH OF 29 GREEN TREES AVENUE, COLD NORTON

Application Number	OUT/MAL/17/00137
Location	Land North Of 29 Green Trees Avenue Cold Norton Essex
Proposal	Outline planning application with all matters reserved for the construction of 3 single storey dwellings with associated off-street parking
Applicant	Mr & Mrs J Archer
Agent	Stanfords - Peter Le Grys
Target Decision Date	11 April 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Councillor / Member of Staff

Councillors J V Keyes and Miss S White declared an interest in this application as they knew the applicant.

It was noted from the Members' Update that a further letter of objection had been received.

Following the Officers' presentation, the Agent, Mr Peter Le Grys addressed the Committee.

In response to a debate, the Group Manager - Planning Services provided Members with further information contained within the recent appeal decision relating to this site.

Following further discussion, Councillor E L Bamford proposed that the Committee accept the Officers' recommendation of refused. This proposal was duly seconded and upon a vote being taken was agreed.

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

- 1 The proposed development would fail to respect the existing pattern of development or urban grain of the area thus failing to protect and enhance to the character and appearance of the rural locality. Furthermore, the development would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion into the open and undeveloped countryside, to the detriment of the character and appearance of the area contrary to policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

1145. 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: 13/03/2017

Application Number: FUL/MAL/16/00450 (APP/X1545/W/17/3166842)

Site: Barn Attached To South Of Sewells Farm Witham Road Little Braxted

Proposal: Removal of redundant agricultural barn to create one new dwelling

Appeal by: Ms Louise Yates

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 13/03/2017

Application Number: FUL/MAL/16/00782 (APP/X1545/W/16/3165877)

Site: The Barn, Mope Lane, Wickham Bishops, Essex, CM8 3JP

Proposal: Removal of Conditions 2 & 3 on approved application

FUL/MAL/11/00531 allowed on appeal APP/X1545/A/11/2160940 (Change of use of existing rural building from stables to self contained holiday accommodation)

Appeal by: Mr K Walter

Appeal against: Refusal

Appeal procedure requested: Written Representations

Enforcement Appeals:

Appeals Start Date: 23/03/2017

Enforcement Notice Reference Number: ENF/14/0074/02

Appeal Reference Numbers: APP/X1545/C/16/3160577,

APP/X1545/C/16/3167980 & APP/X1545/C/16/3167995

Site: Little Wood Place - Fambridge Road - Purleigh

Alleged Breach of Planning Control: Without planning permission the unauthorised material change of use of part of the Land to a mixed used comprising agricultural use, storage use, including the storage of a caravan boats, oil-tanks, machinery, jet-skis, vehicles, building and other materials, items and tools, use as a caravan site and use to deposit refuse or waste materials, such

as disused building materials, broken pallets, disused pieces of metal, wood and plastic, disused domestic items.

Appeal by: G C Wilson, M Wilson & T Gibbons

Grounds of Appeal: (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact, (c) that there has not been a breach of planning control (for example because permission has already been granted, or it is “permitted development”), (d) that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice, (e) the notice was not properly served on everyone with an interest in the land & (f) the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections

Enforcement Notice Reference Number: ENF/14/0074/03

Appeal Reference Numbers: APP/X1545/C/16/3160595,
APP/X1545/C/16/3167982 & APP/X1545/C/16/3167997

Site: Little Wood Place - Fambridge Road - Purleigh

Alleged Breach of Planning Control: Without planning permission the unauthorised material change of use of part of the Land to a mixed used comprising use to deposit refuse or waste materials, such as disused building materials, disused domestic items, pieces of metal, wood and plastic, and storage use, including the storage of oil-tanks, machinery, jet-skis, vehicles, building and other materials, items and tools.

Appeal by: G C Wilson, M Wilson & T Gibbons

Grounds of Appeal: (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact, (c) that there has not been a breach of planning control (for example because permission has already been granted, or it is “permitted development”), (e) the notice was not properly served on everyone with an interest in the land & (f) the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections

Enforcement Notice Reference Number: ENF/14/0074/04

Appeal Reference Numbers: APP/X1545/C/16/3160599,
APP/X1545/C/16/3167984 & APP/X1545/C/16/3167998

Site: Little Wood Place - Fambridge Road - Purleigh

Alleged Breach of Planning Control: Without planning permission the unauthorised material change of use of part of the Land to a mixed used comprising residential use (use class C3) and storage use for a prefabricated building and the operational development resulting from the degree of permanency of the building.

Appeal by: G C Wilson, M Wilson & T Gibbons

Grounds of Appeal: (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact, (c) that there has not been a breach of planning control (for example because permission has already been granted, or it is “permitted development”), (d) that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice, (e) the notice was not properly served on everyone with an interest in the land & (f) the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections

Enforcement Notice Reference Number: ENF/14/0074/05

Appeal Reference Numbers: APP/X1545/C/16/3160641,
APP/X1545/C/16/3168002 & APP/X1545/C/16/3168002

Site: Little Wood Place - Fambridge Road - Purleigh

Alleged Breach of Planning Control: Without planning permission the unauthorised material change of use of part of the Land to a mixed used comprising residential use (use class C3), use to deposit refuse or waste materials, such as disused building materials, disused domestic items, pieces of metal, wood and plastic, and storage use, including the storage of container and the operational development resulting from the degree of permanency of the container.

Appeal by: G C Wilson, M Wilson & T Gibbons

Grounds of Appeal: (c) that there has not been a breach of planning control (for example because permission has already been granted, or it is “permitted development”), (d) that, at the time of the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice, (e) the notice was not properly served on everyone with an interest in the land & (f) the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections

Appeal procedure requested: Public Inquiry

Appeal Start Date: 24/03/2017

Application Number: FUL/MAL/16/00541 (APP/X1545/W/17/3169977)

Site: Land Adjacent To Badgers Leap, Park Lane, Tolleshunt Knights, Essex

Proposal: Pair of semi-detached 2 bed dwellings

Appeal by: Mr A Curtis & Mrs S Dawson

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 24/03/2017

Application Number: FUL/MAL/16/01430 (APP/X1545/W/17/3170054)

Site: Land West Of Great Downs Farm - Station Road - Tollesbury

Proposal: Erect 5No. dwellings, internal access road, associated car parking and landscaping

Appeal by: Wilkin & Sons Ltd

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 23/03/2017

Application Number: FUL/MAL/16/00657 (APP/X1545/W/17/3166779)

Site: Oakfield Farm Hyde Chase Purleigh

Proposal: Change of use of agricultural building to B1 light industrial use

Appeal by: Mr King

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 24/03/2017

Application Number: FUL/MAL/16/01186 (APP/X1545/W/17/3167869)

Site: Poultry Houses North East Of, Rockleys Farm, Church Road, Tolleshunt Major

Proposal: The creation 2No. new dwellings on previously developed commercial land known as the Poultry Houses currently and historically used for business use.

The demolition of the poultry houses addition of new dwellings with own gardens, car parking and garaging

Appeal by: Mr Jonathon Wade

Appeal against: Refusal

Appeal procedure requested: Written Representations

(ii) Appeal Decisions:

There were none.

1146. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(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.

1147. ENFORCEMENT UPDATE

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

There being no further items of business the Chairman closed the meeting at 9.35 pm.

H M BASS
CHAIRMAN

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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	OUT/MAL/17/00028
Location	Land to the South East of Tiptree Road, Wickham Bishops, Essex
Proposal	Erection up to 15 dwellings
Applicant	Mr A Collier
Agent	Phillip McIntosh – Melville Dunbar Associates
Target Decision Date	14 April 2017
Case Officer	Terry Hardwick, TEL: 01621 875860
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In Departure from the Local Plan Major Development

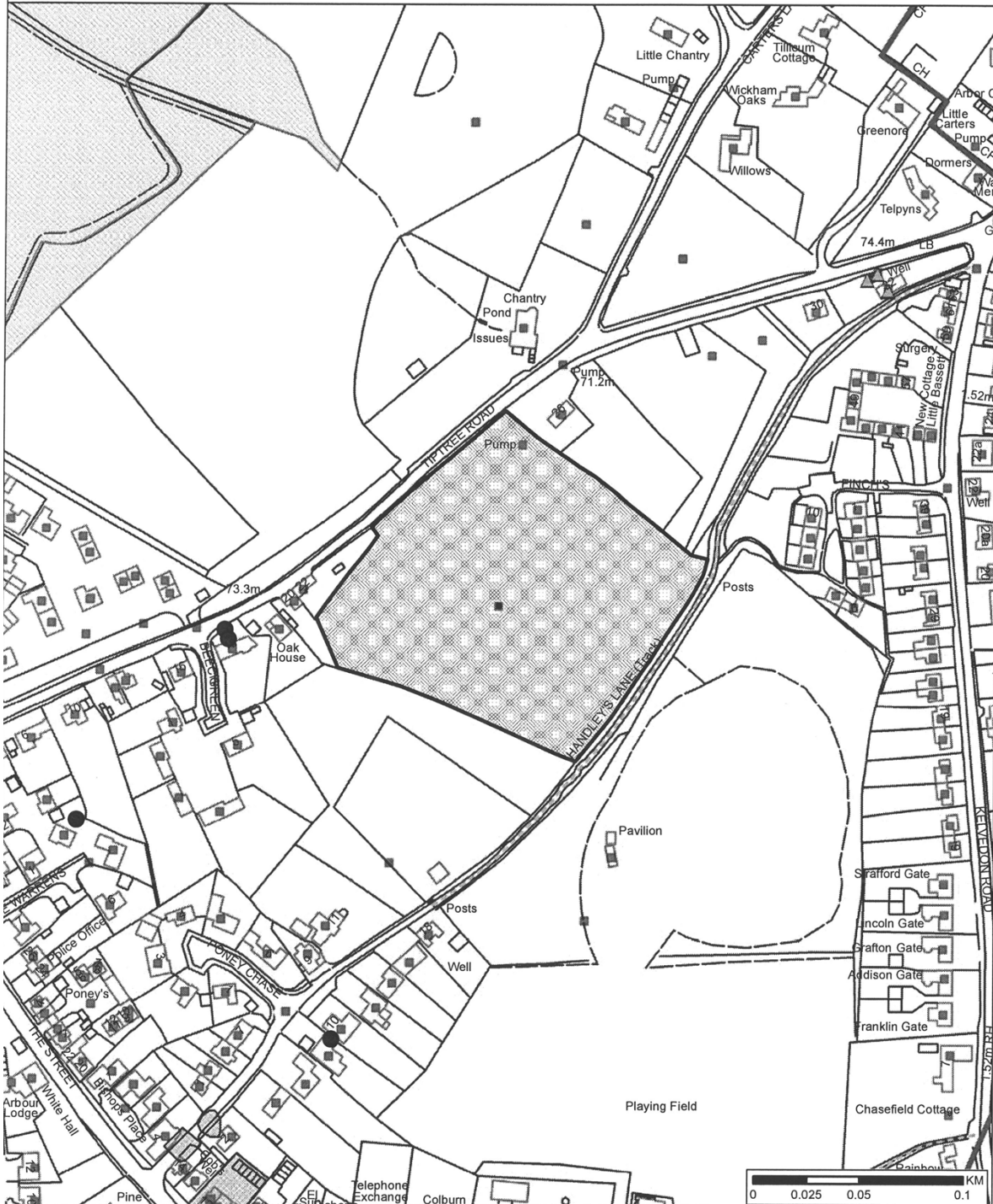
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Rear Of 22 Tiptree Road, Wickham Bishops
OUT/MAL/17/00028



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00028
	Date:	05/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 **Proposal / brief overview, including any relevant background information**

- 3.1.1 The outline planning application seeks to construct 15 houses with associated off-street parking and associated garages on land to the south east of Tiptree Road and lies outside the defined settlement boundary of Wickham Bishops as shown on the Maldon District Replacement Local Plan Proposals Map Inset 27 and in the Local Development Plan Proposals Map (Map Number 1 of 4). The matters for consideration are the principle of the development and ‘access’ with the ‘layout’, ‘appearance’, ‘landscaping’ and ‘scale’ forming the reserved matters for subsequent approval.
- 3.1.2 The application site is an open field and is enclosed by existing trees, established hedgerows, some fencing where it shares its boundary with existing residential properties No. 20, 22 and 26 Tiptree Road. The site area is approximately 1.76 hectares, is relatively flat and is free from any built form of development. There is an existing access point on the northern corner of the site, next to No. 26 Tiptree Road. There is no footway or street lighting along this part of Tiptree Road.
- 3.1.3 It is proposed that that a new vehicular and pedestrian access point off Tiptree Road is proposed to serve the development proposal. The new access road would immediately provide access to Plots 3, 4 and 5 which would be located to the south west. The access road would be split into two further internal roads which would serve Plots 1, 2, 9, 10, 11, 12, 13, 14 and 15 to the northeast and Plots 6, 7 and 8 to the southeast. Each dwelling would have off-street parking the form of a garage or tandem parking arrangement.
- 3.1.4 For ease of reference, the housing mix proposed on this site are as follows:-

Housing Mix	Number of Units	Tenure	Plots
5 bedroom house	4	Market	2, 6, 8, 9
4 bedroom house	2	Market	3, 7
3 bedroom house	4	Affordable	10, 11, 12, 13
4 bedroom bungalow	3	Market	1, 4, 5
2 bedroom bungalow	2	Affordable	14, 15
Total:	15	Market: 60% Affordable: 40%	

- 3.1.5 In support of this outline planning application, indicative drawings have been submitted as contained within the Applicant’s Design and Access Statement (Page 9) to show the design and appearance of the houses / bungalows proposed.
- 3.1.6 In addition to the above, a public open space / dry surface water balancing pond has been proposed on the northern corner of the site.

3.2 Conclusion

- 3.2.1 The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 3.2.2 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in Paragraphs 18 to 219 taken as a whole. At the heart of the Framework in paragraph 14 is a presumption in favour of sustainable development. The Framework further identifies economic, social and environmental dimensions to sustainable development.
- 3.2.3 With regard to the environmental aspect of the National Planning Policy Framework (NPPF), it is considered that the impact of the development on the character and appearance of the application site and surrounding area, and with particular regard to its location and scale and its poor relationship to existing residential properties and network, would be unsustainable. The development would fail to meet the three strands of sustainable development as contained in the NPPF when viewed as a whole as well as policies BE1, S2, H1, CC6 and CC7 of the adopted local plan; policies S1, S8, D1, H4 and N2 of the Local Development Plan.

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, 56, 57, 60, 109

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 – Development Outside Settlement Boundaries
- BE1 – Design of New Development and Landscaping
- CON5 – Pollution Prevention
- CC6 – Landscape Protection
- H1 – Location of New Housing
- H6 – Density of Housing
- H9 – Affordable Housing
- T1 – Sustainable Transport and Location of New Development
- T2 – New Infrastructure in New Development
- T8 – Vehicle Parking Standards
- PU1 – Provision of Education Facilities

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

- S1 – Sustainable Development
- S7 – Prosperous Rural Communities
- S8 – Settlement Boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D5 – Flood Risk and Coastal Management

- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Outline planning application (with some matters reserved for later consideration) has been submitted to seek permission for the construction of 15 dwellings with associated off-street parking and turning areas within the site. A new vehicular and pedestrian access point would be created to Tiptree Road.
- 5.1.2 The proposal lies outside of the settlement boundary as defined by the adopted Local Plan and the Local Development Plan, the development proposal is therefore considered contrary to Development Plan Policies in principle.
- 5.1.3 The above would lead onto the Council's current position on the Five-Year Housing Land Supply. In August 2016, the Council published the latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2015/2016 August 2016. The Council's position is that decision makers should give weight to relevant policies in emerging plans, in this instance of the Maldon District Local Development Plan (2014-2029), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the Framework. The more advanced the stage of preparation, the greater the weight can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given in accordance with Paragraph 216 of The National Planning Policy Framework.
- 5.1.4 The Council considers that the current status of the Maldon District Local Development Plan (2014-2029) is at its advanced stage and therefore considerably weight can be given to policies S1, S2, S3, S4, S5, S6, S7, S8, H1, H2, H3, I1 and I2 contained within this emerging plan.
- 5.1.5 Further, since the submission of this application, the Secretary of State informed the Council on 6 March 2016 that he has carefully considered the Planning Inspector's

analysis and conclusions and disagreed with his interim findings set out in his letter of 8 May 2015.

- 5.1.6 In light of this letter from the Secretary of State, the Council considers that this is a material consideration. It should therefore be given significant weight when determining all planning applications, particularly with regard to the Council's current position on the Five Year Housing Land Supply, the latest evidence to be used for the Full Objectively Assessed Need for Housing, and the weight to be afforded to the status of the Local Development Plan. In this instance, it is considered that the proposed development fails to accord with policies S1, S2, S8, H1, H2 and I1 of the Maldon District Local Development Plan (2014-2029).
- 5.1.7 Policies S1 and S8 of the Maldon District Local Development Plan seeks to channel new residential development into the most appropriate site, within the district and to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Initially, any development proposals should be directed within the defined village settlement boundaries to ensure no demonstrable harm occurs unless material consideration indicates otherwise.
- 5.1.8 The above policies should also be read in conjunction with Policy S2 of the adopted Maldon District Replacement Local Plan (2005) where it states development outside development boundaries defined in the local plan, the coast and countryside, will be protected for their own sake, particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value. The application site lies outside the development boundary where this rural planning Policy S2 restraint applies.
- 5.1.9 The application site lies to the south east side of Tiptree Road and lies just outside of the defined settlement boundary of Wickham Bishops as shown on Maldon District Replacement Local Plan Proposals Map Inset 27 and in the Local Development Plan Proposals Map (Map Number 1 of 4).
- 5.1.10 The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In recent appeal decisions, Planning Inspectors have noted Wickham Bishops and Great Totham to have a good supply of services and facilities with playing fields, a school, shops, garages a post office and other facilities within reasonable walking distances. However, in this instance, it is noted that there are lack of footways and street lighting along Tiptree Road for the future occupiers of this site to reach these facilities and services. Having considered the darkness of the road, particularly in winter months, with no footway, together with the distance to local services / facilities means that there would not be a safe or convenient pedestrian access to local services / facilities and it is likely that there would be greater reliance on the private car. As such, the development would not be considered a sustainable form of development, contrary to the aims of the NPPF.

5.2 Affordable Housing

- 5.2.1 Paragraph 50 of the NPPF provides support for boosting the supply of all types of housing, including affordable housing. Saved policy H9 of the adopted local plan,

and policy H1 of the Local Development Plan (LDP) provide thresholds for the provision for both on and off site affordable housing.

- 5.2.2 Policy H1 of the LDP is based upon an evidence base which requires Affordable Housing provision on - *"All housing developments that provide a gross of five or more homes, or comprise an area of 0.5 hectares or larger will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing"*.
- 5.2.3 The Local Development Plan (LDP) requires 40% affordable social housing provision. Paragraph 216 of the National Planning Policy Framework (NPPF) states that decision takers may give weight to emerging plans according to the stage of preparation of the emerging plan, the more advanced the preparation, the greater the weight that may be given. As a submitted Plan currently being considered by the Secretary of State, the LDP is at an advanced stage of preparation. The Council is therefore now seeking to implement the affordable housing requirements contained with the LDP. In addition to this policy with regards to affordable housing provisions, it is important to note that a recent Court of Appeal decision dated 11 May 2016 has restored a government policy which means affordable housing contributions would only affect large residential development schemes, while smaller sites of 10 homes or fewer would be able to start work on sites without facing charges that could prevent developers from building at all. The national threshold of ten units or fewer (and a maximum combined gross floor space of no more than 1000 square metres) means that affordable contribution should not be sought.
- 5.2.4 As the development proposal is for the erection of 15 houses, affordable housing of 40% would be required to meet the aforementioned policies. The Applicant has confirmed that 2 x 2 bedroom bungalows and 4 x 3 bedroom houses (total of 6 units) would be provided should the application be approved. The application is proposing 3 bed houses as intermediate housing which is not in conjunction with the suggested recommendations of the SHMA - providing smaller units of affordable accommodation. The greatest housing need for affordable units is for 2 bed 4 person houses.
- 5.2.5 As such, the Housing Department cannot fully support this proposal until further discussions/agreements are met to comply with Policy H1 regarding the correct type of housing provision that will meet the housing needs of the District.

5.3 Design and Impact on Character and Appearance of the Area

- 5.3.1 The NPPF advises at 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. This is also reflected in policy CC6 which seek to protect the character and appearance of areas outside of defined settlements. Policies D1 and N2 of the

Local Development Plan carry such policy considerations into the future plan for the District in order to reflect the requirements in the NPPF.

- 5.3.2 The application site is located to the south east of Tiptree Road and is free from any built form of development and is fairly rural in nature. The site is laid to grass and enclosed by established hedgerows and protected trees. Based on the Illustrative Site Layout Plan submitted (Drawing No: 1523-PS001 Rev B), it is considered that the development proposal would fail to integrate with the rural area by reason of the location of the site and the position of the dwellings within the plot. Furthermore, the proposed development would move the urban form into a rural piece of land outside of the defined settlement boundary. This would urbanise the site and would be to the detriment of the rural character of the area.
- 5.3.3 Whilst it is an indicative plan, the proposed development shows pedestrian and vehicular connectivity within the site. However, it is considered that the development as a whole responds poorly to its existing context and fails to connect with the pattern of development and footpaths, both in and outside, of the site. The proposed urban form would not integrate or result in a smooth transition of the built form when viewed in the wider context. The development would appear incongruous and a remote bolt-on development to the village.
- 5.3.4 Having taken into account the scale and nature of the development, its layout, the number of dwellings, and its poor relationship and connectivity to the prevailing pattern of development in the locality, it is considered that the built form would result in an urbanising effect on the wider rural area. The introduction of additional domestic paraphernalia, hard surfacing and off-street parking as a result of the 15 new dwellings would also have a detrimental impact and adversely harm the intrinsic character and beauty of the site and its wider rural setting contrary to policies CC6, CC7 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1, H4 and N2 of the Maldon District Local Development Plan and Government advice as contained within the NPPF.
- 5.3.5 Based on the indicative drawings submitted, it appears that the proposed development, on balance, would cause unacceptable harm to the character and appearance of the area. The proposal would conflict with policies BE1 and CC6 of the adopted local plan which seek to ensure that the design of new development is compatible with the character of its surroundings and to avoid harm to the character and appearance of rural landscapes. The proposal would also be contrary to the objective of the Framework, as set out in Paragraph 58, of ensuring that development responds to local character and reflects the identity of its surroundings.

5.4 Effect upon Neighbouring Properties

- 5.4.1 Policy BE1 of the adopted local plan and Policy D1 of the Local Development Plan seeks to ensure good design for new development proposals. These policies also encompass the need to ensure the protection of neighbouring amenity.
- 5.4.2 It is important to note that this is an outline planning application with the ‘layout’, ‘appearance’, ‘landscaping’ and ‘scale’ forming the reserved matters. No details have been submitted at this stage regarding the design, appearance and the exact height of the dwellings or the position of the fenestration on each property. The Council is

therefore unable to assess the impact regarding the loss of light or privacy to any of the existing residential properties fronting onto Tiptree Road.

- 5.4.3 On this basis it would be unreasonable for the Council to refuse planning permission regarding the loss of residential amenity as these issues can be addressed at the reserved matters stage through careful and appropriate design and by imposing appropriate planning conditions.

5.5 Access, Parking and Highway Safety

- 5.5.2 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising two/three bedrooms require a maximum of two, off-street parking space. The Illustrative Layout Plan (Drawing No: 1523-PS001 Revision B dated January 2017) has been provided in support of this outline planning application and it appears that each dwelling is able to accommodate the level of off-street parking requirement in accordance with the VPS and Policy T8 of the adopted local plan. In this respect, the proposal would comply with the aforementioned policy and guidance.
- 5.5.3 In terms of the new vehicular and pedestrian access point to serve the development proposal, the Highway Authority has raised no objection to the proposal subject to conditions and informative to be imposed should the application be approved.
- 5.5.4 Letters of representation have been received concerning the connectivity and the lack of footway to the site. In the Design and Access Statement and on Drawing No: 1523PS.002.B dated 22.11.2016 submitted by the Applicant, it states that the footpath link from the application site would link to the footpath which is currently under construction to the north west of the site which was approved by application 13/01151/FUL for the development of 27 dwellings. It is important to note that this footpath which is currently under construction for that development proposal was subsequently amended by planning application 16/00972/FUL for it to be shortened. As such, the footpath connection between the approved site 13/01151/FUL and the current application site has been sabotaged by the approved 2016 application and would not be considered to be effective to serve this development proposal. The poor connectivity between the application site and the village itself would mean that it is likely that the prospective occupiers of the site would be reliant on the use of private cars other than alternative means of transport i.e. walking, cycling, bus services.
- 5.5.5 It is noted that concerns have also been raised with regards to the width of the Tiptree Road and the increase in traffic using the road would have an impact on highway safety. The Highway Authority has raised no objection to this.
- 5.5.6 Concerns have also been raised with regard to the internal access to Plot 5 and it appears that the road may connect to the site at Handleys Lane. It is important to note that each application is considered on its own merits and there is no evidence at this stage that these two sites would be connected.

5.6 Private Amenity Space and Landscaping

- 5.6.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for

residential schemes. The EDG indicates that for dwellings with four bedrooms or more, at least 100 square metres of amenity space should be provided. Policy BE1 of the adopted Local Plan and Policy D1 of the Local Development Plan indicate the need for amenity space in new development and this must be useable.

- 5.6.2 Based on the Site Layout in Context Plan submitted (1523-PS.002 B) it appears that the garden sizes for each proposed dwelling would meet or would be in excess of the minimum standards. This is considered an important part of the development due to its location and its relationship with the surrounding rural area where there are pockets of open land to the north east, south east, south west and north-west. In this respect, the proposal would meet policy requirement contained within policy BE1 of the adopted local plan, policy D1 of the Local Development Plan and The Essex Design Guide.
- 5.6.3 In terms of landscaping, the indicative layout at this stage does not take into account the impact upon the surrounding trees. Trees on the north east boundary and the Oak and Ash trees on the south east boundary are protected by Tree Preservation Orders (TPO). These trees are likely to be subject to pressure to prune due to shade and other issues such as detritus and insect residue. There could also be potential effect of the proposed development on trees when viewed from Handleys Lane which would again impact on the character and appearance of the trees and its contribution to the wider rural area.
- 5.6.4 The Arboricultural Impact Assessment identifies requirement for some linear root pruning to accommodate the design. It is considered that the layout of the development should be designed around the trees and their future growth. The location of the Public Open Space could be used to buffer the public right of way and larger trees. The Tree Officer has advised that should the application be approved, a full Arboricultural Report and method statement would be required with landscaping scheme. The information to be submitted should include information such as foundation type and service routes, and detail of boundary treatment around the site. Solid boundary treatment is not advised as it would prevent movement of wildlife and would have a negative impact upon boundary vegetation.
- 5.6.5 As the application stands and without a full Arboricultural Report and method statement, the Tree Officer recommends refusal of this application. To address the Tree Officer's objection, appropriately worded planning conditions could be imposed should the application be approved for additional details to be submitted and subsequently approved by the Council.
- 5.6.6 With regard to the future management and maintenance of the Public Open Space and the dry surface water balancing pond proposed within the site, this can be dealt with either by a planning condition or alternatively be secured within a legal agreement.

5.7 Flood Risk

- 5.7.1 The application site is approximately 1.76 hectares in site area. As the site is over 1 hectare, the Environment Agency was consulted as part of the application process. No reply has been received regarding to flooding at the time of writing this report. Any comments received will be reported at the meeting.

- 5.7.2 The Council's Environmental Health Services (EHS) has assessed the planning application and is aware of the condition of the site. EHS has raised no objection to the proposal subject to conditions relating to foul drainage scheme to be imposed should the application be approved.

5.8 Ecology

- 5.8.1 An ecology report was submitted as part of the application submission. The Coast and Countryside Officer has assessed the content of the report and advised that the ecology report recommends reptile presence or absence and Badger surveys, which do not appear to have been completed. The results of these surveys may be material and should be made available to the Council before a decision is made. The application should therefore be refused until further information has been submitted. The Applicant has since submitted an additional report dated 30 March 2017 prepared by Eco-Planning UK to address the issues raised by the Coast and Countryside Officer. The Coast and Countryside Officer was re-consulted. However, no response has been received at the time of writing this report.
- 5.8.2 Irrespective of the above, it is noted that in recent Appeal Decisions, Planning Inspectors tend to impose planning conditions that no development, including the clearance of the site, shall commence prior to the submission of a detailed ecology report. In this respect, it is considered that to refuse the development proposal on the basis of the above would be unreasonable and may be difficult to sustain on appeal.

5.9 Anglian Water Services

- 5.9.1 Having assessed the application, Anglian Water Services (AWS) has advised that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. AWS has further advised that should planning permission be granted an informative should be included in any decision notice regarding the above.
- 5.9.2 There have been concerns raised regarding to foul drainage form this site. AWS confirms that the foul drainage from this development is in the catchment of Great Totham Water Recycling Centre that it will have available capacity for these flows. The sewerage system at present also has available capacity for these flows.

5.10 Other Material Considerations

- 5.10.1 The Council is fully aware that there was a planning application which was recently refused by the Council to the south west side of this application site for the development of five houses at land off Handleys Lane.(reference: 16/01475/FUL). Each planning application is considered on its own merits and it is important to note that this application should not be determined as being intrinsically linked to the application site at Handleys Lane.

6. ANY RELEVANT SITE HISTORY

No relevant planning history.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	<p>Outside the development boundary. Sufficient housing available on other sites both constructed (Snows Corner) and granted planning permission (Maypole Road) and identified needs from the housing needs survey for the emerging neighbourhood plan.</p> <p>Bridleway and public right of way is popular with pedestrians and cyclists and the development would contribute negatively to public enjoyment and safety. Lack of footways and narrowness of Tiptree Road and speed of passing traffic noted from the traffic report.</p> <p>Acknowledged the effects on protected wildlife and loss of public amenity and concerns regarding coalescence with Central Wickham Bishops and Kelvedon Road ribbon development. Lack of capacity of local surgery and school were noted.</p>	Noted and addressed in Sections 3.1, 5.1, 5.5, 5.8 and 5.11 of the report

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water Services	No objection subject to informative should the application be approved.	Noted in Section 5.9 of the report
ECC Highway Authority	No objection subject to conditions and informative	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	No reply received at the time of writing this report	Any comments received will be reported on the Members Update
Environment Agency	No reply received 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 objection subject to conditions relating to foul drainage scheme and details aimed at mitigating or offsetting the impacts on local air quality from increased road traffic generated by the development to be imposed	Noted in Sections 5.7 and 5.10 of the report
Tree Officer	Object to the proposal. However, a full Arboriculture Report and method statement would be required should the application be approved.	Noted in Section 5.6 of the report
The Coast and Countryside Officer	The ecology report recommends reptile presence or absence and Badger surveys, which do not appear to have been completed. The results of these surveys may be material and should be made available to the Council before a decision is made.	Noted in Section 5.8 of the report
Conservation Officer	No objection	Noted
Housing Department	Strategic Housing Services cannot fully support this Application until further discussions/agreements are met to comply with Policy H1 regarding the correct type of housing provision that will meet the housing	Noted in Section 5.2 of the report

Name of Internal Consultee	Comment	Officer Response
	needs of the District.	

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:

- Mrs J Butler Carr House Carters Lane Wickham Bishops
- Derek Hince 8 Blacksmiths Lane Wickham Bishops Essex
- John & Francesca Wratten Lizida Witham Road Wickham Bishops
- Mrs Oxana Tilling Middle Chantry Carters Lane Wickham Bishops
- Mr William Simpson Cherry Tree Cottage 32 Tiptree Road Wickham Bishops Witham
- Mrs J Rochester 24 Holt Drive Wickham Bishops Essex
- Sue Simonson Pen Rusha 6 Poney Chase Wickham Bishops
- David Simonson Pen Rusha 6 Poney Chase Wickham Bishops
- Mrs P M Brown 5 Beech Green Wickham Bishops Essex
- Linda Prentice 22 Tiptree Road Wickham Bishops Essex
- Mrs Alessandra Aldis 3 Perryfields Kelvedon Road Little Braxted Witham
- Mr Ian Burnett Tower Flat Great Ruffins Beacon Hill Great Totham
- David Gladman Wickham Wells 26 Tiptree Road Wickham Bishops
- Nick Smith Canters 2 Poney Chase Wickham Bishops
- Mrs Nicola Smith Canters 2 Poney Chase Wickham Bishops
- Ian Wiley The Lynne 10 Tiptree Road Wickham Bishops
- P J Brown 5 Beech Green Wickham Bishops Essex
- Julia Lansdell Thrift Cottage 61 Kelvedon Road Wickham Bishops
- Graham Spearman Oak House 18A Tiptree Road Wickham Bishops
- Richard Sanwell 18 Tiptree Road Wickham Bishops Essex
- Marion Rolfe 12 Handleys Lane Wickham Bishops Essex
- David Rolfe 12 Handleys Lane Wickham Bishops Essex
- J R Dixon 16 Handleys Lane Wickham Bishops Witham
- Helen & David Gilfillan Lemon Tree Cottage 9 Handleys Lane Wickham Bishops
- Mr Graham Jacob Quilters Beacon Hill Witham
- Mrs Nadia Harvey Drogue 5 Poney Chase Wickham Bishops
- Mrs Kay Soudah Lambourne Kelvedon Road Little Braxted Witham
- Dr Joanne Hopcroft Orchard Cottage 11 Handleys Lane Wickham Bishops
- John Kilmartin Tillicum Cottage Carters Lane Wickham Bishops

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Outside development boundary • This is not an infill development • Inappropriate development • Additional traffic would impact on highway safety – Maybe widen the existing road to accommodate traffic and footpath? 	The points are noted in the report.

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Tiptree Road is a fast and busy road • Impact on wildlife / loss of ecology • Flooding on site - The water flows from the proposed sites in an easterly direction across a culvert in Handley's Lane bridle way onto the sports fields behind the Cricket Scorers hut and then across the football pitches to Rainbow Path and onwards to Kelvedon Road. • The local school is at its capacity • The surgery is not accepting new patients / lack of healthcare • Visual impact on the character and appearance of the area • Development is out of character and appearance of the area • No footpath • Loss of green space • This application should be read in conjunction with the application at Handleys Lane (16/01475/FUL) • Loss of view from the rear of 22 Tiptree Road • Devaluing existing residential properties • Loss of privacy to the properties fronting onto Tiptree Road • The development would not meet the requirements contained in the WB Village Design Statement • Large houses are not affordable for young people • There appears to be an access which joins this application site to the neighbouring development site at Handleys Lane • If this proposal is allowed it would set a precedent for further development in the area • Erosion to the countryside • Increase in noise and disturbance to existing properties 	

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

- Beacon Hill Rovers FC C/O Peter Mickelsen Beacon Hill Sports Association Sports Pavilion Great Totham Road
- Mr Paul Dellar 12 Brook Close Great Totham Maldon
- Mr John Smart 34, Tyelands Billericay Essex

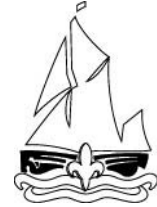
Comment	Officer Response
<ul style="list-style-type: none"> • A good opportunity to build Swift nests as they are in decline • If approved, a condition should be imposed regarding to surface water run-off / flooding • Only objecting to this application if the proposal would lead to closure to public footpaths 	Noted in the report

8 **PROPOSED REASONS FOR REFUSAL**

- 1 The application site is in a rural location outside of the defined settlement boundary for Wickham Bishops where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. It is considered the proposed development would fundamentally alter the open character, on the north eastern edge of Wickham Bishops. If approved, the site would be poorly connected with the existing village, would be out of keeping with the existing pattern of development and urban grain thus failing to protect and enhance to the character and appearance of the rural area. Furthermore, the built form would have an urbanising effect on the rural character of the area and would result in an unwelcome visual intrusion into the undeveloped countryside, contrary to policies S2, H1, BE1, CC6, CC7 and T2 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1, H4, N2 and T2 of the Maldon District Local Development Plan and the guidance and provisions of the National Planning Policy Framework.

- 2 In the Council's Strategic Housing Market Assessment (SHMA), it 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. Policy H2 of the Maldon District Local Development Plan 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 of the District. In this instance, the development proposal would fail to meet the local need and mix as set out in the Strategic Housing Market Assessment (SHMA) for the District thus failing to provide a supply of housing required to meet the needs of present and future generations, contrary to Policy H2 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	HOUSE/MAL/17/00161
Location	Paddock House, Maldon Road, Langford
Proposal	Installation of 3 No. Velux windows and dormer to rear elevation. Erection of 1.8m high close boarded fence to east elevation.
Applicant	Mr S Lucy
Agent	John Finch Partnership
Target Decision Date	19 May 2017
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	LANGFORD
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Maldon Road outside of the settlement boundary and within the Langford conservation area. The site is occupied by a two storey, detached dwelling. There are neighbouring properties to the east and west. The neighbouring property to the eastern boundary is a Grade II listed building.
- 3.1.2 Planning permission is sought for the construction of a dormer window and the installation of three Velux roof lights on the rear elevation. Furthermore, permission is sought to erect a 1.8m high close boarded fence to eastern elevation. The dormer window is retrospective in nature as the works have already been carried out and were completed in March 2016.
- 3.1.3 The materials, style, size and colour of the proposed windows would match those of the existing. The roof of proposed dormer would be constructed of plain tile also to match the existing and the facing would be made from black boarding.
- 3.1.4 The dormer measures 2.3 metres in width, a depth of 1.4 metres and a height of 1.1 metres. The cubic content of the resulting roof space exceeds the cubic content of the original roof space by 3.5 cubic metres.
- 3.1.5 The proposed fence will be 1.8 metres in height and will be closed boarded. The existing fence is of a post and rail design.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its design would not harm the appearance or character of the existing building, the conservation area or the neighbouring listed building. Furthermore, it is considered that the proposed development would not have an overbearing impact on the amenity of the neighbouring residents. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies BE1, BE6 and BE13 of the RLP and D1 and D3 of the LDP.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 56
- 58
- 59

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 - Design of New Development and Landscaping.
- BE6 – Extensions to dwellings

- BE13 - Development in Conservation Areas

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

- D1 - Design Quality and Built Environment.
- D3 - Conservation and Heritage

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- Choose an item.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering a dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE1 of the RLP and D1 of the LDP. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 The application is located within the Langford Conservation Area. A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used.
- 5.2.3 Planning permission is sought to construct a dormer window and install three Velux windows to the rear elevation. In addition planning permission is sought to erect a close boarded fence to the east elevation that would measure 1.8 metres in height.
- 5.2.4 The materials of the proposed Velux windows will be constructed from painted timber to match the existing windows. The roof of the dormer would be constructed from plain tile, to match the existing roof and its walls will be constructed from black boarding.
- 5.2.5 There are no objections to the proposed design of the velux windows as they will be located to the rear of the dwelling, would be constructed of the same materials as the existing windows and would not be visible from the streetscene.

- 5.2.6 The design of the dormer window whilst considered to be of limited architectural merit is a typical style and design for a residential development. In terms of its proportions, namely its size, bulk and appearance, the dormer window is proportionate in relation to the existing dwelling. In addition, it is considered that the proposed materials would be appropriate for the main dwelling. Furthermore, the dormer window is located to the rear of the dwellinghouse and is not visible from the street scene.
- 5.2.7 The design of the proposed fence is considered to be of limited architectural merit and whilst the Parish comments regarding the design of the fence and its impact on the Listed Building are noted, it is considered that the fence will not cause harm to the character of the conservation area as it is set back from the road and is not visible from the street scene. Furthermore views of the adjacent grade II listed building will not be interrupted from the streetscene as stated within the Conservation Officer's comments.
- 5.2.8 Whilst the comments from Langford Parish Council regarding to policy 3b) of the emerging Langford and Ulting Neighbourhood Plan which states, 'traditional boundary treatments will be respected and reinforced', are noted; the plan is currently in its early stages at Regulation 14 and can only be attributed very limited weight. Furthermore, there is an existing close boarded fence to the rear of the garden on the western elevation. The proposed fence will match the style and design of this fence and so it is not considered that the development will cause any detrimental harm to the character and appearance of the property and the conservation area.
- 5.2.9 Therefore, it is considered that the proposal, by means of its design, including its materials, is considered acceptable in its setting and would not detract from the appearance of the conservation area or be materially harmful to the existing building or the neighbouring listed building.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The proposal relates to the installation of three Velux windows, a dormer window and a close boarded fence. It is considered that as there are no properties located to the rear of the dwelling, the Velux windows are positioned at an angle within the pitch of the roof, and that the proposed windows and dormer are located to the rear of the dwelling, there would be no increased overlooking as a result of the proposed development.
- 5.3.3 The proposed close boarded fence will measure a height of 1.8 metres, which is higher than the existing fence which is approximately 1 metre in height. Whilst it is noted the proposed fence will result in a more obtrusive addition; due to the approximate 3 metre distance from the neighbouring property, Station Ridge Cottage, the development is not considered to be overbearing or unneighbourly.

5.3.4 Therefore, the proposed development will not result in a demonstrable impact on the amenities of neighbouring occupiers,

5.4 Access, Parking and Highway Safety

5.4.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.

5.4.2 The proposal relates to the installation of windows and the erection of a fence. Therefore, the development will not change the number of bedrooms available within the site or impact the car parking or access arrangements. Therefore, there is no objection to parking provision within the site.

5.5 Private Amenity Space and Landscaping

5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100 m2.

5.5.2 The proposal relates to the installation of windows and the erection of a fence. Therefore, the development will not change the number of bedrooms available within the site or impact the amenity space provision. Therefore, there is no objection to amenity space provision within the site.

6. ANY RELEVANT SITE HISTORY

FUL/MAL/14/01069 – Planning permission granted for 2 new dwellings, utility buildings and associated access.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection – the rear dormer and roof lights will not cause harm to any heritage assets. The fence will be set back from the road and will not cause harm to the character of the conservation area or interrupt the most	See section 5.2.7 of the report

Name of Internal Consultee	Comment	Officer Response
	important views of the adjacent grade II listed house.	
Langford Parish Council	The proposed fence does not comply with condition 7, FUL/MAL/14/01069 and is considered to harm the character and appearance of the conservation area and setting of the two listed buildings. Contrary to policies of BE1 of the RLP and D1 of the emerging LDP and also policy 3b) of the emerging Langford and Ulting Neighbourhood Plan which states, 'traditional boundary treatments will be respected and reinforced and high walls and fences will be discouraged'.	See section 5.2.8 of the report

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be carried out in complete accordance with approved drawing: 2952:01, 265:032/2
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application
REASON: To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	FUL/MAL/17/00165
Location	The Rowans, Tudwick Road, Tiptree (Tolleshunt D'Arcy)
Proposal	Replacement three bed bungalow
Applicant	Mr. & Mrs. R Vallis
Agent	Mr. Peter Le Grys – Stanfords
Target Decision Date	04 May 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Member Call In

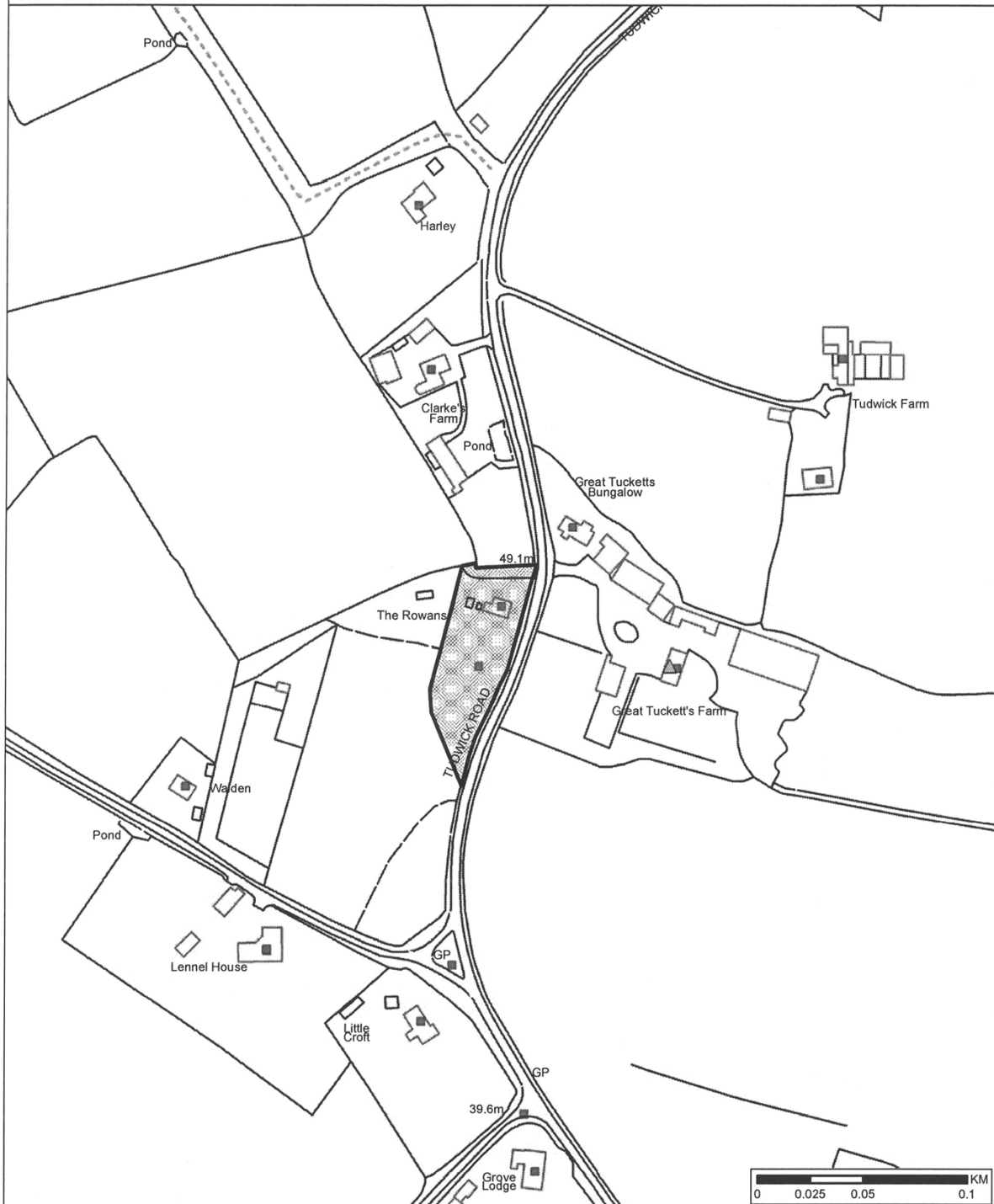
1. RECOMMENDATION


APPROVE subject to the conditions as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.

The Rowans, Tudwick Road, Tiptree
FUL/MAL/17/00165



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00165
	Date:	05/05/2017
	MSA Number:	100018588

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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Tudwick Road and comprises an existing detached bungalow of modest proportions set within a spacious amenity space. There is an existing vehicle access from the highway.
- 3.1.2 Tudwick Road is located outside of any defined development boundary. It is principally a single track road with no pedestrian footpaths or street lighting. The road has a 60MPH (national) speed limit and is mainly single track. There are few sporadically located dwellings along the road, the closest being Tucketts Farm which comprises a Grade II Listed Farmhouse with associated farm outbuildings.
- 3.1.3 Permission is sought for the demolition of the existing dwelling and its replacement with a larger four bed, single storey dwelling. The proposed dwelling would be set in very close proximity to the rear of the existing property and further south. The new dwelling would be set back 12m from the highway and have overall measurements of 21m by 12m with a ridge height of 6.2m.

3.2 Conclusion

- 3.2.1 The proposed replacement dwelling by reason of its scale, design and set back from the highway, is not considered to result in significant increase in harm to the landscape character of the area, amenity of adjacent neighbouring occupiers and is considered to comply with the criterion of adopted policies BE1 and CC22.

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, 49 and 59

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 Development outside Development Boundaries
- H1 Location of New Housing
- BE1 Design of New Development and Landscaping
- CC22 Replacement Dwellings
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside

- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle policy that applies to the proposal is CC22 of the adopted Maldon District Replacement Local Plan. This policy accepts the principle of a replacement dwelling on a one-for-one basis in rural areas, but indicated that a development proposal will only be permitted if three criterion are satisfied.

5.1.2 The submitted LDP has been produced with cognisance of the NPPF's emphasis on sustainable development and emerging Policy S8 seeks to direct development to within settlement boundaries to protect the intrinsic beauty of the countryside. As the site is already developed for residential use, the site is considered sustainable in this instance. Furthermore emerging policy H4 supports the principle of replacement dwellings.

5.2 Relevant Planning History

5.2.1 The wide site has been subject to a previous application (referenced in a subsequent section of this report). That application proposed a "replacement" dwelling some 50m from the existing dwelling and beyond the existing residential curtilage of the existing dwelling. That application was refused by the Council and subsequently dismissed through the appeal process.

5.3 Replacement Dwellings

5.3.1 Policy CC22 sets out three criteria to be when seeking replacement dwelling outside of the settlement boundary, namely:-

- a) The new dwelling with its associated outbuildings, walls/fences and landscaping positively enhances the amenities and character of the landscape in which it is situated.
- b) The size of the replacement property does not require the extension of the existing residential curtilage.
- c) Where the dwelling is vacant and in poor condition, evidence is provided to show that the building has been in permanent occupation.

- 5.3.2 The submitted block plan shows that the replacement dwelling would be in very close proximity to the footprint of the existing dwelling. The current dwelling is modest in size and the site comprises a triangular shape plot projecting south towards the highway. The existing dwelling sits discreetly behind a substantial roadside hedge. As such the current development is reasonably inconspicuous in the wider landscape.
- 5.3.3 The area is characterised by sporadically located dwellings interspersed by agricultural land and whilst the proposal would result in a much larger dwelling, its set back from the highway and simple design would be seen in context with other dwellings within the vicinity of the site. Subject to a condition to restrict additional outbuildings within the wider garden area and retention of the boundary hedgerow, the proposal is considered to comply with the criterion of policy CC22(a). Furthermore, the replacement dwelling would not require the extension of the existing residential curtilage and would comply with the criterion of policy CC22(b)
- 5.3.4 The appeal Inspector for the previous scheme, noted that the dwelling subject of that appeal was some 50m to the south of the current property and that that proposal would erode landscape character with domestic paraphernalia and result in a significant extension to the residential curtilage into an area which has greater affinity with the countryside.
- 5.3.5 Whilst the current property is unkempt, its use has not been abandoned, and from an inspection made during an Officer site visit, residential occupation could be resumed and as such, policy CC22 (c) is not considered to be applicable.
- 5.3.6 Furthermore emerging policy H4 supports the principle of replacement dwellings providing;
- (a) The use has not been abandoned;
 - (b) The original building is not a temporary structure and;
 - (c) The proposed replacement dwelling is on an appropriate scale to the plot and its setting.
- 5.3.7 Whilst it is noted that the proposed dwelling would be in very close proximity to the existing dwelling, and may therefore preclude the construction of the proposed dwelling, it is considered appropriate and necessary in this instance to append a condition to any grant of permission to ensure that the existing property is demolished in a timely manner in order that a separate planning unit is not retained.

5.4 Design and Impact on the Character of the Area

- 5.4.1 Policy BE1 (a) of the adopted local plan relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale / bulk / height, materials and visual impact (among other factors). BE1 states that development should harmonize with the general character of the area in which they are set.
- 5.4.2 Due to the sensitive location of the application site in a rural area, Policy CC6 of the adopted Local Plan is also relevant. This states that the aim of the Council is to protect, conserve and enhance the natural beauty, tranquility, amenity and traditional

quality of the District's Landscape, and identifies that the local authority could permit development providing the following three criteria are met:

- a) No harm is caused to the landscape character in the locality, and
- b) The location, siting, design and materials are appropriate for the landscape in which the development is proposed, and
- c) 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.

5.4.3 Opposite the site are two separate and very different residential dwellings; a single storey bungalow known as Great Tucketts Bungalow, set close to the highway and the farmyard setting and grade II listed building of Great Tucketts Farm set back a considerable distance from the highway with farm outbuildings between it and the highway.

5.4.4 In terms of size and design, the proposed replacement property would be comparable in size to Great Tucketts Bungalow and is not considered to cause harm to the landscape character in the locality. Furthermore, the simple design of the property with brick elevations and plain tile roof is considered to assist the assimilation of this larger property into the agricultural area in which it is located. Should permission be granted, it is considered appropriate that a condition is appended for the submission of material and that an appropriate landscaping scheme is submitted for approval.

5.4.5 Overall, the proposed development is considered acceptable in terms of design, scale, bulk and materials as it would not be detrimental to the character and appearance of the locality or the existing dwelling, in accordance with the stipulations of saved policies S2, BE1 and BE6 of the RLP, policies S1, S8, D1 and H4 of the submission LDP and the provision and guidance as contained within the NPPF.

5.5 Impact on Heritage Assets

5.5.1 The nearest listed building to the application site is Great Tucketts Farmhouse, situated some distance to the east. It is a timber-framed farmhouse thought to date from the seventeenth century and is listed grade II.

5.5.2 The distance and relationship between Great Tucketts Farmhouse and the application site is such that the proposal is unlikely to have a detrimental impact upon the setting of the listed building.

5.5.3 Furthermore, the Council's Conservation officer raises no objection to the development in relation to its impact upon the nearest Listed Building.

5.6 Effect on amenity of neighbouring occupiers

5.6.1 There are no immediate neighbours to the site. Considering the distance from nearby properties and the height of the dwelling it is considered that no impact is likely to result to amenity of nearby occupiers by way of overlooking, overshadowing or loss of privacy.

5.7 Access, Parking and Highway Safety

- 5.7.1 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising three or four bedrooms require a maximum of three parking spaces. The plans show that the dwelling would provide off-street parking for several vehicles and is therefore considered to accord with adopted parking standards criterion.
- 5.7.2 Essex County Council Highway Authority has been consulted on the application in terms of highway safety there is no objection to the scheme. No conditions have been recommended. Notwithstanding this, it is considered that conditions for the driveway to be constructed at right angles to the highway at a minimum width and that no unbound material is used in the surface treatment of the entrance are appended to any grant of permission.
- 5.7.3 The proposal is therefore considered to accord with the criteria of adopted LP policy T2 and emerging policy T1 of the submitted LDP.

5.8 Private Amenity Space and Landscaping

- 5.8.1 The Essex Design Guide requires that three/four bedroom dwellings have a minimum of 100m² of private garden space. Such a provision would be met in this instance.
- 5.8.2 As stated in a previous section of this report, conditions for the submission of boundary treatments and landscaping are considered appropriate to assist the assimilation of the proposal into the rural area are considered appropriate should permission be granted.

5.9 Other Considerations

- 5.9.1 The Council's Environmental Health Service has recommended conditions for the submission of details of surface water drainage and foul drainage. Such conditions are considered appropriate and necessary and can be appended to any grant of permission.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/15/00283** – Outline permission for a replacement dwelling.
Refused: 20 May 2015 Appeal Dismissed: 18 January 2016

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knights	No response	

7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	No Objection.	The comments of the Highway Authority are noted and have been addressed in the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection, subject to conditions relating surface drainage and foul water details to be submitted	The comments of the Environmental Health Service are noted and have been addressed in the report
Conservation Officer	No Objection	The comments of the Conservation Officer are noted and have been addressed in the report

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 None received at the time of writing this report

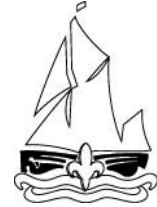
8. **PROPOSED CONDITIONS**

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in complete accordance with drawings referenced 1378 03 and 1378 04, specifically referenced on this decision notice.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
- No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: In order to ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

4. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and shall be retained at all times thereafter. The scheme shall ensure that for a minimum, run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event). The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and emerging policy D2 of the submitted Local Development Plan.
5. 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 ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and emerging policy D2 of the submitted Local Development Plan.
6. Prior to the first occupation of the development hereby permitted, the vehicular access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall be not less than 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
REASON: In the interests of highway safety in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and emerging policy T2 of the submitted Local Development Plan.
7. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
REASON: To avoid the displacement of loose material on to the highway in the interests of highway safety and in accordance with policy T2 of the adopted Maldon District Replacement Local Plan and emerging policy T2 of the submitted Local Development Plan.
8. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety and in accordance with policy T2 of the adopted Maldon District Replacement Local Plan.
9. No development shall commence until 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.
REASON: To ensure the use of appropriate details to safeguard the character and appearance of the area in accordance with policies BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

- 10 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6, CC7 and CC11 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Submitted Local Development and the provision and guidance of the National Planning Policy Framework.



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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	OUT/MAL/17/00171
Location	Land Adjacent to The Poplars Plains Road Little Totham
Proposal	Erection of Detached Dwelling in lieu of authorised Scrap Yard and Licensed Scrap Metal Business
Applicant	Mr & Mrs Wakeling
Agent	Stanfords
Target Decision Date	12 April 2017
Case Officer	Terry Hardwick, TEL: 01621 876220
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

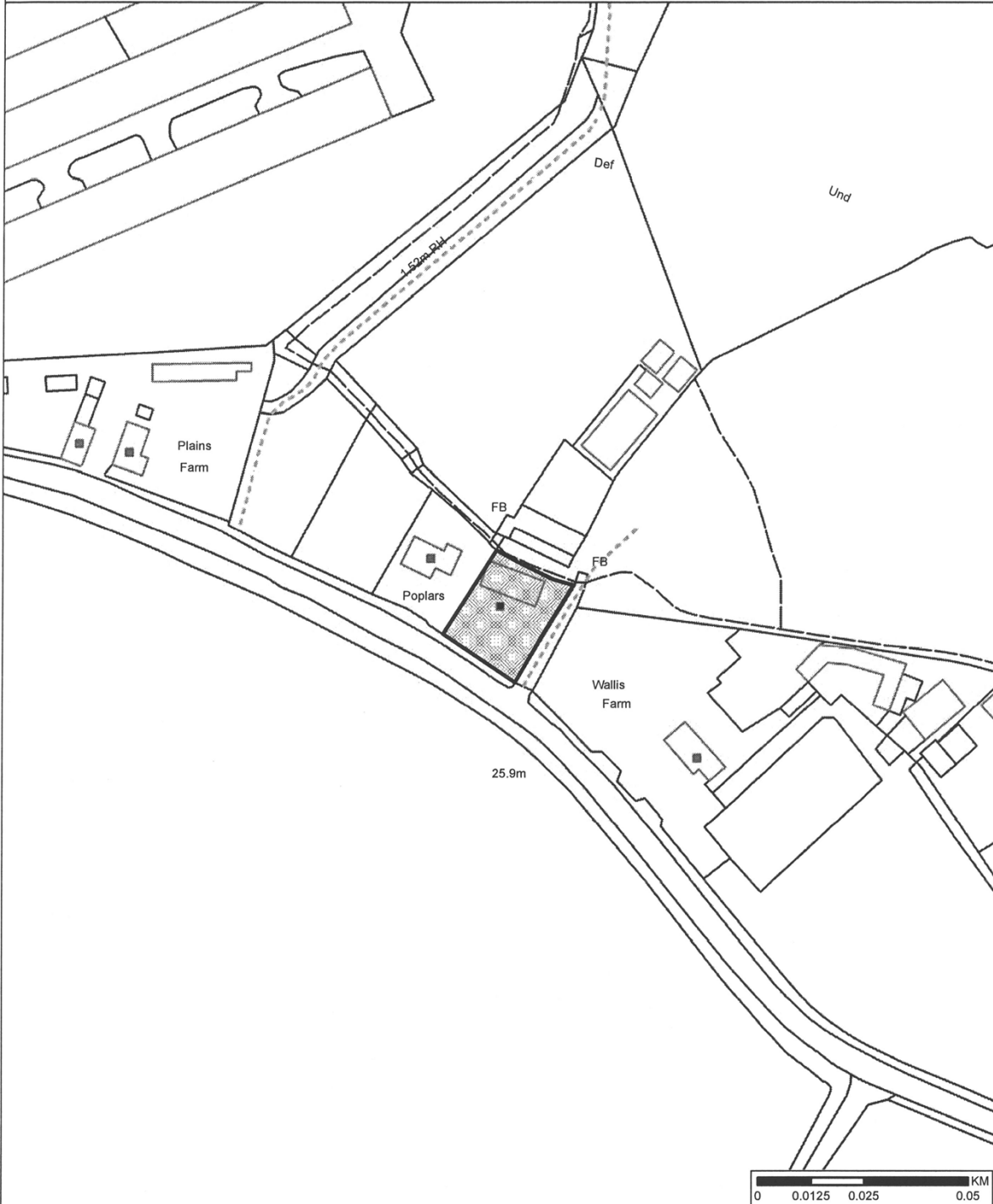
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Adjacent To The Poplars, Plain Road, Little Totham
OUT/MAL/17/00171



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00171
	Date:	05/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is approximately rectangular in shape with a site area of 0.1 ha. The site lies outside the settlement boundary of Little Totham and to the north-eastern side of Plains Road.
- 3.1.2 The application site lies on the eastern side of a house known as “Poplars”, where the Applicants live, and is shown as a separate unit from the residential part of the site, though there is no physical separation between this and the scrap-yard use. The application site is used for the storage of items of scrap-metal awaiting sorting prior to sale, based on a corrugated building sited on the northern half of the site and an open-yard in front of this. At the present time most of the storage takes place in the open yard. The frontage of the site is marked by timber-fencing between 1.2m and 1.8m in height, with conifer hedgerow about 2.5m in height behind this extending across the frontage. In front of the fencing a grass verge of about 1.5m width extends across the site frontage. The eastern boundary of the site runs alongside Public Footpath No 12 (Little Totham) and is enclosed by fencing and conifer hedgerow which affords screening of the scrap metal storage use.
- 3.1.3 Outline planning permission with all matters reserved is sought for the erection of a detached dwelling on the site of the scrap-yard use, which would be extinguished. As all matters of detail are reserved at this stage, it is only the acceptability of a dwelling in principle that would be considered under the current application.
- 3.1.4 The scrap-metal storage use is long-established and is immune from enforcement proceedings because the use appears to have been carried-out at the site for more than 10 years, which is the legal cut-off for a use to be a lawful use. Certificates of Registration and Licensing going back to 1992 have been submitted, which show that the site has been registered continuously for scrap metal storage since at least then. That being the case, officers take the view that, if an application for a Certificate of Lawfulness was to be made, based on the evidence submitted here, it is likely that this would be granted, subject to checks being made. The use operates at a fairly low, inconspicuous level at present.
- 3.1.5 The application site lies outside the settlement boundary for Little Totham and, therefore, falls to be considered in terms of the policies of restraint that apply to the rural area, which presume against the erection of a new development, other than in exceptional circumstances.
- 3.1.6 The key issue to be considered is whether the removal of the scrap-metal storage use as a result of the site’s re-development would amount to exceptional circumstances that justify acceptance of a new dwelling on the site, contrary to adopted Review Local Plan and submitted Local Development Framework policies.

3.2 Conclusion

- 3.2.1 The site lies outside the settlement boundary for the village of Little Totham and, therefore, falls to be considered against the policies of restraint that apply to the rural areas. Both adopted Replacement Local Plan policies (S2, H1 and CC6) and

submitted Local Development Plan policies (S1, S2 and S8) presume against new housing in such locations, on grounds of sustainability and to protect the undeveloped rural landscape, unless material circumstances suggest otherwise.

- 3.2.2 In this case, the lawful use rights that relate to the site's use for the storage of scrap-metal are considered to be a significant material consideration. The use as currently undertaken has fairly limited impact but could be operated very much more intensively which, because of the lawful use rights that apply, could result in significant visual impact in the countryside and other nuisance, to the detriment of the appearance of the rural landscape and its quiet, undeveloped rural character.
- 3.2.3 Officers would suggest that the balance of public advantage lies in the grant of planning permission for the new dwelling sought, notwithstanding the fact that settlement and countryside protection policies would normally presume against new housing here.
- 3.2.4 It is, accordingly, recommended that planning permission be granted.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 14, 17, 30, 37, 47, 49, 50, 55, 57, 60

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development Outside Development Boundaries;
- H1 - Location of New Housing
- BE1 - Design of New Development & Landscaping;
- CON5 – Pollution Prevention
- CON6 – Contaminated Land
- T1 - Sustainable Transport & Location of New Development;
- T2 - Transport Infrastructure in New Development;
- T8 – Vehicle Parking Standards
- CC6 - Landscape Protection

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public January 2017:

- S1 - Sustainable Development;
- S2 - Strategic Growth;
- S8 - Settlement Boundaries & the Countryside;
- D1 - Design Quality & the Built Environment;
- D2 - Climate Change & Environmental Impact of New Development;
- H4 - Effective Use of Land;
- T2 - Accessibility.

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan, unless material considerations indicate otherwise (Section 38(6) of the Planning & Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town & Country Planning Act 1990 (TCPA 1990).
- 5.1.2 Policy S1 of the adopted local plan sets out strategic settlement policy for the District by directing new development to locations within defined development boundaries for the villages and towns across the District, whilst Policy S2 states, inter alia, that the countryside will be protected for its own sake, particularly for its landscape, natural resources and areas of ecological, historical, archeological, agricultural and recreational value. Policy CC6 also states a commitment to protect, conserve and enhance the natural beauty, tranquility, amenity and traditional quality of the landscape, whilst Policy H1 states that new housing will not be allowed outside development boundaries, unless it complies with other Development Plan Policies.
- 5.1.3 The Council's submitted Local Development Framework (LDF) has been prepared, having regard to the sustainability objectives of the NPPF. LDF Policy S1 promotes sustainable development in-line with the 3 identified dimensions of sustainable development set-out at Paragraph 7 of the NPPF, whilst LDF Policy S8, in common with Policy S1 of the adopted local plan, similarly directs new development to locations within the defined settlement boundaries of the villages and towns across the District.
- 5.1.4 The key issue here relates to the fact that redevelopment of the site would remove the existing non-conforming lawful use of the site for the storage of scrap-metal. This is a use that has been registered and licensed as such with the Council for many years. The application is supported by copies of the Registration and Licence Certificates for scrap-metal storage going back to 1992. For a use to be lawful (and immune from enforcement proceedings) it has to be shown that it has operated continuously for a period of at least 10 years. The evidence available to the Council would suggest that the use would be lawful.
- 5.1.5 The existing use presently operates in a very "low-key" manner. The site is not currently used to capacity, the scrap-metal storage that takes place extends over only a small part of the site and is totally screened by the substantial fencing and conifer hedgerow that extend across the site frontage and down the site's eastern boundary with Public Footpath No 12 (Little Totham). Its visibility in the countryside is insignificant.

- 5.1.6 However, the use could be operated much more intensively than it currently is, with possibly much larger amounts of scrap-metal stored extending over the entire yard area, with the potential for significantly greater visual impact, to the detriment of the appearance of the countryside. If this was to occur, it could, especially if the yard was to be sold-off separately and a new operator was to take-over and pursue a more intensive operation, which is considered to be highly likely and would result in demonstrable harm to the character and appearance of the countryside.
- 5.1.7 The issue to be considered, therefore, is whether the removal of the lawful non-conforming use, as a result of allowing the site's re-development for a dwelling, would amount to "planning gain" to justify the grant of planning permission, contrary to local settlement policies and national and local sustainability policies.
- 5.1.8 Scrap-yards, by their nature, are not attractive uses and, dependent on the manner in which they managed and the nature and amount of storage that takes place, they can be extremely unsightly which, in a rural location such as this, could be very damaging to the rural landscape.
- 5.1.9 It is considered that the potential harm which would be beyond planning control because of the lawful use that exists could be so damaging that the application should be seen as an opportunity to remove the possibility, for all time, of this happening. The Council is therefore inclined to grant of outline planning permission which would be preferable to the current use being allowed to remain as a result of a refusal of planning permission.
- 5.1.10 Paragraph 7 of the NPPF mentions the economic, social and environmental considerations that fall to be taken into account as part of the sustainability assessment. It is considered that allowing the development would contribute to protecting and enhancing the natural environment for the future and, on that basis, that the grant of planning permission is justified, notwithstanding the conflict with settlement policy and other aspects of sustainability policy.

5.2 Sustainability

- 5.2.1 The application site is located in a relatively isolated location in a loose scattering of development outside the settlement boundary for the village of Little Totham and, by reason of that fact alone, this cannot be regarded as a sustainable location; there is, therefore, an in-principle objection to development here. The fact that there are other residential properties scattered along Plains Road that are similarly outside the settlement boundary does not mean that a further new dwelling is acceptable here either. The application falls to be considered in the current policy context, which presumes in favour of sustainable development in sustainable locations (within the defined settlement limits of the towns and villages across the District) and against new development that is not.
- 5.2.2 The critical issue here is that the site is remote from the range of community services and facilities that people require to meet day-to-day needs, such as shops, post-office, doctor, etc. The village contains just one pub, a sport and social club and a church; but there is no shop, no post-office, no school, no primary medical care facilities and no bus-service. The nearest shop and primary school are in Great Totham South,

which is about 1.7 miles / 2.7 km away and is not within walking distance; moreover this would only be possible by walking along unlit rural roads with no footpaths.

- 5.2.3 A key purpose of local and national planning policies is to minimise the need to travel; this is achieved by the concentration of new development in the most accessible locations where there is easy access to public transport, services and facilities.
- 5.2.4 In this case, access to most of the services and facilities that people need on a daily basis depends on them having access to a private car, which is precisely what the sustainability objectives of current local and national planning policy seeks to avoid.
- 5.2.5 On the other hand, sustainability is tripartite and has economic, social and environmental dimensions (NPPF para 7); its relevance does not relate solely to the location of the development. It is, therefore, also necessary to consider if there are any other material considerations that justify a decision that is contrary to the straight settlement policy and sustainability considerations which point towards refusal of planning permission. These are discussed below.

5.3 Housing Land Supply & Need

- 5.3.1 The NPPF states at paragraph 14 that development which accords with the Development Plan should be approved, and where the Development Plan is out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework or the Framework indicates that development should be restricted. Paragraph 49 goes on to state that relevant policies for the supply of housing should not be considered up-to-date where the LPA cannot demonstrate a 5 year housing land supply.
- 5.3.2 In Maldon the latest position in regard to housing land supply is that the Council can identify a 6.04 years supply. This figure was published in August 2016 in its “Five Year Housing Land Supply”, since when the position will likely have improved further. The site is not, therefore, required to meet the Council’s 5 year housing land supply.

5.4 Design, Scale & Character

- 5.4.1 The application reserves all matters of detail, including layout, design and scale, to be determined at the reserved matters stage. These matters do not need to be considered at this stage.
- 5.4.2 The existing dwelling “Poplars” is a conventional 2 storey height house of flank gabled design built on a staggered building-line. This is the only dwelling close-by and, if an additional dwelling of any kind was to be judged to be acceptable on the application site, a design that relates to the setting and would sit comfortably in the rural surroundings generally would be sought.
- 5.4.3 There can be little doubt that an acceptable design would be achievable on this site.

5.5 Residential Amenity

- 5.5.1 The only neighbouring residential property is “Poplars”, which adjoins the western side of the application site and is occupied by the Applicants. If a dwelling was acceptable, planning conditions could be imposed with regards to obscure glazing or the removal of permitted development rights to allow openings to be inserted on the flank walls of the building which would prevent loss of privacy, overlooking or interlocking between the existing occupiers at ‘Poplars’ and the prospective occupiers of the application site.

5.6 Access, Parking & Highway Safety

- 5.6.1 Policies T2 and T8 of the adopted local respectively require suitable access and levels of parking, in accordance with adopted standards, to be provided.
- 5.6.2 Outline planning application is sought with all matters reserved which includes the vehicular and pedestrian access point to and from the site. There is currently an existing access point to serve the existing dwelling ‘Poplars’ and the scrap yard /scrap metal business. Based on the location submitted, it would appear that a new access point would be created to serve the new dwelling, even though this is not mentioned in the Planning Statement prepared by the Applicant.
- 5.6.3 Nonetheless, the Highway Authority (HA) has responded and has no objections to the development, subject to any planning permission being granted with conditions.
- 5.6.4 Parking is required to be provided to the Council’s adopted standards which, in the case of residential development, are related to the number of bedrooms. Because the application is outline only, with all matters of detail reserved, the number of spaces required is unknown at this stage. Two/three bedroom dwellings are required to be provided with a maximum of 2 spaces, whilst a four bedroom dwelling is required to be provided with a maximum of 3 spaces. It appears that there will be sufficient space to provide parking to the Council’s adopted standards. Any planning permission should be subject to a condition that requires at reserved matters stage the provision of parking in accordance with adopted standards, which is one of the conditions required by the Highway Authority.

5.7 Private Amenity Space

- 5.7.1 Policy BE1 of the adopted local plan requires private amenity space to be provided appropriate to the type of development. The Essex Design Guide (EDG) advises that dwellings with three or more bedrooms should be provided with gardens of about 100 square metres.
- 5.7.2 Because the application is outline only, with all matters of detail reserved for approval, there is currently no indication of the proposed siting of the proposed dwelling. It is, therefore, difficult to ascertain what size of rear garden would be achievable. The rear boundary of the plot is also severely constrained by a watercourse that defines the curtilage of the property and continues on in a north-westerly direction to also define the rear boundary of the donor property, “Poplars”. Nonetheless, this is a generous site overall and it is likely that a garden of at least the minimum size suggested under the EDG would be achievable. It should also be noted

that the site backs onto barns and open-land in the countryside, so there is no prospect of overlooking at the rear of any dwelling that may be erected.

5.7.3 No concerns, therefore, arise in terms of the capacity of the site to provide private amenity space to at least the area that is advocated under the Essex Design Guide.

6. ANY RELEVANT SITE HISTORY

- MAL/83/815 – Dwelling. Refused: 09.01.1984
- 96/00257/FUL - General purpose storage building for hay straw implements. Approved: 25.06.1996

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Totham	Support	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	On objections, subject to conditions and informatives	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
MDC Environmental Health Services	No objections, subject to conditions relating to potential contamination of the site and its remediation and to surface-water run-off.	Noted.

7.4 Representations received from Interested Parties

7.4.1 A letter has been received from the following **objecting** to the application:

- Mr & Mrs S White, Wallis Farm, Plains Road, Little Totham

Objection Comment	Officer Response
- details of size and position of	The application is outline only, with

<p>the dwelling on the site unclear;</p> <ul style="list-style-type: none"> - potential for overlooking, loss of privacy & increase sense of enclosure. 	<p>all matters of detail reserved for subsequent approval. It is not possible to reach a considered view on this matter at this time. Impact on residential amenity will be determined at that stage.</p>
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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:

- Mr & Mrs L E Philpott Plains Farm Barn Plains Road Little Totham
- Mr & Mrs Paddon Plains Farm Plains Road Little Totham
- Mr N Lawrence Brook Lodge Plains Road Tolleshunt Major
- Mr L Brown Greenhayes Plains Road Great Totham
- J Gregan Windwood Lodge Totham Hill Green Great Totham
- Mr M Kempen Eagle Lodge Plains Road Little Totham
- Mr J Searles Penebeck Plains Road Tolleshunt Major
- Mr J Buckley 1 Office Lane Little Totham Maldon
- Mr D Buckley Wayside Plains Road Little Totham
- Mrs J Mitchell Moorah Stud Farm Plains Road Great Totham
- Mr T Gregan Tom's Farm Shop Colchester Road Great Totham
- Tom & Nikki Gregan January Cottage 3 Totham Hill Green Great Totham
- Mr & Mrs D Buckley Eaglefields Office Lane Little Totham
- Mr M Buckley The Barn Office Lane Little Totham
- Mark Houghton Office Farm Office Lane Little Totham
- Dr & Mrs D Enright Moorah Stables Plains Road Little Totham
- U Buckley Office Farm Office Lane Little Totham
- Mrs J Godderidge 18 Hawthorn Road Tolleshunt Knights Maldon

Supporting Comment	Officer Response
<ul style="list-style-type: none"> - Proposed dwelling would be occupied by a family member who will be able to look after one of the applicants, who is ill; - If proposal is permitted, this will allow one of the oldest families in the village to remain; - New house will be visual improvement; - If the yard is sold as a scrap yard, there could be significant intensification, which could result in a deterioration in its appearance, harm to amenity and an increase in traffic on Plains Road; 	<p>These issues are discussed in the report. Plains Road is not residential in character. Housing here, for the most part, consists of loose ribbon development, with generous spacing between neighbouring properties.</p>

Supporting Comment	Officer Response
<ul style="list-style-type: none"> - New house will be visual improvement & an enhancement in the appearance of the property & the village; - Plains Road is residential in nature & proposal will result in the welcome addition of another new family house. 	

8. PROPOSED CONDITIONS

- 1 The development shall be carried out in accordance with plans and particulars relating to the layout, scale, appearance, the means of access to the site and the 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.
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
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.
REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
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.
REASON: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 As part of the Reserved Matters written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: to ensure a satisfactory appearance, in the interests of visual amenity in accordance with policy be1 of the maldon district replacement local plan.
- 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 boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: To ensure all boundary treatment is appropriate to the rural area in accordance with policy BE1 of the Maldon District Replacement Local Plan.
- 6 As part of the Reserved Matters full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the

local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure all hard and soft landscaping is appropriate to the rural area in accordance with policy BE1 of the Maldon District Replacement Local Plan.

- 7 Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

REASON: To ensure the development is provided with safe and suitable access for the convenience of occupiers and in the interests of highway safety.

- 8 Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure appropriate off-street parking is provided in accordance with policy T8 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.

- 9 Prior to commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

REASON: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with policy T2 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.

- 10 No unbound material shall be used in the surface finish of the driveway within a distance of 6.0m from the highway boundary of the site.

REASON: To avoid the displacement of loose material on to the highway in the interests of highway safety in accordance with policy T2 of the Maldon District Replacement Local Plan.

- 11 Any gates that may be erected at the vehicular access shall be inward-opening into the site only and shall be recessed a minimum of 6m from the highway boundary

REASON: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of

highway safety and in accordance with policy T2 of the Maldon District Replacement Local Plan.

- 12 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;
- (iii) 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.

REASON: To ensure that the development may be carried-out and occupied safely, in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan.

- 13 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 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.

REASON: To ensure that the development may be undertaken and occupied safely, in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan.

- 14 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. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. 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, CLR11' 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.

REASON: To ensure that the development may be undertaken and occupied safely, in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan.

- 15 Prior to the commencement of the development, a sustainable surface water urban drainage scheme (SuDS) to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The applicant shall demonstrate that the surface water scheme will ensure that as a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event). The development should be able to attenuate (manage water on site) for 1 in 100 year events plus 40% climate change allowance;
- If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

REASON: To ensure that the development will not increase the risk of surface water flooding, in accordance with Policy D5 of the Maldon District Local Development Plan.

- 16 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 ensure that foul-water discharge from the development is dealt with in a proper manner and does not pollute the local environment in accordance with Policy D5 of the Maldon District Local Development Plan.

INFORMATIVES

Waste Management

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

Nuisance

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

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be given to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

Works Affecting Watercourses

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

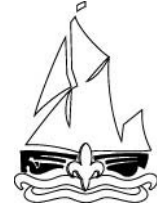
If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

Footpath No 12 (Little Totham)

The public's rights and ease of passage over Public Footpath No 12 (Little Totham) shall be maintained free and unobstructed at all times.

Works Affecting the Highway

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before commencement works.



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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	ADV/MAL/17/00190
Location	Splendid Hand Car Wash Maldon Road Woodham Mortimer Essex CM9 6TF
Proposal	Application for advertisement consent for 3No. fascia signs.
Applicant	Mr Handi Neziri
Agent	Mr Graham Waller - GJW Design Ltd
Target Decision Date	21.04.2017 – E.o.T. 19.05.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Parish Trigger

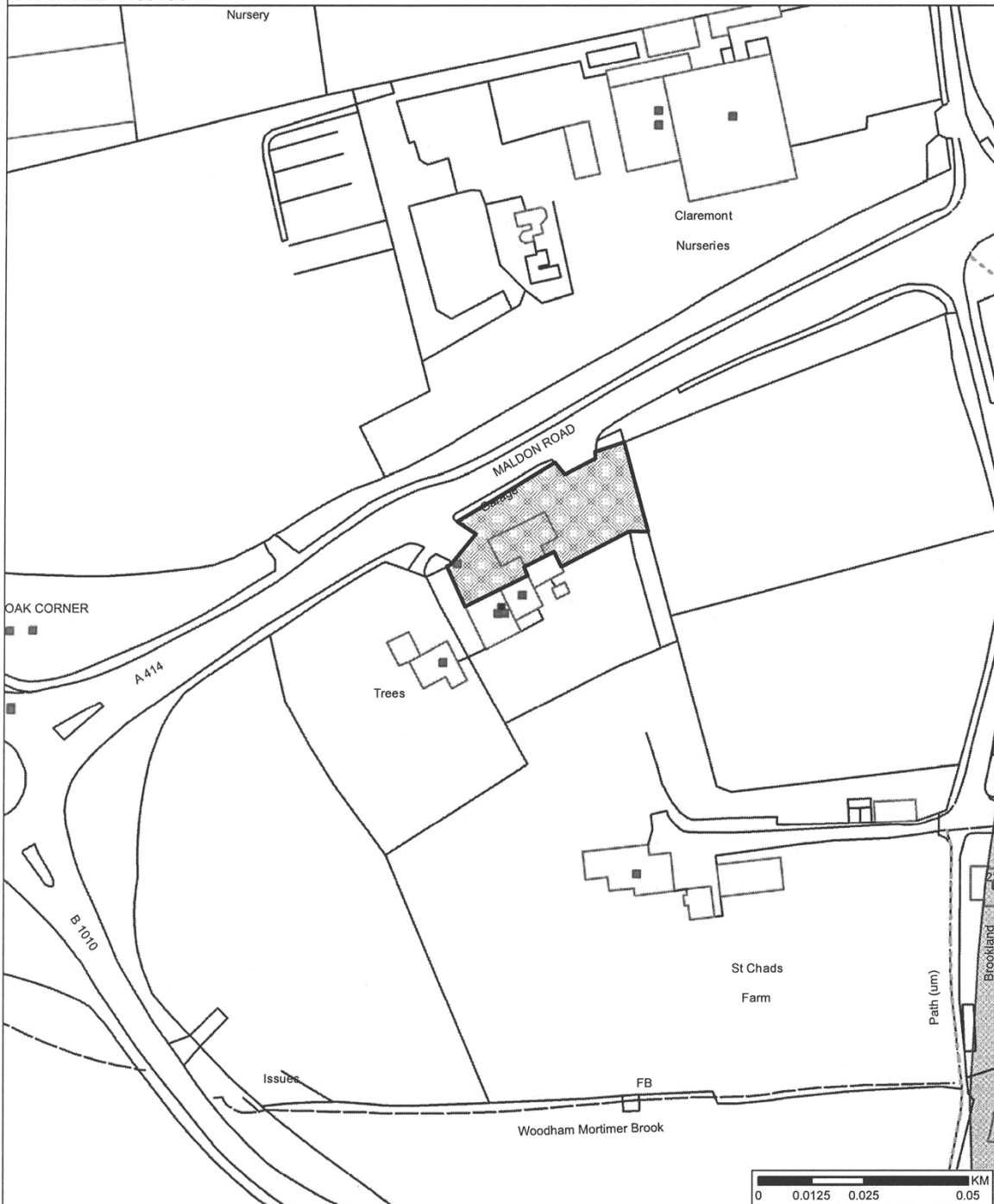
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Splendid Hand Car Wash, Maldon Road, Woodham Mortimer
ADV/MAL/17/00190



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00190
	Date:	05/05/2017
	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 Maldon Road, approximately 100 metres to the east of Oak Corner roundabout. It is located outside of any defined development boundary, and is within a Special Landscape Area.
- 3.1.2 The site was formerly a petrol filling station. The current use of the site is as a hand car wash. The pumps and tanks have been removed from the site, although the original forecourt canopy remains. The application site comprises a building (used as a waiting room), a sales office immediately to the east side of this building. To the rear and both sides of the site are other buildings and hardstanding within the ownership of the same landowner but separate to the applicant's interest.
- 3.1.3 There are two accesses onto Maldon Road. The access located on the north eastern boundary (opposite Claremont Nurseries) is used for vehicles entering the site, and the access located on the northwest (adjacent to the residential property known as 'Trees') is used by vehicles exiting the site.
- 3.1.4 With the submitted application advertisement consent is sought for three signs mounted on an existing totem style galvanized post frame. It is proposed the frame to be reduced in total height from 6m to 4.6m. The signs would be displayed on top of each other with the one closer to the ground being displayed at 1.6m above ground level and the one later being displayed at 3.5m from the ground level.
- 3.1.5 The signs would be 1.45m wide, would have dark blue text not exceeding 150mm in height on a yellow background and would be made of marine ply base with plastic face and vinyl letters. Signs (1) and (2) displayed on the upper part of the post would measure 1m high while sign (3) on the lower part of the post would measure 0.75m high. No illumination is proposed.

3.2 Conclusion

- 3.2.1 On balance, it is considered that the proposed signage would not harm the character and appearance of the area or the site and would respect the interest of public safety. It is therefore considered that the proposed advertisement is in accordance with saved policy BE9 of the Maldon District Replacement Local Plan, emerging policy D6 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56 - 68 Requiring Good Design

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE9 Advertisements on Buildings

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

- D6 Advertisements

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 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and NPPG also provide guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of built and natural environment and on public safety.

5.1.2 The main policies when assessing this proposal is policy BE9 of the adopted RLP and policy D6 of the submitted LDP. Policy BE9 stipulates that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

- a. Advertisements will only be permitted if they are well designed and located so as not to detract from the area in which they are situated.
- b. Proliferation of signs advertising a single site or enterprise will not be permitted.
- c. Signs and advertisements should relate to the scale and character of the building in which they are located.
- d. Consent for signs to be illuminated will be considered in relation to the visual impact and functional need. Such advertisements will not be permitted in residential areas.

5.1.3 Similarly the criteria set in policy D6 are:

- a. The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;
- b. Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;
- c. Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution, road safety and functional need. Internally illuminated signs will not be permitted where a listed building or a conservation area is affected. Illuminated signs will not be permitted in residential areas;

- d. Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where the need for the advertisement clearly overrides any detriment to local amenity; adequate measures must then be put in place to reduce any potential harm to the amenity of the area.

5.1.4 Paragraph 67 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisements should be efficient, effective and simple in operation.

5.1.5 It is considered that the signage is, on balance, in keeping with the character and appearance of the site and their design is appropriate. Further analysis on this issue can be found on section 5.2 of the report. The current level of advertisement is lesser than the one previously on site and as such there is no proliferation. It is considered that the signage relates well to the scale and character of the existing development on site and finally the proposed signage would not be illuminated. Therefore, it is considered that the proposal is compliant with policy in principle. Other material considerations are discussed below.

5.2 Design and Impact on the Character of the Area

5.2.1 In assessing the impacts of visual amenity, the Local Planning Authority must assess the visual and aural amenity in the immediate locality of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the Local Planning Authority must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the area.

5.2.2 In terms of detracting from the area, the signage is viewed within the context of the application site and would represent advertisement in-line with the permitted intended use of the site as a car wash. No illumination is proposed and as such the proposal would not cause any nuisance on this respect. Whilst relatively large and dominant in nature, on balance, the signage is considered to be of an appropriate scale and size for the location that it is displayed. It is not considered that three signs attached on one single structure of this size would result to a cluttered street scene, excessive signage or proliferation of signs advertising a single enterprise. Whilst concerns have been raised about other advertisements on site advertising the hand car wash, these adverts benefit from deemed consent.

5.2.3 It has to be noted that the site was originally a petrol station. The canopy erected for these purposes remain on site and is used by the car wash. The metal post structure, on which the proposed advertisements will be mounted, was originally used as a typical illuminated totem sign for the petrol station business. Hence, the proposed signage would not be out of context.

5.2.4 The proposed signage if approved will replace a number of unsympathetic internally illuminated adverts. The proposed use of materials does not give rise to any concerns, especially when considered what was previously displayed on site lawfully. Comparing it with the previously permitted signage, the level of advertisement has been reduced and appears to be more sympathetic to the character and appearance of the locality area.

5.2.5 Therefore, on balance, the proposed signage is not considered to result in demonstrable harm to the character or appearance of the area, in accordance with policies BE9 of the Maldon District Replacement Local Plan and D6 of the submitted Local Plan.

5.3 Effect on Public Safety

5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.

5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired an application may be refused.

5.3.3 It is considered that the design of the advert itself is of a nature which is simple, clear and legible and is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety. The proposed advertisements would not contain illumination which could pose a threat to public safety in relation to distraction or glare. The location of the signage would not distract the visibility splays of the site which could affect the access and egress to the site. Furthermore, the highway authority has raised no objections.

5.3.4 The advertisement is not considered to result in any material harm in terms of public safety. Therefore, no conflict would arise with saved policy BE9 of the RLP or policy D6 of the submitted LDP.

6. ANY RELEVANT SITE HISTORY

- **07/00940/FUL** – Retrospective application for hand car wash under existing canopy – Approved [03.10.2007]
- **16/00031/ADVERT** – Enforcement case – Successful prosecution

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer With Hazeleigh Parish Council	In consideration to the surrounding area and the scale of the proposed signage, the perceived impact would be detrimental on the rural location. At present advertisement signage already exists on the	Comments noted, see section 5.2 of the report

Name of Parish / Town Council	Comment	Officer Response
	fascia of the associated building and further high visibility boarding as proposed is considered unnecessary, with the additional possibility of setting a precedent for other business in the area. The proposed boarding may also introduce a siting hazard to vehicles exiting the premises onto the heavily used A414	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	Given that the proposed signs will not encroach on site access visibility splays and are not illuminated, from a highway and transportation perspective, the Highway Authority has no comments to make on this proposal.	Comments noted

7.3 Representations received from Interested Parties (*summarised*)

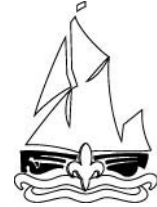
7.3.1 No comments have been received for this application.

8. PROPOSED CONDITIONS

1. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON 1- 6: These conditions are imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.



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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	FUL/MAL/17/00203
Location	Land Adjacent Orchard Cottage, Hatfield Road, Langford, Essex
Proposal	Proposed outbuilding for storage of historic motor vehicles with change of use to private garages in association with the main property.
Applicant	Mr Lester Magness
Agent	Mr Tony James - Anthony. G. James RIBA
Target Decision Date	22.05.2017
Case Officer	Yee Cheung TEL: 01621 876220
Parish	LANGFORD
Reason for Referral to the Committee / Council	Major Application

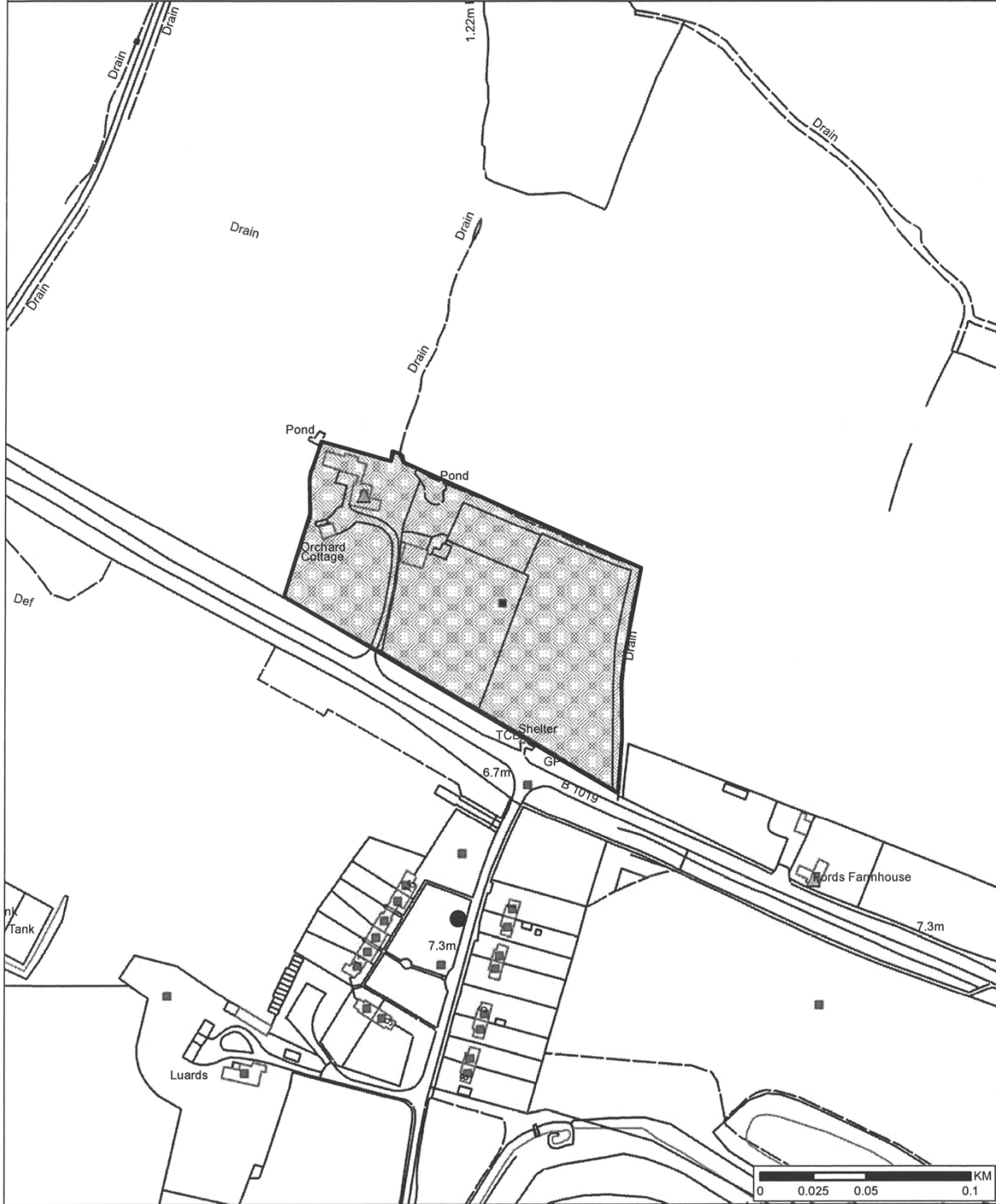
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Adjacent Orchard Cottage, Hatfield Road, Langford
FUL/MAL/17/00203



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00203
	Date:	05/05/2017
MSA Number:	100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The current application is a resubmission following a recent refusal by application FUL/MAL/16/01088 for the construction of an outbuilding for storage of historic motor vehicles including change of use to class B8. The application was refused for the reasons set below:-

1. *The proposed use of the building for B8 use would result in an unrestricted industrial use in the countryside, to the detriment of the character and appearance of the locality, contrary to the requirements of BE1 and CC6 of the Maldon District Replacement Local Plan, D1 of the submitted LDP, and the National Planning Policy Framework.*
2. *The Flood Risk Assessment submitted with this application fails to demonstrate that the development will be safe for its lifetime, taking into account climate change. As such, the proposal fails to comply with the requirements set out in paragraph 94 and 102 of the National Planning Policy Framework and Policy D5 of the submitted Local Plan.*

3.1.2 The application site is located to the north of Hatfield Road and comprises a manege and paddock land associated with Orchard Cottage, Hatfield Road. The site is located within a predominantly rural area, with open countryside located to the north and east. Orchard Cottage, the Grade II listed donor property, is located to the west of the site.

3.1.3 Full planning permission is sought to demolish an existing outbuilding on site and for the erection of a building to be used to store classic motor vehicles solely by the Applicant. This building would be located within the existing manege, to the east of the existing outbuildings associated with Orchard Cottage.

3.1.4 The current application forms an amendment to application FUL/MAL/16/01088 which was refused for the reasons set out in Paragraph 3.1.1 of the report. There will be no changes to the external dimensions, scale, height, bulk and design of the development proposal.

3.1.5 The building takes the form of an 'L' shape with a central element and one wing projection forming a courtyard. The building measures approximately 28.1 metres in length, between 6.5 metres and 14.1 metres deep with a height of 6 metres to ridge level. The external materials are to include black boarding with brick plinth and clay pantiles to the roof.

3.1.6 It is proposed that the building would accommodate eight car parking spaces and a stable element.

3.2 Conclusion

3.2.1 The current application relates to the demolition of an existing outbuilding on the site, which accommodates a stable block, and to erect a new outbuilding for the storage of classic motor vehicles. The proposal has overcome the two reasons for refusal as set

out in planning application FUL/MAL/16/01088 and as such, the proposal would be in compliant with 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, 56, 60, 99, 100, 109

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development Outside Development Boundaries
- BE1 - Design of New Development and Landscaping
- BE16 – Extensions, Alterations to and Additional Buildings in the curtilage of Listed Buildings
- CC6 - Landscape Protection.
- CC7 – Special Landscape Areas
- T1- Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

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

- D1 - Design Quality and Built Environment
- D3 - Conservation and Heritage Assets
- D5 – Flood Risk and Coastal Management
- N2 - Natural Environment and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility
- S1 - Sustainable Development
- S8 - Settlement Boundaries and the Countryside

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of constructing an outbuilding to provide incidental facilities in association with residential use of the site is considered acceptable and in compliance

with Development Plan Policies. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

5.2.1 The NPPF advises on good design and 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, is indivisible from good planning, and should contribute positively to making places better for people.’

5.2.2 Such design principles are dealt with by policy BE1 of the adopted local plan which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style and make a positive contribution to the landscape and open countryside. It should be noted that design is not just about how buildings will appear visually, but also how buildings function and relate to their surroundings, with regard to sustainable development. Policy D1 of the Local Development Plan deals with design quality and the built environment and is applicable to the consideration of this application.

5.2.3 Furthermore the core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. Policy CC6 of the Local Development Plan is also relevant when considering this application, as it seeks to ensure that no harm is caused to the landscape character of the locality of the application site.

5.2.4 In the previous planning application FUL/MAL/16/01088, the Council had raised concerns regarding the overall scale and bulk of the outbuilding and its impact on the rural character of the area. The planning application was presented to Members at the North Western Area Planning Committee on 28 November 2016. Members at that committee had raised no concerns regarding the scale, bulk, height, design and appearance of the proposed development but the use of the building for B8 purposes (Class Use B8 ‘Storage and Distribution’).

5.2.5 The current scheme would form a ‘L’ shaped building with a maximum length of 28.1 metres, 14.1 metres in depth with a maximum height of 6 metres to ridge level. The external materials to be used would include black boarding with brick plinth and clay pantiles to the roof. As the development would be akin to outbuildings which are commonly found in rural areas, it is considered that the development would broadly be in compliance with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan. The removal of the use of the building for B8 purposes would go further to protect the countryside and its wider rural setting in accordance with policy CC6 of the adopted local plan.

5.3 Impact on Residential Amenity

5.3.1 The nearest residential property would be the donor property Orchard Cottage at a distance of 35 metres. Given the distance of the proposed new building from the neighbouring property, concerns regarding overlooking and overshadowing are not considered to be demonstrable to the neighbouring amenity.

5.3.2 Having considered the use of the site and the building for the storage of historic cars to be used for the existing occupiers at 'Orchard Cottage', it is considered that the development would not have a detrimental impact on the neighbouring residential properties by reason of noise and disturbance to warrant a refusal. An appropriately worded planning condition can also be imposed to restrict the use of the building solely to the storage of classic cars, to ensure the amenity of the area is protected.

5.4 Access, Parking and Highway Safety

5.4.1 The existing access to the site on the southern boundary of the site would be utilised as part of this application. It is considered that the proposed vehicular access would not be to the detriment of highway safety or the free flow of traffic. Furthermore, Essex County Highways made no comments in relation to the proposal.

5.4.2 Given the nature of the proposed building for the storage of classic cars, the requirement for additional parking outside of the storage building is not considered to be a requirement. The site is however considered to be large enough to accommodate additional vehicles and to provide sufficient turning facilities if necessary.

5.5 Impact on the Conservation Area and adjacent Listed Building

5.5.1 The site is located opposite the Chelmer and Blackwater Navigation Conservation Area and therefore policy BE13 of the adopted local plan is applicable to this current scheme. This policy states that development in conservation areas would only be permitted if criteria can be met relating to design, protection of important open spaces, protection of views within, into and out of the conservation area and trees and landscape features. Although the site is not in the conservation area, development of this site has potential to affect the views of the conservation area. The NPPF also indicates the importance of protecting the historic environment.

5.5.2 In addition, the application site is located adjacent to Orchard Cottage, a late-medieval hall house which is Grade II listed. Policy BE16 seeks to protect the setting of listed buildings and is therefore relevant.

5.5.3 The impacts of the proposal on the setting of the listed building, or on the character and appearance of the conservation area, was not raised as a concern in determining the previous scheme on the site. The Conservation Officer has been consulted and has raised no objection to the proposal as the development would not cause harm to the setting or significance of Orchard Cottage.

5.5.4 Based on the above, it is considered that the proposal would comply with policies BE13 and BE16 of the adopted local plan and core planning principles and guidance contained in the NPPF.

5.6 Flood Risk

5.6.1 The Environmental Agency's maps show the application site lies within fluvial Flood Zone 3a, 2 and 1, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high, medium and low probability of flooding respectively. The

proposal is for a building for storage of historic motor vehicles, which is classified as a 'less vulnerable'

5.6.2 In support of the planning application, a site specific Flood Risk Assessment (FRA) has been submitted to the Council. The FRA provides information regarding the characteristics of flooding at the site, now and at the end of the development lifetime. The 'Site Proposal' section of the FRA, referenced 14-5548 Revision E dated January 2017 provides information regarding the site/finished floor levels. These levels can be compared with modelled flood levels to determine potential flood depths. The FRA states that the finished floor level will be set at 7.48m AOD, which is above the 1 in 100 year plus climate change flood level at the site.

5.6.3 The Environment Agency has been consulted and has raised no objection to the proposal subject to conditions. No objection or further comments have been raised by the Emergency Planner or the ECC SUDs Team.

6. ANY RELEVANT SITE HISTORY

- FUL/MAL/14/01013 - Proposed outbuilding for storage of historic motor vehicles including change of use to class B8. Withdrawn 17 December 2014
- FUL/MAL/15/00738 - Proposed outbuilding for storage of historic motor vehicles including change of use to class B8. Refused and Dismissed at appeal
- FUL/MAL/16/01088 - Proposed outbuilding for storage of historic motor vehicles including change of use to class B8. Refused on 06.01.2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Langford and Ulting Parish Council	The planning application has been amended so that it addresses previous reasons for refusal.	Noted in Section 7.1 of the report

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 in Section 5.4.1 of the report
Environment Agency	No objection subject to conditions	Noted in Section 5.6 of the report
Emergency Planner	I have considered the above application and deem the information contained in the flood risk	Noted in Section 5.6.3 of the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	assessment suitable for the development. I have no further comments to make in terms of emergency planning.	
ECC SUDs Team	Whilst the site area is over 1ha, the proposed built development is only 232m ² as stated in the FRA. Our threshold to comment is 0.1ha of impermeable created by the development and therefore we will not be providing formal comments on the site.	Noted in Section 5.6.3 of the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection subject to conditions and informatives	Noted in Section 8 of the report
Conservation Officer	The building will not cause harm to the setting or significance of Orchard Cottage, which is a late-medieval hall house and Grade II listed	Noted in Section 5.5 of the report

7.4 Representations received from Interested Parties (*summarised*)

No letters of representation received at the time of writing this report. Any comments received will be reported on the Members Update.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.

3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure that the external materials used in the development would be appropriate to the conservation area in accordance with policies BE1 and BE13 of the adopted Maldon District Replacement Local Plan, policies D1 and D3 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

4 Prior to the commencement of the development a surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure appropriate surface water drainage is available at the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan, policy D5 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

5 The development hereby permitted shall only be used for those purposes incidental to the use of the dwelling house 'Orchard Cottage' to which it relates.

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

6 The development hereby approved shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA) prepared by Ken Rush Associates, referenced 14-5548 and dated January 2017 (Rev E) and the FRA Addendum dated March 2017 and the following mitigation measures detailed within the FRA:-

1. Finished ground floor levels are set no lower than 7.48 metres above Ordnance Datum (AOD).
2. The compensatory storage scheme involving the removal of the raised bund and the extension of the ditch shall be completed prior to completion of the proposed development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupant of the site in accordance with policy D5 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

INFORMATIVES

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.
- 2 The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.
- 3 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 4 The Flood Risk Assessment does not propose including flood resistant/resilient measures in the design of the building to protect/mitigate the proposed development from flooding.

The Environment Agency recommends that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. Consultation with your building control department is recommended when determining if flood proofing measures are effective. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding' (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>).



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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	FUL/MAL/17/00210
Location	Fairviews Post Office Road Woodham Mortimer Essex CM9 6ST
Proposal	Retrospective - Amendment to planning permission FUL/MAL/15/01099- Installation of window to rear of second floor and roof lights to rear, front, southern and northern elevations.
Applicant	Mr. Samuel Taylor - Taylormade Property Development Ltd
Agent	-
Target Decision Date	24 May 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Parish Trigger

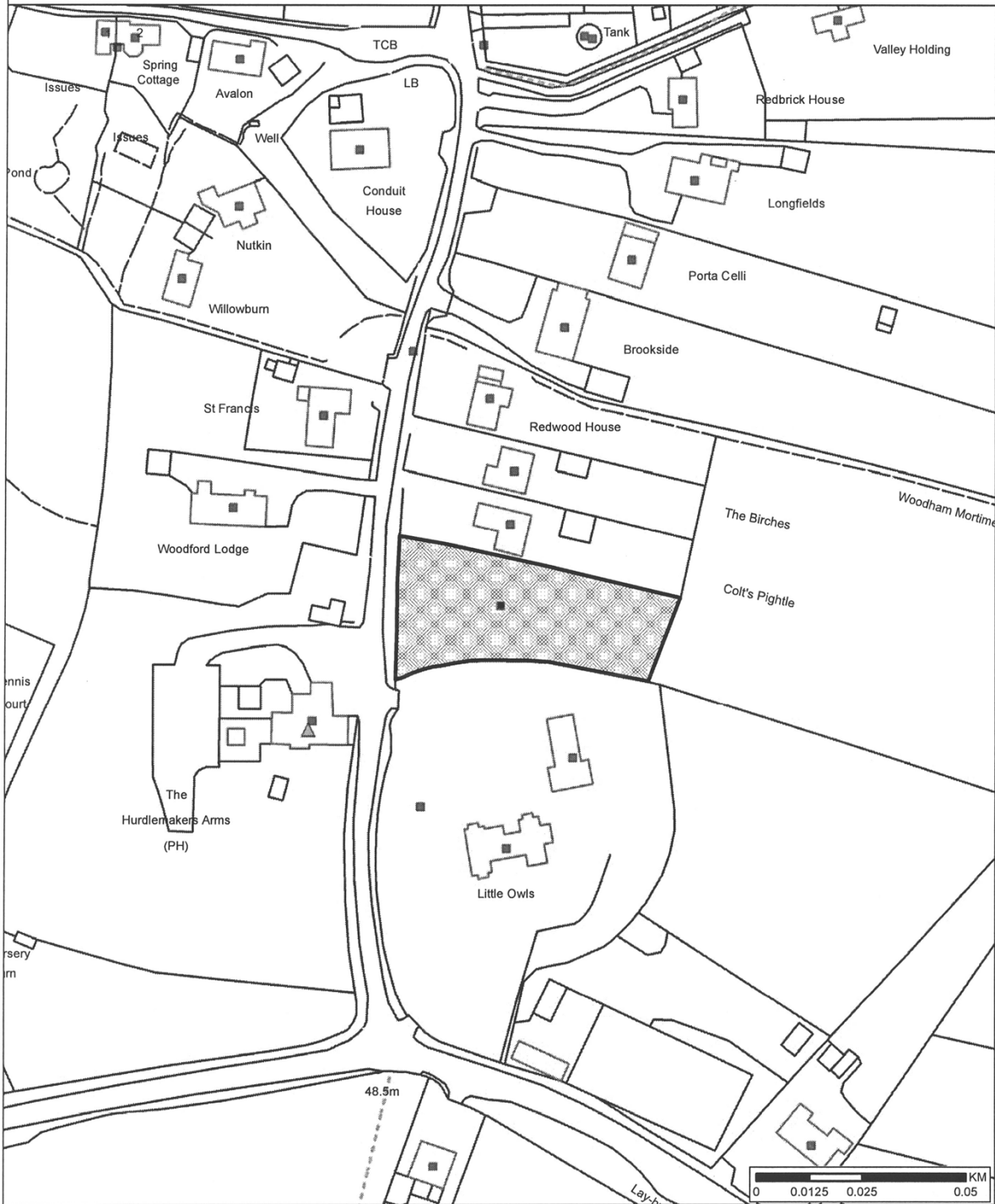
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Fariviews, Post Office Road, Woodham Mortimer
FUL/MAL/17/00210



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00210
	Date:	05/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for a similar development to that previously approved under 13/00100/FUL and 15/01099/FUL. The current scheme includes the use of the loft area as habitable space, with two bedrooms and a bathroom, and the installation of a window to the rear elevation and roof lights to the rear, front and northern elevations. As the development has already taken place, the application is retrospective in nature.
- 3.1.2 The application site is located on Post Office Road; a narrow rural lane with hedge lined boundaries on soft green verges. The site lies outside but immediately adjacent to – no more than 50m away – the defined development boundary of Woodham Mortimer. There are no pavements along the part of Post Office Road where the application site is located.
- 3.1.3 The site covers an area of 0.1ha and is occupied by the dwelling which is currently under construction and is the subject of this application. The ground levels fall sideways from south to north with a total fall in level of around 1.3 metres in height. There is an existing hedgerow, which screens the application site to the front (Post Office Road) and both sides.
- 3.1.4 Adjacent the application site are large scale modern, suburban type developments while opposite, on the other side of Post Office Road, is the Hurdlemakers Arms public house, a grade II listed building.

3.2 Conclusion

- 3.2.1 It is considered that the alterations to the previously approved scheme have not resulted in detrimental effect upon the character and appearance of the area or the amenities of the neighbouring occupiers. The development is not considered to be unacceptable in terms of its impact upon the access and parking arrangements of the site, or to be detrimental upon the highway safety of the area. Furthermore, the development is considered acceptable in relation to landscape and private amenity space provision for its future occupiers. Therefore, the development, subject to appropriately worded conditions is considered to be in accordance with local and national 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:

- 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
- H1 Location of New Housing
- CC6 Landscape Protection
- CC7 Special Landscape Areas (SLA)
- BE1 Design of New Development and Landscaping
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

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

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

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Esses Design Guide
- Car Parking Standards
- EB009a - Braintree, Brentwood, Chelmsford, Maldon And Uttlesford Landscape Character Assessments
- The Town and Country Planning (General Permitted Development) Order (England) 2015 as amended

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The site is outside of but adjacent to the defined settlement boundary of Woodham Mortimer. However, the principle of development for the provision of a dwellinghouse on this site has already been established by previous permissions (referenced in a subsequent section of this report) the latest of which remains extant and could still be implemented. Therefore, the principle of the development is considered to be 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 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised

principles of good design sought to create a high quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 The application site lies outside of any defined development boundary. According to saved policy S2 of the RLP and emerging policies S1 and S8 of the submitted LDP the countryside will be protected for its landscape, natural resources and ecological value. The property is located within the countryside and according to the Landscape Character Assessment is part of the designated Wooded Farmland Landscape F6 Woodham Wooded Farmland. 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 scale, bulk of the dwelling remains unaltered compared to that previously approved. Its design, with the exception of the installation of the rooflights and the window to the rear, is unchanged than the design approved on the past and is comparable with other development in the vicinity of the site. As the current scheme would not introduce any major alterations to the previously approved scheme which remains extant then a refusal on the basis of the impact of the development upon the character and appearance of the area would be unreasonable and could not be sustained at an appeal.
- 5.2.5 The addition of the window to the rear elevation of the upper floor and the installation of nine roof lights, one to the front, four to the rear, one to the southern and three to the northern roofslopes, is not considered to have any detrimental impact upon the character and appearance of the area. The use of materials is considered to be sympathetic to the appearance of the dwelling. Furthermore, it has to be considered that the installation of the elements on the dwelling after its occupation would have been permitted development subject to conditions.
- 5.2.6 Due to the proximity of the site to a Grade II listed building, which is opposite the site, the Council's Conservation Officer has been consulted. No objection has been raised in terms of the impact of the development upon the significance of the Listed Building.
- 5.2.7 The impact of the development upon the character and appearance of the area is considered to be acceptable and the scheme is therefore considered to accord with adopted and emerging policies.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking,

overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area

- 5.3.2 The previously approved and extant permission considered that the property would be a sufficient distance away from the neighbouring properties, particularly the one to the north of the site, in order to ensure no loss of light, overshadowing or overbearing relationship, albeit the topography of the site is such that the land slopes down significantly to the north. The siting of the development has not been altered and as such its impact is still considered acceptable.
- 5.3.3 Concerns have been expressed by local residents about the impact the development will have in relation to overlooking. The extant permission was granted subject to a condition to that, prior to the first occupation of the dwelling, all windows on the northern elevation would be obscure glazed with opaque glass. Similarly, the rooflights installed on the side roofslopes, had they been installed after the occupation of the dwelling, would have been required to be obscured glazed in order to be considered permitted development.
- 5.3.4 Although, the rooflights may have not a detrimental impact upon the amenity of the neighbouring occupiers in terms of actual overlooking, they may have an impact in terms of perceived overlooking and as such a similar condition as the one imposed on the extant permission would be in line with the national guidance if permission is to be granted. Furthermore, this condition would detrimentally affect the living conditions of the occupiers of the development as both bedrooms provided in the roof space have other sources of light apart from the rooflights on the side.
- 5.3.5 No concerns are raised from the window on the rear elevation of the upper floor which would overlook the rear garden of the property.
- 5.3.6 Therefore, subject to an appropriately worded condition the impact of the development upon the amenity of neighbouring occupiers is considered acceptable.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with alterations and/or additions to dwellings. Likewise, policy T2 of the submission LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The currently approved access and parking arrangements have not been altered by the development. Although, the development has resulted in the creation of two additional bedrooms, this increment does not give rise to a higher parking standard than the one for a four bedroom dwelling of three parking spaces.
- 5.4.3 As such the two parking spaces provision accommodated in the garage, in addition with the ample parking and turning space to the front of the dwelling are sufficient to satisfy the required parking provision for the development.

- 5.4.4 Notwithstanding this, the extant permission was granted subject to conditions for no unbound material to be used in the surface driveway within 6m of the highway and that any gates would be inward opening only and set back 6m from the highway. These conditions are still considered appropriate to ensure the development does not have an adverse effect upon the highway safety
- 5.4.5 On this basis the development, subject to conditions, is considered acceptable in terms of access, parking and highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Adopted policy BE1 requires amenity space and landscaping provision for new developments. The Essex Design Guide provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The requirement for dwellings of three or more bedrooms is a minimum of 100sq.m.
- 5.5.2 The development provides a private amenity space which is in excess of the required standard and is therefore considered policy compliant in terms of the level of amenity.
- 5.5.3 In terms of landscape, the extant permission was granted subject to a condition to retain the existing hedge to the front and side of the application site. This condition is still appropriate as the hedge is screening the dwelling from the road and softens the impact of the development. Furthermore, the condition which required further details of landscaping has been discharged and as such an appropriately worded condition shall require the landscaping to be implemented in line with the approved details.
- 5.5.4 Subject to the relevant conditions, the development is considered acceptable in terms of amenity space and landscaping.

5.6 Other Material Considerations

- 5.6.1 Concerns have been raised about the surface and foul water drainage. This matter has been addressed with details submitted by the applicant to discharge conditions 9, 10 and 11 of the extant permission. An appropriately worded condition will require this to be carried out in accordance with the approved details.

6. ANY RELEVANT SITE HISTORY

- **13/00100/FUL** – Construction of 1 No. new dwelling. – Approved [05.04.2013]
- **15/00242/FUL** - The proposed development is to construct 2 detached dwellings of approximately 2000sq ft each. Site is currently laid to lawn and formed part of the neighbouring properties garden but is now in separate ownership. – Refused [03.06.2015]
- **15/01099/FUL** – Additional double garage and larger utility to previous planning (FUL/MAL/13/00100) – Approve [02.02.2016]
- **16/05027/DET** – Compliance of conditions notification of approved application FUL/MAL/15/01099 (Additional double garage and larger utility

to previous planning (FUL/MAL/13/00100)). Condition 3 - samples, Condition 4 - roof covering sample, condition 8 - hard and soft landscaping, condition 9 - surface water drainage scheme, condition 10 - foul drainage scheme, condition 11 - percolation test. – Conditions Cleared [12.04.2016]

- **16/00445/BC** – Enforcement case – Pending: Planning application submitted

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer With Hazeleigh Parish Council	Generally objective to retrospective applications of this type as construction of dwellings should relate solely to that approved in original applications.	The law allows retrospective applications to be submitted which have to be considered on their planning merits.
	This site has seen 4 other applications one of which was refused due to the scale and bulk proposed and the detrimental effect it would have had on the residential amenity of neighbouring properties.	Each application has to be considered on its planning merits. See section 5 of the report.
	The introduction of further windows and lighting to that already approved would have a detrimental impact on the immediate surrounding area and street scene. In particular it would have an overbearing negative impact in direct sight of the grade II listed Hurdlemakers Arms public house opposite.	Comment noted see section 5.2 of the report.
	The windows would in effect introduce a further storey to the property out of keeping with the existing street scene and set a precedent for other nearby properties to follow, likely to result in overdevelopment in a quiet rural lane.	As discussed on section 5 of the report, the conversion of the loft space would be permitted development if carried out post occupation of the dwelling.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water Services	No comment	Noted
Conservation Officer	The rooflights and rear attic window have had no	Noted – see section 5.2 of the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	impact upon the setting or significance of the grade II listed Hurdlemakers Arms.	
Essex County Council Highways	There are no highways implications arising from this application.	Noted – see section 5.4 of the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	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:

- I & C Stagg The Birches Post Office Road Woodham Mortimer Essex CM9 6ST

Objection Comment	Officer Response
Conflicts with character and appearance of the village	See section 5.2 of the report
Architectural style and relationship with neighbouring properties	See sections 5.2 and 5.3 of the report
Loss of neighbouring amenities	See section 5.3 of the report
Inaccurate information	It has been noted that whilst the correct information was received by the application due to a technical error this was not shown on the Council's online system. After the comment was received the error has been corrected.
Water drainage	See section 5.6 of the report

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:

- No supporting comment

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

- No other comments

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be carried out in complete accordance with the approved drawings which are attached to and form part of this permission.
REASON: To ensure that the development is carried out in accordance with the details as approved.
2. Prior to the first occupation of the development hereby permitted, the windows on the north facing elevation and roofslope shall be obscure glazed with opaque glass and retained as such thereafter.
REASON: To protect the amenities of the occupants of the neighbouring dwelling in accordance with policies BE1 of the adopted Maldon District Replacement Local Plan and D1 of the emerging Local Development Plan.
3. No gates or fencing shall be erected within or around the application site unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure the development is appropriate within the special landscape area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policy D1 of the emerging Local Development Plan.
4. The existing hedgerow shall be retained to the entire front (west) and side (south) of the application site in perpetuity.
REASON: To ensure the development is appropriate within the special landscape area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policy D1 of the emerging Local Development Plan.
5. Prior to the beneficial occupation of the development hereby approved, the hard landscape works shall be carried out in complete accordance with the approved drawing RA223/14/11 dated September 2015 which was submitted and approved under application 16/05027/DET. Within the first available planting season (October to March inclusive) prior to the beneficial occupation of the development hereby approved, the soft landscape works shall be carried out in complete accordance with the approved drawing RA223/14/11 dated September 2015 which was submitted and approved under application 16/05027/DET. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: To ensure the development is appropriate within the special landscape area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policy D1 of the emerging Local Development Plan.
6. Prior to the first occupation of the development the surface water drainage scheme to serve the development shall be implemented in accordance with the details and drawings contained in the approved Geo-Environmental Report referenced 1405/Rpt 1v1 dated April 2015 and the approved details on the email by D.J. Burton Associates received by the Council on 18th March 2016, both of which were submitted and approved under application 16/05027/DET.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

7. Prior to the first occupation of the development the foul drainage scheme to serve the development shall be implemented in accordance with the details and drawings contained in the approved Geo-Environmental Report referenced 1405/Rpt 1v1 dated April 2015 and the approved details on the email by D.J. Burton Associates received by the Council on 18th March 2016, both of which were submitted and approved under application 16/05027/DET.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interest of highway safety.

9. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	FUL/MAL/17/00233
Location	13 Barnhall Road, Tolleshunt Knights
Proposal	Demolition of existing bungalow, garage & outbuildings and erection of two 4 bedroom detached dwellings complete with detached double garages.
Applicant	Mr. C Pullum
Agent	Mark Perkins - Mark Perkins Partnership
Target Decision Date	08 May 2017
Case Officer	Hilary Baldwin, TEL: 01621
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Member Call In

1. **RECOMMENDATION**


REFUSE subject to the conditions as detailed within Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

13 Barnhall Road, Tolleshunt Knights
FUL/MAL/17/00233



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00233
	Date:	05/05/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the north of Barnhall Road within the defined settlement boundary of Tolleshunt Knights. The site is an irregular shape with a frontage measuring 39 metres wide; it is occupied by a detached single storey dwelling, No. 13 Barnhall Road and a few domestic outbuildings. There is parking to the front and side of No. 13 and amenity space to the rear.
- 3.1.2 Planning permission is sought to demolish the existing bungalow, garage and outbuildings and erect two 4 bedroom detached dwellings with detached double garages, amenity space and car parking.
- 3.1.3 Plot 1 would have a frontage measuring 18.5 metres wide and would be occupied by a detached two storey dwelling. Plot 2 would have a frontage measuring 21.3 metres wide and would be occupied by a detached two storey dwelling. Each dwelling would have a detached garage and parking within the frontage and amenity space to the rear.
- 3.1.4 Each dwelling would measure 10.7 metres wide and have an overall depth of 14.5 metres. The dwellings would be 6.7 metres tall with gable ends at the flank elevation and a gable to the front elevation.
- 3.1.5 Plot 1 would be finished in brick and Plot 2 would be finished in render.
- 3.1.6 The garage would measure 6.1 metres wide and 5.5 metres deep. It would be 4.4 metres to the ridge finished with a dual pitched roof and gable ends.
- 3.1.7 This scheme has been submitted in order to address issues raised within a previous submission which was refused by the Council.

3.2 Conclusion

- 3.2.1 The proposed replacement dwelling at Plot 2 by virtue of its height, siting and proximity to No. 17 Barnhall Road would result in an overbearing and unneighbourly form of development that would impact upon the level of natural light and sunlight received by the windows on the western rear elevation of Barnhall Road resulting in an adverse effect on the living condition of the occupiers of that property to an extent which would be unacceptable, contrary to the stipulations of BE1 and BE6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 3.2.2 Whilst it is noted that the scheme has been amended since the last application it is not considered to have overcome the concerns highlighted in this respect at this time.

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, 49 and 59

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 Development Boundaries and New Development
- H1 Location of New Housing
- BE1 Design of New Development and Landscaping
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).

5.1.2 Policy S1 of the RLP provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to direct development those sites within the development boundaries which are not constrained by the Local Plan.

5.1.3 The proposal is for the demolition of an existing dwelling and the erection of two new dwellings within the settlement boundary of Tolleshunt Knights as defined by the adopted RLP and the submitted LDP and is therefore considered to be compliant with policy in principle. Other material planning considerations are discussed below.

5.2 Relevant Planning History

5.2.1 The wide site has been subject to a previous application (referenced in a subsequent section of this report). That application proposed a similar scheme comprising two dwellings and detached garages. That application was refused by the Council for the following reasons:

5.2.2 *1 The proposed development, by virtue of its scale, bulk, site layout and design, would appear visually inharmonious, conspicuous and demonstrably discordant within the street scene to the detriment of the locality's character contrary to policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, D1 of the submitted Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.*

5.2.3 *2 Plot 2, by virtue of its height, siting and proximity to No. 17 Barnhall Road would result in an overbearing and un-neighbourly form of development that would impact the level of natural light and sunlight received by the windows on the northern elevation of Barnhall Road, particularly those at the western end of the dwelling, resulting in an adverse effect on the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable, contrary to the stipulations of BE6 of the RLP and D1 of the emerging LDP*

5.2.4 As the scheme subject of this report comprises a similar development of two detached dwellings with individual vehicle access points and detached garages it is considered pertinent to compare the two proposals.

5.3 Design and Impact on the Character of the Area

5.3.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with Policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the emerging LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.3.2 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

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

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

- 5.3.4 Planning permission is sought to demolish the existing bungalow, garage & outbuildings and erect two, 4 bedroom detached dwellings with detached double garages, amenity space and car parking.
- 5.3.5 Each plot would have a frontage measuring 19 metres wide and would be occupied by a detached two storey dwelling. Each dwelling would have a detached garage and parking within the frontage. Amenity space would be provided to the rear.
- 5.3.6 Each dwelling would measure 10.7 metres wide and have an overall depth of 14.5m. The previous scheme proposed dwellings of 9.9metres wide and overall depth of 16.7m. However, that overall depth also included a single storey projection of 4 metres. In terms of overall height the current proposal is for chalet style dwellings at a height of 6.7metres whereas the previous scheme proposed a height of 8.3m
- 5.3.7 It is therefore considered that the overall bulk and scale has been reduced. This is demonstrated by the reduction in height and bulk, albeit the two dwellings proposed in this scheme would be marginally wider by 0.8m.
- 5.3.8 The application site has a wide frontage measuring approximately 39 metres; the site would be divided in two and Plot 1 would measure in 18.5 metres and Plot 2 would measure 21.3 metres. Most of the frontages within the streetscene measure approximately 18-19 metres, although some are wider and others are narrower. Therefore the proposed plot widths are considered to be commensurate with the character and appearance of the street.
- 5.3.9 In terms of scale and design most of the dwellings in the streetscene are single storey, although opposite the site are two storey dwellings and further along Barnhall Road there are more substantial two storey dwellings. The existing dwelling is a modest single storey dwelling. Two detached two storey chalet style dwellings are proposed with detached single storey garages within the frontage.
- 5.3.10 The previous scheme proposed detached two storey dwellings and this proposal was not considered to assimilate into the street scene in terms of scale and bulk, particularly when comparing the proposal to the neighbouring plots which both feature single storey and chalet style dwellings.
- 5.3.11 Due to the reduction of the overall scale and bulk and rearward projection, the current scheme is now considered to have overcome previous concerns and reasons for refusal for this element only.
- 5.3.12 Whilst the actual design of the dwellings is considered to be of limited architectural merit and contain a number of unresolved design issues, which includes a large expanse of flat roof and appear relatively dominant within the plot, it is considered that on balance that the dwellings would not result in a detrimental impact on the character and appearance of the area.
- 5.3.13 Overall, the proposed development is considered acceptable in terms of design, scale, bulk and materials and not be detrimental to the character and appearance of the locality or the adjacent dwellings, in accordance with the stipulations of saved

policies S1, BE1 and BE6 of the RLP, policies S1, S8, D1 and H4 of the submission LDP and the provision and guidance as contained within the NPPF.

5.4 Effect on amenity of neighbouring occupiers

- 5.4.1 The application site is located between two single storey residential dwellings and opposite a pair of semi-detached two storey dwellings.
- 5.4.2 The dwellings within the current proposal would be chalet style properties with only roof lights windows on the flank elevation whereas the previous scheme proposed two storey properties and each included a window on the east elevation at first floor level; that window provided light to the stairwell and were not considered result in overlooking to the detriment of the amenity of the neighbouring occupiers. The current scheme would result in less impact in terms of overlooking to adjacent neighbouring occupiers.
- 5.4.3 The windows on the front elevations of the dwellings afford views into the public realm and given their distance from the opposite properties and are not considered to result in overlooking.
- 5.4.4 Within the previous scheme, the dwelling at Plot 1 was located 2.6 metres from the southwestern boundary of the site and slightly stepped forward from the principle elevation of No. 11 Barnhall Road. The proposed dwelling in Plot 1 within the current scheme has been relocated 1.3metres from the common boundary. However, whilst the distance to the common southern boundary has been reduced, this is compensated by the lowered ridge height and hipped roof in place of the previously proposed gable.
- 5.4.5 The proposed dwelling in Plot 2 would be located 3 metres from the northeastern boundary of the site and the principal elevation would be broadly aligned with the rear elevation of No. 17 Barnhall Road; meaning that all of the built form of the proposed dwelling would be to the rear of No. 17. The distance to the common boundary has not changed within the current scheme.
- 5.4.6 The dwellings in Barnhall Road are staggered; however, their impacts on each other are limited by their largely single storey nature and wide plots.
- 5.4.7 Whilst it is acknowledged that the proposed dwellings have been reduced in height from the previous scheme from 8.3m to 6.7m, the siting of the dwelling at plot 2 would still be located wholly to the rear of No.17 Barnhall Road and extend some 14 metres beyond its rear elevation. The dwelling at plot 2 would also comprise a gable end feature towards the eastern end of the flank elevation and close to the rear of the adjacent dwelling. Therefore, the siting, scale and height of the proposed dwelling, in particular that at Plot 2 is considered to result in an unneighbourly and oppressive form of development to the detriment of the amenities of the occupiers of No. 17 Barnhall Road. Therefore this reason for refusal from the previous scheme is not considered to have been overcome.
- 5.4.8 Therefore, the proposed development is considered to result in a demonstrable impact on the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable, contrary to the stipulations of BE1 of the RLP and D1 of the emerging LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising three or four bedrooms require a maximum of three parking spaces. The plans show that the dwelling would provide off-street parking for several vehicles and a garage for two cars and is therefore considered to accord with adopted parking standards criterion. Essex County Council Highway Authority has been consulted on the application in terms of highway safety there is no objection to the scheme.
- 5.5.2 The proposal is therefore considered to accord with the criteria of adopted LP policy T2 and emerging policy T1 of the submitted LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 The Essex Design Guide requires that three/four bedroom dwellings have a minimum of 100m² of private garden space. Such a provision would be met in this instance.
- 5.6.2 Conditions for the submission of boundary treatments and landscaping are considered appropriate to assist the assimilation of the proposal into the rural area are considered appropriate should permission be granted.

5.7 Other Considerations

- 5.7.1 The Council's Environmental Health Service has recommended conditions for the submission of details of surface water drainage and foul drainage. Such conditions are considered appropriate and necessary and can be appended to any grant of permission.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/16/01461** – Demolition of existing bungalow, garage and outbuildings and erection of two 4 bedroom detached dwelling complete with detached double garages. Refused 07 February 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knights	Object	The comments of the Parish Council are noted

7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	No Objection. Subject to conditions for no unbound driveway materials, off-street parking in accordance,	The comments of the Highway Authority are noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection, subject to conditions relating surface drainage and foul water details to be submitted	The comments of the Environmental Health Service are noted and have been addressed in the report

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 summarized as set out in the table below:

- Mr. & Mrs. Allen, 17 Barnhall Road, Tolleshunt Knights, Maldon, CM98HA
- Mr. G Taylor, 18 Barnhall Road, Tolleshunt Knights, Maldon, CM9 6HA

Objection Comment	Officer Response
The dwelling at plot 2 remains tall and in close proximity to adjacent properties and rear gardens Unacceptable degree of overshadowing Strong sense of enclosure Proximity of chimney nuisance Detrimental impact upon street scene	The comments have been noted and addressed within the report

8. PROPOSED REASON FOR REFUSAL

1. The proposed dwelling at Plot 2, by virtue of its height, siting and proximity to No. 17 Barnhall Road would result in an overbearing and unneighbourly form of development that would impact the level of natural light and sunlight received by the windows on the rear (western) elevation of Barnhall Road, particularly those at the southern end of that elevation, resulting in an adverse effect on the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable, contrary to the stipulations of policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan, policy D1 of the emerging Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	HOUSE/MAL/17/00342
Location	Old Times Cottage Mill Lane Tolleshunt Major
Proposal	Ground and first floor extension and garden store
Applicant	S Norrington & H Tarling
Agent	W G Goodall
Target Decision Date	29 May 2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Old Times Cottage, Mill Lane, Tolleshunt Major
HOUSE/MAL/17/00342



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00342
	Date:	05/05/2017
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Mill Lane, in a residential setting, within the settlement boundary of Tolleshunt Major. The application site is currently occupied by a semi-detached two storey cottage with an attached garage. The surrounding area is made up of an eclectic mix of dwellings with no prevailing pattern of development.
- 3.1.2 Planning permission is sought for a ground and first floor extension, a garden store and the addition of a dormer window on the front elevation and a Juliet balcony on the rear elevation. The existing conservatory located to the rear of the dwelling would be removed in favour of the proposed development.
- 3.1.3 The proposed ground floor extension would extend from the rear of the dwelling by 1.8m and would extend 5.1m in width. The first floor extension would extend over the proposed rear extension and the existing attached garage, it would measure a 9.2m in depth, 5.1m in width with a height of 2.5m to the eaves and 6.5m to the ridge. The additional accommodation would create an extended kitchen at ground floor and a fourth bedroom at first floor.
- 3.1.4 The proposed garden store would be located to the north of the dwelling; it would measure 3m in depth, 4.5m in width, 2.1m to the eaves and 3m to the ridge.

3.2 Conclusion

- 3.2.1 It is considered that the proposed first floor extension, due to its design, including its scale, bulk and siting, would appear contrived in relation to the main dwelling and when viewed from within the streetscene and would appear as an incongruous addition to the main dwelling. It would therefore be detrimental to the character and appearance of the dwelling and the surrounding area. Therefore the proposal would be contrary to saved policies BE1 and BE6 of the Replacement Local Plan, emerging policy D1 of the Submission Local Development Plan and guidance 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:

- 56
- 58
- 59

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

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

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

- D1 - Design Quality and Built Environment.

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 The proposed side and rear extension would be located to the northern side of the existing dwelling and would involve a minor rear extension at ground floor level and larger first floor extension that would extend over proposed rear extension and existing attached garage. The two storey element of the proposed extension would be highly visible from within the public realm.
- 5.2.3 In terms of proportions, namely its size, bulk and height, it is considered that the proposed extension would be a large addition to the semi-detached cottage; it extends 9.2m in depth and has a ridge height that matches that of the existing dwelling. It is considered that it would appear disproportionate and would have an odd and contrived relationship with the existing dwelling, especially where the proposed roof meets the existing roof form. Furthermore, the design and visual cues of the extension do not reference the design and detailing of the original dwelling, when viewed from the front of the dwelling. It should also be noted that the proposed development, due to the position of the dwelling on the site, would be clearly visible from public vistas and it is considered that the development would appear as an incongruous feature from within the streetscene. In terms of appearance, it has been noted that some consideration has been given to the design; it is proposed to finish the extension with a gambrel roof which is in keeping with the existing dwelling. However, this is of limited weight as the existing gambrel roof is to the rear of the dwelling and is not visible from public vistas.

- 5.2.4 The proposed dormer window, which would be located within the front roof slope, would be a mirror image of the existing dormer window which would be located to its west. This element is considered to be in keeping with the existing dwelling. Furthermore, the proposed Juliet balcony located on the existing rear elevation would match the proposed Juliet balcony located on the proposed extension. As such, it is considered that the proposed alterations to the dwelling would not detrimentally impact the character and appearance of the existing dwelling or the streetscene.
- 5.2.5 The proposed garden store would be located to the north of the dwelling, along the front boundary of the site. It is considered to be of a typical style and design for residential development, with a weatherboard finish. It would be located along the front boundary of the site and whilst the Council would not encourage development so close to the highway, given the scale of the garden store and the existing boundary treatment, which would largely screen the development, in this instance the garden store is considered acceptable.
- 5.2.6 Therefore, whilst there are no objections to certain elements of the proposed extension; it is considered that the proposed first floor extension, by means of its scale and siting would not appear as a subservient addition to the main dwelling and would appear as a incongruous feature when viewed from within the streetscene. It would therefore be detrimental to the character and appearance of the dwelling and the surrounding area contrary to policies BE1 and BE6 of the RLP, policy D1 of the Submission LDP and the guidance contained in the National Planning Policy Framework.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The application site has one adjacent neighbouring property located to the south of the site. There is undeveloped land to the north and rear of the site.
- 5.3.3 Given the siting of the proposed extension, to the north of the dwelling and the distance from neighbouring dwellings, it is not considered the development would have a detrimental impact on the amenity of the neighbouring properties by way of loss of light, overlooking or forming an unneighbourly development.
- 5.3.4 In this respect, the proposal would be in accordance with policy BE6 of the RLP and D1 of the emerging LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as

maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.

- 5.4.2 The proposed development would result in the creation of an additional bedroom, resulting in a four bedroom dwelling. The recommended parking provision for a four bedroom property is three off street car parking spaces.
- 5.4.3 The provision of on-site vehicle parking spaces will remain unaltered. The garage and hardstanding to the front of the dwelling will continue to facilitate three off-street parking spaces. Therefore, there are no concerns raised in relation to parking provision.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or four bedrooms is 100 m2.
- 5.5.2 The proposed development would result in a small loss of the rear amenity space. The existing dwelling is set in a large plot with ample rear amenity space which would continue to be provided above the recommended standard.

6. ANY RELEVANT SITE HISTORY

None.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Major	No response received at time of writing report.	Noted

8. REASON FOR REFUSAL

The proposed development, due to its design, including its scale, bulk, siting and relationship with the existing dwelling would result in an incongruous and contrived form of development to the detriment of the character and appearance of the streetscene and the original dwelling contrary to saved policies BE1 and BE6 of the Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.



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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Tree Preservation Order	TPO 11/16
Location	83 East Street Tollesbury
Proposal	Confirmation of TPO 11/16
Owner	Mr D Young
Agent	-
Confirmation by	14 September 2016
Case Officer	Hannah Bowles, Planning Officer (01621 875822)
Parish	TOLLESBURY
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

1. RECOMMENDATION

CONFIRM Tree Preservation Order (TPO) 11/16 without any modifications.

2. SITE MAP

Please see overleaf.

3. SUMMARY

3.1 In October 2016, the Council received a conservation area notification proposing to remove 5m from the top of the Silver Birch (*Betula pendula*) growing in the rear garden of 83 East Street Tollesbury. The proposed works were considered to be excessive and the amenity value offered by the tree would have been lost. Therefore, a TEMPO assessment, which is a professionally and nationally accepted system of scoring, was carried out and it concluded that the tree was worthy of a TPO. Therefore, a Tree Preservation Order was served.

3.2 An objection has been received relating to the serving of TPO 11/16 and it has not been resolved, therefore the question of whether or not to confirm the TPO has been brought before members to decide.

3.3 The Site

3.3.1 The Silver Birch is located within the rear garden of 83 East Street Tollesbury. 83 East Street is located within the settlement boundary and conservation area of Tollesbury.

3.4 Ownership

3.4.1 The tree is owned by Mr Daniel Young, 83 East Street Tollesbury Essex CM9 8QE.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 Corporate Plan 2015-2019:

- Corporate Goals: 2. Protecting and shaping the District – 2.b. Protection and enhancement of the District's distinctive character, natural environment and heritage assets.

4.2 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)

4.3 Government Guidelines:

4.3.1 Government guidelines advise that: The LPA is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.3.2 If Members decide to Confirm TPO 11/16, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. that the TPO is not within the powers of the Act, or
2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.

- 4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

5. MAIN CONSIDERATIONS

- 5.1 The affected tree is located in the rear garden of 83 East Street Tollesbury; it is around 10m tall and has retained a good shape. Due to the height of the tree, views are available from within the public realm. The tree is visible in glimpse view from East Street between the dwelling at no. 83 and the butchers at 85 East Street. The tree can also be viewed from New Road across the rear gardens of five properties, whilst the tree is amongst other vegetation and trees, due to the height it stands out and makes a positive contribution to the conservation area. Therefore, the amenity value of the tree is considered to be significant. Please see APPENDIX 1 for the site photos.
- 5.2 The 5m reduction proposed within the conservation area notification was considered excessive and unnecessary and the trees amenity value would have been lost to the detriment of the conservation area. Further to this no justification for the works were provided within the conservation area notification. Therefore, the Silver Birch tree was assessed using the Tree Evaluation Method for Preservation Orders (TEMPO) the tree scored 16 = Definitely merits TPO.
- 5.3 Within the objection to the TPO (summarised below) it was stated that the works are proposed for safety reasons as the tree has lost large branches in high winds. However, no evidence to suggest the works are necessary for the safety of the tree has been provided; if a TPO application is received by the Council this is information that would be taken into consideration and assessed at that time.

6. SITE HISTORY

- 6.1 16/01211/TCA - T1 - Silver Birch - remove 5m from the top of the tree - TPO Served - 02.12.2016

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 **Representations received from Interested Parties** (*summarised*)

- 7.1.1 **Objections** to the serving of the TPO have been received from the land owner of 83 East Street Tollesbury, Mr D Young.

Objection Comment	Officer Response
<p>The tree has lost very large branches, particularly in high winds, one narrowly missing the neighbour's greenhouse.</p> <p>The reason for 'taming' the tree is merely for safety reasons.</p> <p>It is believed that it is only a matter of time before more serious damage is</p>	<p>No evidence regarding the condition of the tree has been submitted to the Council in order to assess why the tree may be losing substantial branches. This evidence could be submitted as part of TPO application.</p>

<p>caused by the tree.</p> <p>The tree does not appear to be of significant amenity value to the area as you can barely see it unless you are in the garden or a neighbour's garden.</p>	<p>The amenity value of the tree is discussed within section 5 of this report.</p>
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Site Photos

View from East Street:

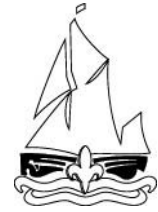


View from New Road:



Agenda Item no. 14

Our Vision: Working in Partnership to make the Maldon District a better place to live, work and enjoy



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 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: 04/04/2017

Application Number: FUL/MAL/16/01231 (APP/X1545/W/17/3169458)

Site: J A P Contracts The Old Dairy Broad Street Green Road Great Totham

Proposal: Extension to office building to form an attached live/work unit

Appeal by: Mr A Lawson

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 13/04/2017

Application Number: FUL/MAL/16/00681 (APP/X1545/W/17/3171748)

Site: Little Orchard, Kitchener Road, North Fambridge, Essex, CM3 6NJ

Proposal: Demolition of existing bungalow & erection of replacement dwelling with associated parking.

Appeal by: Mr T Mitchell & Ms N Dunkley

Appeal against: Refusal

Appeal procedure requested: Written Representations

ITEM 2 APPEAL DECISIONS

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

FUL/MAL/15/01200 (Appeal Ref: APP/X1545/W/16/3154913)

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

Address: J A P Contracts - The Old Dairy - Broad Street Green Road - Great Totham
APPEAL DISMISSED – 11 April 2017

THE APPLICATION MADE BY THE APPELLANT FOR THE PARTIAL AWARD OF COSTS AGAINST THE COUNCIL - REFUSED

THE APPLICATION MADE BY THE COUNCIL FOR THE PARTIAL AWARD OF COSTS AGAINST THE APPELLANT - REFUSED

DECISION LEVEL: Delegated

FUL/MAL/15/01200 (Appeal Ref: APP/X1545/W/16/3162966)

Proposal: One dwelling

Address: Land North Of Poplar Grove Chase - Great Totham
APPEAL DISMISSED – 11 April 2017

THE APPLICATION MADE BY THE APPELLANT FOR THE PARTIAL AWARD OF COSTS AGAINST THE COUNCIL - REFUSED

THE APPLICATION MADE BY THE COUNCIL FOR THE PARTIAL AWARD OF COSTS AGAINST THE APPELLANT - REFUSED

DECISION LEVEL: Delegated

FUL/MAL/16/00460 (APP/X1545/W/16/3163932)

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.

Address: Land At Goat Lodge Road Great Totham

Decision Level: Delegated

APPEAL DISMISSED – 28 April 2017

FUL/MAL/15/00779 (Appeal Ref: APP/X1545/W/16/3150701)

Proposal: Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, access tracks, fencing, pole-mounted CCTV cameras.

Address: Field To West Of Blood Lagoon, Hackmans Lane, Purleigh, Essex

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED – 25 April 2017

Enforcement Appeal Decisions:

ENF/13/00260/BC (Appeal Reference Number: APP/X1545/C/16/3153960)

Address: Land At Oakfield Farm - Hyde Chase - Purleigh

Appeal against: Without planning permission the use of barn for residential occupation

THE APPEAL IS DISMISSED AND THE ENFORCEMENT NOTICE IS UPHELD WITH CORRECTIONS

ENF/16/00019/CU (Appeal Reference Number: APP/X1545/C/16/3156806)

Address: Land opposite Old Post Office, Maldon Road, Langford, Essex

Appeal against: Without planning permission:

A) The unauthorised material change of use of the land for the storage of building materials and tools.

B) The unauthorised operational development to form a hard surface by laying disused building materials.

THE APPEAL IS DISMISSED AND THE ENFORCEMENT NOTICE IS UPHELD SUBJECT TO THE FOLLOWING CORRECTION –

It is directed that the enforcement notice be corrected by the deletion of the first sentence of paragraph 4 and the substitution therefor of the following sentence: “It appears to the Council that the above breaches of planning control have occurred within the last ten years and the last four years respectively.”

ENF/16/00189/01 (Appeal Reference Number: APP/X1545/C/16/3161468)

Address: Land At Rudley Oaks - Chelmsford Road - Purleigh

Appeal against: Without planning permission

a) the unauthorised change of use of the land to use as residential curtilage

b)The unauthorised erection of two detached outbuildings on the land

c)The unauthorised creation of a swimming pool on the land

d)The unauthorised erection of walls, gates, fences and other means of enclosure on the land

THE APPEAL IS ALLOWED ON GROUND (A), THE ENFORCEMENT NOTICE IS QUASHED AFTER CORRECTION AND VARIATION AND PLANNING PERMISSION IS GRANTED IN THE TERMS SET OUT BELOW IN THE FORMAL DECISION.

25 April 2017