

# Unrestricted Document Pack

APOLOGIES Committee Services  
Tel. 01621 875763/875291

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

02 June 2017

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **MONDAY 12 JUNE 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



Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor E L Bamford

COUNCILLORS

J P F Archer  
H M Bass  
M F L Durham, CC  
J V Keyes  
D M Sismey  
A K M St. Joseph  
Miss S White

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

THIS PAGE IS INTENTIONALLY BLANK



**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**MONDAY 12 JUNE 2017**

---

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 26)

To confirm the Minutes of the meeting of the Committee held on 15 May 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. **FULMAL1601142 - Stow Maries Aerodrome, Hackmans Lane, Cold Norton**  
(Pages 27 - 60)

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

6. **LBCMAL1601143 - Stow Maries Aerodrome Hackmans Lane Cold Norton Essex**  
(Pages 61 - 74)

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

7. **HOUSEMAL1700346 - Leys Manor Langford Road Wickham Bishops Essex**  
**CM8 3JQ** (Pages 75 - 82)

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

8. **OUTMAL1700364 - Rear of Strawberry Lane, Tolleshunt Knights** (Pages 83 - 100)

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

9. **FULMAL1700389 - Land Adjacent Park House, Wickham Hall Lane, Wickham Bishops** (Pages 101 - 110)

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

10. **Other Area and Planning Related Matters** (Pages 111 - 114)

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

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

11. **Nomination of a Member to the Local Area Highways Panel**

To nominate a Member to represent the North Western Area Planning Committee on the Local Area Highways Panel, as requested by the Council at its meeting on 11 May 2017.

12. **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 - 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://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

This page is intentionally left blank



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
15 MAY 2017**

---

**PRESENT**

|               |   |
|---------------|---|
| Chairman      | Councillor Mrs M E Thompson   |
| Vice-Chairman | Councillor E L Bamford  |
| Councillors   | H M Bass, J P F Archer, M F L Durham, CC, J V Keyes,<br>A K M St. Joseph, D M Sismey and Miss S White |

**52. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

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

**53. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs P A Channer CC.

**54. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) That the Minutes of the meeting of the Committee held on 3 April 2017 be received;

**Minute number 1144 – OUT/MAL/17/00137 – Land North of 29 Green Trees Avenue, Cold Norton**

There was a typographical error in the last paragraph and the word “REFUSED” should be substituted for the word “REFUSAL”.

- (ii) That subject to the above amendment the Minutes of the meeting of the Committee held on 3 April 2017 be confirmed.

**55. DISCLOSURE OF INTEREST**

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

Councillor Mrs M E Thompson declared an interest as she sat on Tolleshunt Knights Parish Council.

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

**56. OUTMAL1700028 - LAND TO THE SOUTH EAST OF TIPTREE ROAD, WICKHAM BISHOPS, ESSEX**

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

Following the Officer's presentation of the report, David Gladman, an objector and Ian Wardrop, a Parish Councillor, addressed the Committee.

There was a proposal in the name of Councillor H M Bass to refuse the application in line with the Officer's recommendation with the additional reason 2, this was put to the meeting and 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. 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 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.

#### 57. **HOUSEMAL1700161 - PADDOCK HOUSE, MALDON ROAD, LANGFORD**

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

Following the Officer's presentation of the report, a question was raised about whether the posts for the fence would be concrete or timber. It was agreed by the committee to approve the application in line with the Officer's recommendation with the added condition of the posts for the fence to be timber.

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

1. The development hereby permitted shall be carried out in complete accordance with approved drawing: 2952:01, 265:032/2
2. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
3. The fence to the eastern boundary hereby approved shall be constructed wholly of timber and will be retained as such thereafter.

**58. FULMAL1700165 - THE ROWANS, TUDWICK ROAD, TIPTREE  
(TOLLESHUNT D'ARCY)**

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

Following the Officer's presentation of the report, a question was raised about a demolition condition being added. It was agreed by the committee to approve the application in line with the Officer's recommendation with the added condition of demolition.

**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 drawings referenced 1378 03 and 1378 04, specifically referenced on this decision notice.
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.
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.
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.
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.

7. No unbound material shall be used in the surface treatment of the vehicular access within 6m of the highway boundary.
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.
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.
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.
11. Within 3 months following the first occupation of the dwelling hereby approved the existing dwelling on the site shall be demolished and the resulting material removed from the site.

**59. OUTMAL1700171 - LAND ADJACENT TO THE POPLARS, PLAINS ROAD, LITTLE TOTHAM**

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

Following the Officer's presentation of the report, a question was raised about a whether a condition should be added to include removal of business buildings prior to a residential dwelling being built. It was agreed by the committee to approve the application in line with the Officer's recommendation with the added condition of prior removal of business buildings.

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

1. The development shall be carried out in accordance with plans and particulars relating to the 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.
2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.
4. 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.
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.
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.

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.
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.
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.
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.
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
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.

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 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.

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.
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.
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.
17. The construction of the new dwelling hereby permitted shall not commence unless and until the existing structures on the site has been demolished and the resulting material removed from the site.

**60. ADVMAL1700190 - SPLENDID HAND CAR WASH, MALDON ROAD, WOODHAM MORTIMER**

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

Following the Officer’s presentation of the report, a question was raised about adding a condition that the original sign be removed. The response from the Group Manager for Planning Services was that you cannot condition something to be removed when it legally shouldn’t be there.

**RESOLVED** that this application be **APPROVED** subject to the following 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.

**61. FULMAL1700203 - LAND ADJACENT ORCHARD COTTAGE, HATFIELD ROAD, LANGFORD, ESSEX**

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

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
3. No development shall take place until 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.
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.

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.

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.

**62. FULMAL1700210 - FAIRVIEWS, POST OFFICE ROAD, WOODHAM MORTIMER, ESSEX**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>FUL/MAL/17/00210</b>   |
| <b>Location</b>                                       | Fairviews Post Office Road Woodham Mortimer Essex CM9 6ST   |
| <b>Proposal</b>                                       | 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. |
| <b>Applicant</b>                                      | Mr. Samuel Taylor - Taylormade Property Development Ltd   |
| <b>Agent</b>  | -   |
| <b>Target Decision Date</b>                           | 24 May 2017   |
| <b>Case Officer</b>                                   | Spyros Mouratidis, TEL: 01621 875841  |
| <b>Parish</b>   | <b>WOODHAM MORTIMER</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Parish Trigger  |

Following the Officer’s presentation of the report, a question was raised about the need for obscure glass in all the windows. It was agreed by the committee to approve the application in line with the Officer’s recommendation with the amendment to the condition regarding the obscure glass.

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

1. The development hereby permitted shall be carried out in complete accordance with the approved drawings which are attached to and form part of this permission.

2. Prior to the first occupation of the development hereby permitted, the windows on the north facing elevation and roof slope shall be obscure glazed with opaque glass and retained as such thereafter.
3. No gates or fencing shall be erected within or around the application site unless otherwise agreed in writing with the Local Planning Authority.
4. The existing hedgerow shall be retained to the entire front (west) and side (south) of the application site in perpetuity.
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.
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 18<sup>th</sup> March 2016, both of which were submitted and approved under application 16/05027/DET.
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 18<sup>th</sup> March 2016, both of which were submitted and approved under application 16/05027/DET.
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.
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.

**63. FULMAL1700233 - 13 BARNHALL ROAD, TOLLESHUNT KNIGHTS**

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

Following the Officer's presentation of the report, Heather Allan, an objector, Cliff Pullun, speaking on behalf of a Supporter and Peter Legrys, the Agent, addressed the Committee.

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

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.

64. **HOUSEMAL1700342 - OLD TIMES COTTAGE, MILL LANE, TOLLESHUNT MAJOR**

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

Following the Officer's presentation of the report, there was some debate around the application with regards to the design and space on the site.

Councillor Miss S White proposed to approve this application, this proposal was not seconded.

It was agreed by the committee to refuse the application in line with the Officer's recommendation with Members advising Officers to work closely with the applicant, as it was felt an application for a large extension designed correctly would be more appropriate.

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

1. 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.

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

**65. TPO1116 - 83 EAST STREET, TOLLESBURY**

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

Following the Officer's presentation of the report, there was some debate around whether or not there was a need to TPO this specific tree.

There was a proposal in the name of Councillor D M Sismey to not uphold the TPO and this was duly seconded by Councillor E L Bamford.

**RESOLVED** that this TPO not be confirmed for the following reasons:

**66. 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: 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

Appeal Start Date: 08/05/2017  
**Application Number: HOUSE/MAL/16/01449 (APP/X1545/D/17/3173096)**  
Site: 26 Walden House Road Great Totham  
Proposal: Roof conversion and alterations to a domestic property.  
Appeal by: Mr Tom Holmes  
Appeal against: Refusal  
Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 09/05/2017  
**Application Number: FUL/MAL/16/00265 (APP/X1545/W/17/3173125)**  
Site: Land Adjacent To Langford Waterworks - Hatfield Road - Langford  
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)  
Appeal by: Sunbury Developments LLP  
Appeal against: Refusal  
Appeal procedure requested: Written Representations

Appeal Start Date: 11 May 2017  
**Application Number: FUL/MAL/16/01267 (APP/X1545/W/17/3169727)**  
Site: Land Rear Of 18 Prince Of Wales Road Great Totham  
Proposal: Demolition of existing rear single garage. Construction of a 2 bedroom bungalow with a flat green roof over.  
Appeal by: Mr Jamie Hunter  
Appeal against: Refusal  
Appeal procedure requested: Written Representation

**(ii) Appeal Decisions:**

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

**FUL/MAL/15/01200 (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

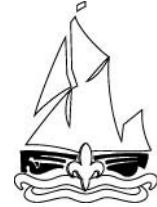
d) The unauthorised erection of walls, gates, fences and other means of enclosure on the land

**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**

There being no further items of business the Chairman closed the meeting at 9.00 pm.

MRS M E THOMPSON  
CHAIRMAN



**REPORT OF  
CHIEF EXECUTIVE  
to  
NORTH WESTERN AREA PLANNING COMMITTEE  
12 JUNE 2017**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>FUL/MAL/16/01142</b>  |
| <b>Location</b>                                       | Stow Maries Aerodrome Hackmans Lane Cold Norton Essex  |
| <b>Proposal</b>                                       | <p>Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take-offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:</p> <ul style="list-style-type: none"> <li>• The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days</li> <li>• Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier</li> <li>• In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day</li> <li>• In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays</li> <li>• In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day</li> </ul> |
| <b>Applicant</b>                                      | The Trustees - Stow Maries Great War Aerodrome Trust   |
| <b>Agent</b>  | Ms Sarah Threlfall - TMA Chartered Surveyors   |
| <b>Target Decision Date</b>                           | 24.01.2017   |
| <b>Case Officer</b>                                   | Yee Cheung, Tel: 01621 876220  |
| <b>Parish</b>   | <b>COLD NORTON</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Major Application<br>Member Call In  |

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Stow Maries Aerodrome - Hackmans Lane**  
Cold Norton FUL/MAL/16/01142 & LBC/MAL/16/01143



|   |   |  |
|---|---|--|
| <br><b>MALDON DISTRICT COUNCIL</b> | <p><b>Copyright</b></p> <p>For reference purposes only.<br/>No further copies may be made.<br/>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright.<br/>Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/>Maldon District Council 100018588 2014</p> | <p>Scale: 1:5,000</p>  |
|   | <p>www.maldon.gov.uk</p>  | <p>Organisation: Maldon District Council</p> <p>Department: Planning Services</p> <p>Comments: NW Committee</p> <p>Date: 01/06/2017</p> <p>MSA Number: 100018588</p> |

### **3. SUMMARY**

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

- 3.1.1 The Stow Maries Great War Aerodrome (SMGWA) is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete WWI aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. The site is also designated conservation area and twenty-four of the surviving buildings are Grade II\* listed.
- 3.1.2 The SMGWA was purchased from the previous private owners in 2013 with funding from the National Heritage Memorial Fund and other local and national government sources. The site is now under the custodianship of Stow Maries Great War Aerodrome Trust and is open to the general public where it runs as a charitable and educational establishment.
- 3.1.3 Planning permission was granted on 15 June 2009 (reference: 09/00250/FUL) for the *“Re-instatement of airfield and erection of 2 no. aircraft hangers to match former buildings on site”*. Within this decision notice, there were planning conditions imposed which restricts the use of the site. Namely these relate to hours of operation during summer both and winter months, special public events, the number of landing and taking off from the site and the type of aircraft that are able to land or taking off from the site; These conditions were placed on the airfield when it was in private commercial ownership.
- 3.1.4 In this current planning application, the SMGWA Trust seeks to change some of the planning conditions imposed on 09/00250/FUL, particularly with regards to the type of aircraft landing and taking off, the number of landings and take-offs from the air strip and the hours limitation on when aircraft can take-off and land at weekends and bank holidays not just Special Public Events in the summer (May to October inclusive) and winter months (November to April inclusive) at the airfield. The number of landings and take-offs is outlined in the Description of Proposal above; however, this would need to be managed by a condition if the application as approved.
- 3.1.5 In support of this planning application, the Applicant has submitted, amongst other things, a Planning Statement, including maps to show the Controlled Airspace (Appendix 1) and Flight Guidance for Visiting Pilots (Appendix 2) prepared by TMA; Design and Access Statement prepared by TMA dated October 2016; Planning Policy Statement prepared by KLW Planning & Development Consultants dated November 2016; Noise Report prepared by Sharps Gayler LLP Acoustic Consultants dated 10 March 2017; and Planning Justification Statement prepared by KLW Planning & Development Consultants dated December 2016.
- 3.1.6 Since the submission of this application, a number of complaints in relation to the site operating in breach of a number of planning conditions. The breach of planning control is not considered to be a material consideration, of any demonstrable weight, when determining this planning application.

## **3.2 Conclusion**

- 3.2.1 It is concluded that on planning balance, it is considered the above proposal to change the conditions imposed on restricting the use of the airfield would support the rural economy in terms of rural tourism and leisure development that benefit businesses in rural areas, communities and visitors. Further, the proposal would meet the requirement as set out in the NPPF where it supports the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural areas. In addition, the revenue generated from the proposal would be ploughed back into projects for the airfield enabling the Trust to continue to maintain, restore and preserve the site in accordance with Development Plan Policies, including Paragraphs 28 and 131 of the National Planning Policy Framework. The harm identified is not considered to outweigh the benefits and therefore the application is recommended for approval.

## **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 including Chapters 3, 11 and 12 of the NPPF (the list is by no means exhaustive)

### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 – Development boundaries and New Development
- CON5 – Pollution Prevention
- CON7 – Development Affecting Airports
- CC5 – Protection of Wildlife at Risk on Development Sites
- CC6 – Landscape Protection
- BE1 – Design of New Development and Landscaping
- T2 – Sustainable Transport and Location of New Development

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

- S1 – Sustainable Development
- D1 – Design Quality and Built Environment
- E5 – Tourism
- E6 – Skills, Training and Education
- N2 – Natural Environment and Biodiversity
- T2 – Accessibility

### **4.4 Relevant Planning Guidance / Documents:**

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 The adopted Maldon District Replacement Local Plan has 10 Strategic Objectives upon which all its policies are based. The three most relevant objectives to this planning application are outlined below where the Council seeks to:-

- To protect and enhance the coast and countryside, recognising the contribution of their intrinsic character and beauty and the diversity of their landscapes, heritage and wildlife, the wealth of natural resources and the character, ecology and economy of the District (Sii);
- To improve access to and the provision of sport and leisure facilities and enhance tourism for all (Svi); and
- To create a sustainable and accessible environment in which living, working and leisure encourage pride in the District, recognising its important historic qualities (Svii).

5.1.2 There are three main considerations underlying the assessment of the proposal which should be recognised:-

- The unique circumstances of this site and its national importance as a complete WW1 airfield site within this District;
- Relaxing and increasing the number of aircraft landing / take-off in connection with the use of the site as a ‘living museum’ would increase the number of visitors to the District and provide for employment opportunities; and
- The impact on the existing residential community surrounding the airstrip and in the locality of the site

### **The Current Situation**

5.1.3 The SMGWA Trust and airfield are now run wholly as a charity and receives some national and local grant funding and financial support. Flying in and out of the site is carried out under strict Civil Aviation Authority (CAA) regulations. The airfield is under an airspace corridor used by all aircraft which are not permitted within the controlled airspace of Southend Airport or Stanstead Airport. This means that there is significant over-flying of the airfield and the adjoining areas by all types of light aircraft. Any fancy maneuvering or Aerobatics are only permitted with CAA approval.

5.1.4 The CAA published its policy on Consultation on Planning Applications in August 2012, whereby it will not respond to applications where it is not a statutory consultee and emphasises that in all cases Aerodrome safeguarding is the responsibility of the operator and licence holder. The CAA is a Statutory Corporation within the Department of Transport and publishes advice. This is also reflected in the Applicant’s Design and Access Statement in Appendix 1 relating to the controlled airspace for Southend Airport. The Council is therefore entitled to rely on the operator (and other aircraft using the airspace in the vicinity) observing the Class D Air Space Safeguarding Classification introduced by Southend Airport in 2015.

- 5.1.5 There are currently two runways within the SMGWA airfield. Both runways are entirely grassed and can only be used by very light aircraft. The application does not propose to alter this.
- 5.1.6 The buildings at the site are being carefully restored and preserved in their World War 1 format and now house a growing collection of historic aircraft; both original and 'reproduction'. The site is being developed as a museum and educational site in order to preserve the heritage and it is envisaged that it will eventually become a significant local tourism asset for visitors. It is understood from the Applicant's submission that visitors already come to this site from all over the UK and increasingly from Europe.
- 5.1.7 It is noted that there are a few modern aircraft currently based at the site and are stored on a permanent basis. The intention of the SMGWA Trust is to encourage more original and reproduction aircraft. Such aircraft would include Sopwith Pup, Albatross D Va, Sopwith Snipe, BE 2e and Dh2. The aircraft that are permanently based or stored on site would 'fly in' and then 'fly out' and this is reflected in the proposed description of traffic movement in terms of take-offs and landings.
- 5.1.8 At present, much of the Trust's income is generated by Special Public Event Flying days when events and displays are provided on the ground and suitable aircraft are encouraged to "fly in" to the site to create interest for the public. The success of a "fly in" is entirely weather dependent and therefore, cannot be predicted in advance. If the weather is poor, there is poor visibility or the wind is 'in the wrong direction' very few aircraft can approach the airfield.

### **The Airfield and Airstrip**

- 5.1.9 The airfield was originally laid out during World War 1 and the layout of the runways is unchanged. The site has two short, mown grass runways and neither is suited to the prevailing winds and the practicalities of using these runways place natural safety limits on the way the airfield can be operated. The lengths of the runways are 680 metres in length x 60 metres in width (02/20 bearing) and 550 metres in length x 40 metres in width (15/33 bearing).
- 5.1.10 During the war, it was recorded that the site was not used at its operational capacity. This is a reflection of the impractical nature of the site which continues to limit its use today. Guidance for pilots approaching or leaving the airfield is strict and requires that they follow certain routes. These routes have been designed to direct aircraft away from centres of population and certain groups of dwellings. A copy of this guidance was attached in the Planning Statement (Appendix 2) as part of the Applicant's submission.
- 5.1.11 The proposed conditions as outlined in the Description of Proposal would be an absolute maximum capacity for the airfield. The SMGWA Trustees are seeking to increase the permitted number of take-offs and landing to the maximum to allow for long-term planning, and to avoid returning to this issue in the near future.

### **Flying Activities**

- 5.1.12 Planning permission is sought for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the

number of take-offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:-

- The airstrip to be used by fixed wing and propeller driven aircraft; helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days.
- Take-offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset whichever is earlier.
- In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take-offs per day.
- In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take-offs on weekdays.
- In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take-offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take-offs are increased to 75 take-offs and 75 landings per day.

5.1.13 With regards to 'Special Public Event Flying Days', the Applicant has confirmed in an email correspondence dated 25 January 2017 which advises the following:-

- The dates for Special Public Event Flying Days must be notified to the Planning Department of MDC not less than 14 days in advance
- Cancellation or re-scheduling of a Special Public Event must also be notified to the Planning Department who may permit re-scheduling with less than 14 days notice
- The number of Special Public Event Flying Days will be limited to 7 per year, a public event may run across a weekend but total number of days of Special Public Events will not be more than 14 days per year

The dates would normally include Bank Holidays but the events would be tailored around other large events / venues. An example given was The Blackwater Show.

5.1.14 In terms of flying activities in association with the airfield, a Planning Justification Statement prepared by K LW was submitted in support of the application. This Planning Justification Statement has been prepared by Peter Kember, an experienced pilot, aircraft owner and operator of an aerodrome in West Kent and specialises in aviation planning matters from the 1980s to the present day. Peter Kember has advised on over 200 different airports and aerodromes in the UK, he has advised Government spokesmen on aviation planning issues and has given expert evidence at more than 20 public inquiries into flying sites in the UK and has only recently stepped down from his position on the Civil Aviation Authorities General Aviation Consultative Committee.

5.1.15 In the 2009 planning application (09/00250/FUL), conditions were imposed to limit the number of aircraft movements at Stow Maries Aerodrome to a maximum of 24 per day (Condition 14). Whilst this planning permission gave the lawful use of the land as an aerodrome, it is suggested by the Applicant that the number of aircraft movements is unrealistically low for SMGWA to operate with the necessary regime to

control numbers of aircraft movements, their noise abatement procedure and their flight paths.

5.1.16 It has been identified that aerodromes of comparable size to Stow Maries including Old Warden Aerodrome in Bedfordshire, (the home base of The Shuttleworth Trust which operates a fleet of historic aircraft), Earls Colne Aerodrome and Andrewsfield Aerodrome in Essex have a permanent member of staff who is responsible for granting permission to land at the aerodrome and for ensuring that proper procedures are followed by the pilots of home-based and visiting aircraft. In the case of the Stow Maries Aerodrome the increase in flight operations would enable the aerodrome to introduce the type of aircraft control measures seen at other comparable aerodromes, as recommended by the Government and as endorsed by Planning Inspectors on appeal.

5.1.17 It is proposed that the daily aircraft movements (weekdays 50, summer weekends and bank holidays 100, 14 event days per annum at 150) would produce a maximum annual total of 23,800 aircraft movements for this site. Whilst this may be the case, the Applicant suggests that this is an unrealistic calculation because of the following factors:-

- a) The weather in the UK does not permit flying in light aircraft operating on Visual Flight Rules (VFR) on more than an average of approximately 250 days per annum.
- b) Stow Maries has grass runways which can get waterlogged after periods of wet weather putting them out of action sometimes for weeks at a time.
- c) Stow Maries has short runways which are not aligned into the prevailing wind and historic aircraft cannot be flown in a crosswind.
- d) The types of aircraft operating at Stow Maries are predominantly lightweight and historic aircraft which, like those based at Old Warden Aerodrome, are only flown in light winds.
- d) Pilots who propose to visit the aerodrome fear operating in close proximity to Southend Airport's Class D airspace where a specific permission is required to enter.

5.1.18 As such, it has been calculated that these factors would reduce the maximum number of annual aircraft movements to be about 8000 aircraft movements.

5.1.19 As advised in the Planning Justification Statement, it states that should the application be approved, the SMGWA Trust would be prepared to accept a cap of 8,000 aircraft movements per calendar year which may only be increased by permission from MDC for the purpose of a special occasion such as the Remembrance Day event held towards the end of the flying year.

### **Flight Control Measures**

5.1.20 The Government have endorsed the use of Airport (or Aerodrome) Consultative Committees (ACC) as a means of involving the community in the operation of an aerodrome and to resolve issues of importance locally. The current Guidelines for Airport Consultative Committees published by the Department for Transport (DoT) are dated April 2014. The ACC would involve users of the aerodrome, the Local Planning Authority (in this case Maldon District Council) and others with an interest,

principally any other organisation representing the interests of persons concerned with the locality in which the Aerodrome is situated. A committee is made up of representative from the three categories above. The DoT Guidelines recommends that ACCs meet at least three times a year. An ACC would be set up, should the application be approved, to ensure the guidelines are adhered to.

5.1.21 The ACC would be empowered to adopt a Standard Operating Procedure (SOP) to decide on the optimum flight paths to and from Stow Maries Aerodrome to ensure the minimum of disturbance to noise sensitive properties within the locality of the Aerodrome. The ACC would also have sight of the Display Authorisation issued by the Civil Aviation Authority which controls the display line and routing of display aircraft on public event days and practice days for events. Following a recent flying event day at Stow Maries Aerodrome the CAA has found the display satisfactory in all respects. A copy of the CAA Flying Display Report dated 10th August 2016 was submitted in support of the application.

5.1.22 In conjunction with the ACC, the SMGWA are seeking to improve procedures whereby visiting pilots obtain permission to land at Stow Maries Aerodrome. This procedure known to pilots and published in the various Flight Guides used by pilots is called Prior Permission Required (PPR). It has been acknowledged that until recently the responsibility for authorising the grant of permission to a visiting pilot has been unorthodox and as a consequence the numbers of visiting aircraft has, on a number of occasions, exceeded the numbers specified in the 2009 planning permission. To alleviate future concerns, should the application be approved, pilots seeking permission to land, before taking off would need to telephone a dedicated aerodrome number. The responsible person at SMGWA would only grant permission after having ascertained that:-

- 1) There is a slot available in accordance with any planning permission then in force; and
- 2) The particular pilot has examined and understands the Aerodromes Standard Operating Procedure as published in the Flight Guides used by pilots or as published online, via SMGWA's website.

#### **Guidance to Users of the Airfield**

5.1.23 All pilots approaching the airfield receive guidance about how to approach the airfield. This guidance specifies routes in and out of the airfield to avoid flying near to centres of population and neighbouring properties. A copy of this guidance, containing the flying brief for pilots and map information, is attached to Planning Statement (Appendix 2) in support of the proposal. This guidance is intended to limit, as far as possible, planes flying over neighbouring properties.

5.1.24 It is important to note that the airfield rules do not apply to aircraft in the area which are not intending to land at the airfield. Aircraft within the general air corridor are subject to the UK Rules of the Air not to fly within 500ft of structures and people and at a maximum height of 1,500 ft above sea level.

## **5.2 Impact on Residential Amenity**

- 5.2.1 The potential for noise as a result of an increase in activity of the site is one of the main reasons for objections by third parties. Concerns have been raised, predominately, in relation to noise generated by aircraft movement.
- 5.2.2 The Aerodrome is located in a remote part of the countryside at a distance from noise sensitive properties that is considered to substantially mitigate against any undue impact from noise and disturbance during landing and take-off. Furthermore, it is essential to remember that the site currently functions as an aerodrome and it is essential to consider the proposal against the fallback position.
- 5.2.3 In support of the planning application, a Noise Report prepared by Sharps Gayler dated 10 March 2017 was submitted to the Council for assessment.
- 5.2.4 The Environmental Health Team has raised no objection to the proposal subject to conditions to be imposed should the application be approved. It was advised that the introduction sets out the current conditions and seeks to address the discrepancy and confusion caused by the change in terminology between what was originally proposed and supported by the Environmental Health Officer's recommendations and the eventual wording of the Condition 4 of planning application 09/00250/FUL. This is important as it forms the basis for comparing the likely impact of the increased activity proposed in this current application. The Team accepts the consultant's explanation and shared understanding that a movement is a take-off *or* a landing and that the current Condition 14 restriction allows 24 movements per day.
- 5.2.5 The report goes on to outline the current proposal, with Table 1 providing a useful summary of the required increase in activity. It goes on to describe this as "broadly doubling the allowable movements per day during the Winter months and Summer weekdays and to quadruple the allowable daily movements on Summer weekends and Bank Holidays." This is explained in terms of noise levels as adding 3dB and 6dB although the resultant change to ambient noise levels will be somewhat less. This is due to the potential of at least some of the activity to be masked by other noise sources.
- 5.2.6 Section 2 of the noise assessment provides an accurate and effective summary of Government Policy and Practice in relation to noise impact and planning. In particular it explains the concept of "adverse effect levels" and the three tier approach based on the Lower Observed Adverse Effect Level and the Significant Observed Adverse Effect Level, quoting the National Policy Statement and Planning Policy Guidance. These levels will vary depending on the situation under consideration and neither policy nor guidance attempts to prescribe values. The consultant appropriately goes on to make a case for ascribing appropriate values of LOAEL and SOAEL for the application in question.
- 5.2.7 Section 3 of the assessment looks at the relevance of the much quoted World Health Organisation "Guidelines for Community Noise" and the National Physical Laboratory's interpretation of the guidelines and concludes that the average level (LAeqT) for LOAEL and SOAEL in relation to this development should be 50dB and 60dB respectively. The report points out that this represents the most stringent interpretation of the WHO range of levels with an added margin of safety in that the

average is taken over the shorter operating day of 12 hours rather than the WHO full day of 16 hours. It further justifies these values by reference to three other studies which also address the evaluation of impacts from changes in noise levels. In respect of the latter it reproduces the IEMA summary of impacts associated with increases above the LOAEL in Table 2.

- 5.2.8 Having justified the standard to be applied the consultant then addresses the assessment of aircraft noise emission levels, using commercially available modelling software to predict noise levels from basic input data including the General Flying Orders for the airfield. A number of assumptions are set out based on current operating arrangements and using data for a Cessna 172 as being the closest match to the type of aircraft using the airfield. The software produces noise contours for the airfield which have been provided as an appendix to the report. Predicted noise levels are properly validated using field measurements from the noisiest aircraft currently based at the airfield.
- 5.2.9 Evaluation of the predicted noise levels show that at up to 100 movements per day the LOAEL of 50dB LAeq 12hr is not exceeded at any property in the vicinity of the airfield, with the highest effect being 45dB at Edwins Hall from 50 movements, rising to 48dB with 100 movements. The impact is also evaluated in terms of the change in noise climate. The IEMA summary provided in Table 2 is not appropriate as the predicted level does not exceed the 50dB LOAEL threshold. However the consultant helpfully attempts to evaluate the increase, demonstrating in paragraph 6.6 that the change in noise levels arising from the increase in aircraft will be 2dB LAeq 12hr at 50 movements per day and 5dB LAeq 12hr at 100 movements per day at the worst affected property (Edwins Hall). These are relatively low increases and there is no attempt to explain their significance. Furthermore, although not considered in the consultant's evaluation, when considered over a longer period flying activity is extremely unlikely to reach the maximum number of movements permitted due to weather and runway conditions.
- 5.2.10 In respect of the proposed increase to 50 and 100 movements per day, the Environmental Health Team is broadly satisfied that the proposed LOAEL is appropriate, that it provides considerable margin for error and will not be exceeded. In accordance with guidance no additional restrictions are required other than conditions to ensure the proposed level of activity can be monitored and will not be exceeded. One outstanding concern is that the assessment has been based on the noisiest aircraft currently operating from the airfield. There is of course a likelihood of noisier aircraft visiting the airfield and potentially being based at the airfield in the future. As such, that Environmental Health Team has taken a pragmatic approach to this on the basis that other aircraft currently based at the airfield are quieter than the aircraft type used in the model which applies the worst possible case as a 12 hour average. The overall impact of a small number of noisier aircraft can be absorbed within this average. Furthermore, it is noted that the aircraft type would be somewhat limited by the nature and length of the runways. However due to the uncertainty here it is prudent to attempt to formulate a condition which will ensure the LOAEL is not exceeded by future activity.
- 5.2.11 The proposal refers to "Special Public Event Days", "Public Event Days" and "Special Public Event Flying Days" but these are not defined. The Environmental Health Team have considered just two interpretations; public events that involve

flying as part of the attraction; and public events with no flying displays or demonstrations. In relation to the proposal for “Special Public Event Flying Days” there has been no evaluation of the potential impact of increasing permitted activity to 75 take-offs and 75 landings per day. Furthermore the application does not indicate the number of such events to be held each year. It was previously recommended in relation to the original application 09/00250/FUL was that this should be restricted to 4 public flying events per year, not exceeding 3 days per event as per the proposal contained within the application. This was reduced to 2 events per year by Condition 13 of the current approval. The Environmental Health Team had extrapolated the aircraft noise emission data from the consultant’s calculations to reflect the potential 150 movements per day. This gives a predicted level of 49.8 dB LAeq 12hr or a 6dB increase over current daily activity. Flying Day activity is severely restricted at the airfield by the CAA rules governing air displays (CAP 403) but there will be an unknown contribution from display aircraft which may well be noisier than the simple take-offs and circuits modelled. There is also a risk that visiting aircraft may stay overnight on 2 or 3 day events leading to the number of noisier take offs being more than half of the movements on the departure day. Taken together this suggests that the LOAEL may be exceeded on “Special Public Event Flying Days” and that reasonable steps are required to mitigate the effect of noise. This should at a minimum be a control over the number of events and a reduction in the number of movements might also be justified depending on the number of events proposed. Public events without flying displays are considered unlikely to impact on the local environment other than through the additional road traffic and visiting aircraft. Provided the latter are within the 100 movements per day they do not require any additional consideration.

- 5.2.12 Concerns have been raised in relation to the potential commercial element of the proposal or the use of the site by various types of aircraft. The existing landing strips, that are not to be altered as part of this application, are grassed and would not be an attractive option for modern day aircraft. Irrespective of this, and taking into account the tourism and historical nature of the development, it is considered appropriate to impose a condition on any approval to limit the development to fixed wing, single propeller driven aircraft and not for charter of fare paying flights.
- 5.2.13 Shortly after the publication of the Environmental Health Team’s comments, the Council received a letter from The Planning Law and Practice dated 11 April 2017 questioning the Noise Impact Assessment as the practice had considered the assessment prepared by Sharps Gaylor Acoustic Consultants has ‘seriously underestimated’ the impact that an increase in the flight movement to and from the airfield. As the Environmental Health Team had based their comments upon the information that the Applicant had submitted, it was therefore considered necessary to go back to the Applicant for further clarification.
- 5.2.14 Sharps Gaylor Acoustic Consultants responded to The Planning Law and Practice’s comments on 8 May 2017. The Environmental Health Team had also provided additional comments regarding the proposal and planning conditions should the application be approved. In the Environmental Health Team’s response to The Planning Law and Practice’s letter dated 11 April 2017, it is noted that the first three points relate to the confusion over the number of flights permitted by FUL/MAL/09/00250. Having researched this further it appeared that Members at the 2009 (8 June 2009) committee had halved the number of aircraft movements required

by the application which restricted flights to 12 movements per day (being take offs or landings) where the original application had stated 24 movements. This led to Condition 14 to be amended to read *'There shall be no more than 12 aircraft movements (take offs and landings) undertaken from the site in any 24 hour period, subject to a maximum of 74 movements (take offs and landings) undertaken in any calendar month, and subject to a maximum of 360 movements (take offs and landings) undertaken in any calendar year unless otherwise agreed in writing by the Local Planning Authority for the purposes of public events.'*

- 5.2.15 This reduced number of permitted movements has had an impact on the Sharps Gayler assessment as concluded by the PLP letter, although only to the extent that it doubles the figures quoted which describe the aircraft movements in terms of current permitted activity. i.e. broadly quadrupled during winter months and summer weekdays, with an 8 fold increase on summer weekends. In terms of sound pressure levels this equates to 6dB and 9dB respectively. This is not necessarily as misleading or wrong as PLP are suggesting. Sharps Gayler seem to be using this as a simple descriptor of the additional activity. This part of the report is useful but in noise terms it could be considered superfluous as it does not impact on the later calculations.
- 5.2.16 It should also be considered what this descriptor is really trying to convey. If the baseline is the current permitted number of movements (12) then the description shows the increase from the theoretical current cap to the cap required in this latest application. Using the perceived permitted number (24), to which the airfield has apparently been working and may be more representative of actual activity, the description of doubling and quadrupling activity is still valid in relation to actual current and historical flight numbers.
- 5.2.17 PLP's fourth point refers to the assertion in 1.13 of the noise assessment that "the impact on a limited number of event days a year will not materially affect the prevailing noise emission level and impact". In the previous comments made by the Environmental Health Team, reference has been made in some detail to the various "event days" and the failure to evaluate the noise impact from the events. The Environmental Health Team have provided the extrapolated aircraft noise emission data for the additional movements which will be 6dB higher than the current daily activity (or 9dB higher than the current permitted activity). This is significant and suggests that reasonable steps are required to mitigate the effect. In practice this mitigation needs to be a balance between number of events permitted and the number of additional movements allowed. There is no scientific answer to this, it's just a case of determining what might be a reasonable compromise.
- 5.2.18 PLP's fifth point refers to the selective treatment of the AECOM report which Sharps Gayler quote in justifying their suggested LOAEL and SOAEL values. However, the report goes on to explain that the (quantitative and qualitative) impact of change is only relevant once the LOAEL has been exceeded. This is only likely to occur on a special event flying day and the lack of assessment is discussed above.
- 5.2.19 PLP's sixth point criticises the lack of explanation for the statement in paragraph 5.5 of Sharps Gayler's assessment. The Environmental Health Team is satisfied that this needs no further explanation if read together with the preceding two paragraphs. Also related to the noise model, the seventh point concerning runway usage is a clearly stated assumption and presumably based on historical data. It looks correct based on

flights observed while officers have attended meetings and events at the aerodrome, this assumption has not been challenged. Runway usage is largely dictated by weather conditions and aircraft safety and cannot reasonably be expected to form part of the planning application.

- 5.2.20 PLP's final point quotes "absolute noise levels" at two farms. The figures quoted represent the SEL which is the total sound energy captured during the flyover event normalised to one second. This is used to build the overall sound levels for a number of events over a 12 hour period. It does not relate to the actual level heard on the ground unless the aircraft was only audible for 1 second.
- 5.2.21 In undertaking this further review of the Sharps Gayler report and comments made by the Environmental Health Team previously, a number of other issues have come to light. The assessment is based on the normal practice of assessing aircraft noise as a long term average of the individual aircraft movement events and as such is robust. However, shorter term impacts may well be greater. Examples will be if the same runway is used for several days in succession, potentially over a long period in stable weather conditions or when the pattern of flying during the day concentrates flight movements into short periods (e.g. a fly in early morning with departures late afternoon).
- 5.2.22 The Environmental Health Team had concerns regarding the terminology used within the submission referencing "Special Public Event Days", "Public Event Days" and "Special Public Event Flying Days" (this was mentioned in Paragraph 5.2.11 of the report) In the Applicant's letter dated 18 May 2017", it appears that all of these references in the application documents refer to "Special Public Event Flying Days" (SPEFD's) which are now also described as "*days when specific flying events are held and owners of specific aircraft are invited to attend*". This is a useful clarification although there is concerns that simply requiring 14 days' notice without any ability to refuse or require modification does not give sufficient protection to local residents in relation to the potential loss of amenity due to aircraft noise. Even if the notice of events was on a permissive basis, 14 days is insufficient time to evaluate the potential noise impact, and too short a notice for the Applicant if an event is not permitted within that period.
- 5.2.23 It should also be noted, as discussed above in Paragraph 5.1.15, that is recommended that there is a cap of 8000 aircraft movements per annum imposed on any grant of planning permission.
- 5.2.24 In addition, the SMGWA has in place the Flight Guidance for Visiting Pilots, a guidance which is issued to all visiting pilots to the Stow Maries airfield. The guidance stipulates that:-

*"No flying to the east of the airfield due to very noise sensitive neighbours, and avoid over flight of any habitation and houses in the vicinity"*.

*"To avoid disturbing the local residents standard farm strip procedures apply when taking off- take-off and fly off - no circuits and please avoid all local habitation particularly on climb out"*.

5.2.25 Having acknowledged the concerns raised in the number of representations, the SMGWA is proposing a number of measures to limit potential adverse amenity effects by controlling the operation and flight paths of aircraft and is willing to enter into a legal agreement which would include the following Heads of Terms as suggested below:-

- A) Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees.
- B) SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimize aircraft noise disturbance from flight operations at the Aerodrome.
- C) SMGWA will, through the mechanism of the ACC, adopt a PPR procedure which will more effectively control the flight paths to be used by visiting pilots which will provide for the banning from use of the Aerodrome by pilots who do not comply with the adopted procedure.
- D) SMGWA will, through the mechanism of the ACC, adopt a similar procedure for home-based and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.

5.2.26 The wording of the legal agreement would have to be thoroughly checked to ensure that the terms listed can be adhered to.

5.2.27 Therefore noise predicted as a result of the development is not likely to be significant, providing adequate mitigation is put in place. This is taking into account the lawful use of the site and the potential mitigation through the imposition of conditions and a S.106 agreement.

### **5.3 Access and Highway Safety**

5.3.1 Policy T2 of the adopted local plan seeks to ensure that all development would provide safe access to and from the highway, including adequate visibility and junction capacity.

5.3.2 The Highway Authority has assessed the application taking into account the accesses to the airfield via Crows Lane and Hackmans Lane as shown the Location Plan; Drawing No: TMA/848/1B; Drawing No: TMA/848/2B submitted by TMA Chartered Surveyors dated December 2016. It has been advised that given that the Applicant has demonstrated that two vehicles can safely pass each other off the carriageway at the site access on Hackmans Lane, existing traffic management arrangements ensure that larger vehicles do not use this access and traffic flow on Special Event Flying Days is suitably marshalled, from a highway and transportation perspective, the impact of the proposal is acceptable to Highway Authority subject to a condition being imposed regarding the provision of a 2.4 metres x 180 metres visibility splay in both direction of Hackmans Lane.

- 5.3.3 There is a public footpath and bridleway in the vicinity of this site. The Public Footpath Officer has raised no objection to the proposal subject to a condition imposed to ensure that the footpath and bridleway would be maintained free and unobstructed at all times.

#### **5.4 Tourism and the Local Economy**

- 5.4.1 One of the planning justifications for the proposal is that SMGWA had suffered a lack of funding when the Trust took over the site in 2013. As part of the application submission, financial figures were provided by the SMGWA which excluded grants, exceptional items, depreciation and capital expenditure. The figures were obtained between the 7 month period April 2016 to October 2016 reflecting the financial year end of SMGWA showed the level of income, expenditure and trading deficit.
- 5.4.2 It is considered that an income directly related to aviation the airfield activity is vital to the generation of visitor income from general admissions and coach income. The financial impact of the increase in flight numbers would make a significant contribution to reducing the current trading deficit of SMGWA. The figures are year on year increases in income which will contribute to the growth of SMGWA as a leading visitor attraction over time. Together with other trading income (eg: events; venue rental) and grants/fund raising the aviation component will underpin the long-term viability of the site supporting the main objective of conservation and restoration of this heritage site.
- 5.4.3 The Council, in principle, supports proposals that contribute positively to the growth of local tourism in a sustainable manner across the District. The current proposal would attract additional visitors from outside of the District thus contributing to the local economy. As such, the development proposal would accord with policy E5 of the Local Development Plan and Chapter 3 of the National Planning Policy Framework.

#### **5.5 Impact on the Listed Buildings and the Conservation Area**

- 5.5.1 The issues regarding the impact of the development proposal on the Grade II\* listed building and the designated conservation area have been considered by the Listed Building Consent LBC/MAL/16/01143 which runs concurrently with this current planning application. However, it is not considered that the proposed development would have an impact on either the listed buildings or the Conservation Area.

#### **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Letters of representation has been received concerning the loss of privacy to private amenity spaces of dwellings by low flying aircrafts. The flightpath of the aircraft would not be changed by this application and as such the Council considers that, on balance, the proposal would not cause demonstrable harm to such a degree as to warrant refusal when considering the fall-back position of the current lawful use of the site.
- 5.6.2 The two grassed airstrip where aircraft currently land / take-off would be as existing and therefore would not have any impact on the landscaping of the area.

## **5.7 Legal Agreement**

- 5.7.1 As part of the proposal, the Applicant is currently drafting a legal agreement which would comprise of the following:-
- a) Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees (ACC).
  - b) SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimise aircraft noise disturbance from flight operations at the Aerodrome.
  - c) SMGWA will, through the mechanism of the ACC, adopt a PPR procedure which will more effectively control the flight paths to be used by visiting pilots which will provide for the banning from use of the Aerodrome by pilots who do not comply with the adopted procedure.
  - d) SMGWA will, though the mechanism of the ACC, adopt a similar procedure for homebased and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.
- 5.7.2 The Applicant has confirmed in an email correspondence dated 28 April 2017 that four elements of the above have already been implemented (b, c and d) which relates to operating procedures.

## **5.8 Other Material Considerations**

- 5.8.1 Letters of representation has been received concerning that there may be conflict of interest between relevant parties (the Council, Ex-Members etc.) regarding this site. Each application is required to be dealt with on its own merits and it is not considered that there is a demonstrable and real conflict of interest in this case. It is not uncommon for LPA to have to consider and determine applications where the Council may be an interested party, provide funding for the proposal or even be the applicant.
- 5.8.2 It is understood that the Applicant and Agent had involved the local community by presenting their proposal to parish councils that would be affected by the development proposal.
- 5.8.3 It is noted that concerns have been raised with regards to the number of aircrafts flying in and out of the site and that the Applicant is in breach of planning conditions imposed under planning application 09/00250/FUL. This was brought to the Council's attention during the process of this current application which was never raised previously or prior to the submission of this application and the Planning and Enforcement Team are looking into this matter; this is not a material consideration of any demonstrable weight when determining this application.
- 5.8.4 The Council had a meeting with the Chairman of the Stow Maries Parish Council on 24 May 2017. At the meeting, it was discussed that there was no objections to the

museums and the odd flight demonstration. Concerns were raised with regards to the number of flights landing and taking off as in the 2009 planning application, Condition 14 had specifically stated that there shall be no more than 12 aircraft movements (take-offs and landings) and this number has been exceeded. Also, the Parish Council had raised concerns regarding the noise report as the tests carried out were too far from the site and the hiring out of the hangers in order to raise funds for the aerodrome. These issues have been addressed within the report.

## 6. ANY RELEVANT SITE HISTORY

- FUL/MAL/09/00050 – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- FUL/MAL/09/00237 – Emergency services access way. Approved: 22.05.2009
- FUL/MAL/09/00239 – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009
- FUL/MAL/09/00250 – Re-instatement of airfield and erection of aircraft hanger. Approved: 15.06.2009
- CON/MAL/09/00251 – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangers. Approved: 22.05.2009
- FUL/MAL/09/00252 – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009
- FUL/MAL/09/00300 – Proposed Aircraft Hanger. Approved: 12.06.2009
- FUL/MAL/09/00413 - Construction of 3 ponds and related access-ways. Approved: 10.07.2009
- FUL/MAL/09/00696 - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009
- 09/00699/FUL - New and replacement huts for WW1 Museum. Approved: 06.10.2009
- FUL/MAL/11/00429 - Erection of temporary aircraft hangar. Approved: 28.09.2011
- FUL/MAL/14/00574 - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- LBC/MAL/14/00575 - Retrospective application for erection of temporary hanger (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- LBC/MAL/15/00830 - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015
- LBC/MAL/15/00832 - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015

- FUL/MAL/16/00306 - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- LBC/MAL/16/00307 - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- LBC/MAL/16/01143 - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration
- LBC/MAL/16/01155 - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors, windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council  | Comment  | Officer Response   |
|--------------------------------|--|--|
| North Fambridge Parish Council | No objection to the application  | Noted  |
| Purleigh Parish Council        | Objects to the application for the following reasons:- <ul style="list-style-type: none"> <li>• Detrimental to the amenities and quality of life</li> <li>• Unacceptable increase / intensification use of the site</li> <li>• Impact on the rural setting</li> <li>• Possible commercial use of the site in the future</li> <li>• Threat to public safety</li> <li>• Control over special event flying days would not safeguard surrounding Parishes</li> </ul> | Noted in Sections 5.1.3, 5.1.5, 5.2                        |
| Stow Maries Parish Council     | Object for the following reasons: <ul style="list-style-type: none"> <li>• Increase in the number of flight activity at the airfield</li> <li>• There is no justification</li> </ul>   | Noted in Sections 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.9, 5.8.1 |

| Name of Parish / Town Council | Comment  | Officer Response |
|-------------------------------|--|------------------|
|                               | <p>for the increase</p> <ul style="list-style-type: none"> <li>• The increase would be in excess of a commercial airfield</li> <li>• The flight paths and operations in the vicinity of the airfield is misleading</li> <li>• Aircrafts has performed aerobatics and multiple formation low flying manoeuvres which contravenes CAA regulations</li> <li>• Visitors have been arriving via Crows Lane. This lane is unsuitable as it is a single track lane.</li> <li>• Concerns of individual invested interests</li> <li>• The possible conflicts of interest between the Trustees/ECC/MDC in light of the grant funding between these bodies</li> </ul> |                  |
| Cold Norton Parish Council    | <ul style="list-style-type: none"> <li>• There would be no adverse effect for Cold Norton</li> <li>• The Aerodrome is an asset to the village.</li> </ul>  | Noted            |

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

| Name of Statutory Consultee / Other Organisation | Comment  | Officer Response |
|--|--|------------------|
| Chelmsford City Council                          | No objection to this proposal  | Noted            |
| ECC Suds Team                                    | The Airfield will continue using the existing runways which are entirely grass, and using existing buildings at the site which are to be restored and preserved in their World War 1 format. | Noted            |

| <b>Name of Statutory Consultee / Other Organisation</b>                              | <b>Comment</b>   | <b>Officer Response</b>                                      |
|--|--|--|
|  | The above development does not propose to introduce new impermeable areas. ECC therefore will not be providing any specific comments on the surface water drainage for this application. |  |
| Highways Agency England (East) – Development affecting trunk roads and special roads | No objection   | Noted  |
| Historic England   | No objection as the extension to the flying hours would not be harmful to the significance to this site  | Noted in LBC/MAL/16/01143                                    |
| Essex County Fire & Rescue Service   | The access Fire Service is considered satisfactory   | Noted  |
| ECC Highways   | No objection subject to conditions   | Noted  |
| Civil Aviation Authority   | Consulted on 1 November 2016 – No reply at the time of writing this report   | Any comments received will be reported on the Members Update |
| Essex Police   | Consulted on 1 November 2016 – No reply at the time of writing this report   | Any comments received will be reported on the Members Update |
| Public Footpath Officer  | No objection subject to condition  | Noted in Section 8 of the report.                            |
| Environment Agency   | Consulted on 1 November 2016 – No reply at the time of writing this report   | Any comments received will be reported on the Members Update |
| Danbury Parish Council   | No objection. The application should be a temporary consent so the Council can reassess the impact of the development in the near future   | Noted  |
| South Woodham Ferrers Town Council   | South Woodham Ferrers Town Council has no objection to this planning application as there is no adverse effect for South Woodham Ferrers and the Aerodrome is an asset to the area.      | Noted  |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b>                                      |
|---|---|--|
| Woodham Ferrers And Bicknacre Parish Council            | Consulted on 6 December 2016 – No reply at the time of writing this report  | Any comments received will be reported on the Members Update |
| RAF Wattisham   | Consulted on 22 December 2016 – No reply at the time of writing this report | Any comments received will be reported on the Members Update |
| London Southend Airport                                 | Consulted on 22 December 2016 – No reply at the time of writing this report | Any comments received will be reported on the Members Update |
| Southend Borough Council                                | Consulted on 27 October 2016 – No reply at the time of writing this report  | Any comments received will be reported on the Members Update |

### 7.3 Internal Consultees (*summarised*)

| <b>Name of Internal Consultee</b> | <b>Comment</b>  | <b>Officer Response</b>   |
|-----------------------------------|---|---------------------------|
| Conservation Officer              | No objection to the unconditional grant of permission for these applications. The proposals will cause no harm to the significance of the Grade II* listed buildings or to the special character and appearance of the conservation area. | Noted in LBC/MAL/16/01143 |

### 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:

- Robert Archer, 26 The Fairways Cold Norton Essex
- A J Chappell, The Limes Church Lane Stow Maries Essex
- Mrs R V Chappell, The Limes Church Lane Stow Maries Essex
- JB & LE Cooper, GW Cooper (Farms) Ltd Wickhams Farm Danbury Essex
- Mr M Cooper, 1 Eves Villas Main Road Bicknacre
- D Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh
- Neil Gilmore, Pear Tree Cottage Woodham Road Stow Maries Essex
- Mrs G P Green, 1 Ridley Cottages Woodham Road Stow Maries Essex
- Mr Henry Harris, Glebelands Church Lane Stow Maries Essex
- Mr Simon Hollington, Wellinditch Farm Woodham Road Stow Maries Essex
- Jane Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh
- Ms J Liell, Crouch View Woodham Road Stow Maries Chelmsford

- Local Residents C/O Peter Brady, The Planning Law Practice Wood End 20 Oaklands Park Bishops Stortford Hertfordshire
- Andrea Lyons, Goodview Howe Green Road Purleigh
- Roy & Sandra Martin, Scarr Cottage Woodham Road Stow Maries Essex
- Duncan McNeill, VMVM Ltd, Blagdon, 32 Peartree Lane, Danbury, Essex
- Mrs S Middleton, The Crib Hackmans Lane Cock Clarks Purleigh
- Mr P O Nolan, 12 Gepp Place Chelmsford Essex
- Jane O'Dell, 54 Hamberts Road South Woodham Ferrers Chelmsford
- Ashley J Parrott, Stapleford Woodham Road Stow Maries
- Michael Partridge, Stow Hall Farm Woodham Road Stow Maries Essex
- Mr Chris Perry, 7 Dolafon Benllech
- Mr Mike Potts, 2 Furze Road Maidenhead
- Gavin Strathern, Spar Hill Farm Chelmsford Road Purleigh Essex
- Mr & Mrs Sutton, Farthingale Farm Hackmans Lane Purleigh Essex
- Denise & Michael Warr, The Warren Hackmans Lane Purleigh Essex
- Phyllis & David Warr, The Crib Bungalow Hackmans Lane Cock Clark
- Dr R Woodcock, Oakleigh Lodge Hackmans Lane Purleigh
- The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire

| <b>Objection Comment</b>   | <b>Officer Response</b>  |
|--|--|
| The proposal is outside the remit of the original plan for the restoration of this Great War site  | Noted. The points raised in the letters of representations have been addressed in the report |
| The planes being flown are not Great War biplanes but more modern aircraft, where do these fit in to the ethos of a Great War aerodrome? |  |
| The proposed aircraft movements are excessive and the flying times too extensive   |  |
| The proposal will push the aerodrome into a much more commercial position, not benefiting the community                                  |  |
| This will lead to an ever escalating increase in flights   |  |
| It will disturb the locals human right to a peaceful existence   |  |
| Safety concerns due to low flying aircraft over the village, already breaching existing conditions                                       |  |
| Traffic and access concerns on roads leading to Aerodrome  |  |
| Increased noise levels, from already disturbing levels   |  |
| Security concerns that the larger operation the more likely it will become a target for terrorist activity                               |  |
| Concerns of individual invested interests  |  |
| Concerns with the lack of communication with local residents   |  |
| There is no annual cap of the flight movements in the application  |  |

| <b>Objection Comment</b>   | <b>Officer Response</b> |   |
|--|-------------------------|---|
| Concerns regarding number of movements per annum   |                         |   |
| Southend Airport should have been consulted  |                         |   |
| Concerns over nuisance to livestock and horses   |                         |   |
| The historic value of the aerodrome comes from its WWI heritage. It was never meant to facilitate commercial numbers of flights and to do so would reduce its historic value significantly                 |                         |   |
| For any increase in the number of flights to be implemented there has to be a change in the Planning landscape between when the original capped numbers of flights were approved (but restricted), and now |                         |   |
| The possible conflicts of interest between the Trustees/ECC/MDC in light of the grant funding between these bodies   |                         |   |
| It needs to be decided how enforcement of flight numbers is to be implemented  |                         |   |
| I do not believe enough time has been allowed for Public Consultation of a scheme of this gravity  |                         |   |
| Concerns regarding noise and air pollution   |                         |   |
| The application is inaccurate, lacks rigor and clarity   |                         |   |
| The flights are causing a damaging effect on my house and garden, which must cause loss of value to my property  |                         |   |
| There is no attempt in the application to assess the impact of the increased flight movements on the surrounding area  |                         | Noted. The points raised in the letter of representations have been addressed in the report |
| There is no attempt in the application documents to show why the increase in flying activity is necessary in order to secure the maintenance of the Airfield site  |                         |   |
| It will impact adversely on my clients' business expansion plans and on the Council's aspiration to create a 'Wine Tourism Area'   |                         |   |
| Concerns regarding options for economic sustainability   |                         |   |
| Could the pathway taken by the planes take a route over water?   |                         |   |
| Concerns regarding long term management structure of the Aerodrome   |                         |   |
| Recent activities have often involved modern aircraft flying in formation and performing aerobatic stunts totally unconnected with the use of the site as a Great War Museum                               |                         |   |
| The site is adjacent to a bridleway and footpath   |                         |   |
| The storage of the club planes and movement of additional planes would be detrimental to the area  |                         |   |
| Loss of privacy when planes are flying low   |                         |   |
| Impact on local businesses / future local investment at stake as the proposal would disturb, destroy and distract the environment and sense of place essential to the success of a vineyard destination    |                         |   |

Further letters of objection were received from:-

- Jane Flemming, Great Whitmans Farmhouse Hackmans Lane Purleigh dated 2 May 2017
- Mr Antony and Rita Chappell, The Limes Church Lane, Stow Marie, Essex dated 24 April 2017
- The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire dated 11 April 2017, 4 May 2017 and 9 May 2017.

| Objection Comment  | Officer Response                            |
|--|---|
| <ul style="list-style-type: none"> <li>• The noise report is slightly confusing as the document bases its conclusion on the original number of flight movements granted in 2009</li> <li>• In 2009, 360 flight movements per year was allowed and flights were capped at that amount</li> <li>• The noise report is invalid as it is not true or accurate</li> <li>• The noise level was taken some distance away from site and flight path</li> <li>• Aircraft used for the test was not a vintage one which would be noisier</li> <li>• The increase in flights amount to very serious disturbance</li> <li>• The noise report is inaccurate</li> <li>• Confusion over the number of landings / take-offs</li> </ul> | <p>The comments are noted in the report</p> |

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:

- Dr Bruce Alexander, Cheirson Medical 9 De Havillands Bekesbourne Kent
- Ms Maggie Appleton, Royal Air Force Museum Grahame Park Way London
- Mr Trevor Archer, 125 High Road North Weald Epping Essex
- Mr Ron Armitage, Holly Tree Cottage Waldershare Road Ashley Dover Kent
- Barry Davies, 7 Norfolk Close Maldon Essex
- Mr Roger Barrett, Bradwell Hall Lodge Maldon Road Bradwell-On-Sea Essex
- Mr Jon Bastin, 10 Corn Croft Warfield Bracknell
- Mr Mark Batin, The Vicarage Church Road Bembridge
- Mr Peter Benest, Little Farm Hamstead Marshall Newbury
- Mr David Blaxland, 46 Northville Drive Westcliff on Sea
- Mrs Trudy Bongard, 16 Fennfields Road South Woodham Ferrers
- Mr Russell Bost, Sweet Briar Lake Drive Benfleet
- Dr Ian Brierley, 21 Heron Close Sawbridgeworth

- Mr Andrew Broadfield, 24 Nipsells Chase Mayland Essex
- Mr David Broom, 150 High Street Walkern
- Mr David Brothers, 12 Sutherland Avenue Biggin hill Kent
- Mr Angus Buchanan, Standen Farm, Smarden Road Biddenden Ashford
- Mr David Bull, 112 Fawe Park Road Putney
- Paul Catanach, 1 Perowne Way Puckeridge Herts
- Mr Russell Chambers, 31 Savoy Wood Harlow
- Mr Geoffrey Charge, 10 Chestnut Close Burnham-On-Crouch Essex
- Mr Dale Chisholm, 2 Conifers Benfleet ss72jr
- Mr John Coker, Barnfield Cottage Mapledrakes Road Ewhurst, Cranleigh
- Ms Siobhan Collis, 14 The Westerings Great Baddow Essex
- Mr Vincent Cullane, Hackmans Lane Essex
- Mrs Margaret Dann, 129 Downhall Park Way Rayleigh
- Mr Terry Dann, 129 Downhall Park Way Rayleigh
- Mr David Davies, 1 Eliot Way Maldon Essex
- Mr Terence Davies, 23 Steyning Avenue Southend-on-Sea
- Mr Callum Dodds, 8 Bellrope Meadow Sampford Road Thaxted
- Mr Anthony Eastwood, 87 Bush Road East Peckham Tonbridge
- Mr Bob Ellis, 9 Heritage Park Haverfordwest
- Mr G Everett, 1 Home Fm Cott Sandway Maidstone
- Leia Fee, 76 Hunter Street Neath
- Mrs Lisa Fell, 1 Cowdrie Way Chelmsford
- Dr Niall Ferguson, 17 Crawley Wood Close Camberley
- Mr David Flower, 2 Elm Avenue Heybridge Essex
- Mr Richard Forsythe, 3 The Willows North Warnborough Hook
- Mr Michael Fortescue, 14 Hambrook Street Cheltenham
- John Foster, 95 Cavendish Gardens Westcliff On Sea Essex
- Mr Robert Gardner, Three Greens High Street Stebbing
- Mr John Gilbert, Highland Cottage Inworth Lane Wakes Colne
- Mr Andrew Goldsmith, 11 The Maltings Rayne Braintree
- Mr Peter Gorman, Enniskillen Airport Trory Enniskillen
- Prof Michael Grantham, 133 Westbrook Ave Margate
- Mr Timothy Griffiths, 161 Dovehouse Drive Wellesbourne
- Alan Grimwood, 14 Fennfields Road South Woodham Ferrers Essex
- Mr Lawrence Grundy, Idlewild Warley Road Great Warley Brentwood
- Mr Paul Gunn, Sandles cottage Moreton in marsh
- Mr Gareth Hardwick, 50 Beech Lane Earley Reading
- Mr Adrian Hatton, Rectory Farm Newark Road, Averham Newark
- Mr Nigel Hitchman, 24 Tarvars Way Adderbury
- Mr Dave Hollowell-Geddes, 96 Galleywood Road Great Baddow

- Mr Roy F Hunt, 8 Devonshire Road Southminster Essex
- Mr Barry Hunter, 21 Barnard Meadows Kirton-in-Lindsey Gainsborough
- Mr Peter Huxley, 13, Trumpet House Godfrey Walk Ashford
- John Jacomb, 146 Churchfields North Shoebury Essex
- Mr Daniel Jaffa, 36 copper beech close Ilford Essex
- Mr Clive James, Tucks Cottage Walcott Road Bacton, Norfolk
- Christopher Jesson, 23 Bankfields, Headcorn, Ashford, Kent
- Mr Mark Jones, 21 Ash Walk Stradishall Newmarket
- Mr Nigel Kemp, 15 Panfield Lane Braintree Essex
- Mr David Lambert, 36 Heath Drive Moulsham Lodge Chelmsford
- Mr Phil Laycock, 65 imperial Avenue Westcliff-on-Sea
- Mr David Leggett, 47 St Gilbert's Road Bourne
- Mr Jeremy Liber, Greenways Farmhill Crescent Stroud
- John Luck, 714 London Road Larkfield Aylesford Kent
- Geoffery Marchant, 28 Rettendon Gardens Wickford
- Mr Jonathan Marten-Hale, 1 Park Road Roxton Bedford
- Rev Karl Martin, 210c Ravensbourne Ave Beckenham Kent BR3 5HG
- Mr C.P. Martyr, Rose Cottage Bonfire Lane Horsted Keynes
- Mr Tom McCormack, 1 Vicarage Gardens White Waltham Maidenhead
- Mr Bill Merry, Valedene Bluebell Lane Sharpthorne
- Mr Nick Miller, 14 Homelands Grove Ramsden Heath Billericay
- Mr David Miller, 55 High Street Orwell Royston
- Mr John Milner, Meadow House Baunton Cirencester
- Mr Steve Moore, 31 Connaught Way Billericay
- Mr Colin Moore, 16 King Edwards Road South Woodham Ferrers Chelmsford
- Mr Stephen Morley, 15 Hobbiton Hill South Woodham Ferrers
- Mr Timothy Murray, 3 Marconi Bungalows high Road North Weald Epping
- Mr Nicholas Ellis, 61 Holmesdale Road Burgess Hill
- Mr Michael Negus, 57 Ploughmans Way Rainham
- Mr James Newman, Reeds The Street Benenden
- Mr Andrew Oliver, Middlewick Old Surrey Hall East Grinstead
- Ms Nic Orchard, 150 Gladstone Road Deal
- Mr Philip Perry, 14 Glebe Close Newent
- Mr Philip, 56 Vine Road Tiptree Colchester
- Mr Richard Piper, 16 Lincoln Green Alton
- Mr Rob Perry, 21 Coach mews Kingswinford
- Mr Nigel Read, 48 The Platters Gillingham
- Mr Paul Redman, 37 Fitzwalter Road Dunmow
- Mr Michael Rees, 49 Gloucester Avenue Maldon
- Mr John Rose, The Duckhouse Aylesbury

- Dr John Scott, 15 Wisteria Drive Evesham
- Ms Rosemary Simpson, 53 Lindenthorpe Road Broadstairs
- Mr Gary Smith, 7 The Crescent Kemsley Sittingbourne
- Roger Smith, 11 Memory Close Maldon Essex
- Mrs Jackie Sparrow, 11 Silver St Guilden Morden
- Mr Neil Spooner, Spoopers Frating Road Ardleigh
- Mr Denis Stretton, 8 Johnston Way Maldon Essex
- Mr Chris Tansley, 14 Alma Road Snettisham Kings Lynn
- Mr John Tietjen, 75 Rushleydale Springfield Chelmsford
- Mr Richard Tyler, 13 Sherwin Crescent Farnborough
- Mr Robert Underwood, Waterways 2 Chandlers Quay Maldon Essex
- Mr Robert Walker, South Moor Farm Langdale End Scarborough
- Mr John Walls, 11 South Lodge Mews, Midway Swadlincote
- Ms Joan Walsh, 37 St Nazaire Rd Chelmsford
- Mr Richard Warriner, 21 Strand Meadow Burwash Etchingham
- Mr David Watts, 58 Salisbury Road Tonbridge
- Mr Peter Weber, La Hinguette St Brelade Jersey
- Mr Sam Whatmough, Idlers Dockett Eddy Chertsey
- Mr Richard Woodford, Bramblecroft Moor Hall Lane Danbury
- Mr Sam Worthington-Leese, 134 Brougham Road Worthing
- Dr Andrew Zmyslowski, 38 Meadows Reach Penwortham

| Supporting Comment  | Officer Response |
|---|------------------|
| Preserves one of the few remaining historically important RAF aerodromes  | Noted.           |
| The aerodrome offers many benefits to the community and educates young people, schools and future generations                                   |                  |
| It will bring more visitors and help to further support local businesses  |                  |
| Should Stow Maries not survive, Retention as an aerodrome would reduce the risk of losing the site to housing development                       |                  |
| It gives opportunities for visitors to understand the lives of the people who lived, worked, fought and flew from there during the Great War    |                  |
| Active flying, particularly of WW1 aircraft, brings the site to life and is an important part of its role as a site of learning and inspiration |                  |
| It's a unique piece of "living history"   |                  |
| Increasing the number of flights seems logical  |                  |

| <b>Supporting Comment</b>  | <b>Officer Response</b> |
|--|-------------------------|
| for the sustainability of the attraction. Thus enhancing safety as will allow for increased test/check flying  |                         |
| The very modest increase in movements proposed will be barely noticed by the few local residents, but will help to ensure the sustainability of the site                                 |                         |
| The aircraft in question are generally slow flying and small with a single piston engine   |                         |
| The requested number of flight movements would provide much greater flexibility of operations for the SMGWA Trust than exist at present  | Noted.                  |
| The size and physical layout of the grass aerodrome is finite and therefore self-limiting so it could only ever be used by light aircraft and vintage types                              |                         |
| The aerodrome's status as an important wildlife habitat would be undiminished as the resident species are unperturbed by any of the flying activities                                    |                         |
| The special atmosphere is enhanced by the flying activity, both visiting aircraft and the small-scale air displays   |                         |
| Allegations that we fly over residential properties or at altitudes below those permissible are false, the Aerodrome require specific permission from the CAA (Civil Aviation Authority) |                         |
| IWM Duxford and the Shuttleworth Collection have demonstrated how a 'fly-in' facility enhances the museum experience for all visitors not just visiting pilots                           |                         |
| In addition to volunteers it generates work  |                         |
| With no increase in permitted movements I feel that the Aerodrome will slowly stagnate   |                         |
| There are more unusual aeroplanes wishing to visit the Aerodrome and without the increase this will not be permitted   |                         |
| The suggestion that the movements will rival Southend are ludicrous  |                         |
| To correct objectors, driving a car or motorcycle  |                         |

| <b>Supporting Comment</b>   | <b>Officer Response</b> |
|---|-------------------------|
| kills far more people than light aircraft   |                         |
| I live within a couple of miles of the site and we enjoy seeing the light aircraft go over and would like to support the growing popularity of this unique historic site  |                         |
| Airfields, as relatively undeveloped areas, offer a haven for all sorts of wildlife & Stow Maries harbours many such creatures  |                         |
| It would be very rare to use the maximums requested (possible due to weather), but those maximums need to be set or the airfield could, very occasionally, be in breach of them if set lower                              |                         |
| The aerodrome is enjoyed by the population locally, nationally and internationally  |                         |
| There is very little pollution from the vintage aircraft compared to modern day vehicles, and noise levels are virtually non-existent   | Noted.                  |
| As the airfield is in open, very sparsely populated countryside well away from any large centers of population, the number of people affected will be very small  |                         |
| Stow Maries would be a fairly lifeless museum without its flying side, which is after all its true heritage   |                         |
| Suggestions made to alleviate noise and nuisance concerns   |                         |
| The surface and length of the grass airstrip at Stow Maries inherently precludes the use of any larger aircraft than the vintage and light aircraft so there is no danger of it "creeping" towards a commercial operation |                         |
| There is no negative environmental impact   |                         |
| This site provides amenity, training opportunities and facilities for private pilots  |                         |
| Many people gain huge enjoyment from air shows and their contribution can enhance historical knowledge and activities of the museum and aviation  |                         |
| Some members of the public actually like to see aircraft flying   |                         |

| <b>Supporting Comment</b>  | <b>Officer Response</b> |
|--|-------------------------|
| Planning authorities are encouraged in NPPF to 'deliver the social, recreational and cultural facilities and services the community needs'         |                         |
| Stow Maries Great War Aerodrome is the ONLY surviving - in tack - Great War Aerodrome & was built to protect the surrounding country side          |                         |
| A great deal of time and effort has gone into safeguarding this site   |                         |
| Increasing the flights has the added benefit to locals as it reduces road traffic in the small winding lanes                                       |                         |
| The restoration and on-going maintenance of the site is an expensive and historically crucial activity and visitors are vital for its funding      |                         |
| Visitors from other parts of the country, and overseas, will be more likely to visit if they have the option to fly in.                            | Noted.                  |
| Those who fly are anxious to avoid unnecessary noise disturbance to those around us as we hope these events will be able to continue in the future |                         |
| The airfield owner's efforts to preserve this historic site should be welcomed   |                         |
| To continue preserving and enhancing the site more capital is required   |                         |
| Aircrafts flying 'in' and 'out' of the site is governed by weather conditions  |                         |

**8. PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF SECTION 106 AGREEMENT**

**Heads of Terms of Section 106 Agreement**

- A. Within 2 months of the resolution to grant planning permission in the terms specified in the 2016 Planning Application SMGWA will, in discussion with Maldon District Council and other interested parties set up an Aerodrome Consultative Committee in accordance with current DoT Guidelines on Aerodrome Consultative Committees (ACC).
- B. SMGWA will, through the mechanism of the ACC adopt a revised Standard Operating Procedure to optimise flight paths and other procedures to minimize aircraft noise disturbance from flight operations at the Aerodrome.

- C. SMGWA will, through the mechanism of the ACC, adopt a PPR procedure which will more effectively control the flight paths to be used by visiting pilots which will provide for the banning from use of the Aerodrome by pilots who do not comply with the adopted procedure.
- D. SMGWA will, though the mechanism of the ACC, adopt a similar procedure for homebased and display pilots to comply with Standard Operating Procedures which will provide for the banning of pilots who do not comply with the adopted procedure.

**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 The site access on Hackmans Lane at its centre line shall retain a clear to ground visibility splay with dimensions of 2.4 metres by 180 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall remain free of any obstruction at all times.  
REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy T2 of the Maldon District Replacement Local Plan, policy T2 of Maldon District Local Development and the National Planning Policy Framework
- 4 The public’s rights and ease of passage over footpaths no 243\_3 and 243\_5 (Cold Norton) and bridleway no 243\_7 (Cold Norton) shall be maintained free and unobstructed at all times.  
REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance policy T2 of the Maldon District Replacement Local Plan, policy T2 of Maldon District Local Development and the National Planning Policy Framework.
- 5 The airstrip is only to be used by fixed wing propeller driven aircraft. Gliders and Helicopters, other than emergency service or military aircraft, shall not be permitted to use the airfield except in emergencies or during “Special Flying Event Days”.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 6 Except in an emergency, no take offs or landings shall be permitted before 08:00 hours on any day or after 20:00 hours or sunset whichever is earlier.

- REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 7 In the Winter months of November to April inclusive there shall be no more than 25 landings and 25 take offs per day.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 8 In the Summer months of May to October inclusive there shall be no more than 25 landings and 25 take offs per day on weekdays.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 9 In the Summer months of May to October inclusive there shall be no more than 50 landings and 50 take offs per day on Saturdays, Sundays and Bank Holidays subject to an additional allowance of a further 25 landings and 25 take offs per day on up to and including 4 “Special Flying Event Days” during that period.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 10 A record of all flying activity and aircraft based at the site shall be maintained by the airfield operator and made available in a suitable format for inspection and copying by the Local Planning Authority at any reasonable time. Such record shall include dates, times, description of activity, aircraft type and details of any public complaint associated with the flight movement.  
REASON: To allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 11 Aerobatics will only be permitted on Special Public Event Flying Days with Civil Aviation Authority (CAA) approval.  
REASON: In the interest of safety to allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 12 No flying activities or other commercial training flights shall operate from the site.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District

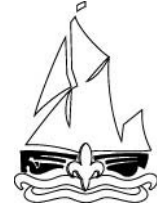
- Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 13 No charter or fare paying flights shall operate from the airfield.  
REASON: To ensure that the activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 14 On the first anniversary of the approval and every two years thereafter the applicant shall demonstrate to the satisfaction of the Local Planning Authority using actual flight records that the LOAEL of 50dB LAeq 12hr has not been exceeded at any property in the vicinity of the airfield except on “Special Flying Event Days”. In the event that an exceedance is identified the applicant shall prepare and implement a noise reduction plan to further control the number and or type of aircraft using the airfield such as the 50dB LAeq 12 hour is not exceeded at any noise sensitive property.  
REASON: To allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.
- 15 There shall be no more than 8,000 aircraft movements in any one calendar year.  
REASON: To protect the amenities of the occupants of nearby dwellings and the amenity of the countryside for all in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of Maldon District Local Development and the National Planning Policy Framework.

### **INFORMATIVES**

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:-

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.



**REPORT of  
CHIEF EXECUTIVE**

---

**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
12 June 2017**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>LBC/MAL/16/01143</b>  |
| <b>Location</b>                                       | Stow Maries Aerodrome Hackmans Lane Cold Norton Essex  |
| <b>Proposal</b>                                       | Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days. |
| <b>Applicant</b>                                      | Ms Sarah Threlfall - TMA Chartered Surveyors   |
| <b>Agent</b>  | The Trustees - Stow Maries Great War Aerodrome Trust   |
| <b>Target Decision Date</b>                           | 24.01.2017   |
| <b>Case Officer</b>                                   | Yee Cheung, TEL: 01621 876220  |
| <b>Parish</b>   | <b>COLD NORTON</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In   |

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Stow Maries Aerodrome - Hackmans Lane**  
Cold Norton FUL/MAL/16/01142 & LBC/MAL/16/01143



|   |               |                         |
|---|---------------|-------------------------|
| <br><b>MALDON DISTRICT COUNCIL</b><br><b>Copyright</b><br>For reference purposes only.<br>No further copies may be made.<br>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.<br>Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br>Maldon District Council 100018588 2014 | Scale:        | 1:5,000                 |
|   | Organisation: | Maldon District Council |
|   | Department:   | Planning Services       |
|   | Comments:     | NW Committee            |
|   | Date:         | 01/06/2017              |
|   | MSA Number:   | 100018588               |
| www.maldon.gov.uk   |               |                         |

### **3. SUMMARY**

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

- 3.1.1 Stow Maries Aerodrome is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete WWI aerodrome in Europe, and is therefore of outstanding architectural and historic and significance. It is a conservation area and 24 of the surviving buildings are Grade II\* listed.
- 3.1.2 Listed Building Consent is sought for the operational arrangements for the use of the airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days.

#### **3.2 Conclusion**

- 3.2.1 On balance, it is considered the above proposal would not cause harm to the significance of the listed aerodrome in accordance with Policies BE1 and BE16 of the adopted local plan; Policy D3 of the Maldon District Local Development Plan; and Government advice as contained within the NPPF. Listed Building Consent should therefore be granted subject to conditions.

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- Chapter 12 of the National Planning Policy Framework 'Conserving and Enhancing the Historic Environment'

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1
- BE13
- BE16

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

- S1
- D1
- D3

#### **4.4 Relevant Planning Guidance / Documents:**

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of development will be assessed in the concurrent planning application FUL/MAL/16/01142 submitted alongside this Listed Building Consent application. The only matters to consider here are therefore the impact of the proposed development on the heritage assets, namely the character and appearance of the Conservation Area and the setting of the group of Grade II\* Listed Buildings.

### **5.2 Impact on the Conservation Area and Listed Buildings**

- 5.2.1 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the National Planning Policy Framework (NPPF), the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.2.2 In addition to the above, Policy BE16 of adopted Maldon District Replacement Local Plan states alterations to listed buildings must not “harm the building, its setting and any features that contribute to its special architectural or historic interest”. This policy is also reflected in Policy D3 of the Maldon District Local Development Plan (LDP).
- 5.2.3 The entire site of the aerodrome is designated as a conservation area. It is therefore essential to ensure that any new development, whether of a permanent or temporary nature, protects or enhances the special interest and character of the conservation area. Policy BE13 of the adopted local plan requires that new development is designed appropriately for the conservation area, and does not cause harm to important landscape features, open space or views in to or out of the conservation area. This is again reflected in Policy D3 of the LDP which sets comparable requirements in aiming to protect conservation areas as a form of heritage asset and the NPPF equally seeks to protect heritage assets, recognising the importance of their designation.
- 5.2.4 Planning application and Listed Building Consent propose changes to the operational arrangements for the use of the airfield at Stow Maries. The aerodrome is a site of exceptional importance as the best preserved Royal Flying Corps aerodrome from the First World War in the country. Although some of the women’s hostels, a number of temporary buildings and the hangers themselves have been lost, the majority of the aerodrome’s buildings survive, as does the parade ground and flying field. The site is listed Grade II\* on account of its special architectural and historic interest.
- 5.2.5 The proposal is to extend the flying hours at the airfield. Concerns have been raised regarding the increase in the use of the site by private aircraft, and would be at odds with the aims and ethos of the aerodrome, thus irrevocably alter the ‘unchanged rural setting’. The Listed Building Consent, if approved, would set a dangerous precedent and pave the way for even greater intensification of the use of the site and its commercialisation in the future. Whilst this may be the case, it could also be argued that as an airfield, flying could contribute to the character and experience of the place

and as such it is not considered that an increase in the flying hours proposed would be harmful to the significance of site.

- 5.2.6 Historic England (HE) was consulted and supports the beneficial use of the airfield and the on-going repair of the buildings, as demonstrated by the grant awards HE have made to the aerodrome in recent years. Further, HE have advised that if the extension of the flying hours supports the current use of the site and helps to generate income towards the preservation of the site then the proposal could be said to support the viable use of the site consistent with its conservation. Paragraph 131 of the National Planning Policy Framework encourages local authorities to sustain and enhance the significance of heritage assets and put them to uses consistent with their conservation. This would also comply with policies BE13 and BE16 of the adopted local plan and policy D3 of the LDP which seeks to safeguard and enhance the historic environment.
- 5.2.7 The Conservation Officer has also raised no objection to the proposal and has advised to grant Listed Building Consent. The proposal would not cause harm to the significance of the Grade II\* listed buildings or to the special character and appearance of the conservation area in accordance with policies BE13 and BE16 of the adopted local plan and policy D3 of the LDP.

### **Other Considerations**

- 5.2.8 It is noted that majority of the letters of representation received for this Listed Building Consent, both objecting and supporting the proposal, are related to the principle of development and planning considerations. These planning considerations will be assessed by the concurrent planning application FUL/MAL/16/01142 as the extension of flying hours would raise other planning matters which falls outside HE's and the Conservation Officer's remit.

## **6. ANY RELEVANT SITE HISTORY**

- FUL/MAL/09/00050 – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- FUL/MAL/09/00237 – Emergency services access way. Approved: 22.05.2009
- FUL/MAL/09/00239 – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009
- FUL/MAL/09/00250 – Re-instatement of airfield and erection of aircraft hangar. Approved: 15.06.2009
- CON/MAL/09/00251 – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangers. Approved: 22.05.2009
- FUL/MAL/09/00252 – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009
- FUL/MAL/09/00300 – Proposed Aircraft Hanger. Approved: 12.06.2009
- FUL/MAL/09/00413 - Construction of 3 ponds and related access-ways. Approved: 10.07.2009
- FUL/MAL/09/00696 - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009

- 09/00699/FUL - New and replacement huts for WW1 Museum. Approved: 06.10.2009
- FUL/MAL/11/00429 - Erection of temporary aircraft hangar. Approved: 28.09.2011
- FUL/MAL/14/00574 - Retrospective application for erection of temporary hangar (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- LBC/MAL/14/00575 - Retrospective application for erection of temporary hangar (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- LBC/MAL/15/00830 - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015
- LBC/MAL/15/00832 - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015
- FUL/MAL/16/00306 - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- LBC/MAL/16/00307 - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- FUL/MAL/16/01142 - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration
- LBC/MAL/16/01155 - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors, windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b>  | <b>Officer Response</b> |
|--------------------------------------|---|-------------------------|
| Cold Norton Parish Council           | <ul style="list-style-type: none"> <li>• There would be no adverse effect for Cold Norton</li> <li>• The Aerodrome is an asset to the village.</li> </ul> | Noted                   |
| Purleigh Parish Council              | <ul style="list-style-type: none"> <li>• The Parish Council recognises</li> </ul>   | Noted                   |

| Name of Parish / Town Council | Comment   | Officer Response |
|-------------------------------|---|------------------|
|                               | <p>the significance and historic importance of the aerodrome which is exceptionally rare and of outstanding importance to national heritage, being the largest surviving group of Royal Flying Corps operational buildings authentic to World War One and probably the most complete surviving evidence of a First World War aerodrome in Western Europe. The site therefore has huge commemorative value as well as an important role to play in education and training.</p> <p>Members also acknowledge the importance of the aerodrome to the District, in terms of its contribution to the local economy via increased tourism and by contributing to its ‘Sense of Place’.</p> <ul style="list-style-type: none"> <li>• Members understand the Trustees’ need to increase revenue from the site, but strongly believe that this should not be achieved in ways which are detrimental to the amenities and quality of life of the nearby communities who have supported the restoration of the aerodrome since 2007 and who have freely given their time, skills and money to conserve the site as a memorial, museum and educational facility.</li> <li>• The Parish Council considers that the application in its current form, if approved, will represent an unacceptable intensification of the use of the airfield. Theoretically 21,500 aircraft movements could take</li> </ul> |                  |

| Name of Parish / Town Council | Comment  | Officer Response |
|-------------------------------|--|------------------|
|                               | <p>place each year and the increase in the use of the site by private aircraft, apart from seeming at odds with the aims and ethos of the aerodrome, would irrevocably alter the ‘unchanged rural setting’ cited in the Listed Building Heritage Partnership Agreement when describing the significance of the aerodrome (Point 3.2 Summary of significance).</p> <ul style="list-style-type: none"> <li>• Members believe that rather than increasing aircraft movements so greatly, there are other revenue streams available to the aerodrome which are not so intrusive and will not adversely affect nearby residents and their amenities. Regardless of whether this vast number of aircraft movements will actually take place, the application, if approved, will set a dangerous precedent and pave the way for even greater intensification of the use of the site and its commercialisation in the future. The proposal is therefore contrary to Policies D3 and D1 of the submitted Local Development Plan 2014-2029 (relating to Conservation and Heritage Assets and Design Quality and Built Environment respectively).</li> <li>• The intensification of air movements proposed is also unacceptable and a threat to public safety given that there is no fence between the adjacent public right of way and the runway, contrary to Policy N1 of the submitted Local Development Plan 2014-2029.</li> </ul> |                  |

| Name of Parish / Town Council  | Comment  | Officer Response |
|--------------------------------|--|------------------|
|                                | <ul style="list-style-type: none"> <li>• Members acknowledge that the District Council will have control over special event flying days which need prior approval from the Planning Authority but feel this does not provide sufficient safeguards for surrounding parishes, given the pressure the planning department and especially its enforcement officers are currently under due to staff shortages and an apparent backlog of cases.</li> </ul>  |                  |
| Stow Maries Parish Council     | <ul style="list-style-type: none"> <li>• Impact of the residential amenity caused by noise, smell and overlooking</li> <li>• Potential safety issues</li> <li>• Impact on two local access roads (Crows Lane and Hackmans Lane)</li> <li>• Is it legal for MDC to consider the application if loans have been given to the Applicant?</li> <li>• No new planning grounds to approve application but financial reasons</li> <li>• The Applicant is in breach of their flight numbers and events</li> <li>• The flight activities are currently in breach of the CAA rules and regulations</li> <li>• Detrimental to the airfield's historical sense of place</li> <li>• Introducing aircrafts that are not WWI related</li> <li>• Access via Crows Lane has led to traffic congestion, unauthorised parking and blocking of the access</li> </ul> | Noted            |
| North Fambridge Parish Council | The Parish Council has no objections to this application   | Noted            |

## 7.2 Statutory Consultees and Other Organisations (summarised)

| Name of Statutory Consultee / Other Organisation | Comment   | Officer Response   |
|--|---|--|
| Historic England                                 | No objection to the proposal and do not consider the extension of the flying hours to be harmful to the significance of the site. If it does help to support the use of the site by the Trust, we consider this would accord with paragraph 131 of the National Planning Policy Framework. The extension of flying hours will raise other planning considerations which fall outside our remit and we leave these to your authority to assess | Noted  |
| RAF Wattisham                                    | No reply at the time of writing this report   | Any comments received will be reported on the Members Update |

## 7.3 Internal Consultees (summarised)

| Name of Internal Consultee | Comment   | Officer Response |
|----------------------------|---|------------------|
| Conservation Officer       | No objection to the unconditional grant of permission for these applications. The proposals will cause no harm to the significance of the Grade II* listed buildings or to the special character and appearance of the conservation area. | 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:

- Ms Liell ‘Crouch View’ Woodham Road Stow Maries
- Dr R Woodcock, Oakleigh Lodge Hackmans Lane Purleigh Essex CM3 6RJ
- Trevor & Gill Crosby, Flambirds Farm Hackmans Lane Purleigh Essex CM3 6RN

- JB & LE Cooper, G W Cooper (Farms) Ltd Wickhams Farm Danbury Essex CM3 4FG
- Gavin Strathern, Spar Hill Farm Chelmsford Road Purleigh Essex CM3 6QP
- D Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh Essex CM3 6RW
- Jane Fleming, Great Whitmans Farmhouse Hackmans Lane Purleigh Essex CM3 6RW
- Neil Gilmore, Pear Tree Cottage Woodham Road Stow Maries Essex CM3 6SB
- Roy & Sandra Martin, Scarr Cottage Woodham Road Stow Maries Essex CM3 6SB
- Phyllis & David Warr, The Crib Bungalow Hackmans Lane Cock Clarks
- Michael Partridge, Stow Hall Farm, Woodham Road, Stow Maries, Chelmsford, Essex CM3 6SA
- Ashley J Parrott, Stapleford Woodham Road Stow Maries Essex CM3 6SB
- Andrea Lyons, Goodview Howe Green Road Purleigh Essex CM3 6PZ
- Mrs G P Green, 1 Ridley Cottages Woodham Road Stow Maries Essex CM3 6SA
- Mrs S Middleton, The Crib Hackmans Lane Cock Clarks Purleigh CM3 6RJ
- Mr M Sturgeon, 2 Eves Villas Main Road Bicknacre CM3 4HN
- Mr M Cooper, 1 Eves Villas Main Road Bicknacre CM3 4HN
- Jane O'Dell, 54 Hamberts Road South Woodham Ferrers Chelmsford Essex CM3 5TU
- Denise & Michael Warr, The Warren Hackmans Lane Purleigh Essex CM3 6RJ
- Robert Archer, 26 The Fairways Cold Norton Essex CM3 6JJ
- Local Residents C/O Peter Brady, The Planning Law Practice Wood End 20 Oaklands Park Bishops Stortford Hertfordshire

| <b>Objection Comment</b>  | <b>Officer Response</b> |
|---|-------------------------|
| <ul style="list-style-type: none"> <li>• Substantial increase in flights directly over residential properties</li> <li>• Impact on the families quality of life</li> <li>• Noise disturbance would inhibit the use of the garden</li> <li>• Property is located directly on the flight path</li> <li>• Potentially devalue our property</li> <li>• In excess of 23,000 movements a year and this will become a commercial airport</li> <li>• Helicopters are a major noise nuisance</li> <li>• No attempt to address the increased nuisance from aircraft noise, road traffic, air accidents</li> <li>• The hour of operation proposed is unreasonable</li> </ul> | Noted                   |

| Objection Comment   | Officer Response |
|---|------------------|
| <ul style="list-style-type: none"> <li>• Some of the pilots are in breach of CAA rules and fly very low and close to buildings</li> <li>• Traffic would be sharing the same lane with agricultural machinery at Crows Lane</li> <li>• Impact on wildlife</li> <li>• The airfield is struggling to accommodate visitors within the site</li> <li>• Narrow roads / tracks to the site are of concern</li> <li>• Lack of respect for the character of the area</li> <li>• A list of light aircraft crash submitted (J Fleming)</li> <li>• The noise is distressing to the elderly population with the memories of the war</li> </ul> |                  |

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 Trevor Sexton, 593 Prince Avenue Westcliff-on-Sea SS0 0JQ
- Mr Adrian Sunley, 37 St Nazaire Rd Chelmsford CM1 2EG
- Mr Jeremy Liber, Greenways Farmhill Crescent Stroud GL5 4BZ
- Mr Terry Dann, 129 Downhall Park Way Rayleigh SS6 9TP
- Paul Catanach, 1 Perowne Way Puckeridge Herts SG11 1SZ
- Mrs Margaret Dann, 129, Downhall Park Way Rayleigh SS6 9TP
- Mr Nigel Kemp, 15 Panfield Lane Braintree Essex CM7 2TH
- Mr Martin Day, Greenways 8 New Road Womersley Nr Guildford Surrey
- Mr Edward Yorston, 28 Meeson Meadows Maldon Essex CM9 6YS
- Mr Chris Perry, 7 Dolafon Benllech LL74 8UG
- Mr Barry Tempest, 2 Church Walk Kings Cliffe Peterborough PE8 6XD

| Supporting Comment  | Officer Response |
|---|------------------|
| <ul style="list-style-type: none"> <li>• Veteran aircrafts would visit / use the aerodrome</li> <li>• Who would object to a Tiger Moth or an old bi-plane flying around</li> <li>• Bringing investment to the area</li> <li>• Bringing life and vibrancy to the museum</li> <li>• If the aerodrome is severely</li> </ul> | Noted            |

| <b>Supporting Comment</b>  | <b>Officer Response</b> |
|--|-------------------------|
| <p>restricted it would limit the potential of this living museum</p> <ul style="list-style-type: none"> <li>• The restoration and on-going maintenance of the site is expensive and visitors are vital for its funding</li> <li>• The aircraft movements requested is not high</li> <li>• A circuit pattern have been drawn up to avoid local habitants wherever practical so the noise impact is kept to a minimum</li> <li>• The site is professionally managed</li> <li>• Educational</li> <li>• The local people must have known the airfield existed before moving into the area</li> <li>• The Flying Display Director makes sure that the display is run in full accordance with the CAA permission and to approved distance and heights.</li> <li>• The additional movements requested would be limited across the course of the year by weather, serviceability etc.</li> <li>• The aircraft using the Aerodrome are replicas of First World War aircraft and modern light aircraft which bear no comparison to modern, noisy, jet aircraft.</li> </ul> |                         |

**8. PROPOSED CONDITIONS**

**GRANT LISTED BUILDING CONSENT**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended 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.

## **INFORMATIVES**

This Listed Building Consent LBC/MAL/16/01143 should be read in conjunction with planning application FUL/MAL/16/01142.



**REPORT of  
CHIEF EXECUTIVE**

---

to  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**12 June 2017**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>HOUSE/MAL/17/00346</b>                              |
| <b>Location</b>                                       | Leys Manor Langford Road Wickham Bishops Essex CM8 3JQ |
| <b>Proposal</b>                                       | Retrospective - Entrance gates, brickwork and piers    |
| <b>Applicant</b>                                      | Mr Brian Jarvis  |
| <b>Agent</b>  | -  |
| <b>Target Decision Date</b>                           | 07.07.2017   |
| <b>Case Officer</b>                                   | Spyros Mouratidis, TEL: 01621 875841                   |
| <b>Parish</b>   | <b>WICKHAM BISHOPS</b>                                 |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In   |

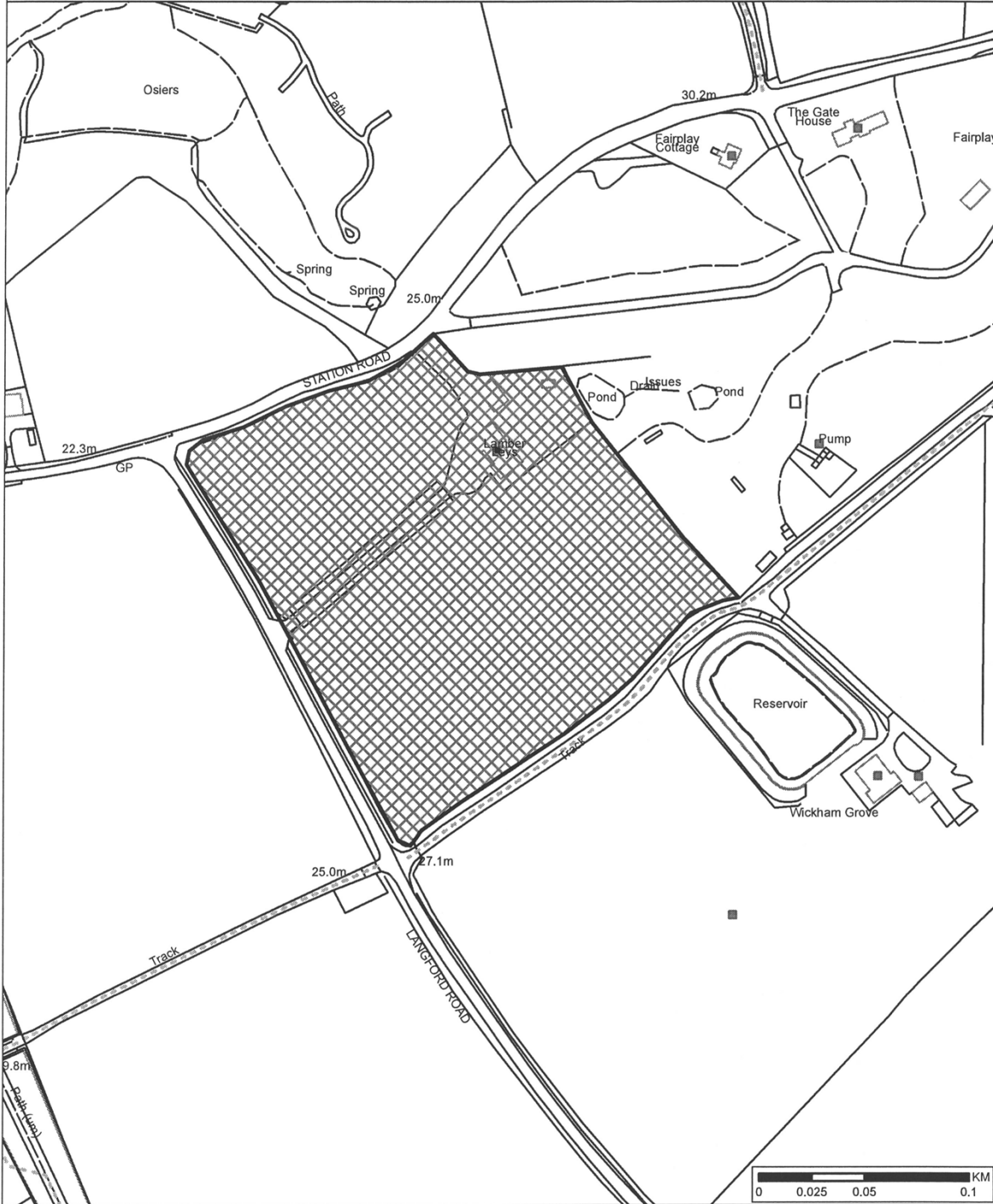
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Leys Manor - Langford Road**  
**Wickham Bishops HOUSE/MAL/17/00346**



|  |               |                         |
|--|---------------|-------------------------|
|  <p><b>Copyright</b><br/>         For reference purposes only.<br/>         No further copies may be made.<br/>         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.<br/>         Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/>         Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p> | Scale:        | 1:2,500                 |
|  | Organisation: | Maldon District Council |
|  | Department:   | Planning Services       |
|  | Comments:     | NW Committee            |
|  | Date:         | 01/06/2017              |
|  | 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 eastern side of Langford Road, approximately 1km outside of the settlement boundary of Wickham Bishops, in an area that is predominantly rural in character and a designated special landscape area. The site is occupied by a large dwelling house. A post and rail fence marks the boundary of the property.
- 3.1.2 Vehicular access is currently taken from the western boundary onto Langford Road via a private drive. The entrance to the site is defined by brick walls and piers and metallic railings and gates which are the subject of this application. Trees form an integral part of the site's perimeter, with dense hedgerows also planted on the boundary. To the east of the site is Fair Play House, and to the south and west are the grounds of Wickham Grove.

#### **3.2 Conclusion**

- 3.2.1 The erected gates, walls and pillars due to their style, design, height, bulk and pallets of materials have resulted in an urbanisation of the area and in an inappropriate form of development causing demonstrable harm to the character and appearance of the area where the predominant characteristics are the open and soft landscaped frontages. The development is therefore contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Submission Local Development Plan and the 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:**

- 7-8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design
- 196-197 Determining applications
- 216 Weight of emerging plans

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 Development outside Development Boundaries
- 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
- 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 principle of providing facilities in association with an existing use of a site is considered acceptable. Other material planning considerations are discussed in the following sections of this report.

#### **5.2 Design and Impact on the Character of the Area**

- 5.2.1 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 In order to comply with policy BE1 of the RLP, the development must be compatible with, or improve the surrounding location through its scale, design and choice of external materials. Similarly, the basis of policy D1 of the emerging LDP ensures that

development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

- 5.2.4 The application site is located outside of the defined development boundary for Wickham Bishops and within a rural locality where strategic policies S2 of the RLP and S8 of the submission LDP apply. Both policies are unequivocal in their purpose by stating that outside defined settlement boundaries the coast and countryside will be protected for their own sake, and particularly for their landscape, natural resources and areas of ecological, historical, archaeological, agricultural and recreational value. New development should not take place outside the defined development boundaries – as specified in the Development Plan – unless the development in question is for other purposes specified elsewhere in the Plan. This principle is considered broadly consistent with the NPPF.
- 5.2.5 The property is located within the countryside. According to the Landscape Character Assessment is part of a designated special landscape - A9 Blackwater River Valley – which is characterised by a shallow valley, with the valley sides sloping gently up from the valley floor, predominantly arable farmland on the valley slopes and an overall strong sense of place and tranquility away from the nearby towns and motorways. 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.
- 5.2.6 The application site lies in a rural locality where the majority of the properties have open or verdant frontages and access points. The erected enclosure around the vehicle access of the site comprises six brick piers, brick walls between the piers, a pair of metallic railing gates and railings on top of the brick walls closer to the gates. The enclosure abuts the boundary of the site which has been treated with hedgerows and post and rail timber fences.
- 5.2.7 Although the majority of the boundary of the site appears verdant, the style and design of the erected access enclosure treatment is considered to be urban in nature, appearing in contrast and detracting from the character and appearance of the area. On balance, it is considered that the development is causing detrimental harm upon the character and appearance of the sensitive rural locality to such a degree as to warrant the refusal of the application.
- 5.2.8 Consideration has been given to the fall-back position for the development. Under the clearance of conditions application with reference 15/05045/DET details of the boundary treatment were submitted to the Council. These details were showing two pillars and a pair of gates approximately at the same location were the gates are currently sited. This was considered acceptable as it was identical to the existing boundary treatment for Wickham Grove, the neighbouring property. The development as it has been carried out is more obtrusive to the streetscene in the locality and, as such, more harmful than the approved scheme.
- 5.2.9 Furthermore, the provisions of the permitted development were considered. The development due to its height and distance from the adjacent highway cannot be considered permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

5.2.10 Overall, it is considered that the erected gates, walls and pillars due to their style, design, height, bulk and pallets of materials have resulted in an urbanisation of the area and in an inappropriate development causing demonstrable harm to the character and appearance of the area where the predominant characteristics are the open and soft landscaped frontages. The development is therefore contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Submission Local Development Plan and the guidance contained within the National Planning Policy Framework. On balance, it is considered that there is enough harm caused by the development in order to warrant the refusal of the application.

### **5.3 Impact on Residential Amenity**

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

### **5.4 Access, Parking and Highway Safety**

5.4.1 Saved policy BE1 of the RLP seeks to ensure that any development proposals are compatible with their surroundings in terms of traffic impact and access arrangements.

5.4.2 The parking arrangements have not been altered as a result of this proposal. Bearing in mind that the access was approved previously and the visibility splay provided by the development is sufficient, on this basis, the development is acceptable in terms of access, parking and highway safety.

## **6. ANY RELEVANT SITE HISTORY**

- **14/00181/FUL** - Demolition of existing dwelling house and ancillary buildings. Erection of replacement dwelling, garage/store and additional driveway with a change of use of land to residential. (scheme 1) - REFUSED [14.05.2014]
- **14/00183/FUL** - Demolition of existing dwelling house and ancillary buildings. Erection of replacement dwelling, garage/store and additional driveway with a change of use of land to residential. (scheme 2) - REFUSED [14.05.2014]
- **14/00490/FUL** - Demolition of existing dwellinghouse and ancillary buildings. Erection of replacement dwelling, garage/store and new access. Change of use of land to residential. - APPROVED [09.09.2014]
- **15/05045/DET** - Compliance with conditions notification FUL/MAL/14/00490 (Demolition of existing dwellinghouse and ancillary buildings. Erection of replacement dwelling, garage/store and new access. Change of use of land to residential) Condition 3 - Samples. Condition 4 - Foul drainage and surface water drainage scheme. Condition 5 - Demolition or clearance works, a comprehensive bat survey of the site. Condition 6 - Access in accordance with drawing 659/2 Rev A dated May 2014. Condition 8 - Boundary treatment. Condition 9 - Trees. Condition 10 - Fencing and ground protection to protect the trees. Condition 11 - Hedges. Condition 12 -

Hard & soft landscaping. Condition 13 - External Illumination. -  
CONDITIONS CLEARED [24.09.2015]

- **16/00166/OPDEV** - Enforcement case - PENDING

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b>   | <b>Officer Response</b> |
|--------------------------------------|--|-------------------------|
| Wickham Bishops                      | No response has been received by the date of this report |                         |

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

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>   | <b>Officer Response</b> |
|---|--|-------------------------|
| Essex County Highways                                   | No response has been received by the date of this report |                         |

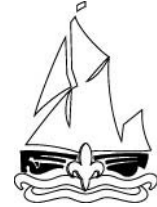
### **7.3 Representations received from Interested Parties (*summarised*)**

7.3.1 No representations have been received by the date of this report

## **8. REASON FOR REFUSAL**

- 1 The gates, walls and pillars due to their style, design, height, extent and palette of materials have resulted in an urbanisation of the area and in an inappropriate development causing demonstrable harm to the character and appearance of the area where the predominant characteristics are the open and soft landscaped frontages. The development is therefore contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Submission Local Development Plan and the guidance contained within the National Planning Policy Framework.

This page is intentionally left blank



**REPORT of  
CHIEF EXECUTIVE**

---

**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
12 JUNE 2017**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>OUT/MAL/17/00364</b>  |
| <b>Location</b>                                       | Rear of Strawberry Lane Tolleshunt Knights Essex                                   |
| <b>Proposal</b>                                       | Outline planning to erect up to 27 dwellings and form access road onto Brook Close |
| <b>Applicant</b>                                      | Mr C Newenham - Wilkin & Sons Ltd  |
| <b>Agent</b>  | Mr Phillip McIntosh - Melville Dunbar Associates                                   |
| <b>Target Decision Date</b>                           | 10.07.2017   |
| <b>Case Officer</b>                                   | Yee Cheung, TEL: 01621 876220  |
| <b>Parish</b>   | <b>TOLLESHUNT KNIGHTS</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In   |

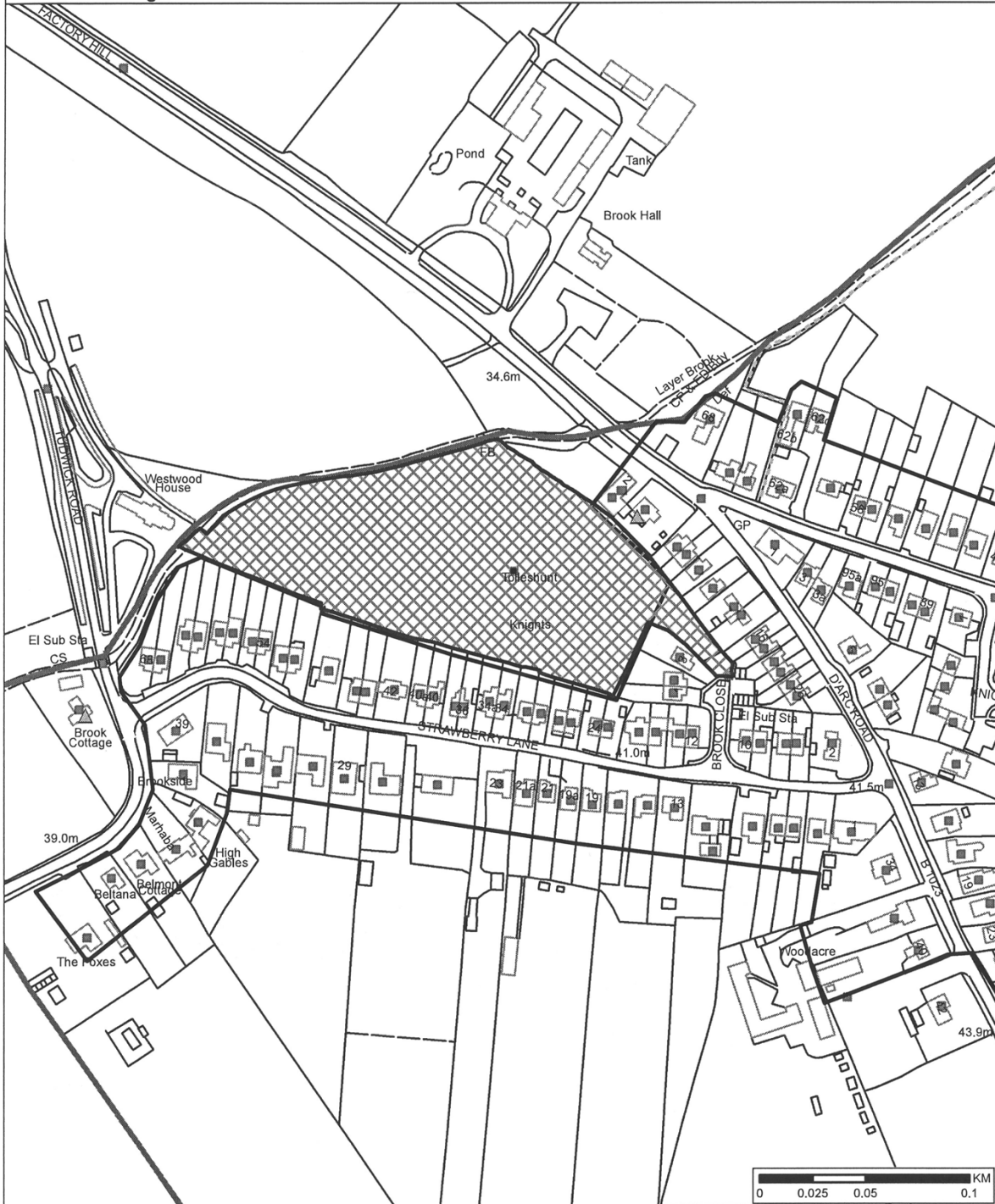
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Rear Of Strawberry Lane**  
Tolleshunt Knights OUT/MAL/17/00364



|  |               |                         |
|--|---------------|-------------------------|
|  <p><b>Copyright</b><br/>For reference purposes only.<br/>No further copies may be made.<br/>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright.<br/>Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/>Maldon District Council 100018588 2014</p> | Scale:        | 1:2,500                 |
|  | Organisation: | Maldon District Council |
|  | Department:   | Planning Services       |
|  | Comments:     | NW Committee            |
|  | Date:         | 01/06/2017              |
| www.maldon.gov.uk  | MSA Number:   | 100018588               |

### **3. SUMMARY**

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

- 3.1.1 The application relates to an irregular shaped parcel of land of approximately 1.60 hectares located to the north of Brook Close. The land is bordered by residential properties to the Northeast and East (fronting onto D'Arcy Road) and to the South and Southwest where residential properties front onto Brook Close and Strawberry Lane. To the north of the site is a commercial garage which fronts onto Factory Hill. To the Northwest boundary of the site is a water course in the form of a stream, which runs in a Southwest to Northeast direction and is known as Layer Brook.
- 3.1.2 The gradient of the site slopes gently from Southeast to North direction. The boundary treatment of the site comprises timber boarded fencing, trellis fencing and some trees, hedges and shrubs.
- 3.1.3 Planning permission was granted in 2007 (planning reference: 07/00161/FUL) for the use of the land for keeping and exercising horses for recreational purposes.
- 3.1.4 Outline planning permission is sought for a residential development comprising of 27 dwellings (11 dwellings would be affordable dwellings), garages and associated works on land to the rear of Strawberry Lane. The matters for consideration are the principle of the development and the access point to the site. The appearance, landscaping, layout and scale of development will form the reserved matters to be determined at a later stage.
- 3.1.5 Based on the Site Layout Plan submitted (1459-PS.002.C), the position of the proposed dwellings appears to back or flank onto existing dwellings along D'Arcy Road, Brook Close and Strawberry Lane. The vehicular and pedestrian access point would be via Brook Close and onto Strawberry Lane.

#### **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 the locality, and with particular regard to its location and scale and its poor connectivity to its immediate surroundings, would be an unsustainable form of development. 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, T2 of the adopted local plan; policies S1, S8, D1, H4, N2 and T2 of the Local Development Plan.

#### **4. MAIN RELEVANT POLICIES**

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7, 18, 14, 14, 17, 39, 49, 50, 56, 57, 60, 64

##### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2, CON5, H1, H6, H9, CC5, CC6, BE1, T1, T2, T8

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

The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect of matters not examined at the first Examination and matters that arose from the Main Modifications Consultation in September 2016.

Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28th April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his Report. His Report is due to be submitted to the Secretary of State in Spring/Summer 2017 and the Council aims to have the Plan adopted in early Autumn 2017.

There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focussed consultation and no new matters previously not examined or matters already examined will be considered by the Inspector.

At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.

- Policy S1 – Sustainable Development
- Policy S7 – Prosperous Rural Community
- Policy S8 - Settlement Boundaries and the Countryside
- Policy D1- Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T2 – Accessibility

##### **4.4 Relevant Planning Guidance / Documents:**

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

- Essex Design Guide
- Car Parking Standards

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Outline planning permission is sought for a residential development comprising of 27 dwellings (11 dwellings would be affordable dwellings), garages and associated works on land to the rear of Strawberry Lane. The matters for consideration are the principle of the development and the access point to the site. The appearance, landscaping, layout and scale of development will form the reserved matters to be determined at a later stage.
- 5.1.2 The proposal lies outside of the settlement boundary of Tolleshunt Knights as defined by the adopted Local Plan (Inset 25) and the Local Development Plan (Map 1 of 4). 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 considerable 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 north of Brook Close and Strawberry Lane just outside the defined settlement boundary of Tolleshunt Knights. Tolleshunt Knights is a small residential village with no shops, services or local facilities other than a village hall. The village therefore has very poor sustainability credentials from an accessibility perspective. More extensive facilities are available in Tiptree, around 2000 metres / 1.2 miles from the application site. An informal bus stop is located some 50 metres from the access point from the site which would provide a link to larger centres at Tollesbury, Tiptree and Witham. However, this service is very limited. Further, there are no footpaths that links the application to the informal bus stop, however it is noted that there is a footpath on the opposite side of D'Arcy Road. Although, the facilities in Tiptree would be within reasonably convenient cycling distance, the route would be unlikely to be attractive to pedestrians. Consequently, it is considered that future occupiers of the proposed dwellings on this site would be reliant on trips by private car for most of their day to day needs.
- 5.1.10 Whilst Tiptree offers access to a local town, schools and everyday facilities, there is no opportunity for future occupiers to access these facilities without the use of private cars. As mentioned above, there is an informal bus stop in close proximity of the site and as this is not clearly marked, it is not clear whether buses stop in this locality and further encouraging the use of private cars. Based on this assessment, the location of the site would fail to discourage the use of private cars. Paragraph 17 of the NPPF sets out a core planning principle as part of the sustainability agenda, stating that planning should “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. This is reflected in policy T1 of the Local Plan and policy T2 of the Local Development Plan. The proposal would therefore not comply with these policy requirements.

## **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 27 houses, the Council therefore seeks to implement the affordable housing requirements contained with the LDP which are 40% Affordable Housing provision for this scheme which equates to 11 Affordable Housing units.
- 5.2.5 The requirements at 25% - 40% affordable provision based on the recommendations of the Maldon District Council Strategic Housing Market Assessment (SHMA) 2014 are:-
- 80% smaller - 35% 1 bed 2 person, 45% 2 bed 4 person 20% larger - 20% 3 bed 5 person, 4 bed 7 person as required 20% all affordable should be suited to meet needs of older people 1 and 2 bed may be increased to 90% where required and viable in cases where this enables the provision of homes for older people and is consistent with identified need. The recommendation on tenure mix is 80% Social/Affordable Rented and 20% Intermediate (Shared Ownership).
- 5.2.6 To meet the requirements of the SHMA with regards to unit sizes, the Housing Department has recommended the following units are provided as the affordable contribution for this scheme with the 2 bed units comprising 2 bed 4 person houses which meets our greatest housing need:-
- 4 x 1 bed 2 person units
  - 5 x 2 bed 4 person units
  - 2 x 3 bed 5 person units.
- 5.2.7 The Affordable Scheme detailing tenure, cost, sizes and allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.

5.2.8 Although the Applicant is proposing 11 affordable units which meets Policy H1, the size of the units is not as recommended above regarding the SHMA. As such, the Housing Department would only support the scheme if the size of the units was in relation to the recommendations of the SHMA. In this respect, 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 the Character of the Area**

5.3.1 The NPPF advises at Paragraph 56 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 north side of Brook Close and to the rear of existing residential properties fronting onto Strawberry Lane and D’Arcy Road. The site is free from any built form of development and is fairly rural in nature. The site is laid to grass and partially enclosed by trees, hedgerows and timber fencing. The proposed development would, due to the quantum of development proposed, unquestionably result in a demonstrable change to the character and appearance of the site from one of a rural nature to a urban form of development.

5.3.3 Based on the Illustrative Site Layout Plan submitted (Drawing No: 1459-PS.002 Rev C), it shows that the development proposal is broadly consistent with the prevailing pattern of development in the immediate locality with a housing density of approximately 17 dwellings per hectare. However, the layout of the residential properties creates an exclusive inward looking development with public open space and play area only accessible to residents. The development proposal, if approved, would not integrate successfully with the natural and built environment as it appears to be an exclusive development, self-contained by its boundaries and limited safe and attractive connections to the existing community and the wider area by walking and cycling with the evitable heavy reliance on the motor vehicle for short journeys and to access services and facilities not within the village. 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.

5.3.4 In addition to the above, the introduction of additional domestic paraphernalia, hard surfacing and off-street parking as a result of the 27 new dwellings would, on balance, 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.

- 5.1.5 In the Applicant's Planning Statement, reference was made to a 1993 planning application for residential development on this site. That particular application was refused by the Council on 25 May 1993 and was subsequently dismissed on Appeal following a Public Inquiry dated 2 March 1994 (reference. T/APP/X1545/A/93/227836/P2). Whilst the Council is fully aware of that appeal and its content stating that residential development on this site '*would not result in an unacceptable extension of the village into the countryside*', it is important to note that circumstances of the site, surrounding development and the policy environment and Government guidance have changed since 1993 and therefore, limited weight should be given to that appeal decision when determining this current application and this is not considered to outweigh the harm highlighted above.

#### **5.4 Impact on Residential Amenity**

- 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 D'Arcy Road, Brook Close and Strawberry Lane. However, it is considered possible for a development to be provided on site for the quantum proposed that would not have a detrimental impact on the amenity of adjoining residents.
- 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**

- 5.5.1 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. For four or more bedroom dwellings, three, off-street parking spaces would be required. The illustrative Site Layout Plan submitted (1459-PS.002 Revision C) 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.
- 5.5.2 In terms of the new vehicular and pedestrian access point to serve the development proposal and the footpath connection, the Highway Authority has raised no objection

to the proposal subject to conditions and informative to be imposed should the application be approved.

## **5.6 Flood Risk**

- 5.6.1 The application site is located in fluvial Flood Zone 3 which has the high probability of flooding. New dwellings and residential uses are considered to have high vulnerability as defined in the National Planning Practice Guidance (NPPG) and previously in the technical guidance to the NPPF.
- 5.6.2 The NPPG identifies that the Sequential Test aims to steer new development to areas with the lowest probability of flooding, with the aim to steer development towards Flood Zone 1. LPAs are required to take into account the vulnerability of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only when there is no reasonably available land within Flood Zone 1 or 2 that sites can be considered in Flood Zone 3, taking into account the vulnerability of the land use and applying the exceptions tests (where required).
- 5.6.3 In addition the Exceptions Test is also applicable and is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. This is a two part test requiring evidence to be submitted to show that the benefits of the development would outweigh the risk of flooding and that the development will be safe for its lifetime. This aspect of the test requires the submission of a Flood Risk Assessment (FRA).
- 5.6.4 In terms of the Sequential Test, as part of the FRA (Flood risk assessment and surface water Drainage/Suds Strategy Report ref: 1761/re/01-17/02 dated February 2017 prepared by Evans Rivers and Coastal Ltd), it does not appear that both the Sequential Test and Exceptions Test have been carried out on this site as such it cannot be concluded that the site passes the Sequential Test to claim that there is no suitable alternative sites at the district level. In this respect, the applicant has failed to meet the requirements of the sequential test.
- 5.6.5 As the Sequential Test has not been passed it is necessary to undertake the Exceptions Test. The first part of the Exception Test requires the Council to be satisfied that the development provides wider sustainability benefits to the community that outweighs flood risk. In this instance, and as noted above, the Council can demonstrate a 5 year housing land supply and the benefits of the scheme in this instance are not considered to outweigh the harm of increased risk of flooding.
- 5.6.6 The second part of the Exception Test requires the submission of a FRA which demonstrates the development will be safe for its lifetime, without increasing flood risk elsewhere, and will reduce the overall flood risk where possible. The Environment Agency has been consulted and has advised that their maps show the application site lies within fluvial Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for outline planning permission to erect up to 27 dwellings and form access road onto Brook Close, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore, to comply with national policy the

application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

- 5.6.7 The Environment Agency has reviewed the application and supporting documents, as submitted, and objects to this development proposal on flood risk grounds until the deficiencies contained in the submitted Flood Risk Assessment are addressed. The Environment Agency considers at present that the proposal is contrary to Government advice contained within the National Planning Policy Framework and policy D5 of the Local Development Plan.
- 5.6.8 In addition to the above, the Council can demonstrate a 5 year housing land supply as detailed in Section 5.1.3 and 5.1.6 of the report and on this basis, the benefits of the proposal in this instance are not considered to outweigh the harm of increased flooding as a result of the development, contrary to Government guidance and the aforementioned policies.
- 5.6.9 As part of the outline planning application, Essex County Council SUDs Team has consulted on the proposal and has advised that the Drainage Strategy submitted does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 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.
- 5.7.2 Based on the illustrative Site Layout submitted, it appears that the garden sizes for each proposed dwelling would meet or would be in excess of the minimum standards. Further, a public open space and play area is proposed to the west of the site. This green wedge is considered an important part of the development due to its location and its relationship with the surrounding rural area to the north and North West where open land continues even though it is sited outside the Maldon District.
- 5.7.3 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.

## **5.8 Ecology**

- 5.8.1 An ecology report was submitted as part of the application submission (Eco-Planning UK). In addition to the above report, the Applicant had emailed the Council on 5 May 2017 stating that additional ecological surveys identified in the preliminary ecological assessment submitted are currently being carried out on site and this information will be submitted to the Council by the end of May. No further ecology details have been submitted to the Council at the time of writing this report.

Irrespective of this, Natural England has raised no objection to the proposal as the proposal is unlikely to affect any statutorily protected sites or landscapes.

**6. ANY RELEVANT SITE HISTORY**

- 93/00134/OUT - Residential development. Refused: 25.05.1993 – Appeal Dismissed on: 02.03.1994
- 07/00161/FUL - Use of land for keeping and exercising horses for recreational purposes. Approved: 4 April 2007

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| Name of Parish / Town Council     | Comment  | Officer Response                                    |
|-----------------------------------|--|---|
| Tolleshunt Knights Parish Council | <p>Refuse for the following reasons:-</p> <ul style="list-style-type: none"> <li>• Inadequate access via Brook Close</li> <li>• Narrow Road</li> <li>• Obstruction caused by vehicles parked</li> <li>• Poor visibility splays</li> <li>• Increase in traffic using this junction could impact on highway safety especially there are problems with speeding along D’Arcy Road</li> <li>• No safe pedestrian access</li> <li>• Limited services / facilities</li> <li>• Not convinced that safe pedestrian footway can be provided</li> <li>• Affordable housing may be attractive for older people / young families but due to poor access to services / facilities / public transport, they may become isolated</li> <li>• Pressure on local infrastructure</li> <li>• Impact on drainage</li> </ul> | Noted in Sections 2, 5.3, 5.5 and 5.6 of the report |

| <b>Name of Parish / Town Council</b> | <b>Comment</b>   | <b>Officer Response</b> |
|--------------------------------------|--|-------------------------|
|                                      | <ul style="list-style-type: none"> <li>Impact on the protected woodland at Factory Hill</li> </ul> |                         |

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

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>   | <b>Officer Response</b>                                      |
|---|--|--|
| ECC Highway Authority                                   | No objection subject to conditions   |  |
| Natural England   | Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.                  | Noted in Section 5.8 of the report                           |
| Colchester Borough Council                              | Colchester Council does not oppose the broad principle of this development provided it maintains a meaningful separation between the parishes of Tolleshunt Knights and Tiptree. | Noted  |
| Environment Agency                                      | Object to the proposal   | Noted in Section 5.6 of the report                           |
| Essex and Suffolk Waters                                | Our records show that ESW do not have any apparatus located in the proposed development.   | Noted  |
| Anglian Water Services                                  | No reply at the time of writing this report  | Any comments received will be reported on the Members Update |
| ECC SUDS Team   | Objects to the proposal  | Noted in Section 5.6 of the report                           |
| Education Department                                    | No reply at the time of writing this report  | Any comments received will be reported on the Members Update |

## 7.3 Internal Consultees (*summarised*)

| <b>Name of Internal Consultee</b> | <b>Comment</b>  | <b>Officer Response</b>   |
|-----------------------------------|---|---|
| Environmental Health Services     | No objection subject to conditions relating to surface water, foul water, air quality and | Noted and conditions would be imposed should the outline planning application be approved |

| Name of Internal Consultee | Comment  | Officer Response                   |
|----------------------------|--|------------------------------------|
|                            | contamination to be submitted and approved by the Council  |                                    |
| Housing Department         | The application proposes 11 affordable units which would meet Policy H1, the size of the units is not as recommended above regarding the SHMA. Housing would support the scheme if the size of the units was in relation to the recommendations of the SHMA. | Noted in Section 5.2 of 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 summarised as set out in the table below:

- Mr Stephen Ellis 3 Brook Close Tolleshunt Knights Nr. Tiptree
- Mr & Mrs Hood 27 Strawberry Lane Tiptree Essex
- Mr & Mrs Gibbs 5 Strawberry Lane Tiptree Colchester
- Mr & Mrs Dyer 9 Strawberry Lane Tiptree Colchester
- Mr & Mrs Colclough 11 Chestnut Way Tiptree CO5 0NX
- Richard Wright 6 Strawberry Lane Tiptree Colchester
- Robert Hadley 2 Mary Wright Way Tiptree Colchester
- Tom Scott & Beth Sorrell 6 D'Arcy Road Tiptree Colchester
- James Read 58 Strawberry Lane Tiptree Colchester
- Mrs Tracy Stimson 26 Darcy Road Tolleshunt Knights Colchester
- Mrs Sharon Said 35 Strawberry Lane Tolleshunt knights Tiptree
- Mrs Joanne Wray 14 Strawberry Lane Tolleshunt Knights Tiptree
- Mrs R Ellis 34 Strawberry Lane Tiptree Colchester
- Brian & Anne Knight 52 Strawberry Lane Tiptree Colchester
- L Jocelyn, M Wickison & M Simpkins 30 Strawberry Lane Tiptree Colchester
- Pamela Simpson 20 Strawberry Lane Tiptree Colchester
- P, A & L Nind 22 Strawberry Lane Tiptree Colchester
- N. Sutton & D. Burgess 32 Strawberry Lane Tiptree Colchester
- Mr J A Carruthers 11 The Folly Tiptree Colchester
- Constance Porter 10 D'Arcy Road Tiptree Colchester
- George Parnwell 21A Strawberry Lane Tiptree Colchester
- Susan Parnwell 21A Strawberry Lane Tiptree Colchester
- Liz & George Pitman High Clere Tudwick Road Tiptree
- Mr Paul S Winger & Ms Shona M Johnson 2 Brook Close Tolleshunt Knights
- Mrs Glenda Russell 22 D'arcy Road Tolleshunt Knights Colchester
- Mr Steven Cookson 38 strawberry lane Tolleshunt knights Co5 0rx
- Mr Mark Myers 40A Strawberry Lane Tolleshunt Knights Essex

- Amanda & Wayne Bennett 36 Strawberry Lane Tiptree Colchester
- Dale Jewitt 1 Brook Close Great Totham Essex
- Shirley Taylor 44 Strawberry Lane Tiptree Essex
- Simon Taylor 44 Strawberry Lane Tiptree Colchester
- Teresa & Steve Whiting 2 The Folly Tiptree Essex
- Mrs Danielle Jewitt 1 Brook Close Tiptree Colchester
- Mrs Carolyn Mcsweeney On Behalf Of Tiptree PC Mynott Court Church Road
- Doug Tungatt & Sally Amos 50 Strawberry Lane Tolleshunt Knights Essex
- Elizabeth Mann 29 Strawberry Lane Tolleshunt Knights Colchester
- Mr & Mrs Smith 19 Strawberry Lane Tiptree Colchester
- Margaret & Bernard Harris 17 D'Arcy Way Tolleshunt Knights Essex
- Robert Long Forge Cottage 12 D'Arcy Road Tolleshunt Knights
- Caroline & Reg Riley 3 D'Arcy Road Tiptree Colchester
- Mrs Dawn Evans 55 Brook Road Tiptree COLCHESTER
- Miss Andrea Hayward 40 Strawberry Lane Tiptree Colchester
- Mr Robert Binks Brook Cottage Tudwick Road Tolleshunt D'Arcy
- Mrs Karen Pearse 28 Strawberry Lane Tolleshunt Knights CO5 0RX
- Mr Kent 15 Strawberry Lane Tiptree Colchester
- Michael Cole 68 Brook Road Tolleshunt Knights Essex
- Kenneth James 21 Strawberry Lane Tiptree Colchester
- Mr & Mrs Wagerfield 26 Strawberry Lane Tolleshunt Knights Essex
- Mr Colin Dock 60 strawberry lane Tolleshunt knights Colchester
- Mr Danny Whybrow 34a Strawberry Lane Tolleshunt Knights Colchester
- Mr Paul Turner 4 D'Arcy Road Tolleshunt Knights Essex
- David Baverstock 18 D'Arcy Road Tolleshunt Knights Essex
- Mrs Allen 8 Darcy Road Tiptree Essex
- Mr & Mrs Poyntz 8 Strawberry Lane Tiptree Essex
- Mrs Michelle Cox westwood house Tiptree CO5 0SB

| <b>Objection Comment</b>   | <b>Officer Response</b>  |
|--|--|
| <ul style="list-style-type: none"> <li>• Poor access onto Brook Close</li> <li>• Increase in parking</li> <li>• Increase in traffic</li> <li>• Obstruction when delivery / collection is taking place</li> <li>• Emergency vehicles unable to access the development site</li> <li>• 30pmh speed limit is ignored by drivers</li> <li>• Lack of public service</li> <li>• Lack of pavement</li> <li>• Impact on local infrastructure</li> <li>• Wilkins have put a hold on redevelopment therefore any creation of jobs would be questionable</li> <li>• The development is outside the settlement boundary</li> </ul> | <p>The comments have been addressed in Sections 5.3, 5.4, 5.5, 5.6 and 5.7 of the report</p> |

| Objection Comment   | Officer Response |
|---|------------------|
| <ul style="list-style-type: none"> <li>• Impact on ecology / wildlife</li> <li>• Loss of rural ambience</li> <li>• Planning permission was refused on this site in 1994</li> <li>• Development is out of place</li> <li>• The site is not in a sustainable location</li> <li>• The development would increase flooding and surface water</li> <li>• The development would result in loss of privacy and overlooking to existing properties</li> <li>• There are a lot of inaccuracies in the Applicant's Planning Statement</li> <li>• Light pollution from the development</li> <li>• Loss of view</li> <li>• Both ends of Strawberry Lane is hazardous</li> </ul> |                  |

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

- Mrs Judy Massie Elmfield Layer Breton Colchester

| Comment   | Officer Response   |
|---|--|
| <p>North East Essex Badger Group:-<br/>No recording of badger sett on this land, but there is one in close proximity to this site and there has been sightings<br/>Badgers are nocturnal and may fall into open excavations etc. and unable to get out. Should this application be approved, this would need to be taken into account</p> | <p>Noted and could be conditioned should the outline planning application be approved.</p> |

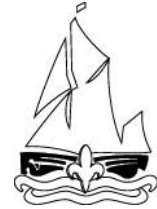
## 8. REASONS FOR REFUSAL

1. 'The application site is in a rural location outside of the defined settlement boundary for Tolleshunt Knights 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. Further, the proposed development would fundamentally alter the open character of the western edge

of the village of Tolleshunt Knights. If developed, the site would be disconnected and isolated from the existing settlement, which is compounded by poorly designed layout that has limited access and connectivity with the existing village. Furthermore, the proposed development would fail to protect and enhance to the character and appearance of the rural area and the built form would have an urbanising effect resulting in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area, contrary to policies S2, H1, BE1, CC6 and T2 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

2. The application site is located in fluvial Flood Zone 3 which has the high probability of flooding. The Council can demonstrate a Five Year Housing Land Supply, as such residential development should be directed to areas of low risk of flooding. Furthermore, the submitted Flood Risk Assessment is unsatisfactory as it fails to demonstrate that the proposed development would be safe for prospective occupiers of the site. Therefore, the development is contrary to Government guidance and advice contained in the National Planning Policy Framework, the National Planning Practice Guide, and policy D5 of the Maldon District Local Development Plan.

This page is intentionally left blank



**REPORT of  
CHIEF EXECUTIVE**

---

to  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**12 June 2017**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>FUL/MAL/17/00389</b>   |
| <b>Location</b>                                       | Land Adjacent Park House, Wickham Hall Lane, Wickham Bishops  |
| <b>Proposal</b>                                       | Erect detached timber framed chalet bungalow and detached garage, lay out drive, parking and manoeuvring areas and form vehicular access onto Station Road. |
| <b>Applicant</b>                                      | Mrs. L Adcock   |
| <b>Agent</b>  | Mr. S Rowe – The Planning and Design Bureau Ltd   |
| <b>Target Decision Date</b>                           | 01 June 2017  |
| <b>Case Officer</b>                                   | Hilary Baldwin, TEL: 01621 875730   |
| <b>Parish</b>   | <b>WICKHAM BISHOPS</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In  |

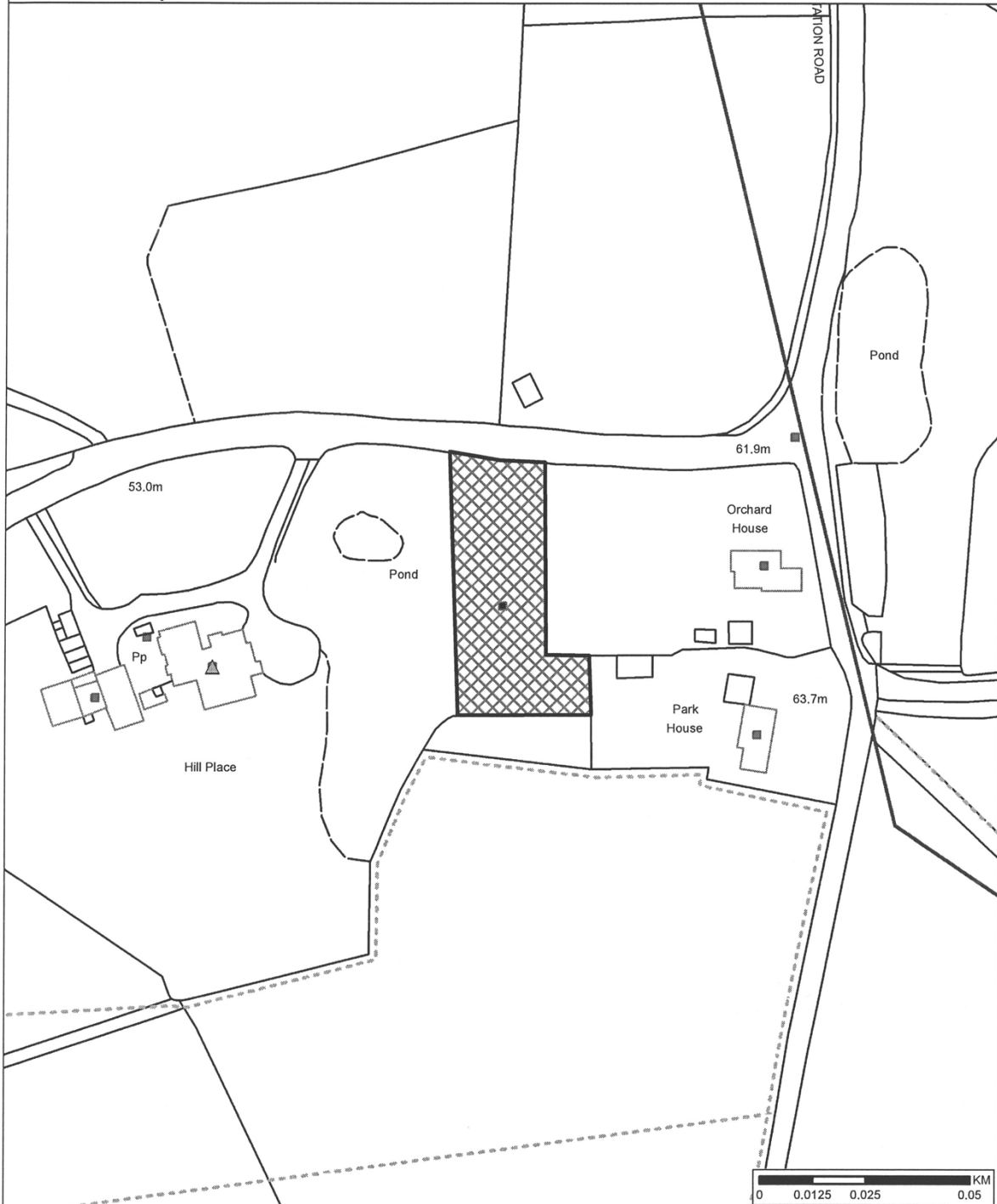
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

**Land Adjacent Park House - Wickham Hall Lane**  
**Wickham Bishops FUL/MAL/17/00389**



|   |  |   |
|---|--|---|
| <br><b>MALDON DISTRICT COUNCIL</b><br><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a> | <b>Copyright</b><br>For reference purposes only.<br>No further copies may be made.<br>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.<br>Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br>Maldon District Council 100018588 2014 | Scale: 1:1,250<br>Organisation: Maldon District Council<br>Department: Planning Services<br>Comments: NW Committee<br>Date: 01/06/2017<br>MSA Number: 100018588 |
|   | Scale: 1:1,250<br>Organisation: Maldon District Council<br>Department: Planning Services<br>Comments: NW Committee<br>Date: 01/06/2017<br>MSA Number: 100018588  |   |

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the southern side of Station Road, Wickham Bishops, with the host property for the site fronting onto Wickham Hall Lane. The site currently comprises part of the wider garden of the host property with central greensward and tree lined boundaries. There is currently no access to Station Road.
- 3.1.2 The site lies outside of the settlement boundary of Wickham Bishops in a semi-rural area characterized by dispersed plots with large dwellings and spacious gardens.
- 3.1.3 Planning permission is sought to erect a two storey detached dwelling with off-road parking facility and private amenity space. A new access from Station Road would be created.
- 3.1.4 The dwelling would have overall measurements of 14m wide by 7.4m deep and an overall ridge height of 7.4m. The design of the property would be a chalet style property with gable end dormers and cat slide style projections to the front and rear elevations. In terms of materials the property would comprise a brick plinth, weatherboard elevations and clay tile roof.

#### **3.2 Conclusion**

- 3.2.1 Having regard to the location of the proposed dwelling, it is considered that the development would result in a detrimental visual impact upon the character and appearance of this rural area and is contrary to the tripartite approach of sustainability as defined by the National Planning Policy Framework. As such the proposed dwelling is contrary to the stipulations of policies S2, H1, BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, emerging policies S1, S8, H4 and D1 of the Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 49 and 59

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 Development outside Settlement Boundaries
- H1 Location of New Housing
- CC6 Landscape Protection
- CC7 Special Landscape Areas
- 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)
- Esses 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 The proposal is for a new dwelling outside of the settlement boundary of Wickham Bishops as defined by the adopted Local Plan and the Pre-submission Draft Local Plan and is therefore considered contrary to policy in principle.
- 5.1.3 Policy S2 of the current Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District.
- 5.1.4 Policies CC6 and CC7 seek to protect the geodiversity and biodiversity of the rural landscape in the District and are considered to be compliant with NPPF which seeks to protect the ‘intrinsic character and beauty of the countryside’.
- 5.1.5 However, the Maldon District, outside of the defined settlement boundaries is predominantly rural in nature and the provision of an additional dwelling in this location would urbanize it to the detriment of the character of the area. This is discussed further in a subsequent section of this report.

5.1.6 Therefore, the principle of a new dwelling outside of a defined settlement boundary is contrary to the Council's spatial approach of locating new dwellings within the development boundaries of existing built up areas whereby access to essential support facilities and community services would be within walking or cycling distance.

## **5.2 Housing Need**

5.2.1 The Council is now able to demonstrate a five year housing land supply. This has been supported by a recent appeal decision **APP/X1545/W/15/3139154** dated 7 December 2016, which resulted from a six day Public Inquiry where Council Officers were heavily cross-examined. By doing so, this gave the Planning Inspector the opportunity to carefully examine the Council's Housing Land Supply at some considerable depth (Paragraphs 23 and 42).

5.2.2 That appeal decision was further supported by an appeal decision **APP/X1545/W/16/3153141** dated 19 January 2017 where the Planning Inspector confirms the Council's current ability to demonstrate a FYHLS.

5.2.3 The Council has recently received an appeal decision (Appeal Ref: **APP/X1545/W/16/3154913**) dated 11 April 2017, which was also subject to a hearing, whereby the Planning Inspector was also satisfied that the Council is currently able to demonstrate a five-year housing land supply. Consequently, having regard to Paragraph 49 of the Framework, the policies in the Maldon District Replacement Local Plan (MDRLP) cannot be considered to be out- of-date.

5.2.4 It is important to note that the Council's Local Development Plan has been subjected to a LDP Examination-in-Public which lasted for nine days (10 January 2017 and 19 January 2017). The Council is currently waiting for the decision from the Planning Inspector. As referenced in preceding paragraphs, the Council are now in receipt of recent planning appeal decisions, where Planning Inspectors have stated that the Council's LDP is at an advanced stage of preparation and thereby significant weight is to be afforded to the policies contained within and that the Council can demonstrate a five year housing land supply.

5.2.5 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.

5.2.6 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.

5.2.7 The Council is therefore encouraged in the emerging policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would result in 1, two bed dwelling. The proposal is considered to make very limited contribution to the housing supply/ addressing the housing stock imbalance in the district, but this is considered to be outweighed by the harm from development in this location.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.
- 5.3.2 Policy BE1 also states that development will only be permitted if it is compatible with its surroundings and/or improves the surrounding location in terms of (a)(ii) Site Coverage, (iv) Scale Bulk and Height, (vi) Visual Impact, and (c) that outside defined development boundaries they make a positive contribution to the landscape and open countryside.
- 5.3.3 Due to the location of the site outside of the settlement boundary it is considered to be in a rural area. The site also falls within a designated Special Landscape Area, and policies CC6 and CC7 are relevant. These state 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 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.
- 5.3.4 The proposal would comprise development of the site for the construction of a detached dwelling on land to the west of an existing large detached property. Whilst it is acknowledged that there are similar properties within the vicinity of the site, these form a loose knit settlement with a distinctive character and built form within the street scene and rural area. The application site would intensify this built form into an open site which currently provides an important visual gap and open area which prevents ribbon development and cohesion of the built form. The overall character of the area is agricultural land interspersed by sporadic development and large extended gardens.
- 5.3.5 The settlement of Wickham Bishops is located to the north east of the site and terminates to the east of St Bartholomew's Church. There is a clear distinction between the western end of the village with a denser settlement pattern of smaller properties to the open sporadic dwellings in this location.
- 5.3.6 Therefore any development beyond the clear confines of the settlement of Wickham Bishops would introduce a harder edge to the highway as a result of built form and inevitable urban sprawl and domestic paraphernalia to the detriment of the character and appearance of the area and the general settlement pattern which is a key element of the village's character and appearance.
- 5.3.7 Furthermore, the site would be visible from the public highway to the north of the site. Whilst the volume of traffic to these properties may be limited, formal boundary

treatments in this location for security and privacy would lead to the further urbanization of the plot to the detriment of the character and appearance of the area.

- 5.3.8 In addition to this, the NPPF states at paragraphs 48 and 53 that local planning authorities should not include or consider residential gardens as windfall sites where this would cause harm to the local area.
- 5.3.9 As such it is considered that the proposal would fail to comply with policies BE1, CC6 and CC7 of the local plan which state that all development must enhance the character and local context and emerging policy D1 of the LDP and the provision and guidance as contained within the NPPF.

#### **5.4 Effect on amenity of neighbouring occupiers**

- 5.4.1 Policy BE1 (a) (vii) requires consideration of the effect of development on neighbouring amenity and safety. Due to the degree of separation from the adjacent properties to the west and east and the host property to the east of the location of the proposed dwelling, it is considered that there would be limited loss of amenity to occupiers of those properties. There are no further dwellings within the vicinity of the site which would be impacted upon.
- 5.4.2 The scheme is therefore considered to accord with the criteria of adopted LP policies BE1 and emerging policies D1 and H4 of the submitted LDP. The guidance and provision as contained within the NPPF and the guidance as contained within the Essex Design Guide which is an adopted Supplementary Planning Document.

#### **5.5 Access, Parking and Highway Safety**

- 5.5.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising two to three bedrooms require a maximum of 2 spaces. Such provision could adequately be accommodated within the site and within the proposed garages for each dwelling.
- 5.5.2 Essex County Council Highway Authority has been formally consulted on the application in terms of highway safety. The consultation response has not raised an objection to the proposed new access onto Station Road.
- 5.5.3 However, notwithstanding this response, it would require a 2.4m parallel band splay across the entire site frontage to Station Road along the entire site frontage.
- 5.5.4 This clear to ground margin from the edge of the highway would require the removal of the existing mature hedgerow and trees in this location for the whole of the site frontage. Whilst, a grass band and new soft boundary treatment could be achieved, this would further erode the soft landscaped edge to these rural lanes and would urbanize the area to the detriment of the landscape character. It is acknowledged that Orchard House to the east of the site has a clear to ground visibility splay along its boundary with Wickham Hall Lane. However, to duplicate this on additional sites would erode the verdant character of the rural lanes and contribute to the urbanization of the area.

5.5.5 The scheme is therefore considered to accord with the criteria of adopted LP policies T2 and T2 and emerging policy T2 of the submitted LDP in terms of highway access and parking provision but the benefit of achieving this would be contrary to the character and appearance of the area and therefore contrary to policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.

## **5.6 Private Amenity Space and Landscaping**

5.6.1 The Essex Design Guide requires that three/four bedroom dwellings have a minimum of 100m<sup>2</sup> 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.

5.7.2 The Council's Tree Officer has been consulted with regard to the impact upon the many mature trees within the site. Whilst the Tree Officer has made comments with regard to a "no dig" construction for the driveway, and any foundations for the dwelling to be of a design which would result in the least impact upon the trees, it is also noted that the Officer considers that an Arboricultural Report with an Impact Assessment and Method Statement should be submitted to demonstrate that notwithstanding the intent to retain the trees in the site, that this is achievable. Therefore in the absence of such documentation, the Council is unable to fully consider this element of the proposal.

5.7.3 It is noted that several Letters of Representation have been submitted in support of the scheme. The overall scale and design of the proposed dwelling is not objected to, and there are comments with regard to the relocation of the current owner of Park House, the donor property. However, whilst these sentiments are noted, it is not within the legislative capability of the planning system to restrict ownership to the applicant in this instance and the proposed development must be viewed as an open market dwelling which result in built form for the lifetime of the development and not that of the applicant.

## **6. ANY RELEVANT SITE HISTORY**

None.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.1 from Parish / Town Councils**

| <b>Name of Parish / Town Council</b> | <b>Comment</b> | <b>Officer Response</b>                      |
|--------------------------------------|----------------|--|
| Wickham Bishops Parish Council       | Object         | The comments of the Parish Council are noted |

**7.2 External Consultees (*summarised*)**

| <b>Name of External Consultee</b> | <b>Comment</b> | <b>Officer Response</b>                         |
|-----------------------------------|----------------|---|
| ECC Highway Authority             | No Objection.  | The comments of the Highway Authority are noted |

**7.3 Internal Consultees (*summarised*)**

| <b>Name of Internal Consultee</b> | <b>Comment</b>   | <b>Officer Response</b>  |
|-----------------------------------|--|--|
| 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*)**

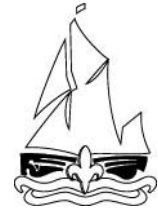
7.4.1 Letters were received objecting to the application from the following and the reasons for objection are summarized as set out in the table below:

- Mr. & Mrs. Sterling Woodfield Cottage 40 Chapel Road Great Totham
- B & P Davies 20 Beacon Hill Maldon Essex
- Mrs. M Parker The Old Dairy Station Road Wickham Bishops
- Mrs. Yvonne Odell Bishops Church Road Wickham Bishops Witham
- Mrs. Denise Yelland 1 Church Close Wickham Bishops Essex
- Lilian Laccohee 17 Seagers Great Totham Maldon
- Judy Wilson Grove House 2 Chantry Grove Wickham Bishops

| <b>Objection Comment</b>  | <b>Officer Response</b>                                      |
|---|--|
| The dwelling would enable the current owner of Park House to live here.<br>The design and scale are acceptable.<br>Limited impact upon adjacent occupiers<br>Limited impact upon the street scene<br>Would enable smaller households and older occupants to downsize. | The comments have been noted and addressed within the report |

## **8. REASONS FOR REFUSAL**

1. The provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquility, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality. Furthermore, in the absence of an Arboricultural Impact Assessment, the Local Planning Authority is unable to fully consider the impact of the development upon existing trees within and adjacent to the site, contrary to policies S2, BE1, H1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, emerging policy S1, S8, H4, D1, D2 and N2 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.
2. The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the ‘presumption in favour of sustainable development’ contained in the National Planning Policy Framework and to policy S2 of the adopted Maldon District Replacement Local Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Local Plan and the National Planning Policy Framework as a whole.



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

---

**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
12 JUNE 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:** 09/05/2017

**Application Number:** FUL/MAL/16/00265 (APP/X1545/W/17/3173125)

**Site:** Land Adjacent To Langford Waterworks - Hatfield Road - Langford

**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)

**Appeal by:** Sunbury Developments LLP

**Appeal against:** Refusal

**Appeal procedure requested:** Written Representations

**Appeal Start Date:** 15/05/2017

**Application Number:** FUL/MAL/16/01044 (APP/X1545/W/17/3167028)

**Site:** Honeywood Farm, Honeypot Lane, Purleigh, Essex, CM3 6RT

**Proposal:** Removal of condition 3 (agricultural occupancy condition) on approved planning permission FUL/MAL/82/00003

**Appeal by:** Mr Adam Brown

**Appeal against:** Refusal

**Appeal procedure requested:** Informal Hearing

**Appeal Start Date:** 22/05/2017

**Application Number:** FUL/MAL/16/01404 (APP/X1545/W/17/3172133)

**Site:** Falconers Lodge Offices Oak Farm Road Woodham Walter

**Proposal:** Retrospective - Use of building as single dwelling house

**Appeal by:** Mr M Hanham

**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/16/00782 (Appeal Ref: APP/X1545/W/16/3165877)

**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)

**Address:** The Barn, Mope Lane, Wickham Bishops, CM8 3JP

**Decision Level:** Committee overturned Officer recommendation to approve

FUL/MAL/16/00450 (Appeal Ref: APP/X1545/W/17/3166842)

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

**Address:** Barn Attached To South Of Sewells Farm, Witham Road, Little Braxted, WITHAM, CM8 3ET

**Decision Level:** Committee as per Officer recommendation to refuse

**APPEAL DISMISSED – 22 May 2017**

WTPO/MAL/16/01354 (Appeal Ref: APP/TPO/6002)

**Proposal:** TPO 5/76 - T17 Oak - Thin out new growth, remove dead, damaged branches and reduce the overall size (crown) by 30%

T13 & T14 Oak (back garden) Thin out new growth, remove dead/damaged branches and reduce the overall size (crown) by 30%.

**Address:** Heath House 13 Heathgate Wickham Bishops

**Decision Level:** Delegated

**APPEAL DISMISSED – 31 May 2017**

### **Enforcement Appeal Decisions:**

ENF/15/00093/02 (Appeal Ref: APP/X1545/C/16/3161041)

**Address:** Tolleshunt Wood Within Chantry Wood Witham Road Wickham Bishops

**Appeal Against:** Without planning permission the unauthorised operational development to erect a building

**APPEAL ALLOWED, THE ENFORCEMENT NOTICE IS QUASHED & PLANNING PERMISSION IS GRANTED ON THE APPLICATION DEEMED TO HAVE BEEN MADE UNDER SECTION 177(5) OF THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR THE DEVELOPMENT ALREADY CARRIED OUT – 16 May 2017**

**APPLICATION FOR AWARD OF COSTS MADE BY APPELLANT AGAINST LPA - REFUSED – 16 May 2017 (See costs decision A)**

**APPLICATION FOR AWARD OF COSTS MADE BY LPA AGAINST THE APPELLANT – PARTIAL AWARD ALLOWED IN RESPECT FOR GROUND C – 16 May 2017 (See costs decision B)**

This page is intentionally left blank