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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

30 June 2017

Dear Councillor

You are summoned to attend the meeting of the;


NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 10 JULY 2017** at **7.30 pm**.

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

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, loopy circular flourish.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor 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

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 10 JULY 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 16)

To confirm the Minutes of the meeting of the Committee held on ???????, (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. **FULMAL1700167 - The Griffins, Tudwick Road, Tolleshunt Major** (Pages 17 - 24)

6. **FUL/MAL/17/00535 - Land Adjacent to Chasefield Cottage, Kelvedon Road, Wickham Bishops** (Pages 25 - 38)

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

7. **FUL/MAL/17/00641 - Poultry Sheds, Moors Farm, Moors Farm Chase, Little Totham** (Pages 39 - 48)

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

8. **Other Area Planning and Related Matters** (Pages 49 - 52)

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

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

9. **Any other items of business that the Chairman of the Committee decides are**

urgent

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

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

11. **Enforcement Update** (Pages 53 - 122)

To receive and note the report of the Chief Executive (copy enclosed).

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)

This meeting is being monitored by CCTV.



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
12 JUNE 2017**

PRESENT

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, D M Sismey, A K M St. Joseph and Mrs P A Channer, CC

116. CHAIRMAN'S NOTICES

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

The Chairman adjourned the meeting at 19:32 to enable Members to read through the second Members' Update which had only been issued shortly before the meeting commenced.

Members asked various questions relating to this Members' Update and the Group manager for Planning Services advised that he would take Members through this after the Officer had presented the report.

The meeting reconvened at 19:39.

117. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J V Keyes and Miss S White.

118. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the Committee held on 15 May 2017 be received:

Minute number 65 – TPO 11/16 – 83 East Street, Tollesbury

It was agreed that the decision should have read that it be resolved that this Tree Preservation Order be not confirmed and that this decision be notified to the owner and objector accordingly.

RESOLVED

- (ii) That subject to the above amendment the Minutes of the meeting of the Committee held on 15 May 2017 be confirmed.

119. DISCLOSURE OF INTEREST

Councillor J P F Archer declared a non-pecuniary interest in Agenda Item 5 – **FUL/MAL/16/01142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – as planes fly across his house.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest in the following Agenda Items, as she was also a Member of Essex County Council who was consulted on highways, access, education and other matters:

- Agenda Item 5 - **FUL/MAL/16/01142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex;**
- Agenda Item 6 - **FUL/MAL/16/01143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex;**
- Agenda Item 7 - **HOUSE/MAL/17/00346 – Leys Manor, Langford Road, Wickham Bishops, Essex CM8 3JQ;**
- Agenda Item 8 - **OUT/MAL/17/00364 – Rear of Strawberry Lane, Tolleshunt Knights, Essex;** and
- Agenda Item 9 - **FUL/MAL/17/00389 – Land Adjacent Park House, Wickham Hall Lane, Wickham Bishops.**

Councillor Channer also declared a non-pecuniary interest in relation to Agenda Item 5 – **FUL/MAL/16/01142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** as both Maldon District Council and Essex County Council (for whom she was divisional member for Maldon) had given funding to Stow Maries Aerodrome. Furthermore, she had attended events at Stow Maries Aerodrome and she also knew the Trustees and some Objectors.

Councillor A K M St. Joseph made the following declarations:

- In relation to Agenda Item 5 – **FUL/MAL/16/01142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – he declared a non-pecuniary interest as he knew some of the Objectors; and
- Agenda Item 8 - **OUT/MAL/17/00364 – Rear of Strawberry Lane, Tolleshunt Knights, Essex** – he declared a non-pecuniary interest as he knew the Applicant.

Councillor M F L Durham, CC declared the same non-pecuniary interests as Councillor Mrs P A Channer, CC as he was also a Member of Essex County Council.

Councillor Mrs M E Thompson declared a non-pecuniary interest in the latter application as she was a Member of Tolleshunt Knights Parish Council.

120. FUL/MAL/16/01142 - STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON

Application Number	FUL/MAL/16/01142
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	<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"> • 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
Applicant	The Trustees - Stow Maries Great War Aerodrome Trust
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	24.01.2017
Case Officer	Yee Cheung, Tel: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Major Application Member Call In

The Officer presented the report of the Chief Executive on this planning application in conjunction with the report for Agenda Item 6 and the Group Manager for Planning Services advised Members that the second Members' Update produced did not add any additional information. It had been produced to clarify the report to Members and should be read in conjunction with it. In particular, the second Members' Update:

- Listed all proposed conditions and not just those that had been amended;
- Highlighted the maximum amount of take-offs and landings;
- Highlighted that the site was already an aerodrome;
- Clarified that a maximum of 12 movements (i.e. take-offs and landings) per day had originally been imposed.

He reminded Members that the scheme before them must be assessed on what it proposed and just because proposed movements would increase did not automatically mean that there was harm. The Group Manager for Planning Services then read out

paragraph 1.8 of the second Members' Update for the benefit of Members which dealt with noise.

Mr P Brady, an Objector, of The Planning Law Practice, Wood End, 20 Oaklands Park, Bishops Stortford, Hertfordshire, Mr S Hollington from Stow Maries Parish Council and Mr T Matthews, the Agent, then all addressed the Committee.

Following this the Chairman asked the Environmental Health and Licensing Manager to explain the law on noise.

The Environmental Health and Licensing Manager advised that noise was an important and emotive part of airfield planning applications and, once permission had been granted, then noise would fall outside the scope of statutory nuisance which would mean that neither the Council nor the Civil Aviation Authority would be able to take any action. Therefore, it was important to get the noise aspect right at the planning stage. However, ground noise was different and if the airfield was to develop as a maintenance base or similar, then the Council could deal with noise associated to that.

The Environmental Health and Licensing Manager advised that if noise was above the lowest observed significant effect level, then noise should be controlled by conditions. However, that would not necessarily be sufficient to refuse an application. When the highest observed significant effect level was reached then a development should not go ahead unless it could be mitigated. The more the highest level was exceeded, then the more it would lean towards refusal.

Councillor J P F Archer, a Ward Member, was in agreement with the objector and was of the opinion that the Council was trying to expand the aerodrome too much and that the roads in the vicinity could not cope with the potential increase in traffic. Furthermore, he considered that there would need to be increased storage for aircraft as the storage currently there was not sufficient. Councillor Archer was not in support of approving this application and felt that the decision made by this Committee in 2009 was correct. Any expansion of the aerodrome needed to be managed sensibly and the site was not big enough to warrant a massive influx of aircraft or visitors.

In response to a technical question on noise, the Environmental Health and Licensing Manager advised that aircraft noise was dealt with on a long term average which came from national guidance. The noise would be assessed over working days, whereby each aircraft movement was measured, the level was condensed to a one second movement and the movements were added together to get the daily allowance. By way of clarification, unless the minimum level of noise was exceeded then any changes in noise level would not be relevant. The consultant's approach to assessing noise was considered to be sound.

Members raised concerns about this application being submitted for determination by this Committee as it was a complicated and significant application for the Council. Stow Maries aerodrome was one of the most significant attractions in the District and had the potential to become even more significant. Whilst the tourism that could bring to the district must be welcomed, it must be balanced with the demands on infrastructure etc.

Councillor M F L Durham, CC proposed that this application be deferred to be considered by full Council and this was duly seconded.

The Group Manager for Planning Services advised that this application was before this Committee in accordance with the scheme of delegation. Decisions by area planning committees should be made on behalf of the Council as a whole and should be based on policies and any demonstrable harm for the District.

Members voted in favour of this application and application **LBC/MAL/16/001143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – being determined by full Council.

Councillor J P F Archer requested that his vote against this proposal be recorded.

RESOLVED that both this application and application **LBC/MAL/16/01143 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** – be referred to full Council for determination.

121. LBC/MAL/16/01143 - STOW MARIES AERODROME HACKMANS LANE COLD NORTON ESSEX

Application Number	LBC/MAL/16/01143
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	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.
Applicant	Ms Sarah Threlfall - TMA Chartered Surveyors
Agent	The Trustees - Stow Maries Great War Aerodrome Trust
Target Decision Date	24.01.2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In

This application was heard in conjunction with Agenda Item 5 – **FUL/MAL/16/001142 – Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** above and it was **RESOLVED** that it would be referred to full Council for determination.

The Chairman adjourned the meeting at 20:43 to allow members of the public to leave the Council Chamber.

The meeting reconvened at 20:49.

122. HOUSE/MAL/17/00346 - LEYS MANOR LANGFORD ROAD WICKHAM BISHOPS ESSEX CM8 3JQ

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

The Committee considered the report of the Chief Executive on this planning application. Following the Officer's presentation of the report, Mrs J Jarvis, the Applicant, addressed the Committee.

Councillor H M Bass, a Ward Member, was of the opinion that there was nothing wrong with this proposal and that it was in keeping with the style of the house. The piers were quite a long way back from the carriageway. Councillor Bass proposed that this application be approved contrary to the Officers' recommendation. This proposal was duly seconded.

Members considered that there were similar styles of entrance in the vicinity and that in time the vegetation and trees planted would soften the appearance of the entrance.

RESOLVED that this application be **APPROVED**.

123. OUT/MAL/17/00364 - REAR OF STRAWBERRY LANE, TOLLESHUNT KNIGHTS

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

The Committee considered the report of the Chief Executive on this planning application. Following the Officer's presentation of the report, during which she

advised Members that the Agent had requested deferral, the Chairman asked Members if they wished to take a vote on deferring this application. Members declined to vote on deferral.

Mr M Porter of Tolleshunt Knights Parish Council then addressed the Committee.

Although this application would not have come to Committee under the parish trigger rule, the Chairman and Councillor E L Bamford, the Ward Members, had called this in as there were so many objections and they wanted to show support to the residents of Tolleshunt Knights. In addition to the proposed reasons for refusal, there were problems with accessing the bus-stop as there were no pavements, the junction was considered to be dangerous and the density of houses proposed was considered to be out of keeping with the surrounding roads.

Councillor D M Sismey proposed that this should be determined by full Council to demonstrate the Council's opposition to this type of speculative application. This proposal was not seconded. However, Members were of the opinion that their issues should be mentioned and both coalescence and lack of affordable housing were valid reasons for refusing this application.

Members considered that the Highways Authority had let the Council down on this and other applications and requested that the Essex County Council (ECC) Members who were also District Council Members speak to the Cabinet Member for Highways at ECC. The respective ECC Members confirmed that they would do so.

The Group Manager for Planning Services advised Members that concern regarding the bus stop could not form a reason for refusal. However, coalescence could be added as a further reason for refusal. He also advised that if the Highways Authority did not raise an objection then it was difficult for the Council to use highways problems as a reason for refusal. The Committee agreed to refuse the application as recommended by the Officers together with the additional reasons as identified above.

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

- 1 At present, the application site prevents the coalescence of Tolleshunt Knights and Tiptree where it falls under the jurisdiction of Colchester Borough Council. It is considered that the proposed development would fundamentally alter the open character of the north western edge of the village of Tolleshunt Knights, contrary to policies BE1, CC6 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1 of the Maldon District Local Development Plan and Government advice as contained within the National Planning Policy Framework.
- 2 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. If developed, the site would be disconnected and isolated from the existing settlement, which has limited access and connectivity with the existing village thus would represent an unsustainable form of development. 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. Further, the application site is not considered to be in a sustainable location. This is due to lack of footways, together with the distance to local services / facilities means that there would not be a safe or convenient pedestrian access to local services / facilities and it is likely that there would be greater reliance on the private car. The proposal would therefore be contrary to policies BE1 and T2 of the adopted Maldon District Replacement Local Plan; policies S1, S8, D1 and T2 of the Maldon District Local Development Plan; and the three dimensions to sustainable development as contained within the National Planning Policy Framework.

- 3 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.
- 4 In the absence of a signed legal agreement the development makes no contribution for affordable housing, which would be required with respect to mitigating the wider impacts of the development on local infrastructure and townscape. As such the proposal is considered to be contrary to policy PU1 of the adopted Maldon District Replacement Local Plan, policies H1 and I1 of the Maldon District Local Development Plan, and the National Planning Policy Framework.

124. FUL/MAL/17/00389 - LAND ADJACENT PARK HOUSE, WICKHAM HALL LANE, WICKHAM BISHOPS

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

The Committee considered the report of the Chief Executive on this planning application. Following the Officer's presentation of the report, Mr S Rowe, the Agent, addressed the Committee.

Councillor H M Bass, a Ward Member, advised the Committee that he had called this application in. Whilst he accepted the Officer's reasons for refusal, this application did have green credentials and there were personal circumstances behind the application.

Councillor D M Sismey was of the opinion that the Council should support the philosophy behind this application – i.e. a daughter moving back to the area and in to a large property and her mother moving in to a smaller property on the same land as the donor property. He then proposed that this application be approved contrary to the Officers' recommendation. This was duly seconded.

The Group Manager for Planning Services advised that if Members were minded to approve this application, then he had concerns both about allowing a property in a garden and placing a dwelling at the rear of an existing dwelling.

Upon a vote, the motion failed. Councillor H M Bass then proposed refusal of this application in accordance with the Officers' recommendation. This was duly seconded and agreed.

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

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.

125. OTHER AREA AND PLANNING 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: 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

(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/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).

126. NOMINATION OF A MEMBER TO THE LOCAL AREA HIGHWAYS PANEL

RESOLVED that Councillor H M Bass be appointed as the representative for the North Western Area Planning Committee on the Maldon District Local Area Highways Panel.

There being no further items of business the Chairman closed the meeting at 9.44 pm.

MRS M E THOMPSON
CHAIRMAN

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**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
10 JULY 2017**

Application Number	FUL/MAL/17/00167
Location	The Griffins Tudwick Road Tolleshunt Major Essex
Proposal	Removal of Condition 3 imposed on approved planning permission MAL/143/78 relating to an agricultural/kennels occupancy condition, as amended on appeal (reference FUL/MAL/15/00301)
Applicant	Mr & Mrs R Vallis
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	24.04.2017 EOT – 14.06.2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Parish Trigger

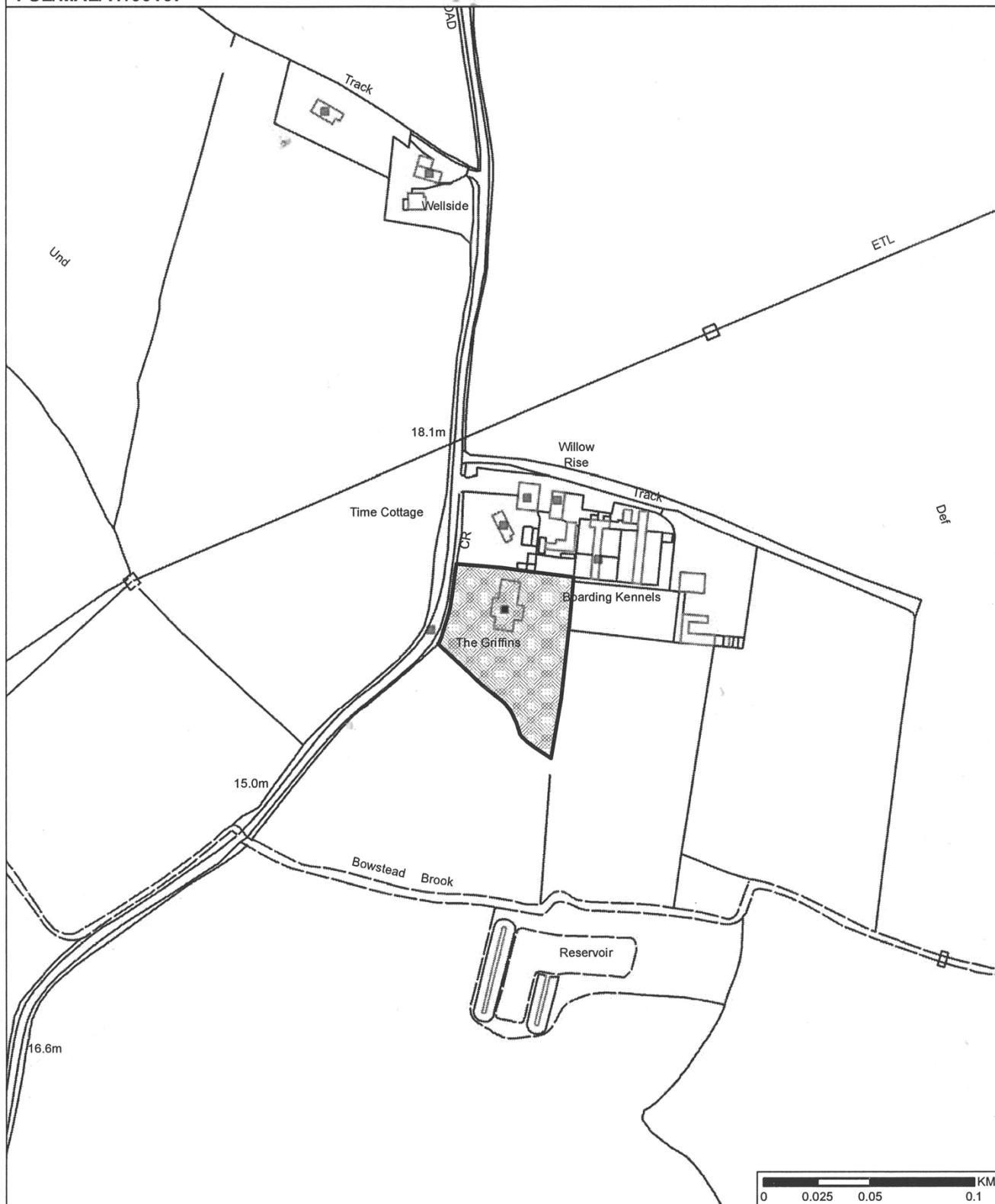
1. RECOMMENDATION


APPROVE with no conditions.

2. SITE MAP

Please see overleaf.

The Griffins, Tudwick Road, Tolleshunt Major
FUL/MAL/17/00167



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	28/06/2017
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The proposal is for the removal of condition 3 in respect of approved planning permission MAL/143/78 and subsequently amended on appeal reference FUL/MAL/15/00301, which seeks to remove the agricultural occupancy condition for the dwelling known as the griffins at the site.
- 3.1.2 The Inspector on the previous appeal concluded that no justification had been provided to warrant the removal of condition 3 relating to MAL/143/78 however, found that in order that it should reflect current planning legislation and guidance an amended condition should be imposed alongside the original permission.
- 3.1.3 For reasons of clarity the amended conditions reads as follows:

“The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture or forestry, or a widow or widower of such a person, and to any resident dependents.”

3.2 Conclusion

- 3.2.1 It is considered that the level of marketing for both rental and leasehold tenancy together with the level of marketing appears to lead to a robust claim to enable the Council to consider that the condition has outlived its usefulness or that the dwelling is no longer needed by the agricultural community. The Council maintains concerns with regard to the loss of a dwelling tied to agricultural activity when there is evidence through recent submissions for such a requirement albeit within the wider district. However, in this instance the submission is considered to accord with policy CC16 of the local plan and the guidance and provision as contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF)

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 - Development Boundaries and New Development
- BE1 - Design of New development and Landscaping
- CC16 - Agricultural Occupancy Conditions

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The planning regime has permitted dwellings in the rural areas for agricultural workers as an exception to the general national policy of protecting the countryside from unnecessary and instructive build development. In most cases conditions are attached to such dwellings to ensure that they remain part of the dwelling stock that assists the agricultural industry in this District in maintaining its viability and functionality.
- 5.1.2 The purpose of Policy CC16 is to ensure that dwellings built as exceptions to the normal restraints upon development in rural areas continue to serve the needs of the agricultural community unless rigorous examination demonstrates otherwise. This is consistent with the overarching principles of the NPPF to protect the character and beauty of the countryside and to avoid new isolated homes.
- 5.1.3 It is therefore not considered appropriate to remove such conditions unless it is shown that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving houses for that purpose.
- 5.1.4 The criteria set out in policy CC16 provides the basis for such an assessment.

5.2 Assessment

- 5.2.1 The District Council recognises that circumstances may change, rendering a property surplus to requirements. Policy CC16 ‘Agricultural Occupancy Conditions’ identifies the relevant criteria and states that permission to occupy a dwelling without compliance with a restrictive condition will only be granted where all of the following criteria are met:
1. Proof of no further agricultural need for the property;
 2. Evidence of circulation/marketing of availability of the property for sale, rent or lease to other farmers in the area at a price that reflects the imposition of a restrictive occupancy condition and confirmation of their lack of interest;
 3. Evidence of advertising the property for sale, rent or lease, by estate agents and agents specializing in this type of property, in farming journals and newspapers nationally for a minimum period of three months, including specific reference to the agriculture occupancy condition and at a price to reflect the occupancy condition;
 4. A period of 10 years elapsing from the date the house was first occupied.
- 5.2.2 The evidence submitted with this application is as follows:
- Copy of agents sales particulars of the property.

- Copy of advert placed in Essex County Standard on 7 October 2016.
- Copy of advert placed in Farmers Weekly on 28 October 2016.
- Planning Statement.
- Sales List dated 18 March 2017.

5.2.3 From the evidence submitted with the application it is indicated that the property was re-marketed on 7 October 2016 within Essex County Standard and advertised within the Farmers Weekly on 28 October 2016 both show an asking price of OIRO (offers in the region of) £490,000. It is stated that details of the property were advertised within the East Anglian Daily times on 29 October 2016. However, there is no evidence provided to support this. It is also stated that the property was also advertised on Rightmove, Zoopla and Stanfords websites, only evidence in relation to the publication on Stanfords website has been provided and upon a preliminary search the property does not appear on Rightmove's website to be for sale and the listing has been removed however, it does not indicate when the listing was removed.

5.2.4 During a period of four and half months marketing it is stated that an initial mailing exercise from Stanfords database two letters and particulars were sent out amongst the local farming community within an 8 mile radius of the dwelling offering the property for sale and for rent, however no replies were received to the date of the production of the planning statement.

5.2.5 Having regard to RLP Policy CC16 and its set criteria set out below:

5.2.6 Criteria A – Proof of no further agricultural need

5.2.6.1 It is understood from the submission that the kennels business to which the restrictive occupancy condition relates is retained within the ownership of the applicants along with a further dwelling known as Willow Rise. It is claimed that there is no longer a need for an additional dwelling connected to the Kennels and that the business has been in decline. This assertion has not been supported by any evidence, such as books relating to the kennels business. Furthermore the applicants are currently complying with the restrictive occupancy condition as they were employed in connection with the kennels business and are now retired.

5.2.6.2 It is acknowledged that the dwelling itself comes with limited land for agriculture and due to the applicants retirement there could be no requirement for an addition dwelling to be employed by Willow Rise, this in itself does not preclude it from being required within the agricultural community as the occupant could work on a local farm or lease/buy additional land within the local area. Furthermore, the rewording of the restrictive occupancy condition, under the previous appeal decision, states *“The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in agriculture or forestry, or a widow or widower of such a person, and to any resident dependents.”* and does not require the occupants to be employed or previously employed at Willow Rise.

5.2.6.3 However, the inspector at the previous appeal stated, ‘I conclude that condition 3 continues to serve a useful purpose in providing accommodation for a rural worker or their dependents, and it has not been satisfactorily demonstrated that there is no longer a long term need to retain the dwelling for this purpose.’

5.2.6.4 Furthermore, the extent of marketing within the current submission and the further evidence submitted for evidence of continued marketing during the course of this process and the additional sales information dated 18 March 2017 is considered satisfactory evidence over that provided within the previous proposal and therefore is it considered that the information provided does satisfy this criterion of Policy CC16.

5.2.7 Criteria B Evidence of Marketing to Confirm Lack of Interest.

5.2.7.1 It is acknowledged that the property has been marketed nationally through the use of internet sites, in an issue of Farmers Weekly on 28 October 2016 and within the Essex County Standard 7 October 2016; however, whilst this evidence does not suggest the period of time or the amount of issues produced that the advert was advertised for, this together with further information dated March 2017 has been submitted which evidence that the property was further marketed by Stanfords who specialize in this type of property five months after the original listings. This listing clearly states that the property is restricted to that of an agricultural workers dwelling. It is therefore considered that in this instance, sufficient marketing has taken place to accord with this criterion of Policy CC16. However, the Council has sought confirmation of the period of advertisement.

5.2.7.2 It is noted that during the course of the appeal for the previous application on the site (referenced in a subsequent section of this report, the Appeal Inspector stated that for that application, the appellants intention to sell resulted in a lack of marketing for rental purposes. It is noted that the current proposal has included marketing information for lease of the property and which clearly states the agricultural tenancy. Furthermore, the previous Appeal Inspector stated that the time period for advertising was sufficient. Therefore that period of advertising, together with the current period of advertising is considered sufficient to meet the policy criterion in this instance; subject to written confirmation from the agent.

5.2.8 Criteria C Evidence of Advertising at a Price to Reflect the Restriction

5.2.8.1 Paragraph 6.6 of the Planning Statement states that no independent valuations or marketing appraisals were undertaken by the agents and that this is not their common practice when placing a property on the open market. Criterion b) is unequivocal in its requirement that the property price should reflect the restriction and there is therefore no reliable or evidence basis that the price reflects this. From the evidence submitted the asking price of OIRO £490,000 has taken 30% off the higher end of the open market valuation. This valuation was considered acceptable by the inspector at the previous appeal which is considered a material consideration. Therefore, it is considered that since that time as property prices have moved upwards and that the price as of March 2017 is £490,000, this would in effect have regularized the overall price for this site. Furthermore, the Council has sought an informal valuation (i.e. no site appraisal was undertaken), from an estate agent and this was broadly in line with the agents valuation.

5.2.9 Criteria D – Period of ten years elapsing from occupation

5.2.9.1 There is no dispute that the dwelling has been occupied in excess of ten years.

6. ANY RELEVANT SITE HISTORY

- **MAL/143/78** – New dwelling in connection with boarding kennels. Approved
- **FUL/MAL/15/00301** - Removal of Condition 3 on approved planning permission MAL/143/78 relating to an agricultural/kennels occupancy condition. – Allowed on Appeal (It should be noted that whilst allowing this appeal, the Inspector varied the wording of the original condition).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Major Parish Council	The dwelling is still part of the kennels activity on this site and has not been marketed as such. It lies outside the village envelope, does not meet any housing need and would therefore be an inappropriate development in the countryside. A past Appeal decision for the site stated that there was no justification for the removal of the agricultural occupancy.	Noted.

7.2 Representations received from Interested Parties (*summarised*)

7.2.1 There were none.

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**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
10 JULY 2017**

Application Number	FUL/MAL/17/00535
Location	Land Adjacent To Chasefield Cottage Kelvedon Road Wickham Bishops Essex
Proposal	Proposed 4 Bedroom Dwelling
Applicant	Mrs Lynda Kemp
Agent	Mr Chris Loon - Springfields Planning & Development Limited
Target Decision Date	12 July 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land Adjacent To Chasefield Cottage, Kelvedon Road, Wickham Bishops
FUL/MAL/17/00535



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 Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: North West Committee

Date: 28/06/2017

MSA Number: 100018588

Agenda Item no. 6

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site forms part of the mature garden associated with and to the south of Chasefield Cottage, and lies to the south of the Kelvedon Road settlement boundary as demarcated in the Replacement Local Plan (RLP). Chasefield Cottage sits fairly close to the road and its building line reflects that of the linear development to the north. To the south of the site is detached property Rainbow Cottage and opposite the site is a number of recently constructed and currently being constructed dwellings.
- 3.1.2 The southern and western boundaries of the site comprise of mature vegetation, the northern boundary of the site is not demarcated at present and there is a timber panel fence inside the western boundary of the site.
- 3.1.3 Planning permission is sought for the construction of a detached dwelling house with an integral garage. The two-storey dwelling would be 'H-shaped' measuring approximately 14.6 metres with a depth of 15.5 metres. It will be approximately 8.2 metres to ridge level. During the process of the planning application, amended plans have been received reducing the width and depth of the dwelling. The width of the dwelling now measures approximately 13.5 metres wide, 15.5 metres deep and with a ridge height of 7.9 metres.
- 3.1.4 The ground floor of the dwelling would comprise of a snug room, kitchen, dining room, study, W.C and a garage. Four bedrooms (two with en-suite) and a family bathroom are proposed at first floor level. In addition, an internal balcony is proposed to serve the Master bedroom.
- 3.1.5 It is proposed that the external materials to be used in the construction of the dwelling house would be facing brickwork and grey weatherboarding. Natural slates would be used for the roof.
- 3.1.6 Outline planning application was granted on 1 November 2016 (OUT/MAL/16/00990) for the construction of a new house of 233 sq m in area and detached garage.

3.2 Conclusion

- 3.2.1 Given the surrounding development, the principle of the construction of a dwelling within the site is considered to be compatible with the area. Consequently, the development is not considered to be contrary to Policy S2 of the adopted local plan which requires that the countryside will be protected for its landscape value outside settlement boundaries, or the design aims of Policy BE1 of the adopted local plan. Nor the development would be contrary to Policy CC6 which permits development only where it would not cause harm to the landscape character of the locality.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 14, 17, 49, 50, 56, 57, 60, 63

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development outside Development Boundaries
- H1 – Location of New Housing
- BE1 - Design of New Development and Landscaping
- CC6 - Landscape Protection
- CC7 – Special Landscape Areas
- T1 - Sustainable Transport and Location of New Development
- T2 – Transport Infrastructure in New Development
- T8 - Vehicle Parking Standards

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

The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect to 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 28 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 the 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 focused 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.

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

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Planning permission is sought for the construction for a two-storey detached dwelling house with an integral garage. The proposal lies outside of the settlement boundary of Wickham Bishops as defined by the adopted Local Plan and the Local Development Plan. The development proposal is therefore considered contrary to Development Plan Policies in principle.
- 5.1.2 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.
- 5.1.3 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.
- 5.1.4 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.
- 5.1.5 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).

- 5.1.6 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.
- 5.1.7 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.
- 5.1.8 There have been a number of recent planning decisions in the area, and appeal decisions, which are material considerations in the determination of this planning application namely appeal reference: APP/X1545/W/15/3136955 (planning reference: OUT/MAL/15/00461) which relates to part of the garden of Rainbow Cottage which is to the south of the application site. In this instance the Planning Inspector concluded that whilst a dwelling within the site would be outside the settlement boundary, and would be fairly prominent, it would have little impact on the prevailing character of the area. Furthermore, on the opposite side of Kelvedon Road five dwellings (Site adjacent to Ashcroft and Land south of 2 Kelvedon Road) have been granted permission subsequently built in recent times (planning references: OUT/MAL/13/00710, FUL/MAL/14/01128, FUL/MAL/15/00526, FUL/MAL/15/00600). These planning decisions, including appeals, weigh heavily in favour of the proposed development and therefore, whilst the application is contrary to policy in principle, it is considered acceptable in this instance.
- 5.1.9 In addition to the above, there is an extant outline planning permission which was granted on this site for the construction of a detached dwelling house and a detached garage to front of the building in 2016 (OUT/MAL/16/00990). This is also material consideration when determining this current planning application.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The application site forms part of the mature garden of Chasefield Cottage, and lies to the south of the Kelvedon Road settlement boundary as demarcated in the adopted local plan. Chasefield Cottage sits fairly close to the road and its building line reflects that of the linear development to the north.
- 5.2.2 Kelvedon Road comprises a mix of dwellings of a variety of design, appearance, scale, bulk and height. On the opposite side of the road, and extending to the south beyond the application site, there is recent housing development which has been recently been completed. To the south of the application site is detached dwelling Rainbow Cottage and the area has a suburban character, beyond Rainbow Cottage is the most recent development which was allowed on appeal and was mentioned in Paragraph 5.1.8 in the report above.

- 5.2.3 Roadside hedging and tree planting afford glimpsed views of properties, but generally views are restricted. Although there are pockets of countryside and agricultural land in the vicinity, the overall impression is of a pleasant but semi-urbanised area with low density residential development, and where garden and public amenity land provide a large proportion of the open space.
- 5.2.4 The application site has a frontage of 17 metres which is commensurate with the plot widths in the area, the dwellings being constructed opposite the application site have frontages measuring between 15 and 23 metres. It is therefore considered that a dwelling on this site would have little impact on the prevailing character of the area.
- 5.2.5 The dwelling house proposed is two-storey in height and of a contemporary design with large glazing panels to the rear elevation. Features such as gable ends and external materials proposed and are incorporated in the new build are design features that are evident along Kelvedon Road and the immediate locality and as such, the dwelling is considered comparable and in keeping with the street scene. The position of the dwelling, whilst set some 15 metres back from the highway, would almost reflect the linear form of development in the locality.
- 5.2.6 Concerns have been raised with regard to the cramped appearance and the height of the dwelling. In terms of width, the proposal has been reduced, during the application process, from 14.6 metres to 13.5 metres. As such it is not considered that whilst the development would be dominant within the site, the width of the development would not diminish the openness particularly when the dwelling is set back approximately 15 metres from the highway when viewed from the street scene.
- 5.2.7 In terms of the height of the dwelling, this has been reduced from 8.2 metres to 7.9 metres. It is noted that the new dwelling on land at Rainbow Cottage is 7.9 metres to ridge level (FUL/MAL/16/00892). On the opposite side of Kelvedon Road where four new dwellings have recently been constructed, the ridge height of the roof ranges from 7.9 metres minimum to 8.8 metres maximum. As such, it is not considered that the height of the development would be out of keeping with the vicinity to warrant refusal.
- 5.2.8 It is noted that concerns were also raised with regard to the floorspace of the development. In the outline planning application, it was proposed that the floorspace of the house would be 233 square metres. The current application, including the integral garage, would be 254 square metres which would be a slight increase from the previous outline approval. However, on balance it is not considered to warrant a reason for refusal.
- 5.2.9 Having considered the above, the proposal would be compatible with the area in accordance with policy BE1 of the adopted local plan, policy D1 of the Local Development Plan and the NPPF which seeks good design.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the adopted local plan states that new development will be permitted if they are compatible with their surroundings, and/or improve the surrounding location in terms of the effect on the safety and or amenity of neighbouring properties or the

occupiers therein. Policy D1 of the Local Development Plan also seeks to ensure that new development protects the amenity of surrounding areas.

- 5.3.2 The proposed dwelling house would be positioned approximately 2.4 metres away from the shared boundary with Chasefield Cottage to the north and about 2.4 metres away from Rainbow Cottage to the south of Rainbow Cottage. In addition, the principal elevation of the proposed property would be set back approximately 8 metres from the principal elevation of Chasefield Cottage and 6.6 metres from the principal elevation of Rainbow Cottage. Therefore, due to the setback nature of the property and the distances between neighbouring properties it is not considered that the proposed development would have a dominating impact on the residential amenity of the neighbouring occupiers.
- 5.3.3 As previously mentioned under the design section; it is noted that whilst the property has a large height of 7.9 metres to the ridge, the height of the property is equal to that of the adjacent properties and lower than those opposite the site. As a result, it is considered that the proposal is in keeping with neighbouring properties and would not have an overbearing impact on neighbouring occupiers. In addition, the proposed dwelling would be set back approximately 15 metres from the highway. Therefore, due to the height of the proposal, and the location of the proposed dwelling within the site, it is considered that the proposed development would not result in an overbearing and unneighbourly form of development or an overly dominant structure within the street scene.
- 5.3.4 Furthermore, there are two roof lights proposed on the flank elevation, both serving an en-suite. As such, it is not considered that the development proposal would have an adverse impact on the residential amenity of the existing occupiers at Chasefield Cottage and Rainbow Cottage.
- 5.3.5 An internal balcony is proposed at first floor level to serve the Master bedroom. Whilst there is no objection in principle with regard to a balcony, concern is raised with regard to potential overlooking to the existing occupiers at Rainbow Cottage. It is therefore considered that a condition would be required for the Applicant to submit details of the balcony i.e. height of the railing, screening, to ensure that the amenity at Rainbow Cottage is not affected by this development proposal.

5.4 Access, Parking and Highway Safety

- 5.4.1 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising four or more bedroom dwellings, three, off-street parking spaces would be required. The proposal comprise of an integral garage and ample off-street parking within the front curtilage of the property. In this respect, the proposal would comply with the policy T8 of the adopted local plan, policy T2 of the Local Development Plan, and the VPS guidance.
- 5.4.2 In terms of the new vehicular and pedestrian access point to serve the development proposal, the Highway Authority has raised no objection to the proposal subject to conditions and informative to be imposed should the application be approved.

5.5 Private Amenity Space and Landscaping

- 5.5.1 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.
- 5.5.2 Based on the Proposed Site Plan submitted (Drawing No: 017.09-PL-102 Revision A dated 28.04.2017), it appears that the garden size exceeds the minimum standard. 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.
- 5.5.3 In term of landscaping, the Proposed Site Plan submitted (Drawing No: 017.09-PL-102 Revision A dated 28.04.2017) shows some trees and hedges to be removed and some trees to be retained. This is not clear on the plan and as such, it is considered reasonable for a planning condition to be imposed for additional information to be submitted to the Council for consideration should the application be approved.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/16/00990** - Proposed new house of 233 sq m in area and detached garage. Approved: 1 November 2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Refuse for the following reasons: <ul style="list-style-type: none">• The development would be 2 metres taller than the neighbouring houses• 20% increase is not considered acceptable• Cramped appearance• Dominant and bulky design	Noted in the report.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highway Authority	No objection subject to conditions.	Noted in the report.

7.3 Internal Consultees (*summarised*)

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

7.4 Representations received from Interested Parties (*summarised*)

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

8. **PROPOSED CONDITIONS**

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure the appropriate use of external material to safeguard the character and appearance of the rural area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 4 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 boundary treatment as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.
REASON: To secure appropriate boundary treatment of the site and to protect the character and appearance of the area in accordance with policy BE1 of the

Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

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

REASON: To secure appropriate landscaping of the site and to protect the character and appearance of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 6 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

REASON: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety and with policy T2 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.

- 7 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 017.09.PL-102 Revision A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with policy T2 of the Maldon District Replacement Local Plan and policy T2 of the Maldon District Local Development Plan.

- 8 Prior to the commencement of the development a surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

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

Plan, policy D5 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

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

- 10 Prior to the commencement of development, details and height of the screen of the balcony shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the details approved and retained as such thereafter.

REASON: To protect the amenity of the neighbouring residential property Rainbow Cottage in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

INFORMATIVES

Highways:

The Highway Authority would be content with the submitted Construction Method Statement (CMS) being subject to a Compliance Condition.

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

Environmental Health Services:

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

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

Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

Waste Management Team:

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

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REPORT of CHIEF EXECUTIVE

to
NORTH WESTERN AREA PLANNING COMMITTEE
10 JULY 2017

Application Number	FUL/MAL/17/00641
Location	Poultry Sheds Moors Farm Moors Farm Chase Little Totham
Proposal	Variation of conditions 6 & 7 on approved planning permission FUL/MAL/15/00439 (Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials)
Applicant	Mr J Purdy
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	4 August 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In

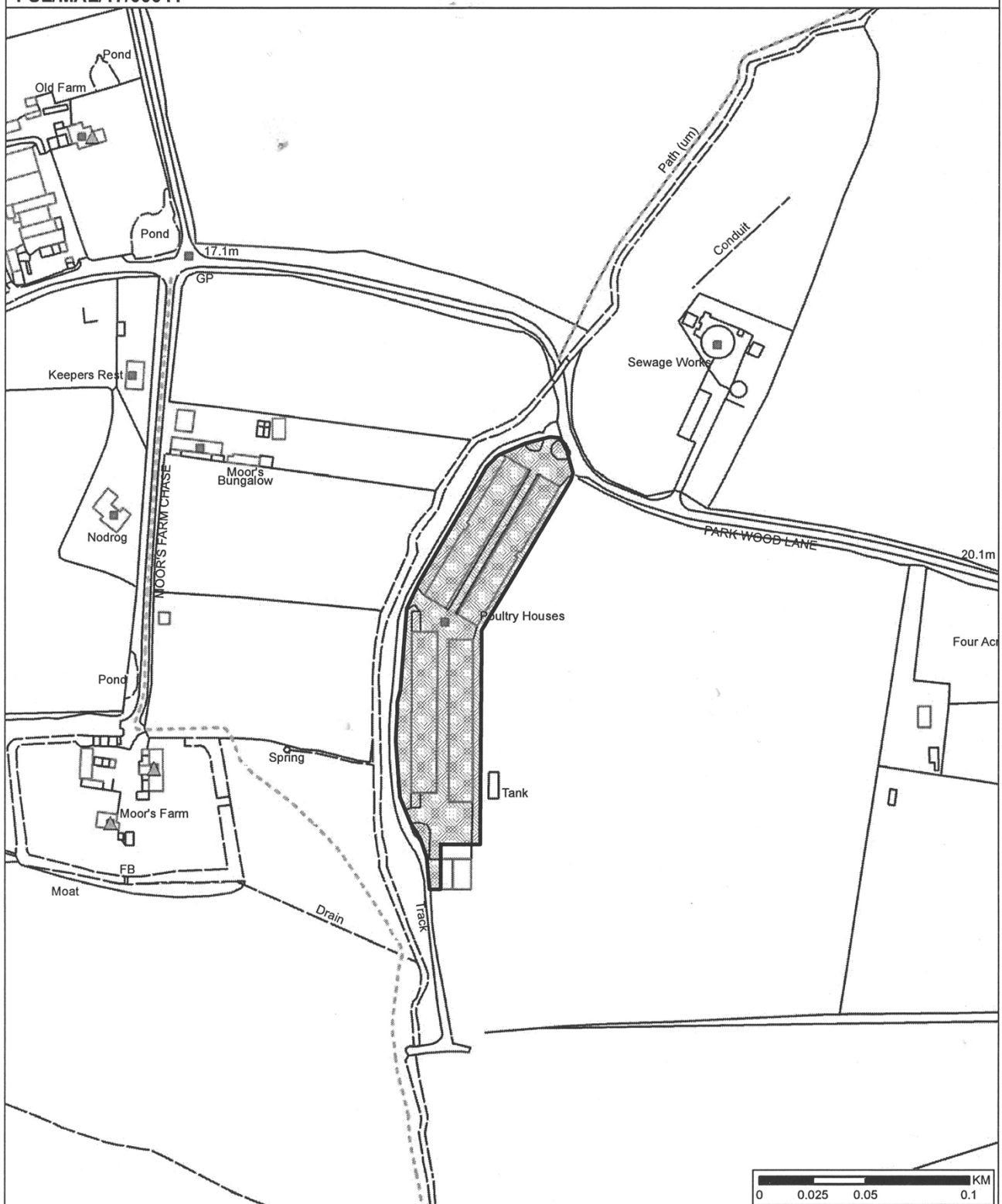
1. RECOMMENDATION

As the statutory consultation period for this application expires after the date of this meeting, the Chief Executive be authorised to **REFUSE** planning permission for the reasons as detailed in Section 8 of this report subject to the expiry of the publicity period and no new material considerations being received.

2. SITE MAP

Please see overleaf.

Poultry Sheds, Moors Farm, Moors Farm Chase, Little Totham
FUL/MAL/17/00641



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 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: North West Committee

Date: 28/06/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for the variation of conditions 6 and 7 of the approved planning permission FUL/MAL/15/00439 (Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials).
- 3.1.2 Condition 6 states that: “No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building”, and condition 7 states that: “In pursuant of Condition 6, no machinery, other than a forklift truck, shall be used outside the building”. It is proposed to vary condition 6 in order to allow external storage of up to 3m in height and to vary condition 7 to allow the use of a digger and a dumper truck on site.
- 3.1.3 The use of the site is already carried out without compliance to the above conditions and a breach of condition notice has been served to remedy the identified breach of planning control. A planning application (reference FUL/MAL/17/00349) for exactly the same proposed variation was refused by the Council on 24 May 2017.
- 3.1.4 The application site lies within a rural setting outside of any defined settlement boundary, to the southwest of the village of Little Totham. The site subject of this application comprises two poultry sheds and a barn set in a linear style with an open field to the east and a tree lined mature hedgerow boundary to the west. Vehicle access is from Park Wood Lane to the north of the site and leads between the poultry sheds to the rear (south) of the site.
- 3.1.5 There are residential properties to the west, east and north of the site, located in distances between 80m and 200m away from the site. One of the properties to the west is Moor’s Farmhouse, a complex containing two grade II listed buildings.

3.2 Conclusion

- 3.2.1 The use of the site without compliance to Conditions 6 and 7 of planning permission FUL/MAL/15/00439 has resulted in a development that is unacceptable in planning terms, due to its visual impact upon the intrinsic character and appearance of the area and the resultant noise pollution, which is detrimental to the amenity of the neighbouring residential occupiers. The application is not considered to have provided any mitigation to the identified harm or provide a sound planning argument including any relevant material planning considerations as to why permission should be granted. Therefore, the development is contrary to saved policies S2, CON5, CC6, CC19 and BE1 of the Replacement Local Plan, emerging policies S1, S8, D1, D2 and E4 of the submission Local Development Plan and advice contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

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

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- Policy S2 - Development outside development boundaries
- Policy CON5 - Pollution prevention
- Policy CC6 - Landscape Protection
- Policy CC19 - Rural Diversification
- Policy BE1 - Design of New Development and Landscaping

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

- Policy S1 - Sustainable Development
- Policy S8 - Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy E4 - Agricultural and Rural Diversification

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 When the planning application FUL/MAL/15/00439 for the change of use of the site was considered, policy CC19 of the Replacement Local Plan (RLP) was the main consideration to establish whether the principle of development is acceptable. Policy CC19 states that proposals for change of use of rural buildings outside the defined development boundaries to employment uses will only be permitted if certain criteria are met. Two of the criteria set in policy CC19 relevant to this application, are:

- Criterion (e) - the proposed use will not harm the local environment through the creation of noise, dust, smoke, fumes, grit, vibration or any form of water, soil or air pollution; and
- Criterion (g) - no storage of raw materials or finished goods is to take place outside the building if it would be detrimental to the visual amenity of the area;

5.1.2 Furthermore, emerging policy E4 of the Local Development Plan (LDP) reiterates the importance of the above criteria.

5.1.3 It was considered that the development would comply with the above criteria subject to appropriate conditions, including conditions 6 and 7. Without compliance to these conditions the principle of the development is unacceptable; this is discussed further within the following section of this report.

5.1.4 In addition to the previous considerations, an application of the same nature was determined previously by the Council under reference FUL/MAL/17/00349. The Council refused to grant permission for the previous application because:

1. *The use of the site without compliance to Conditions 6 of planning permission 15/00439/FUL has resulted in a development that is unacceptable in principle, due to its visual impact upon the intrinsic character and appearance of the area contrary to policies S2, CC6, CC19 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, E4 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.*
2. *The use of the site without compliance to Conditions 6 and 7 of planning permission 15/00439/FUL has resulted in noise pollution, which is detrimental to the amenity of the neighbouring residential occupiers contrary to saved policies CON5, CC19 and BE1 of the Replacement Local Plan and emerging policies D1 and D2 of the submission Local Development Plan and advice contained within the National Planning Policy Framework.*

5.1.5 It is not considered that there is any material difference between the current application and the one previously refused by the Council and therefore the principle of the development remains unacceptable.

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 As already mentioned, policy CC19 of the RLP states that the change of use of an existing agricultural building shall only be permitted if no storage of raw materials or finished goods is to take place outside the building if it would be detrimental to the visual amenity of the area. Moreover, policy BE1 of the RLP and D1 of the LDP seek to allow any development only if it is compatible with its surroundings and/or improves the surrounding location in terms of visual impact, among others, and that

outside defined development boundaries they make a positive contribution to the landscape and open countryside.

- 5.2.4 Furthermore, the site lies outside of any defined development boundary, within the countryside for planning policy purposes. According to saved policy S2 of the RLP and policies S1 and S8 of the emerging LDP the countryside will be protected for its landscape, natural resources and ecological value. Saved policy CC6 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. These objectives are generally considered to be compliant with the NPPF.
- 5.2.5 When planning permission was granted it was considered that the visual impact of the change of use upon the character and appearance of the rural locality would not be detrimental. However, this consideration was subject to appropriate conditions being append to any grant of permission in order to restrict external storage and works to ensure the nature of the proposed use results in limited impact upon the intrinsic character of the area and respects the local context. The breach of planning control has a clear and demonstrable impact on the character and appearance of the area.
- 5.2.6 It is considered that by not complying with conditions 6 and 7 the impact of the development is unacceptable as it causes substantial and demonstrable harm upon the character and appearance of the countryside contrary to local and national planning policies.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. This national guidance has been reflected on policy D2 of the emerging Local Development Plan. In addition policy CON5 of the Replacement Local Plan is consistent with the NPPF.
- 5.3.2 Save policy CC19 of the RLP, as previously mentioned in this report, states that the change of use of an existing agricultural building shall only be permitted if no storage of raw materials or finished goods is to take place outside the building if it would be detrimental to the visual amenity of the area. Moreover, policy BE1 of the RLP and D1 of the LDP seek to allow any development only if it is compatible with its surroundings and/or improves the surrounding location in terms of visual impact, among others, and that outside defined development boundaries they make a positive contribution to the landscape and open countryside.
- 5.3.3 Furthermore, saved policy CON5 of the RLP and emerging policy D2 of the LDP seek to ensure that development having an adverse impact on the environment by

means of pollution will be refused. It has to be noted that the term pollution is defined, as per the NPPF, anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.

- 5.3.4 When planning permission was granted for the change of use, it was considered that the distance of the site from neighbouring properties coupled with the appropriate conditions would render the scheme acceptable in terms of its impact upon the amenity of neighbouring residential occupiers. The breach of the conditions has resulted in unacceptable levels of noise pollution, to the detriment of the amenity of the residential properties in the vicinity of the site. The harm is exacerbated by the open nature of the rural locality, which allows any sound to travel in wider distances predominates due to the low levels of ambient noise. Furthermore, removing the conditions would allow further intensification of the site without the need for planning permission. This would exacerbate the harm highlighted above.
- 5.3.5 It is considered that by not complying with conditions 6 and 7 the development is detrimental upon the amenity of neighbouring residential occupiers contrary to local and national planning policies.

5.4 Other Material Considerations

- 5.4.1 The Court of Appeal in R (on the application of XPL Ltd) v Harlow Council (2016)EWCA Civ 378 approved the test of interpretation that a planning permission including its conditions must be read as a whole and be given the meaning a reasonable reader would give them without any special knowledge and without looking at any extrinsic material except in particular circumstances. Although there has been other development on the land included within Permission 15/00439 (and adjoining land) including the demolition of two of the poultry sheds, the stationing of a caravan and erection of a fence, these are not circumstances which affect the meaning of conditions 6 and 7. At the time of the permission and its implementation there were four poultry sheds. There are now two. The conditions continue to relate to each of the remaining buildings. There is no ambiguity in the wording.
- 5.4.2 It has been noted the in the Decision Notice of planning permission FUL/MAL/15/00439, the reason to impose condition 6 mentions policy E7 of the RLP. However, this policy is referring to the intensification of employment uses within development boundaries and is, as such, irrelevant to this development. Nevertheless, reading the committee report for the case it is evident why condition 6 has been imposed and that mentioning policy E7 of the RLP is a clerical error.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/15/00439** - Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials - APPROVED [02.09.2015].
- **16/00386/BC** - Enforcement case (Breach of conditions) - Breach of Condition Notice has been served [04.04.2017].

- **FUL/MAL/17/00349** - Variation of conditions 6 and 7 on approved planning permission FUL/MAL/15/00439 (Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials) – REFUSED [24.05.2017].

Reasons for refusal:

1. *The use of the site without compliance to Conditions 6 of planning permission 15/00439/FUL has resulted in a development that is unacceptable in principle, due to its visual impact upon the intrinsic character and appearance of the area contrary to policies S2, CC6, CC19 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, E4 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.*
2. *The use of the site without compliance to Conditions 6 and 7 of planning permission 15/00439/FUL has resulted in noise pollution, which is detrimental to the amenity of the neighbouring residential occupiers contrary to saved policies CON5, CC19 and BE1 of the Replacement Local Plan and emerging policies D1 and D2 of the submission Local Development Plan and advice contained within the National Planning Policy Framework.*

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Little Totham Parish Council	No response has been received by the date of this report – response for FUL/MAL/17/00349: Object - Visible storage of materials and waste products having a negative effect on the site surroundings and landscape. Use of vehicles on site causing disturbance to local residents.	

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health	No response has been received by the date of this report – response for FUL/MAL/17/00349:	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Object – removal of conditions 7 and 7 may cause nuisance to neighbouring occupiers	

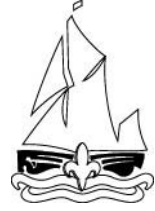
7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation have been received.

8. **REASONS FOR REFUSAL**

- 1 The use of the site without compliance to Conditions 6 of planning permission FUL/MAL/15/00439 has resulted in a development that is unacceptable in principle, due to its visual impact upon the intrinsic character and appearance of the area contrary to policies S2, CC6, CC19 and BE1 of the adopted Maldon District Replacement Local Plan, policies S1, S8, E4 and D1 of the Maldon District Submitted Local Development Plan and the guidance and provisions of the National Planning Policy Framework.
- 2 The use of the site without compliance to Conditions 6 and 7 of planning permission FUL/MAL/15/00439 has resulted in noise pollution, which is detrimental to the amenity of the neighbouring residential occupiers contrary to saved policies CON5, CC19 and BE1 of the Replacement Local Plan and emerging policies D1 and D2 of the submission Local Development Plan and advice contained within the National Planning Policy Framework.

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**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
10 JULY 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: 19/06/2017

Application Number: HOUSE/MAL/17/00084 (APP/X1545/D/17/3176627)

Site: Gransden - 1 Churchacre - Hall Road - Tollesbury

Proposal: Extension and garage conversion to form granny annex

Appeal by: Mr Ben Lawrence

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 27/06/2017

Application Number: COUPA/MAL/17/00232 (APP/X1545/W/17/3176062)

Site: Land Adjacent Purleigh Law Walton Hall Lane Purleigh

Proposal: Prior approval of change of use from agricultural to a dwellinghouse and associated operational development.

Appeal by: Mr S Ascott

Appeal against: Refusal

Appeal procedure requested: Written Representations

ITEM 2 APPEAL DECISIONS

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

HOUSE/MAL/16/01499 (Appeal Ref: APP/X1545/D/17/3173096)

Proposal: Roof conversion and alterations to a domestic property.

Address: 26 Walden House Road Great Totham

Decision Level: Delegated

APPEAL ALLOWED– 12.06.2017

FUL/MAL/16/00657 (Appeal Ref: APP/X1545/W/17/3166779)

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

Address: Oakfield Farm Hyde Chase Purleigh

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED – 14 June 2017

FUL/MAL/16/01430 (Appeal Ref: APP/X1545/W/17/3170054)

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

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

APPEAL DISMISSED – 27 June 2017

DECISION LEVEL: Delegated

FUL/MAL/16/00541 (Appeal Ref: APP/X1545/W/17/3169977)

Proposal: Pair of semi-detached 2 bed dwellings

Address: Land Adjacent To Badgers Leap - Park Lane - Tolleshunt Knights

APPEAL DISMISSED – 27 June 2017

DECISION LEVEL: Committee (as per Officer recommendation to refuse)

FUL/MAL/16/01186 (Appeal Ref: APP/X1545/W/17/3167869)

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

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

Address: Poultry Houses North East Of Rockleys Farm - Church Road - Tolleshunt Major

APPEAL DISMISSED – 27 June 2017

DECISION LEVEL: Delegated

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

Document is Restricted

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