

Unrestricted Document Pack

APOLOGIES Committee Services
Tel. 01621 875791

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

28 July 2017

Dear Councillor

You are summoned to attend the meeting of the;


NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 7 AUGUST 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', is enclosed within a large, hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor E L Bamford

COUNCILLORS

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

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

THIS PAGE IS INTENTIONALLY BLANK



AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 7 AUGUST 2017

1. Chairman's notices (please see overleaf)
2. Apologies for Absence
3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 10 July 2017, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **HOUSE/MAL/17/00557 - 16 Blacksmiths Lane, Wickham Bishops** (Pages 17 - 24)

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

6. **FUL/MAL/17/00619 - 13 Barnhall Road, Tolleshunt Knights** (Pages 25 - 36)

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

7. **FUL/MAL/17/00656 - Great Totham Hall, Hall Road, Great Totham** (Pages 37 - 44)

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

8. **OUT/MAL/17/00676 - Land South West of Broadfield Farm, Braxted Park Road, Great Braxted** (Pages 45 - 54)

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

9. **Other Area Planning and Related Matters** (Pages 55 - 56)

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

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

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 - 8.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

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

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

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Maldon District Replacement Local Plan 2008 – Saved Policies
- Burnham-On-Crouch Neighbourhood Development Plan (2017)*

* Note the referendum was held on 20 July 2017 and was in favour of the Plan, but the Plan will be made by Maldon District Council in September 2017. In the meantime it is treated as being in effect.

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) and Technical Guidance
- Planning Practice Guidance (PPG)
- Planning policy for traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

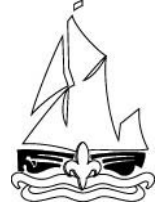
ii) Essex County Council

- Essex Design Guide 1997
- Essex and Southend on Sea Replacement Waste Local Plan

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2015 / 16
- Planning Policy Advice Note (version 4) - October 2015
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement – 2010
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

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



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
10 JULY 2017**

PRESENT

Chairman	Councillor Mrs M E Thompson
Councillors	H M Bass, M F L Durham, CC, J V Keyes and Miss S White
Ex-Officio Non-Voting Member	Councillor Mrs P A Channer, CC

228. CHAIRMAN'S NOTICES

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

229. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J P F Archer, E L Bamford, A K M St. Joseph and D M Sismey.

230. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 12 June 2017 be received.

It was noted that Councillor Mrs P A Channer was shown as being present as a Member of the Committee, however, she was an Ex-Officio Non-Voting Member.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 12 June 2017 be confirmed.

231. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest in relation to Agenda Item 7 FUL/MAL/17/00641 – Poultry Sheds, Moors Farm, Moors Farm Chase, Little Totham as he knew the Applicant, had carried out haulage work for him and had purchased items from him. He was also a Member of Great Totham Parish Council.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on highways which. This was pertinent to Agenda Item 6 – FUL/MAL/17/0053 – Land Adjacent to Chasefield Cottage, Kelvedon. Councillor Mrs Channer’s non-pecuniary interest also related to any other matters that involved Essex County Council.

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

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members’ Updates circulated at the meeting.

232. FUL/MAL/17/00167 - THE GRIFFINS, TUDWICK ROAD, TOLLESHUNT MAJOR

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

Following the Officer’s presentation of the report, Mr P Le Grys, the Agent, addressed the Committee.

The Chairman then proposed that the Officer’s recommendation be accepted and opened the debate to Members. This proposal was duly seconded.

In response to a question regarding the refusal to lift an agricultural tie in a nearby location, the Group Manager for Planning Services advised that both the Council’s Local Development Plan and existing policies protected agricultural dwellings. However, there was policy in existence that acknowledged that such dwellings may be out of date or without demand. The Officer’s report did explain the policy and highlighted the requirements that must be met in order to consider the removal of an agricultural tie.

Members raised various questions regarding agricultural ties and the Group Manager for Planning Services reiterated that it was necessary for a whole suite of requirements to be met in order for an agricultural tie to be removed.

Although Members had concerns regarding the removal of agricultural ties and setting a dangerous precedent, it was acknowledged that all cases must be taken on their own merits and if all the criteria had been met, then it was possible for it to be removed.

The Chairman advised Members that provided the Council's policies had been complied with, then this application should be approved.

RESOLVED that this application be **APPROVED**.

**233. FUL/MAL/17/00535 - LAND ADJACENT TO CHASEFIELD COTTAGE,
KELVEDON ROAD, WICKHAM BISHOPS**

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

The Officer presented the report and drew Members' attention to a letter which had been received from the Agent. Members were advised that the issues in that letter had been addressed in the report.

The Chairman proposed that the Officer's recommendation to approve this application be accepted and this proposal was duly seconded.

Councillor H M Bass, a Ward Member, advised the Committee that he had called this application in as Wickham Bishops Parish Council had raised concerns. However, although the application site was higher than the adjacent cottages, there were other very large houses nearby and when looked at in context, Councillor Bass accepted the Officer's recommendation.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.
- 4 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.
- 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.

234. FUL/MAL/17/00641 - POULTRY SHEDS, MOORS FARM, MOORS FARM CHASE, LITTLE TOTHAM

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

The Chairman proposed that the Officer's recommendation be accepted. However, this proposal was not seconded.

Following the Officer's presentation of the report, Mr Le Grys, the Agent, addressed the Committee.

The Chairman advised that a consultation response from Environmental Health was included in the Members' Update.

Prior to the Committee debating this application, the Group Manager for Planning Services commented on the points made by the Agent. The application related to the removal of conditions and Members must consider what could potentially happen and how that could be controlled.

Members debated this application in some detail and raised various questions to which the Group Manager for Planning Services responded:

- Some of the buildings had already been demolished - Members were advised that there remain two buildings on this site, although others had been demolished. This application relates to storage in the remaining buildings, together with open storage on the site;
- Varying conditions was not the best way to deal with this and it would be better if the Applicant submitted a new proposal - To a certain extent, this was a reasonable way to deal with the application as it permitted open storage on the entire site. There were still two buildings in existence and the condition is clear, precise and meets all the tests. If permission was refused, then the Council could continue with enforcement action;
- The Agent stated that this is a different application, although the report states it was identical to the previous one - The current application was to remove conditions and this was the same as the previous application. A material consideration that must be taken into account was the Council's previous decision. Members would need to bring forward different material considerations if they thought it appropriate.

The Group Manager for Planning Services advised Members that the consultation period for this application had not expired and a decision would be delegated to the Chief Executive, subject to no new material considerations coming forward.

Members requested assurance that the wording on this application was identical to the wording on the previous application. Whilst Members did not have a problem to this application per se, due to the previous application being refused, it was difficult to have a favourable attitude to this one if it was identical to the previous one. The Group Manager for Planning Services confirmed that this application was to remove conditions.

Members were of the opinion that this application should be refused and the Applicant be invited to submit a new application that was different. It was considered that the site could benefit from landscaping, improvement in access and also that there should be restrictions on working hours etc.

Councillor J V Keyes, a Ward Member, then proposed approval of this application, contrary to Officers' recommendation, as he was of the opinion that this would cause less harm to the previous use of the site. This proposal was not seconded.

The Chairman proposed that the Officer's recommendation to refuse this application be agreed and this was duly seconded.

It was suggested that Officers meet with the Applicant to discuss how to proceed with a new application for this site.

RESOLVED that the Chief Executive be authorised to **REFUSE** this planning permission, following expiry of the statutory consultation period, for the following reasons:

- 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.

235. OTHER AREA PLANNING AND RELATED MATTERS

(i) Appeals Lodged:

It was noted from the Agenda and Members' Update that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 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

(ii) Appeal Decisions:

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

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

FUL/MAL/16/00681 (Appeal Ref: APP/X1545/W/17/3171748)

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

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

Decision Level: Delegated

APPEAL ALLOWED – 7 July 2017

FUL/MAL/16/01267 (Appeal Ref: APP/X1545/W/17/3169727)

Proposal: Demolition of existing rear single garage. Construction of a 2 bedroom bungalow with a flat green roof over.

Address: Land Rear Of 18 Prince Of Wales Road - Great Totham

Decision Level: Delegated

APPEAL DISMISSED – 7 July 2017

**APPLICATION FOR AWARD OF COSTS MADE BY THE LPA
AGAINST THE APPELLANT REFUSED – 7 July 2017**

The following appeal decision incorrectly reported the application reference number, please see the correct details below:

HOUSE/MAL/16/01449 (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 June 2017

236. EXCLUSION OF THE PUBLIC AND PRESS

The Chairman suggested that Enforcement be dealt with at a separate meeting of the Committee to be held during the day time within the next four weeks.

It had been agreed that Enforcement should not be dealt with in detail during Area Planning Committee meetings. This had been agreed by the Planning and Licensing Committee and discussions with the Chairman of each Area Planning Committee would be held with a view to arranging daytime meetings to discuss Enforcement.

Some Members advised that they worked full time and would have difficulties attending day time meetings.

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

237. ENFORCEMENT UPDATE

Members were advised that if they had specific queries, then they could contact case Officers by telephone or email. Officers would then be able to respond with researched and detailed answers. There was no need to wait until a formal meeting to discuss enforcement.

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

Officers were thanked for the improved report format and the progress in cases that were being actioned.

There being no further items of business the Chairman closed the meeting at 8.44 pm.

MRS M E THOMPSON
CHAIRMAN

This page is intentionally left blank



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
7 AUGUST 2017**

Application Number	HOUSE/MAL/17/00557
Location	16 Blacksmiths Lane Wickham Bishops Essex CM8 3NR
Proposal	Resubmission of retrospective planning application for a new fence to front elevation (16/01365/HOUSE)
Applicant	Mr A Bartlett
Agent	Mr M Rollings - DMH Architectural Design
Target Decision Date	30.06.2017 Extension of Time: 10.08.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

16 Blacksmiths Lane, Wickham Bishops
HOUSE/MAL/17/00557



Copyright
For reference purposes only. No further copies may be made.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 17/00557/HOU
Date:	25/07/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within the settlement boundary of Wickham Bishops, on the south side of Blacksmiths Lane, a residential street comprised of large, detached houses which are all set back from the highway. No. 16 Blacksmiths Lane is a two storey detached property which has recently been renovated.
- 3.1.2 Planning permission is sought for the erection of the front boundary treatment, comprising of rendered walls and pillars with planting on top and a timber gate. Although the front boundary has already been treated, with this application it is proposed to reduce the height of the walls to 0.75m and the height of the pillars, save for the two pillars supporting the gate, to 1m. The height of the gate and its supporting pillars on either side will remain at 1.55m. The overall width of the frontage is approximately 16m. The depth of the walls will remain approximately 0.2m and the depth of the pillars will remain approximately 0.42m. As part of the development has already taken place, the application is retrospective in nature.

3.2 Conclusion

- 3.2.1 Whilst the style and design of the erected enclosure detracts from the character and appearance of the locality, it is not considered that the harm caused by the development, given the fallback position of permitted development, would warrant the refusal of the application. Therefore, the development is considered to be in accordance with the stipulations of policy D1 of the Local Development Plan (LDP) approved by the Secretary of State and the guidance contained in the National Planning Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

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

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- D1 - Design Quality and Built Environment

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Esses Design Guide
- Wickham Bishops Village Design Statement (WBVDS)

- Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

- 5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

- 5.2.4 The boundary treatment subject of this application is located in a prominent location, on the front boundary of the site and is highly visible from within the public realm in

Blacksmiths Lane. Other boundary treatments in the vicinity of the site are varied in form, comprising of low brick walls, low fencing, railings, hedging and open frontages. In general the character of the street is verdant and open which positively contributes to a pleasant extra-urban environment.

- 5.2.5 The design and pallet of materials of the development is compatible with those of the dwelling house, which is the most prominent structure on site and as such, predominantly the structure affecting the character and appearance of the area. Whilst the boundary treatment is compatible with the host dwelling, it is considered that the bulky rendered walls and pillars, along with the solid timber gate, introduce an incongruous addition to the streetscene, appearing out of keeping with the character and appearance of the locality with the soft landscaping and open frontages. The openness of the site is considered to have been eroded by the development. Furthermore, the style and design of the boundary treatment is considered to be of an urban form and therefore exacerbates the harm identified previously upon the character and appearance of the area.
- 5.2.6 However, it has to be taken into account that the erection of fences, walls and other means of enclosure is permitted development subject to limitations according to the provisions of the GPDO 2015. Due to its height, with the exception of the two pillars either side of the gate and the gate, the development would fall within the provisions of the GPDO 2015. Therefore, a comparable scheme causing analogous harm could have been constructed without the need for a planning permission by the Local Planning Authority. With this in mind, it is not considered that the additional 0.55m in height for a length of 3.4m would cause such additional detrimental harm that would justify the refusal of the application.
- 5.2.7 Overall, whilst the style and design of the erected enclosure detracts from the character and appearance of the locality, given the fallback position it is not considered that there is enough harm caused by the development as proposed in order to warrant the refusal of the application.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The development due to its nature does not have any impact upon the amenity of any neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The development is not obtrusive to the adjoining highway. On this basis, the development is acceptable.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 The existing size of the private amenity space of the dwelling is not affected by the development.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/14/00909** – Proposed two storey porch and side extension with single storey rear extension. WITHDRAWN (15.12.2014).
- **HOUSE/MAL/14/01275** – Proposed two storey porch and side extension with single storey rear extension. APPROVED (18.02.2015).
- **HOUSE/MAL/16/01365** – Retrospective – Erection of fence to front boundary. REFUSED (06.02.2017).

Reason for Refusal: *“The boundary treatment has resulted in an inappropriate development causing substantial and material harm to the character and appearance of the area, due to the enclosure of a prominent site within an area of open and soft landscaped frontages. Furthermore, the style, design, height and pallet of materials has further exacerbated the harm and resulted in an urbanisation of the area. The development is, therefore, contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Submission Local Development Plan and the guidance contained within the National Planning Policy Framework.”*

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Object - The street scene was characterised by open frontages and low walls. The proposed gate pillars would be 1400mm high and the height would be visually dominant and the design would be out of keeping with the local area. For these reasons, the proposal was considered contrary to policy D1 and the Wickham Bishops Village Design Statement.	Comment noted – see section 5.2 of the report.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	The impact of the proposal is acceptable subject conditions about construction of access as per plans and no unbound materials.	Comment noted – The proposed conditions are not necessary as the construction of the access has already taken place.

7.3 Representations received from Interested Parties (*summarised*)

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

- Penelope Johnson, 5 Wellands Close Wickham Bishops Essex CM8 3NE

Objection Comment	Officer Response
The development is entirely out of keeping with the rest of the properties on the same side along that stretch of road and is not suited to the semi-rural character of the immediate area.	Comment noted – see section 5.2 of the report.

8. **PROPOSED CONDITIONS**

Conditions:

1. Unless the approved scheme is implemented within three (3) months of the local planning authority's decision, the walls, gates and pillars currently in situ shall be demolished to ground level and all materials resulting from the demolition shall be removed from the site.
REASON: To protect the character and amenity of surrounding areas in line with policy D1 of the Local Development Plan approved by the Secretary of State and guidance contained within the National Planning Policy Framework.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To protect the character and amenity of surrounding areas in line with policy D1 of the Local Development Plan approved by the Secretary of State and guidance contained within the National Planning Policy Framework.
3. The external surfaces of the development hereby approved shall be constructed of materials and of a finish as detailed within the application form.
REASON: To protect the character and amenity of surrounding areas in line with policy D1 of the Local Development Plan approved by the Secretary of State and guidance contained within the National Planning Policy Framework.

This page is intentionally left blank



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
7 AUGUST 2017**

Application Number	FUL/MAL/17/00619
Location	13 Barnhall Road Tolleshunt Knights Essex CM9 8HA
Proposal	Demolition of existing bungalow, garage & outbuildings and erection of two 4 bedroom detached dwellings complete with detached double garages.
Applicant	Mr C Pullum
Agent	Mark Perkins - Mark Perkins Partnership
Target Decision Date	02 August 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

13 Barnhall Road, Tolleshunt Knights
FUL/MAL/17/00619



Copyright
For reference purposes only. No further copies may be made.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 17/00619/FUL
Date:	25/07/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the north of Barnhall Road within the defined settlement boundary of Tolleshunt Knights. The site is an irregular shape with a frontage measuring 39 metres wide; it is occupied by a detached single storey dwelling, No. 13 Barnhall Road and a few domestic outbuildings. There is parking to the front and side of No. 13 and amenity space to the rear.
- 3.1.2 Planning permission is sought to demolish the existing bungalow, garage and outbuildings and erect two 4 bedroom detached dwellings with detached double garages, amenity space and car parking.
- 3.1.3 Plot 1 would have a frontage measuring 18.5 metres wide and would be occupied by a detached two storey dwelling. Plot 2 would have a frontage measuring 21.3 metres wide and would be occupied by a detached two storey dwelling. Each dwelling would have a detached garage and parking within the frontage and amenity space to the rear.
- 3.1.4 Each dwelling would measure 10.7 metres wide and have an overall depth of 14.5 metres. The dwellings would be 6.7 metres tall with gable ends at the flank elevation and a gable to the front elevation.
- 3.1.5 Plot 1 would be finished in brick and Plot 2 would be finished in render.
- 3.1.6 The garage would measure 6.1 metres wide and 5.5 metres deep. It would be 4.4 metres to the ridge finished with a dual pitched roof and gable ends.
- 3.1.7 This scheme has been submitted in order to address issues raised within a previous submission which was refused by the Council.
- 3.1.8 This scheme has been submitted in order to address issues raised within a previous submission which was refused by the Council. The previous application (FUL/MAL/17/00233), which itself was a resubmission, proposed a very similar development. The differences between that application and this are as follows:
- The chimney stack at the north side of the dwelling on plot 2 and the associated 0.3 metre projection have been removed from the proposal.
 - The gable end that was proposed at the north side of the dwelling on plot 2 has been removed. The north side elevation therefore features a pitched roof that rakes away from 17 Barnhall Road and no projections from the roof towards that property.
 - The applicant has stated that two rooflights that are proposed on the north side elevation of the dwelling on plot 2 would be set a 1.8 metres above the finished floor level of the bathroom and en-suite that they would serve.
 - The dwelling on plot 2 would be set 3.6 metres from the north boundary that is shared with 17 Barnhall Road rather than 3.0 metres.
 - The dwelling on plot 2 would be set 0.07 metres further into the site.

- 3.1.9 Whilst it was considered to be acceptable in all other respects, the previous application was refused for the following reason:

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

- 3.1.10 Earlier application FUL/MAL/16/01461 proposed a similar development. That application was refused for the following reasons:

- 1 *The proposed development, by virtue of its scale, bulk, site layout and design, would appear visually inharmonious, conspicuous and demonstrably discordant within the street scene to the detriment of the locality's character contrary to policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, D1 of the submitted Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.*
- 2 *Plot 2, by virtue of its height, siting and proximity to No. 17 Barnhall Road would result in an overbearing and un-neighbourly form of development that would impact the level of natural light and sunlight received by the windows on the northern elevation of Barnhall Road, particularly those at the western end of the dwelling, resulting in an adverse effect on the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable, contrary to the stipulations of BE6 of the RLP and D1 of the emerging LDP*

3.2 Conclusion

- 3.2.1 The proposed erection of dwellings within the settlement boundary, which are of appropriate design, scale and bulk is considered to be an appropriate form of development. It is considered that the proposals would not cause harm to the amenities of neighbouring residents and would be served by adequate parking. It is therefore considered that the application can be found acceptable.
- 3.2.2 It is considered that the alterations made to the proposals in comparison to previous applications at the site have overcome the concerns highlighted in relation to those applications.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14, 49 and 59

4.2 Maldon District Local Development Plan:

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 Policy S8 of the Local Development Plan directs development towards the defined development boundaries for villages/urban areas within the District.
- 5.1.3 The proposal is for the demolition of an existing dwelling and the erection of two new dwellings within the settlement boundary of Tolleshunt Knights as defined by the approved LDP and is therefore considered to be compliant with policy in principle. Other material planning considerations are discussed below. This conclusion in relation to the principle of the proposed development is consistent with the conclusion reached in relation to the recently refused application at this site.

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. The NPPF states that:

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

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

5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.2.4 Planning permission is sought to demolish the existing bungalow, garage & outbuildings and erect two, 4 bedroom detached dwellings with detached double garages, amenity space and car parking.

5.2.5 The plots would have frontage measuring 18 and 21 metres wide and would be occupied by a detached two storey dwelling. Each dwelling would have a detached garage and parking within the frontage. Amenity space would be provided to the rear. Each dwelling would measure 10.7 metres wide and have an overall depth of 14.5m and would be similar to the dwellings that were previously proposed at the site, with the only differences being those that are set out above.

5.2.6 The application site has a wide frontage measuring approximately 39 metres; the site would be divided in two with the plots measuring 18 and 21 metres wide. Most of the frontages within the streetscene measure approximately 18-19 metres, although some are wider and others are narrower. Therefore the proposed plot widths are considered to be commensurate with the character and appearance of the street.

5.2.7 In terms of scale and design most of the dwellings in the streetscene are single storey, although opposite the site are two storey dwellings and further along Barnhall Road there are more substantial two storey dwellings. The existing dwelling is a modest single storey dwelling. Two detached two storey chalet style dwellings are proposed with detached single storey garages within the frontage.

5.2.8 No objection was raised to the previous application on the grounds of the visual impact of the development. Given the similarities between the proposals in terms of

the design, bulk and scale of the dwellings, it is considered that it would be unreasonable to raise an objection to this application on those grounds.

- 5.2.9 Whilst the actual design of the dwellings is considered to be of limited architectural merit and contain a number of unresolved design issues, which includes a large expanse of flat roof and appear relatively dominant within the plot, it is considered, on balance, that the dwellings would not result in a detrimental impact on the character and appearance of the area.
- 5.2.10 Overall, the proposed development is considered acceptable in terms of design, scale, bulk and materials and not be detrimental to the character and appearance of the locality or the adjacent dwellings, in accordance with the stipulations of policies S1, S8, D1 and H4 of the LDP and the provision and guidance as contained within the NPPF.

5.3 Effect on amenity of neighbouring occupiers

- 5.3.1 The application site is located between two single storey residential dwellings and opposite a pair of semi-detached two storey dwellings.
- 5.3.2 The dwellings within the current proposal would be chalet style properties with only roof lights windows on the flank elevation. No objection was raised to the previous application on the grounds of overlooking and it is noted that the roof lights that are proposed in the side elevation of the dwelling would be positioned at a height that would prevent overlooking of the neighbouring properties. The windows on the front elevations of the dwellings afford views into the public realm and given their distance from the opposite properties and are not considered to result in overlooking. As no objection was raised on the grounds of overlooking or loss of privacy previously and given the similarities between the proposals, it is considered that no objection should be raised to this application on those grounds.
- 5.3.3 The proposed dwelling on Plot 1 would be located 1.3metres from the common boundary that is shared with 11 Barnhall Road. This is identical to the previous application at which time it was determined that the dwelling would not have a detrimental impact on the light received by the neighbouring property or the outlook from within that property.
- 5.3.4 The only reason for the refusal of the previous application related to a concern about a loss of light within the neighbouring property of 17 Barnhall Road which is located to the east of the application site. It was determined that the positioning of the dwelling 3 metres from the northeastern boundary of the site, the positioning of the dwelling entirely to the rear of the neighbouring dwelling and the provision of a gable end roof to the side elevation would have combined to cause an unacceptable loss of daylight and sunlight within the rooms served by the windows at the rear elevation of the neighbouring dwelling.
- 5.3.5 The proposed dwelling would be set 0.6 metres further from the boundary and the gable end and chimney at the side of the dwelling have been removed. It is therefore considered that parts of the previous ground of objection have been addressed. It is noted that the dwelling would still be set entirely rearwards of the neighbouring property, but due to the minimum separation distance of 6 metres from the dwelling

on that site it is considered that the loss of light caused by the dwelling on plot 2 would not be sufficient to justify the refusal of the application on those grounds.

- 5.3.6 Whilst it is acknowledged that the alterations are quite minor in the context of the development proposed, it is considered that the alterations are sufficient to ensure that an objection cannot reasonably be sustained by the Local Planning Authority.
- 5.3.7 Therefore, unlike the previous proposals, the proposed development is not considered to result in a demonstrable harm to the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable. The development is therefore considered to be in accordance with the stipulations of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

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

5.5 Private Amenity Space and Landscaping

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

5.6 Other Considerations

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

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/16/01461** – Demolition of existing bungalow, garage and outbuildings and erection of two 4 bedroom detached dwelling complete with detached double garages. Refused 07 February 2017.
- **FUL/MAL/17/00233** - Demolition of existing bungalow, garage & outbuildings and erection of two 4 bedroom detached dwellings complete with detached double garages. Refused 17 May 2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knights	Object on the grounds that the impact of the development on the adjacent property have not been addressed. It is also considered that the developments would be out of character with the pattern of development within the area.	The comments of the Parish Council are noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No Objection. Subject to conditions for no unbound driveway materials, off-street parking in accordance and cycle parking	The comments of the Highway Authority are noted.

7.3 Internal Consultees (*summarised*)

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

7.4 Representations received from Interested Parties (*summarised*)

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

- Mr. G Taylor, 18 Barnhall Road, Tolleshunt Knights, Maldon, CM9 6HA

Objection Comment	Officer Response
The garage would be out of keeping with the adjoining properties and will be detrimental to the village and the streetscene.	The comments have been noted and addressed within the report.

Objection Comment	Officer Response
The properties are overbearing and not in-keeping with the area.	

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

- Mr. & Mrs. Allen, 17 Barnhall Road, Tolleshunt Knights, Maldon, CM98HA

Comment	Officer Response
The occupants of 17 Barnhall Road have stated that they are satisfied with the altered position of the dwelling which has addressed their concerns.	The comments have been noted and addressed within the report.
The occupants of 17 Barnhall Road are keen to ensure that the rooflights are positioned above eye level as stated to ensure that they do not cause overlooking.	

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).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
REASON: To ensure that the development is carried out in accordance with the details as approved in accordance with the National Planning Policy Framework and policy D1 of the submitted Maldon District Local Development Plan.
3. No development shall take place until samples of the 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 in accordance with the approved details.
REASON: To protect the architectural and historic value of the adjacent listed building in accordance with policies D1 and D3 of the Maldon District Local Development Plan.
4. No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless

otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.

5. The development hereby permitted shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework and policy T2 of the approved Maldon District Local Development Plan.

6. 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 the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework and policy D5 of the approved Maldon District Local Development Plan.

7. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan.

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

REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Local Development Plan.

9. The first floor rooflights on the north east elevation/roofscape of the dwelling hereby approved on plot 2 shall be fitted in such a manner to ensure that the

cill height is a minimum of 1.8 metres above the finished floor level of the rooms that those windows are to serve.

REASON: In the interests of the amenity of neighbouring properties in accordance with policy D1 of the Maldon District Local Development Plan.



**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
7 AUGUST 2017

Application Number	FUL/MAL/17/00656
Location	Great Totham Hall Hall Road Great Totham Essex
Proposal	Variation of condition 9 on approved planning permission FUL/MAL/16/01016 (Stable block and manege for domestic purposes)
Applicant	Mr Snelling
Agent	N/A
Target Decision Date	8 September 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Major Application

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Great Totham Hall
FUL/MAL/17/00656



Copyright
For reference purposes only. No further copies may be made.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:4,000

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 17/00656/FUL

Date: 25/07/2017

MSA Number: 100018588

Agenda Item no. 7

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site comprises an area of land measuring a total of 6.05 hectares which is located to the south east of Great Totham South, outside of the development boundary. The application site comprises of two main parcels of land which are located either side of Hall Road within an open and rural landscape and within a designated Special Landscape Area.
- 3.1.2 The main section of the application site relates to an open agricultural field measuring 1.82 hectares in size which is located to the south west of Hall Road. Currently the field is used for the grazing of horses. To the north and west of the application site are further agricultural field, to the east is a dwelling known as The Lodge which is under the Applicant's ownership as well as further agricultural land. To the south of the application site are two dwellings known as West Barn and East Barn which are Grade II listed and under separate ownership. The Grade II listed dwelling known as Great Totham Hall is also located to the south of the site and is owned by the Applicant.
- 3.1.3 Planning permission was granted in 2016 (planning reference: FUL/MAL/16/01016) for the construction of a stable block and manege for domestic purposes.
- 3.1.4 The current application seeks to vary Condition 9 of planning application FUL/MAL/16/01016 which states:-

'No floodlighting or other external form of illumination of the site shall be undertaken without the express consent of the Local Planning Authority. The external illumination shall be maintained and retained in accordance with the approved details thereafter.'

- 3.1.5 The Applicant wishes to amend Condition 9 of planning application FUL/MAL/16/01016 to read:-

'The external form of illumination hereby permitted shall be carried out in accordance with Drawing No: 16.3384/L401 dated 9 June 2017 and 16.3384/P204E dated 9 June 2017. The external form of illumination shall be maintained and retained in accordance with the approved details thereafter.'

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

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- 4.2.1 The Council was informed by the Secretary of State on 21 July 2017 that the Inspector has concluded that, with the inclusion of a number of main modifications

proposed by the Council, the Plan now satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. This is therefore now part of the Development Plan.

4.2.2 The following policies that are relevant to this case are:-

- S1 – Sustainable Development
- D1 – Design Quality and Built Environment
- D2 – Climate Change & Environmental Impact of New Development
- D3 – Conservation and Heritage Assets

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Planning permission was granted in 2016 for the construction of a stable block and manege for domestic purposes subject to planning conditions. This application is extant and will expire on 29 November 2019 and as such the principle of development has been established on this site. The main consideration when determining this planning application is whether the external form of illumination proposed on site would impact on the amenity of the rural area.

5.2 Design and Impact on the Character of the Area and Setting of Listed Buildings

5.2.1 The NPPF advises on good design and in paragraph 56 states that:

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

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

5.2.3 Furthermore the core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. Local Development Plan policy H4 is also considered relevant to this application as it seeks to ensure that no harm is caused to the landscape character of the locality of the application site.

- 5.2.4 Planning permission was granted in 2016 for the construction of a stable block and a manege. It was considered that the design of the stables was traditional, the external materials, and the surrounding land use, would not appear out of character within the setting or harm the special character of the rural landscape. Given the rural character and appearance of the area, it is not considered the use of the site for equestrian purposes to be detrimental to the rural landscape.
- 5.2.5 Whilst it was noted in the previous officer report that the size and overall scale of the stable building was considerably large, it was considered that the single-storey height of the stable block would, by virtue of its low height, have limited impact within the rural landscape. A hard and soft landscaping planning condition was imposed on application FUL/MAL/16/01016 (Condition 8) and was subsequently discharged as it was proposed that further planting was to be carried out on site to provide additional screening and softening the visual appearance of the stable block.
- 5.2.6 The application site is located adjacent to several listed buildings and the Conservation Officer has been consulted on this application. The Conservation Officer has raised no objection to the installation of external forms of illumination as the incorporation of the lighting proposed would cause no harm to the setting or significance of the nearby listed buildings.
- 5.2.7 Having taken into account the above, it is considered that the variation of Condition 9 imposed on planning application FUL/MAL/16/01016 regarding the external form of illumination on site would accord with the requirements contained in policies D1, D3 and H4 of the Local Development Plan.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the Local Development Plan advises that all new development must protect the amenity of surrounding areas by taking into account privacy, overlooking, noise, smell, light, visual impact, pollution daylight and sunlight.
- 5.3.2 The three nearest neighbouring dwellings to the proposed stable block are The Lodge (which is within the applicants' ownership), West barn and East Barn. The Lodge is located approximately 18 metres from the stable block with West Barn and East Barn being located between 80 and 85 metres away. Given the distances between the approved stables and neighbouring dwellings, it is not considered that the external form of illumination proposed and to be installed under the canopy within the inner U-shaped part of the building and a sensory security light to the south west elevation would have a detrimental impact on the amenity of neighbouring residential properties to warrant a refusal.
- 5.3.3 In support of this planning application, the Applicant has submitted details of the lighting under the canopy (Surface Fitting Compact HF 2D (16W) - Opal) and the type of sensory security lighting to be installed on the building (Helius 30W IP65 LED Floodlight). The Environment Health Services has assessed the details submitted and raises no objection to the proposal. In this respect, the proposal accord with policies D1 of the Local Development Plan.

5.4 Other Material Considerations

- 5.4.1 Conditions 4, 7, 8 and 10 imposed on planning application FUL/MAL/16/01016 in relation to external materials, surface water and foul drainage, and hard and soft landscaping works to the site have been discharged.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/16/01016** - Stable block and manege for domestic purposes.
Approved: 29 November 2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	No objection to the lighting proposed.	Noted.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	From the information supplied and the location of the site this would appear reasonable. No objection providing the Applicant installs and retains the lighting as stated.	Noted in the report.
Conservation Officer	No objection.	Noted in the report.

7.3 Representations received from Interested Parties (*summarised*)

- 7.3.1 No letters of representation received at the time of writing this report.

8. PROPOSED CONDITIONS

Conditions:

- 1 The development hereby permitted shall be begun before 29 November 2019.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.

- REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The stables and manege hereby permitted shall be used solely for the private stabling of horses and no business or commercial use including for the purposes of livery or any riding school activity shall take place at the site.
- REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy D1 of the Maldon District Local Development Plan and Guidance contained within the National Planning Policy Framework.
- 4 The roof of the development shall be constructed using roof tile: Lincoln Clay Pantile (Rustic Red) and ridge tile: Segmental Ridge Clay (Rustic Red) and retained as such thereafter.
- REASON: To ensure the external appearance of the development is appropriate to the rural area in accordance with policy D1 of the adopted Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 5 The roof to the stable building shall not incorporate any roof lights or strips of transparent material unless otherwise agreed in writing by the Local Planning Authority.
- REASON: To ensure the appropriate appearance of the stable block given the sensitive setting in accordance with policies S1, D1, D3 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 6 The stable building hereby approved shall be clad in featheredged timber weatherboarding painted black. All window frames and doors shall also be painted black unless otherwise agreed in writing by the Local Planning Authority.
- REASON: To ensure an appropriate external appearance given the sensitive setting of the proposed stable block in accordance with policies S1, D1, D3 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 7 The development hereby permitted shall be carried out in complete accordance with the Surface Water Drainage Strategy prepared by STM Environmental dated 10 April 2017 and the package treatment plant as referenced in compliance with condition application DET/MAL/17/05055 and shall be retained as such thereafter.
- REASON: To ensure the incorporation of an appropriate surface water and foul drainage scheme in accordance with policy D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 8 The hard and soft landscape works shall be carried out in complete accordance with the landscaping detail Drawing No: 16.3384/L401 dated 25 January 2017 as referenced in compliance with condition application DET/MAL/17/05018. If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the rural area in accordance with policies

- S1 and D1 of the Maldon District Local Development Plan and Guidance contained within the National Planning Policy Framework.
- 9 The external illumination hereby approved shall be carried out in complete accordance with Drawing No: 16.3384/L401 dated 9 June 2017 and 16.3384/P204E dated 9 June 2017 and shall be retained as such thereafter.
REASON: To protect the visual amenity of the rural area in accordance with policy D1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 10 The arrangements for the storage, drainage and disposal of manure, bedding and liquid animal wastes shall be carried out in complete accordance with the details as referenced in compliance with condition application DET/MAL/17/05055 and shall be retained as such thereafter.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
- 11 There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are referenced and form part of this permission.
REASON: To ensure the nature of the use is appropriate within the rural area and in accordance with policy D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

INFORMATIVES

- 1 This planning application relates to the external illumination of the site only and does not replace planning application FUL/MAL/16/01016. All other conditions imposed under application FUL/MAL/16/01016 remains in perpetuity.
- 2 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.



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
7 AUGUST 2017**

Application Number	OUT/MAL/17/00676
Location	Land South West Of Broadfield Farm Braxted Park Road Great Braxted Essex
Proposal	Demolition of former packing house buildings, removal of mobile home and erection of one self-build/custom built dwelling
Applicant	Mr J Purdy
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	29 August 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Member Call In

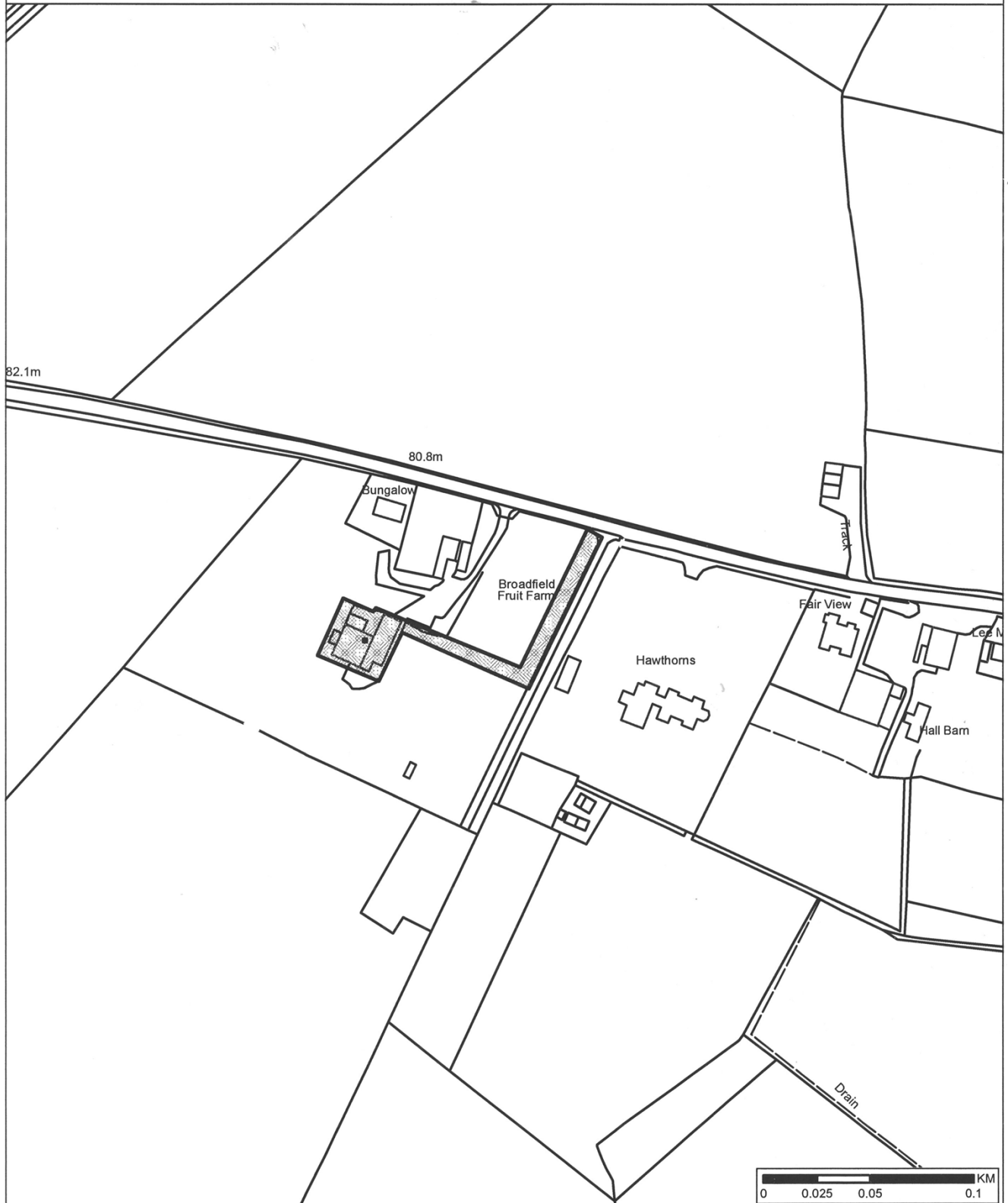
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land South West Of Broadfield Farm, Braxted Park Road, Great Braxted
OUT/MAL/17/00676



Copyright



For reference purposes only.
 No further copies may be made.
 This map is reproduced from Ordnance Survey
 material with the permission of Ordnance Survey on
 behalf of the Controller of Her Majesty's Stationery
 Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright
 and may lead to prosecution or civil proceedings.
 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 17/00676/OUT

Date: 25/07/2017

MSA Number: 100018588

Agenda Item no. 8

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Braxted Park Road outside of any defined settlement boundary. To the east of the application site is a substantial sized detached dwelling 'Hawthorns' and to the north are two modest sized dwellings which front onto the highway. To the south east of the site is open agricultural land and is used for the storage of building materials. Within the land edged in blue, there is a mobile home which has been claimed to be used as temporary accommodation and mess building for farm workers on the land.
- 3.1.2 The application site, edged in red, contains redundant outbuildings that were once used for packing and the storage of fruits and formed a part of a fruit farm formerly known as 'Broadfield Fruit Farm'. Vehicular and pedestrian access to these buildings will be via an access point to the north east corner of the site.
- 3.1.3 The application site is of a rural character and appearance with contributes to the wider rural landscape setting.
- 3.1.4 Outline planning permission is sought for the removal of a mobile home within the site edged in blue, the demolition of the redundant outbuildings within the site edged in red, and to construct a one self-build / custom built dwelling. All matters are reserved for consideration at a later stage. No details or indicative drawings have been submitted to illustrate the one self-build / custom built dwelling to be constructed on site.

3.2 Conclusion

- 3.2.1 The outline planning application contravenes policies S1, S8, D1, H2 and H4 of the Maldon District Local Development Plan (LDP) and Government advice contained within the National Planning Policy Framework which seeks to provide control over new buildings in rural areas that are beyond defined settlement boundaries; to ensure that new residential developments are directed to appropriate; and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site, whilst comprising outbuildings which are in poor condition, are rural in nature and contributes positively to the character and appearance of the area. The proposed development would urbanise the site by reason of its domestic paraphernalia and represent an unwelcome visual intrusion into the countryside, contrary to the aforementioned Development Plan Policies.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 14, 17, 49, 55, 56, 60, 64

4.2 Maldon District Local Development Plan as approved by the Secretary of State:

4.2.1 The Council was informed by the Secretary of State on 21 July 2017 that the Inspector has concluded that, with the inclusion of a number of main modifications proposed by the Council, the Plan now satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. This is therefore now part of the Development Plan.

4.2.2 The following policies that are relevant to this case are:

- S1 - Sustainable Development
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- H2 - Housing Mix
- H4 - Effective Use of Land
- N2 - Natural Environment, Geodiversity and Biodiversity
- T1 - Sustainable Transport
- T2 - Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.1.2 Policy S1 of the Maldon District Local Development Plan (LDP) promotes the principles of sustainable development encompassing the three dimensions (social, economic and environmental) identified in the National Planning Policy Framework (NPPF). Policy S8 of the LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside.

5.1.3 The application site lies outside of any defined settlement boundary and is in a rural location. It is considered that the adverse impact of the development would significantly and demonstrably outweigh the benefits that a one self-build / custom built dwelling would provide when assessed against the adopted local plan, policies contained within the LDP and Paragraphs 14 and 49 of the NPPF. The proposal would not therefore be the sustainable development for which the NPPF indicates a presumption in favour.

5.2 Housing Land Supply

- 5.2.1 On August 2016, the Council published its 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.
- 5.2.2 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.
- 5.2.3 Further, since the submission of this planning application it has been announced that the Maldon District Local Development Plan 2014 - 2029 has been approved by the Secretary of State on 21 July 2017, with the inclusion of a number of main modifications proposed by the Council. The Plan now satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. This is therefore now part of the Development Plan and is material consideration when determining all planning applications.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The NPPF advises on good design and in paragraph 56 states that:

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

- 5.3.2 Such design principles are dealt with by local plan policy D1 of the Local Development Plan which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and make a positive contribution to the landscape and open countryside. It should be noted that design is not just about how buildings will appear visually but also how buildings function and relate to their surroundings, with regard to sustainable development.
- 5.3.3 Furthermore the core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. Local Development Plan policy H4 is also considered relevant to this application as it seeks to ensure that no harm is caused to the landscape character of the locality of the application site.

- 5.3.4 The proposal seeks to demolish the existing redundant outbuildings and to construct a one self-build / custom built dwelling within the plot. The application is outline in nature with all matters reserved to be considered at a later date. Based on the limited information submitted by the Applicant, the Council cannot appropriately assess the built form of development and its likely impact on the rural area.
- 5.3.5 The application site, edged in red, is roughly square-shaped, measuring 30 metres wide and 35 metres in depth. The proposed one self-build / custom built dwelling would be positioned approximately 20 and 30 metres back from the two existing dwellings which currently fronts onto Braxted Park Road and would be set back some 70 metres from the highway. Due to the limited of information submitted, the Council cannot ascertain whether the one self-build / custom built dwelling would occupy the same footprint of the site or if the height of the development would appear dominant in its open rural surroundings or would substantially reduce the spatial qualities of the application site and its surroundings thus eroding, to a degree, the rural qualities of the area. However, the principle of a residential dwelling on site and the associated paraphernalia would result in significant harm to the character and appearance of the area due to urbanisation of the site and appear out of keeping with the rural character. The proposal is therefore contrary to policies S1, S8, D1 and H4 of the Local Development Plan and Government advice contained within the National Planning Framework.
- 5.3.6 In Paragraph 5.3 of the Applicant's Planning Statement, similar appeal decisions were mentioned in support of this case. These appeal sites are located in the Colchester Borough and the Tendring District. As these were not submitted as part of the outline planning application for the Council to consider and they relate to other districts where policies are different, limited weight has been afforded to them when determining this current outline planning application.
- 5.3.7 Policies S1 and D1 of the Local Development Plan states that the natural beauty, tranquillity, amenity and traditional quality of the District's landscape will be protected, conserved and enhanced. Proposals for development in the countryside will only be permitted provided that no harm is caused to the landscape character in the locality, and the location, siting, design and materials are appropriate for the landscape in which the development is proposed, and the development is landscaped to protect and enhance the local distinctiveness and diversity of the landscape character of the area in which it is proposed.
- 5.3.8 The application is in outline form with all matters reserved for consideration at a later date. Outline planning permission is sought for the erection of one dwelling within the site. Layout, scale and design are not matters for consideration within this application.
- 5.3.9 Having considered the rural nature of the built form to be demolished and replaced would result in a new dwelling being visually prominent in the open landscape, thus creating an unwelcome form of development which would materially and adversely encroach onto the rural landscape and significantly detract from the natural beauty, quality and amenity of the countryside. The outbuildings does not comprise of any domestic paraphernalia on site. With the new dwelling, its associated residential paraphernalia, access and hardstanding, the development proposal would cause noticeable and demonstrable harm to the rural setting of the site. Further, proposal

would result in a new access, running for some 65 metres across this open field in a prominent location, would appear as a scar on the countryside, depreciating the visual character of the open countryside. The proposal is therefore considered to conflict with policies S1, D1 and H4 of the Local Development Plan, and Government advice contained within the National Planning Framework.

5.4 Impact on Residential Amenity

- 5.4.1 Policy D1 of the Local Development Plan advises that all new development must protect the amenity of surrounding areas by taking into account privacy, overlooking, noise, smell, light, visual impact, pollution daylight and sunlight.
- 5.4.2 The application is outline in nature with all matters reserved for consideration at a later date. Outline planning permission is sought to demolish the existing packing shed and outbuildings and to erect one self-build / custom built dwelling within the site. No block plan has been submitted to indicate the position of the dwelling within the plot.
- 5.4.3 Scale, layout and design are not matters for consideration in this application as this would be dealt with under a subsequent reserved matters application. Based on the illustrative plan submitted, it is considered that it would be possible to design a scheme that would not result in material overlooking to or loss of privacy to the neighbouring properties in accordance with the criteria of policy D1 of the Local Development Plan, and the Government guidance contained within the NPPF.

5.5 Access, Parking and Highway Safety

- 5.5.1 The application is outline in nature with all matters reserved for consideration at a later date. Outline planning permission is sought for the erection of a dwelling within the site. No block plan has been submitted and no details of access or parking have been provided.
- 5.5.2 The Highways Authority has been consulted. No comment has been received at the time of writing this report however it is noted that in a previous planning submission where the proposal is similar to this current scheme (reference: OUT/MAL/17/00072), the Highways Authority had raised no objection to the proposal subject to the imposition of suitable conditions.
- 5.5.3 No details have been submitted regarding to off-street parking. However, given the extent of the application site, it appears that there may be sufficient room within curtilage of the dwelling to accommodate vehicles to meet policy requirement T2 of the Local Development Plan.

5.6 Private Amenity Space and Landscaping

- 5.6.1 No details have been submitted regarding the one self-build / custom built dwelling and as such the Council is unable to ascertain whether the provision of private amenity space would be adequate for the future occupiers of the site. It is also noted that no landscaping details have been provided. However, this can be dealt with at the reserved matters stage.

5.7 Contaminated Land

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

5.8 Other Material Considerations

5.8.1 Whether or not the site would represent sustainable development?

- 5.8.1.1 The application site is outside of any defined settlement boundary. Policies S1, T1 and T2 of the Local Development Plan seeks to direct development to within defined development boundaries where, amongst other things, there is a choice of transport modes and it encourages walking, cycling and public transport. The adopted local policies provide a basis for understanding the approach to transport objectives for new development and the aim and purpose is broadly consistent with Paragraph 35 of the Framework which sets out that ‘...developments should be located and designed where practical to... give priority to pedestrian and cycle movements, and have access to high quality public transport facilities...’.
- 5.8.1.2 Paragraph 7 of the NPPF indicates that there are three dimensions to sustainable development; economic, social and environmental. Concerning the economic role the provision of a new dwelling would provide employment during construction. Future residents would also be likely to make use of existing services. There would be some economic benefits, albeit some would be temporary.
- 5.8.1.3 The proposed dwelling would be within walking or cycling distance of the bus stops on the main road (B1022). These buses connect to Tiptree, Maldon and Colchester. However, parts of the route would not be conducive to walking or cycling after dark or in inclement weather. Further there is no station and the nearest one is at Witham which is about 3.8 miles away. The route would again be via country roads to connect to the main B1022 and across to the A12 to Witham. Great Totham North has a florist and public house. In practical terms, in order to access a substantial range of facilities to undertake day to day activities and meet day to day needs, such as shopping, the occupants of the new dwelling are likely to be reliant upon the private car for a large proportion of trips. Therefore, even taking into account that the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, it is considered that the proposal would not contribute to sustainable travel patterns. Furthermore, concerns were raised regarding the sustainability of the site. A similar outline planning application was previously submitted which precluded the packing shed and outbuildings (planning reference: OUT/MAL/17/00072) where the application was refused. It is not considered that this current proposal has addressed this element contained in that reason for refusal.
- 5.8.1.4 In terms of the social dimension of sustainability, the Council is in a position where it can demonstrate a five year housing land supply and the provision of an additional dwelling which is not aligned with the Council’s needs is considered to make a negligible contribution in respect of social sustainability.

5.8.1.5 The proposal would have a negative and harmful impact of the natural and built environment and would not contribute to environmental sustainability. Taking into account the concerns over the proposals harmful effects on the character and appearance of the rural area and travel patterns, it is concluded that its adverse impacts would significantly and demonstrably outweigh its benefits. The proposal would not, therefore, amount to a sustainable form of development thus failing to accord with the aims of policies S1, T1 and T2 of the Local Development Plan and Government advice contained within the NPPF.

5.8.2 Rationale for Application

5.8.2.1 The description of the application states “*Demolition of former packing house buildings, removal of mobile home and erection of one self-build/custom built dwelling*”. The Applicant also referred to the fall-back position of Class Q of Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) permitting the change of use of agricultural buildings to residential dwellings subject to prior approval.

5.8.2.2 As an assessment of the GPDO has not been undertaken, nor have the buildings been inspected in any depth to ascertain whether they would even benefit from the provisions of the GPDO. However, in light of the case law published in November 2016, it is considered that the fall-back position as referenced by the Applicant is considered to be of limited weight as a Prior Approval application is unlikely to be supported by the Council. Notwithstanding this, the lack of an approved Prior Approval application would limit the weight that this could be afforded in the determination of this application.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/16/01369** - Demolition of former packing house buildings and erection of one dwelling. Refused: 25 January 2017.
- **OUT/MAL/17/00072** - Demolition of former packing house buildings and erection of one dwelling. Refused: 8 March 2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

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

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	Great Braxted Parish Council cannot comment on this application as there is very little information about the proposed new development.	Noted in the report.

7.2 Statutory Consultees and Other Organisations (*summarised*)

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

7.3 Internal Consultees (*summarised*)

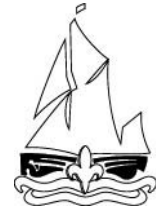
Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No reply at the time of writing this report.	Any comments received will be reported on the Members' Update.
Leisure and Liveability	No reply at the time of writing this report.	Any comments received will be reported on the Members' Update.
Economic Development	No reply at the time of writing this report.	Any comments received will be reported on the Members' Update.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received.

8. **REASONS FOR REFUSAL**

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



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
7 AUGUST 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: 18 July 2017

Application Number: COUPA/MAL/16/01384 (APP/X1545/W/17/3177356)

Site: Outbuilding At Stockhall Farm, Hatfield Road, Ulting

Proposal: Notification for prior approval for a proposed change of use of an agricultural building to 2 no. dwellinghouses (Class C3), and for associated operational development

Appeal by: Osiris Trustees Limited

Appeal against: Refusal

Appeal procedure requested: Written Representation

Appeal Start Date: 26/07/2017

Application Number: HOUSE/MAL/17/00299 (APP/X1545/D/17/3176670)

Site: Oakfields House - Hackmans Lane - Purleigh

Proposal: One and a half storey side extension to existing residential annex.

Appeal by: Mr & Mrs G Brown

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

ITEM 2 APPEAL DECISIONS

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

FUL/MAL/16/01331 (Appeal Ref: APP/X1545/W/17/3171628)

Proposal: Single storey extension to side of existing building over part of existing enclosed yard.

Address: The Toll House, Fullbridge, Essex, CM9 4LE

Decision Level: Delegated

APPEAL ALLOWED – 24 July 2017

Enforcement Appeal Decision:

13/00242/CU (Appeal Ref: APP/X1545/C/16/3142293)

Address: Bakers Nursery - Bakers Lane - Tolleshunt Major

Appeal Against: Enforcement Notice ENF/13/00242/CU - without planning permission the change of use of the land for the stationing of a mobile home

APPEAL IS ALLOWED AND THE ENFORCEMENT NOTICE, SUBJECT TO CORRECTIONS AND VARIATIONS, IS QUASHED AS SET OUT IN THE FORMAL DECISION AT PARAGRAPH 53 ATTACHED – 19 July 2017

APPLICATION FOR AWARD OF COSTS MADE BY LPA AGAINST THE APPELLANT – ALLOWED IN THE TERMS SET OUT IN THE COSTS ORDER AT PARAGRAPH 21 ON THE ATTACHED COSTS DECISION – 19 July 2017

APPLICATION FOR AWARD OF COSTS MADE BY APPELLANT AGAINST LPA - REFUSED AND NO AWARD OF COSTS IS MADE – 19 July 2017