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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

22 September 2017

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 2 OCTOBER 2017** at **7.30 pm**.

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

A copy of the agenda is attached.

Yours faithfully

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

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor E L Bamford

COUNCILLORS

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

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

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 2 OCTOBER 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 12)

To confirm the Minutes of the meeting of the Committee held on 4 September 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/17/00702 and LBC/MAL/17/00703 - Forge Cottage, Hackmans Lane, Cock Clarks, Essex** (Pages 13 - 20)

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

6. **RES/MAL/17/00719 - Land East of Malone Cottage, Maypole Road, Wickham Bishops, Essex** (Pages 21 - 38)

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

7. **FUL/MAL/17/00747 - Great Downs Farm, Station Road, Tollesbury, Essex** (Pages 39 - 52)

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

8. **FUL/MAL/17/00862 - Barn, Great Downs Farm, Station Road, Tollesbury** (Pages 53 - 66)

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

9. **HOUSE/MAL/17/00922 - Old Times Cottage, Mill Lane, Tolleshunt Major, Essex**
(Pages 67 - 74)

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

10. **Other Area and Planning Related Matters** (Pages 75 - 78)

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

- (i) Appeals Lodged
- (ii) Appeal Decisions
- (iii) Appeal Re-Determination

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

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* 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
- 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.

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
4 SEPTEMBER 2017**

PRESENT

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

368. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

369. APOLOGIES FOR ABSENCE

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

370. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 7 August 2017 be approved and confirmed.

371. DISCLOSURE OF INTEREST

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 matters such as access, parking and highways safety.

Councillor M F L Durham, CC declared the same non-pecuniary interest as above, for the reasons already given.

372. FULMAL1700587 - FORMER VETERINARY SURGERY, CHELMSFORD ROAD, PURLEIGH

The Committee received the report of the Chief Executive and determined the following planning application, having taken into account all representations and consultation

replies received, including those listed on the Members' Update circulated at the meeting.

Following the Officer's presentation of the report, the application was debated by Members and, in response to a question, the Officer advised that the objection received from Purleigh Parish Council was due to concern it had that the application was misleading as the vet's practice had been gone for a long time. The Committee was reminded that the fundamental issue to be considered was the conversion to another use in accordance with principles, including those of the National Planning Policy Framework (NPPF).

Members raised concern about the difficulties with access and parking and the increase in traffic using the road since the building had been used at a vet. The Officer advised that the justification for this would be that visitors to the application site (if permission was granted for the change of use to an office) would probably be less than in the past when the building was used as a vet.

Following some debate on this issue, the Officer advised that it would be possible to impose a condition requiring a scheme of parking to be laid out, but that no guarantees could be given that this would prevent cars from reversing out on to the highway.

A question was asked regarding drainage and the Officer advised that as the hardstanding was already in place, there would be no need for any such condition.

Councillor J V Keyes proposed that the Officer's recommendation be accepted. This was duly seconded and upon a vote the motion was carried.

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 as well as the submitted detailed specifications.
3. The premises shall only be used as for purposes as defined within Use Class B1 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2014 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
5. The use of the site hereby permitted shall not take place other than between the hours of 07:30 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays and at no time on Sundays and Public Holidays.
6. No machinery shall be operated nor shall any process be undertaken outside of the building.
7. No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
8. The beneficial use of the building hereby permitted shall not commence until a scheme for the means of refuse storage including details of any bin stores has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained for such purposes at all times thereafter.

373. 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: 29/08/2017

Application Number: OUT/MAL/17/00350 (APP/X1545/W/17/3177879)

Site: Annexe - Oakbridge - Marlpits Road - Purleigh

Proposal: Outline planning permission with some matters reserved for the demolition of dwelling granted through application LDE/MAL/16/01289 and construction of replacement dwelling, with new access, outline with matters of access, siting and scale considered.

Appeal by: Mr G Phillips

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 31/08/2017

Application Number: HOUSE/MAL/17/00469 (APP/X1545/D/17/3180676)

Site: Brecknell Cottage - 55 Mell Road - Tollesbury

Proposal: Proposed room in roof with small dormer

Appeal by: Mr Jeremy Heigham

Appeal against: Refusal

Appeal procedure requested: Householder Appeal Service (HAS)

Appeal Start Date: 31/08/2017

Application Number: HOUSE/MAL/17/00399 (APP/X1545/D/17/3181375)

Site: Spring Elms Farm, Spring Elms Lane, Little Baddow, Essex, CM3 4SQ

Proposal: Construction of tennis court

Appeal by: Mr Robert Jones

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

(ii) Appeal Decisions:

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

FUL/MAL/16/01231 (Appeal Ref: APP/X1545/W/17/3169458)

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

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

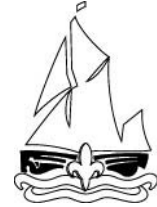
APPEAL DISMISSED – 11 August 2017

DECISION LEVEL: Delegated

There being no further items of business the Chairman closed the meeting at 7.40 pm.

MRS M E THOMPSON
CHAIRMAN

- (a)
- (b)



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

Application Number	HOUSE/MAL/17/00702
Location	Forge Cottage Hackmans Lane Cock Clarks Essex
Proposal	Two storey extension to rear of existing listed cottage
Applicant	Mrs Maria Malone Charlton
Agent	Ms Annabel Brown - Annabel Brown Architect
Target Decision Date	25.09.2017 (Extension of Time (EOT) 06.10.2017)
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Parish Trigger

Application Number	LBC/MAL/17/00703
Location	Forge Cottage Hackmans Lane Cock Clarks Essex
Proposal	Two storey extension to rear of existing listed cottage
Applicant	Mrs Maria Malone Charlton
Agent	Ms Annabel Brown - Annabel Brown Architect
Target Decision Date	25.09.2017 (EOT 06.10.2017)
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

FUL/MAL/17/00702:

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

LBC/MAL/17/00703:


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

2. SITE MAP

Please see overleaf.

Forge Cottage, Hackmans Lane, Cock Clarks
HOUSE/MAL/17/00702 & LBC/MAL/17/00703



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 2.10.17
	Date:	19/09/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Hackmans Lane, within the settlement boundary of Cock Clarks. The application site is currently occupied by a two storey, Grade II listed, detached cottage. The dwelling itself is set back 38 metres from Hackmans Lane and is screened by dense vegetation. The surrounding area is residential in nature, with dwellings of differing designs.
- 3.1.2 Planning permission and listed building consent is sought to demolish an existing outbuilding at the rear and construct single and two storey extensions to the rear, with associated internal alterations.
- 3.1.3 The extension would be located to the western elevation of the dwelling and would measure a maximum of 8.4 metres deep, a maximum of 10 metres wide and a maximum of 6.2 metres tall. At ground floor the proposal would comprise an entrance hall, a utility and a kitchen / dining room at ground floor and at first floor the extension would accommodate an additional bedroom, a dressing room and a bathroom.
- 3.1.4 Planning permission and Listed Building Consent were previously granted for a similar scheme in 2014 (reference's HOUSE/MAL/14/00525 and LBC/MAL/14/00526). The scheme subject of these applications is almost identical to the previous. The main difference is that a dormer on the eastern elevation of the proposal has been removed and the two dormers on the rear elevation have been reduced in size from 2.4 metres in width and 1.6 metres in height to 2.1 metres in length and 1.2 metres in height. It appears that the 2014 permission has expired.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development as a whole is large in scale and bulk. However, due to the design and appearance of the proposal, it is not considered to result in demonstrable harm to the character and appearance of the listed building and the locality. Furthermore, it is considered that the proposed development does not detrimentally impact on the car parking provision or private rear amenity space on site. It is therefore considered that the proposed development is in accordance with policies D1, D3 and H4 of the Local Development Plan (LDP) and the guidance contained in the National Planning Policy Framework (NPPF).
- 3.2.2 It is also considered that the proposed works would not harm the character, appearance or fabric of the listed building and therefore the listed building would be suitably preserved in accordance with the Planning (Listed Building and Conservation Areas) Act 1990.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 56
- 58
- 59

4.2 Maldon District Local Development Plan

- S1 – Sustainable Development
- D1 - Design Quality and Built Environment
- D3 – Conservation and Heritage Assets
- H4 – Effective Use of Land
- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable in compliance with Policy D1 of the LDP.

5.2 Design and Impact on the Character of the Area and Listed Building

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 The dwelling is listed; as such the design of the extension is a key consideration. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest shall not be carried out without consent. Section 66 of the Act provides that in considering whether to grant consent for development which affects a listed building or its setting, "special regard" must be given to the desirability of preserving the building or its setting on any special architectural or historic interest which it possesses.

5.2.3 The NPPF states:

“In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.”

5.2.4 The proposed extension would be located on the western side of the existing dwelling and would involve the removal of an existing storage building and an apple tree. The extension will be link-attached to the host dwelling.

5.2.5 As previously stated a similar proposal was approved in 2014. The proposed extension differs to the previous, as a dormer on the eastern elevation has been removed and two dormers on the rear elevation have been reduced in size from 2.4 metres in width and 1.6 metres in height to 2.1 metres in length and 1.2 metres in height. As the alterations relate to lesser works than the previous planning permission, it is considered to be a material planning consideration when assessing these applications.

5.2.6 Although it is a large extension, its positioning ensures that it will have a limited impact on the public domain. The Conservation Officer is satisfied that the proposal would not cause material harm to the listed building and Officers consider that this form of extension is appropriate as it results in the smallest disturbance possible to the listed building.

5.2.7 Inside the listed building itself, one of the most notable alterations proposed is the removal of the staircase. The stairs appear to be twentieth century in date so no loss of important historic fabric would result from this alteration. In the 18th century extension, a rafter will have to be removed and the wall plate will presumably have to be severed. Such an intervention would be objectionable if it related to the 16th century timber frame, but seems reasonable as it affects the later, and less significant, 18th century frame. Some harm, albeit less than substantial, will result from the intervention, but it is considered that this is convincingly justified by the need to achieve practical circulation. Therefore, it is considered that the proposed works would not harm the significance of the listed building in accordance with Policy D3 and guidance contained within the NPPF.

5.2.8 In the time between the subsequent applications and the ones subject of this application the Maldon District Local Development Plan has been adopted and has replaced the Replacement Local Plan. However, it is noted that there has not been any material policy changes which should alter the recommendation in relation to this proposal. Furthermore, guidance set out in the NPPF remains the same and still applies. Therefore it is not considered that there any material changes that would result in substantial harm to the listed building or the surrounding area and the proposal would therefore maintain the architecture and historic interest of the building.

5.3 Impact on Residential Amenity

5.3.1 Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding area.

- 5.3.2 The application site shares a boundary with three neighbouring properties. The development would be situated 53 metres from the two dwellings located to the north of the proposal and 8.9 metres from the boundary with No. 8 Clarks Field Cottages located to the south of the development, but approximately 40 metres from the dwelling at that site.
- 5.3.3 Therefore, although it is noted there are windows located on first floor of the north and south elevations, given the considerable distance between the development and neighbouring properties, it is not considered the development would have a detrimental impact on the amenity of the neighbouring properties by way of loss of light, overlooking or forming an unneighbourly development.
- 5.3.4 In this respect, the proposal would be in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 seeks to provide appropriate off-street parking provision in accordance with the District's adopted vehicle parking standards (Adopted Supplementary Planning Document (SPD) July 2006).
- 5.4.2 The proposed development would result in the creation of an additional bedroom, resulting in a four bedroom dwelling. The recommended parking provision for a four bedroom property is three off street car parking spaces.
- 5.4.3 The provision of on-site vehicle parking spaces will remain unaltered. The garage and hardstanding to the side of the dwelling will continue to facilitate at least three off-street parking spaces. Therefore, there are no concerns raised in relation to parking provision.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the LDP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with one or two bedrooms is 50m².
- 5.5.2 The proposed development would result in a small loss of the rear amenity space. The existing dwelling is set in a large plot with ample rear amenity space which would continue to be provided above the recommended standard.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/14/00525 and LBC/MAL/14/00526** – Approved July 2014 - Demolish existing shed at rear and construct single and two storey extensions to rear and internal alterations. The application subject of this report makes amendments to the previously approved applications. The main difference is that a dormer on the eastern elevation of the proposal has been removed and the two dormers on the rear elevation have been reduced in size from 2.4 metres in width and 1.6 metres in height to 2.1 metres in length and 1.2 metres in height.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	<ol style="list-style-type: none">1. The proposed extension will be detrimental to the character of Forge Cottage, being out of character with the cottage, overly dominant and too large. As such it will not be subservient to the historic building but overpower it.2. The proposed extension will be harmful to, and will not preserve or enhance Forge Cottage, its character or setting, and as such is contrary to Policies D1 and D3 of the adopted Maldon District Local Plan.	Noted and addressed at section 5.2

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Overall, I advise that this proposal will cause no harm to the significance of the listed building and that it is therefore compliant with the policies set out in chapter 12 of the NPPF and Policy D3 of the Maldon District Local Development Plan.	See section 5.2

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation have been received.

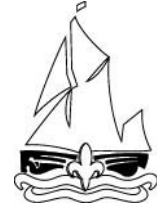
8. PROPOSED CONDITIONS

FUL/MAL/17/00702:

- 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 approved drawing: A1237A/Block, A12372A/PP04A, A13380/GA/A13380/BR02.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.

LBC/MAL/17/00703:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawing: A1237A/Block, A12372A/PP04A, A13380/GA/A13380/BR02.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
- 3 Prior to the commencement of development, samples of brick, roof and ridge tile and weatherboard to be used in the construction shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials, and retained as such thereafter.
REASON: In order to protect the setting of the listed building and the appearance of the surrounding locality, in accordance with policies D1 and D3 of the Local Development Plan.
- 4 Details of any hard or soft landscaping associated with the extension hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
REASON: In order to protect the setting of the listed building and the appearance of the surrounding locality, in accordance with policies D1 and D3 of the Local Development Plan.
- 5 Brickwork shall be laid in Flemish bond unless otherwise agreed in writing prior to the commencement of the work.
REASON: In order to protect the setting of the listed building and the appearance of the surrounding locality, in accordance with policies D1 and D3 of the Local Development Plan.



**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

Application Number	RES/MAL/17/00719
Location	Land East Of Malone Cottage Maypole Road Wickham Bishops Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/15/00267 allowed on appeal APP/X1545/W/15/313309 (Outline planning application with some matters reserved for the residential development of 14 dwellings, garages and associated works)
Applicant	Mr Steve Wheelhouse - Moody Homes Ltd
Agent	Mr Mark Morgan - Petro Designs Ltd
Target Decision Date	17 October 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	WICKKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

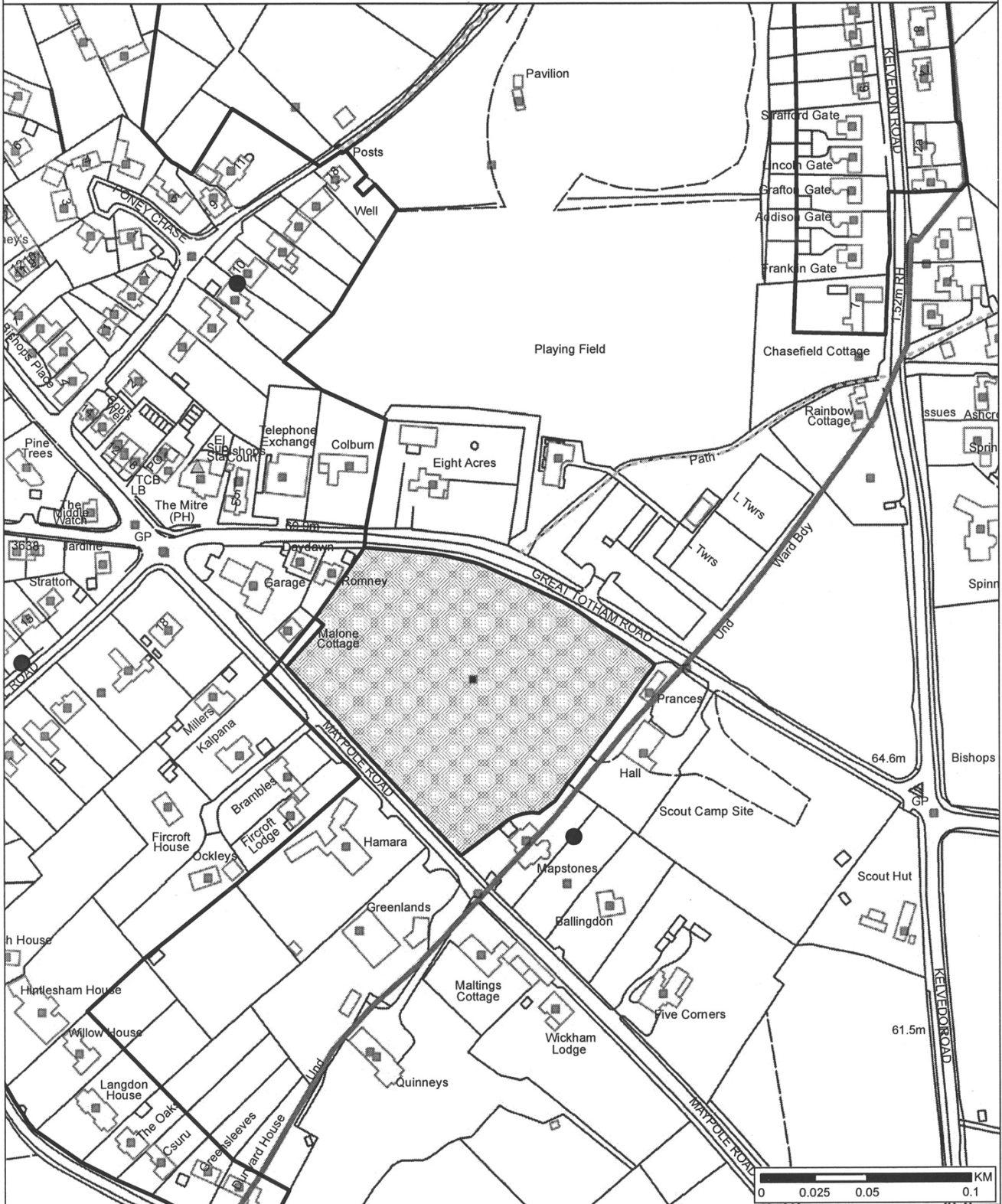
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land East of Malone Cottage, Maypole Road, Wickham Bishops
RES/MAL/17/00719



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 2.10.17
	Date:	19/09/2017
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site extends to about 1.5ha and is an open field which lies within the village of Wickham Bishop to the north of Maldon. The site lies between the roads of Maypole Road and Great Totham Road and is enclosed by a strong line of existing hedges and trees on both road frontages. The site is open pasture and is laid to grass and unkempt.
- 3.1.2 To the north, north-west and west of the site lie residential properties, whereas to the south of the site lies a training / activity centre and camp site used by the Maldon and East Essex District Scouts.
- 3.1.3 Outline planning permission (reference: OUT/MAL/15/00267) was allowed on appeal in 2016 (Appeal Ref.: APP/X1545/W/15/3133309 dated 8 March 2016) to construct 14 houses with a single access point onto both road frontages. The proposal was in outline format with only the detailed matter of the access to the site to be considered at the time. All other detailed matters such as the appearance, landscaping, layout and scale were reserved and are now being considered in this Reserved Matters application.
- 3.1.4 The outline planning application was accompanied by a formal Planning Obligation (Unilateral Undertaking), made under Section 106 of the Act, dated 13 November 2015, and signed by the Applicant. The Obligation covenants the landowners, in general terms, in the event of planning permission being granted, to ensure the provision of five units of affordable housing on site.
- 3.1.5 This planning application is a reserved matters application for the approval of access, appearance, landscaping, layout and scale in relation to approved planning application OUT/MAL/15/00267.
- 3.1.6 In terms of layout, the 14 dwellings are proposed within the site where five dwellings are in a linear road fronting arrangement accessed by an access point off Maypole Road to the south. To the north of the site, nine dwellings are also in a linear road fronting arrangement accessed by an access point off Great Totham Road. Each access point would lead to an internal access road which would run along the frontage of the dwellings. The internal access roads would be set back from both Maypole Road and Great Totham Road with an area of greensward as well as a new hedgerow and tree planting along the internal access road to the north in front of Plots 10, 11, 12, 13 and 14, between Plot 9 and 10 and across the south east to north west direction to form the rear boundaries and private amenity areas between the proposed nine residential properties fronting north and the five residential properties fronting south of the site.
- 3.1.7 The proposed dwellings would be a combination of two, three, four and five bedroom units in the form of detached and semi-detached two storey dwellings. Out of the 14 dwellings, nine dwellings (Plots, 1, 2, 3, 4, 5, 6, 7, 8, and 9) would be open market properties and five dwellings (Plots 10, 11, 12, 13 and 14) would be affordable housing.

3.1.8 There are seven dwelling types proposed:

3.1.9 Plots 1, 3 and 7 (Open Market)

3.1.9.1 The type of dwelling on Plots 1, 3 and 7 will be a detached 'L-shaped' and of two-storeys in height. Plots 1 and 3 will be located to the south of the site and Plot 7 located to the north of the site. The dwelling would measure approximately 13 metres wide, 14.4 metres when measured at its deepest point and 9.6 metres to ridge level. At ground floor, there would be a sitting room, hallway, dining room, open plan kitchen and breakfast room, utility room and a family room. Five bedrooms (two with en-suite), a family bathroom and a balcony area are proposed at first floor level. Each dwelling would have detached double garage.

3.1.9.2 Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 1	1282 metres squared
Plot 3	420 metres squared
Plot 7	330 metres squared

3.1.10 Plots 2 and 8 (Open Market)

3.1.10.1 Plots 2 and 8 are detached two storey dwellings which would measure approximately 13.3 metres wide by 12.9 metres deep and a ridge height of 8.7 metres. The dwellings would have two gable end projections to the front elevation and a twin gable end element to the rear. Internally each dwelling would contain a sitting room, dining room, study, open plan kitchen / family room and breakfast area, and a utility room at ground floor with four bedrooms all with an en-suite. Each dwelling would have detached double garage.

3.1.10.2 Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 2	540 metres squared
Plot 8	435 metres squared

3.1.11 Plots 4 and 6 (Open Market)

3.1.11.1 Plots 4 and 6 are detached two storey dwellings which would measure 13.1 metres wide by a maximum of 14.7 metres deep with a ridge height of 8.3 metres. The dwellings would have a gable end feature centrally located to the front elevation with one dormer window on one side. Two dormer windows are also proposed to the front elevation with further two to the rear. There is a two-storey gable end which projects rearwards forming the breakfast area at ground floor and the master bedroom with an en-suite at first floor. In addition to the breakfast area at ground floor, there will also be a kitchen, lounge, study, dining room, w.c. and a large hall. At first floor, four bedrooms, a bathroom and an additional en-suite to Bedroom 2 are proposed. Each dwelling would have detached double garage.

3.1.11.2 Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 4	400 metres squared
Plot 6	450 metres squared

3.1.12 Plots 5 and 9 (Open Market)

3.1.12.1 Plots 5 and 9 are detached two-storey dwellings. Each dwelling would have a gable end feature to the front and rear elevation. Two dormers are also proposed to the front and rear elevation of each dwelling. The dwellings would measure approximately 14.8 metres wide (including the width of the utility room) by 12.5 metres deep with a ridge height of 7.5 metres. Internally each dwelling would contain a dining room, lounge, study, kitchen, family room, w.c and a utility room. Five bedrooms are proposed at first floor level (two with en-suite) and a family bathroom. Each dwelling would have detached double garage.

3.1.12.2 Each dwelling would have the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 5	590 metres squared
Plot 9	640 metres squared

3.1.12.3 Plots 1, 2, 3, 4, 5, 6, 7, 8 and 9 would all have a double detached garage. Each garage would measure approximately 6.3 metres wide, 7.4 metres deep with a ridge height of 5.3 metres.

3.1.13 Plot 10 (Affordable Housing)

3.1.13.1 Plot 10 is a detached, two-storey dwelling with a gable end feature to the front elevation. The dwelling measures approximately 7.1 metres wide, 9.1 metres deep with a height of 8.5 metres to ridge level. At ground floor, there would be an open plan dining room / living room, kitchen, hallway and a w.c. Three bedrooms and a family bathroom are proposed at first floor level. Three off-street parking spaces in a tandem arrangement are proposed to the east side of the house.

3.1.14 The dwelling would benefit from the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 10	170 metres squared

3.1.15 Plots 11 and 12 (Affordable Housing)

3.1.15.1 Plots 11 and 12 is a pair of two-storey semi-detached properties with a gabled end forward projection. Each dwelling measures approximately 6.2 metres wide, 8.7 metres deep with a ridge height of 8.1 metres. Internally, each dwelling would comprise of a living room, kitchen, hallway and a w.c at ground floor level. Two bedrooms and a bathroom are proposed at first floor level. Off-street parking spaces are provided approximately to the front of the property.

3.1.15.2 The dwelling would benefit from the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 11	107 metres squared
Plot 12	110 metres squared

3.1.16 Plots 13 and 14 (Affordable Housing)

3.1.16.1 Plots 13 and 14 is a pair of two-storey semi-detached properties. Each dwelling measures approximately 4.5 metres wide, 7.8 metres deep with a ridge height of 8.1 metres. Each dwelling would comprise of a living room, kitchen, hallway and a w.c at ground floor level. Two bedrooms and a bathroom are proposed at first floor level. Off-street parking spaces are provided to the front of the property.

3.1.16.2 The dwelling would benefit from the following size private amenity space:-

Plot No.	Private Amenity Space
Plot 11	107 metres squared
Plot 12	110 metres squared

3.1.17 Plots 10, 11, 12, 13 and 14 all have off-street parking spaces located approximately 14 metres away to the front the properties.

3.2 Conclusion

3.2.1 The principle of the application site accommodating 14 residential dwellings has already been established at appeal through the granting of outline planning permission OUT/MAL/15/00267. This application is therefore to consider the appearance, landscaping, layout and scale of the development.

3.2.2 Whilst it is considered the overall development is a logical extension of the existing linear development along Maypole Road and Great Totham Road, it is considered the layout, appearance and scale of the development is not well thought out.

3.2.3 The layout arrangement compromises the integration of affordable housing seamlessly into the community. Further, the proposed ten bay parking area is an urban feature and not reflective of the Arcadian character of Wickham Bishops. The excessive scale, lack of space between the residential dwellings and ancillary structures, lack of soft landscaping in front gardens, and lack of permeable routes through the site has created an overdeveloped and poorly integrated feel that is inimical to the established Arcadian character of Wickham Bishops contrary to policies S1, S8, D1, H4 of the Local Development Plan, and Government advice contained within the National Planning Policy Framework regarding to ‘Delivering a wide choice of high quality homes’ and ‘Good Design’.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 14, 17, 49, 50, 56, 57, 58, 60, 61, 64, 69

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

- S1 – Sustainable Development
- S2 – Strategic Growth
- S8 – Settlement boundaries and the Countryside
- D1 – Design Quality and Built Environment
- D2 – Climate Change and Environmental Impact of New Development
- D5 – Flood Risk and Coastal Management
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- Essex Design Guide
- National Planning Practice Guidance
- National Planning Policy Framework
- Maldon District Council Vehicle Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Outline planning permission (reference OUT/MAL/15/00267) was granted on appeal on 29 July 2014 and allows for a development of 14 dwellings. This therefore establishes that the principle of the development of the site for housing has been considered acceptable. This application is a reserved matters application for the approval of appearance, landscaping, layout and scale in relation to approved outline planning application OUT/MAL/15/00267.

5.2 Housing Land Supply, Need, Mix and Affordable Housing

- 5.2.1 The Council can demonstrate in excess of a five year supply of housing and this is set out in the Council's Five Year Housing Land Supply Statement and the Council's Advisory Note, both dated August 2016. This is a material planning consideration. However this application is to consider the reserved matters of appearance, landscaping, layout and scale in relation to approved planning application

OUT/MAL/15/00267 and therefore the principle of the development has already been established.

5.2.2 Policy H2 of the Local Development Plan (LDP) on housing mix requires all development ‘to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population’. The Strategic Housing Market Assessment (SHMA) provides the evidence base to the policy. Paragraph 50 of the NPPF requires local authorities to “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community” and “identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand”.

5.2.3 In this current Reserved Matters application, the following affordable housing mix is proposed:

Affordable Units	No. of Bedrooms
Plot 10	3 – Detached
Plot 11	2 – Semi-detached
Plot 12	2 – Semi-detached
Plot 13	2 – Semi-detached
Plot 14	2 – Semi-detached

5.2.4 As part of the outline planning application, a Unilateral Undertaking was submitted (dated and signed) by the Applicant regarding the provision of five affordable housing on this application site. This has been acknowledged and accepted by the Planning Inspectorate in Paragraphs 4 and 32 of the appeal decision APP/X1545/W/15/3133309. Whilst it is noted that the affordable housing provided may not adhere to the Wickham Bishops Housing Needs Survey which has been independently assessed in 2017 for the draft policies of the Wickham Bishops Neighbourhood Plan, it would be considered unreasonable for the Council to amend the affordable housing provisions or refuse the application on this basis as the proposal accords with the requirements set out in Policy H2 of the LDP.

5.3 Design and Impact on the Character of the Area

5.3.1 Policy D1 of the Local Development Plan (LDP) is applicable to the consideration of design. This policy coupled with the National Planning Policy Framework (NPPF) aim to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.

5.3.2 The NPPF states in paragraph 56 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*”.

5.3.3 In addition, the NPPF states in paragraph 64 “*that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.

- 5.3.4 In the appeal decision (reference: APP/X1545/W/15/3133309), the Planning Inspectorate acknowledged that Wickham Bishops is a village that is recognised for its Arcadian layout with the landscape forming the dominant appearance with the dwellings interspersed within landscape and the Council suggests that Arcadian developments are typically low density developments.
- 5.3.5 At the time of the appeal, the Planning Inspectorate had considered the character of the land from within the application site itself and from the adjoining lanes. It was noted that *‘by standing in the centre of the field, built development in the form of houses and other buildings are prominent around most of the boundaries of the site. To the north are buildings associated with the sports ground and detached houses; to the north-west there is a commercial garage and housing; to the west there are a range of forms of houses along Maypole Road; and to the south there are a few detached houses and the large buildings associated with the northern part of the Scout complex.’* This depiction of the site and surrounding has not changed since the appeal decision.
- 5.3.6 The application site is mostly an open field without trees but enclosed by a hedge, the overall character of surrounding land is one of built development albeit one with a verdant form stemming from surrounding woodland and trees. The Planning Inspectorate noted that the two road frontages to Great Totham Road and Maypole Road fell well with the confines of the village indicated by the 30mph limit and notwithstanding the parish boundary with Great Totham near the south-eastern boundary of the site.
- 5.3.7 In the outline planning application submission, the illustrative layout plans showed the density of housing proposed in this outline application amounts to less than 10 dwellings per hectare which is a low density of development thus demonstrates that the overall scale of development proposed can be accommodated on site with plot sizes and a general form that is consistent with the wider pattern of the surrounding part of the village. The illustrative layout at the time also showed that there was ample scope for additional landscaping around the site, between the houses and along the road frontages to complement the recognised Arcadian character of the village and it also indicatively showed a pedestrian / cycle link through the site.
- 5.3.8 Based on the illustrative layout plan submitted at the time, it was considered the development of this site, the scale of development proposed in this outline application would be likely to result in a form of development which would be consistent with the character and appearance of the area and would not harm it in accordance with policy D1 of the LDP for which the Council’s accepts. However, in this current Reserved Matters application, the Applicant has failed to follow the indicative layout submitted with the outline application where the Planning Inspectorate had considered the proposed scheme to be acceptable within the appeal decision.
- 5.3.9 The Urban Design Officer has been consulted and has raised concerns regarding the Reserved Matters application. It is important to note at the time of the outline application, the illustrative layout demonstrated a back to back layout with five detached dwellings and five detached garages facing Maypole Road and one detached dwelling and eight semi-detached dwellings with garages facing Great Totham Road. In this current application, the layout is a back to back arrangement with nine dwellings (six detached and four semi-detached) four detached garages and a parking

court for ten cars facing Great Totham Road accessed via a private drive and five dwellings and five detached garages facing Maypole Road served by a private drive. The dwellings and garages have a staggered frontage layout and garages are set back from the principle elevation with a private driveway. The five affordable units have no garages and have a communal parking area located approximately 14 metres away from these dwellings. Coupled with the scale of the market housing dwellings compared to the five affordable dwellings, the lack of rural pedestrian / cycle link with landscaped verges running north-south and the provision of little proportionate space between buildings, the proposal creates an overdeveloped feel at the cost of segregating the 5 affordable units. The degree of spaciousness is lost in this current scheme and it is considered that the proposed development would fail to fit in with the local Arcadian character of the area.

- 5.3.10 It is noted that the affordable units (Plots 10, 11, 12, 13 and 14) and the communal car parking area have been heavily landscaped which again shows segregation which is contrary to the aims of the NPPF to create mixed and balanced communities in a seamless manner.
- 5.3.11 In terms of scale and appearance of the development, the nine detached units (open market properties) are either four bedroom or five bedroom dwellings with detached garages. The units have a large mass and little proportionate space between structures. The most noticeable shift in the design intent is the relationship between the market and affordable housing. The outline application OUT/MAL/15/00267 illustrative layout showed a seamless and integrated approach to the private and social housing with eight semi-detached units facing Great Totham Road i.e. the market and affordable housing was indistinguishable. In this application, the detached garage on Plot 9 for example, appears to have similar ground floor footprint as the affordable units 10, 11, 12, 13 and 14. The relationship between the open market housing and the affordable housing appears disproportionate, over scaled and out of context particularly when viewed in the public domain along Great Totham Road. Further, by sub-dividing the site by a landscaping buffer would result in the development being significantly cramped and that the overall development appears as piecemeal development than a comprehensive development scheme.
- 5.3.12 It is noted that the height of the proposed dwellings range between 7.5 metres and 9.6 metres to ridge level. As the dwellings are set back from the highway by about 11 metres and in some cases 33 metres along Maypole Road and Great Totham Road, it is not considered that the height of the dwellings would be dominant or out of character when viewed in the street scene or the wider context.
- 5.3.13 While there are no concerns regarding the height of the development, it is considered that the proposal when viewed as a whole would cause a detrimental impact upon the character and appearance of the area due to its inappropriate layout, scale and design, contrary to policies S1, D1 and H4 of the Local Development Plan and Government advice contain in the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland /

infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.

- 5.4.2 Concern has been raised by local residents in terms of additional traffic to the site, conflict arising over the relationship between the new housing on the application site and the adjacent scouting complex particularly when used for shooting activities and archery, overlooking from Plot 14 onto the Scout complex, and that Plot 6 would have an adverse impact on the existing occupiers at Romney.
- 5.4.3 With regard to the additional traffic, the Planning Inspectorate had considered this aspect in Paragraph 33 of the appeal decision and the Highway Authority has not raised any objection to the proposal subject to conditions.
- 5.4.4 In terms of the shooting activities and archery at the Scout complex, the Planning Inspectorate has considered this and commented that the onus is on the operators of the Scout complex to ensure that sports of shooting and archery do not encroach onto other land outside of their site, also it was considered reasonable for the housing scheme to ensure some additional solid fencing to be erected along the south eastern boundary of the site. The details and implementation of any boundary treatment can be dealt with by an appropriately worded condition. With regard to overlooking from Plot 14 onto the Scout complex, the first floor window in question serves the landing and provides light to the stairwell. As this window does not serve a habitable room, a condition can be imposed for it to obscure glazed should the application be approved.
- 5.4.5 Concern has been raised regarding the close proximity of the detached garage at Plot 6 to the existing occupiers at Romney. To address this, the Applicant submitted a revised drawing (0998 / 09E) showing the garage to be positioned 0.5 metres further away from the shared boundary with Romney, to erect a 1.8 metre high fence and to amend the roof design by turning it 90 degrees. The impact on the existing occupiers at Romney, particularly with regard to loss of light, has been reduced as the garage roof now slopes away from the shared boundary.
- 5.4.6 In the light of the above assessment it is considered that subject to appropriate conditions the development would accord with policy D1 of the LDP with regard to impact upon neighbouring residential occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 The Council's adopted Vehicle Parking Standards ('VPS') state that for two / three bedroom houses a maximum of two car parking spaces. For four bedroom or more dwellings, a maximum of three car parking spaces should be provided.
- 5.5.2 Access and egress to the site was considered at the outline stage and is therefore not a Reserved Matter for consideration with this application. The submitted plans show that access to and from site would be taken from Maypole Road and Great Totham Road.
- 5.5.3 Essex County Council Highways have been consulted on the application and have advised that the proposal is acceptable subject to conditions relating to the bellmouth junction with Great Totham Road, visibility splays, dropped kerbs for vehicles and pedestrians along Maypole Road, surfacing materials, car parking, details of storage

of bicycles for each dwelling, the piping of ditches / water courses, a Construction Method Statement (CMS) and a Residential Travel Information Pack, all to be submitted to and approved by the Council. These conditions are also imposed by the Planning Inspectorate as they were considered reasonable and necessary to ensure that there is proper access to the site with adequate sight lines in the interests of highway safety.

- 5.5.4 Based on the plans submitted, the development will meet the Council's own adopted standards in accordance with policies D1, H4 and T2 of the Local Development Plan.

5.6 Private Amenity Space and Landscaping

- 5.6.1 The development proposes two, three, four and five bedroom dwellings. The Essex Design Guide (EDG) provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The EDG states that three or more bedroomed houses should have a private amenity space of at least 100m² and that houses of one or two bedrooms should have at least 50m². All of the residential dwellings proposed as part of the development would exceed the standard set within the EDG.
- 5.6.2 In terms of landscaping, this is also a Reserved Matter for consideration as part of this application. A landscaping scheme was submitted which formed a part of the Site Layout Plan (Drawing No: 0998 / 09C) which was assessed by the Tree Officer.
- 5.6.3 The Tree Officer has advised that there are no significant trees on site, however it has been noted that trees off-site at Prances and in the garden of Romney should be protected from any detrimental effects of development, including post-development pressure to prune as this is likely to happen if new properties are built close to neighbouring trees. Following a site inspection, the Tree Officer could not see any trees at Mapstones that would be worthy of specific protection through a Tree Preservation Order, however the boundary hedge should be protected from the effects of the development.
- 5.6.4 The hedge along Great Totham road contains a diverse mixture of species and is raised upon an old hedge-bank. The hedgerow itself has not been managed well in recent years and as such, the Elm in the hedgerow is suffering from Dutch Elm disease. It is still suckering from the base and there are many other interesting plants at the base of the hedge, including Ferns. The Tree Officer has advised that this boundary should be retained, protected from any development activity and enhanced by appropriate management and planting. The submitted plans suggest that large sections of hedgerow will be lost to the creation of visibility splays in both directions along Maypole Road and Great Totham Road. The Tree Officer considers that the developer should explore possibilities for retaining as much as possible of the original hedgerow plants and the ground they are growing in, along with the plants and seed bank that will be in the soil, by the transplantation of existing trees and hedgerows. This has been carried out elsewhere in the District where it has proven to be successful (RWE Npower, Bradwell in 2010 - Planning reference: FUL/MAL/10/01080 and Appeal reference: APP/X1545/A/11/2151681/NWF).
- 5.6.5 Such method would allow existing mature hedgerow plants to not only provide character in appearance, but carry with them ecological characteristics, essential to the

surrounding wildlife. Whilst this part of Wickham Bishops is becoming urbanised, the village is still surrounded by important woodland and grassland sites. The retention of a hedgerow network will help the movement of flora and fauna between these sites, helping biodiversity for the future.

- 5.6.6 Overall subject to certain changes which can be achieved via a planning condition the proposed landscaping is considered to be appropriate for the application site and the wider setting in accordance with policy D1 of the Local Development Plan. While soft landscaping can help to alleviate and provide some screening to the proposed dwellings and car parking areas, it is not considered that the additional planting would overcome the amount of built form of development as discussed in Section 5.3 of the report.

5.7 Ecology

- 5.7.1 Paragraph 109 of the NPPF states that ‘the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible’. Policy N2 of the Local Development Plan on natural environment and biodiversity is also applicable.
- 5.7.2 The Coast and Countryside Officer has assessed the Reserved Matters application and whilst concerns has been raised regarding the lack of an ecology report, the Planning Inspectorate did not discuss this in the appeal decision or had imposed conditions for the subsequent submission of such report. In this instance, it would be unreasonable for the Council to introduce or impose a new condition requiring the submission of an ecology report.

5.8 Conclusion and Planning Balance

- 5.8.1 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development.
- 5.8.2 In this regard, there are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. This is carried through to local policies via policy S1 of the Local Development Plan which emphasises the need for sustainable development.
- 5.8.3 Whilst the outline application granted planning permission on site considering and the of the development and access for sustainability reasons, this reserved matters application considers the more detailed aspect of the development needs to be assessed as to whether the ‘presumption in favour of sustainable development’ applies.
- 5.8.4 Economically the proposal would provide employment for the construction phase of the development and would provide dwellings with new residents that will financially contribute to the local economy through existing local services and businesses.

- 5.8.5 Socially the proposal would provide 14 new dwellings with open market (9 units) and affordable housing (5 units) for the District. The proposal would also provide dwellings with adequate sized private rear gardens. However, the layout and the position of the affordable housing with heavy soft landscaping treatment on the boundary would result in segregation between the open market and affordable housing which fails to deliver inclusive and mixed community, contrary to the aims of the NPPF.
- 5.8.6 With regard to the environmental aspect of this proposal, it is proposed to retain and trim back existing landscaping to the site boundaries and to introduce additional soft landscaping into the site. Further, the scale and appearance of the development, particularly to affordable housing appears poorly designed and disproportionate when compared to the open market housing which would led to further social exclusion.
- 5.8.7 Having taken into account the above, it is considered that the NPPF’s ‘presumption in favour of sustainable development’ cannot be fully applied to this development due to the social and environmental element.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/14/00582** - Outline Planning Application For Residential Development Comprising 37 Dwellings, With The Matters Of Access And Layout Submitted For Determination. Refused: 2 October 2014.
- **OUT/MAL/15/00267** - Outline Planning Application With Some Matters Reserved For The Residential Development Of 14 Dwellings, Garages And Associated Works. Refused: 4 August 2015. Allowed on Appeal: 8 March 2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Object for the following reasons:- <ul style="list-style-type: none"> • Plot 6 would impact on the existing occupiers at ‘Romney’ • Window at Plot 14 would overlook the neighbouring property • Housing mix is contrary to draft policies of the Wickham Bishops Neighbourhood Plan • Trimming and hedge removal is excessive and fails to protect the rural character of the area • Infill planting is insufficient 	Noted in the main report

Name of Parish / Town Council	Comment	Officer Response
	<ul style="list-style-type: none"> • Proposed fencing on the eastern boundary is too low to safeguard the scouts and to protect the inhabitants of the new dwellings from the scouts' archery and shooting activities • Affordable housing appears to segregate those residents from the open-market dwelling inhabitants • Lack of connectivity as a footway has been removed • No footway along Maypole Road for the school children to walk to school 	

7.2 Statutory Consultees and Other Organisations *(summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions and informative.	
Environment Agency	No reply at the time of writing this report.	Any comments received will be reported on the Members' Update.
ECC Sustainable Urban Development (SUDs Team	No comment to make on this application.	Noted.

7.3 Internal Consultees *(summarised)*

Name of Internal Consultee	Comment	Officer Response
Urban Design	Object - Excessive scale, lack of space between buildings and structures and lack of soft landscaping in front gardens and lack of permeable routes through the site has created an overdeveloped feel to the	Noted

Name of Internal Consultee	Comment	Officer Response
	site that is inimical to the established Arcadian character of Wickham Bishops.	
Countryside and Coast Officer	In relation to layout and open space, whilst the proposed development gives generous private gardens to the individual dwellings, there is little or no enhancement in the public realm in either landscape or ecology terms.	Noted
Environmental Health Services	No observations on the reserved matters.	Noted
Tree Officer	No objection to the application but boundary hedge and trees clearly should be protected from the effects of the development.	Noted
Housing Department	This site has the Policy requirement of 40% Affordable Housing Provision which equates to 5.6 units. 0.6 would equate to a commuted sum payment of £70,800. The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the S106 Agreement.	The Affordable housing provision has been included in the Unilateral Undertaking at the outline stage. There is no mechanism to amend this at the Reserved Matters Stage and the provision was policy compliant
Emergency Planner	The site sits within a very low risk flood area - No comment to make in relation to emergency planning.	Noted

7.4 Representations received from Interested Parties (*summarised*)

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

- Mr Derek Joyce 12 Boars Tye Road Silver End Witham
- Mrs Sara Goodwin 15 Brook Close Great Totham Maldon

- Mr Michael Brangham Romney Great Totham Road Wickham Bishops
- Mrs Madeleine Flowers 12 Hunt Close Feering Colchester

Objection Comment	Officer Response
The developer should ensure the boundary fencing is sufficient to protect the activities at Prances which have been in use for many years.	Noted.
Increase in unwanted visitors to the campsite	Noted.
Campfire could cause offence to the future occupiers of the site	Noted.
A housing development next to the Scout site would take away the outdoor life	Noted.
The archery/rifle range also faces directly into the proposed development	Noted.
Traffic in the road is already an issue with the location of the tennis club, football ground, cricket ground, the school is nearby.	Noted.
The garage on Plot 6 will impact on the flank window at Romney	Noted.

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

- Mr N Court, Mapstones, Maypole Road, Wickham Bishops, Essex

Comment	Officer Response
Please leave a tree in place which provide Mapstones with privacy to the first floor master bedroom. Concerned that the view and privacy will be compromised by this development.	Noted.

8. PROPOSED REASONS FOR REFUSAL

1 Wickham Bishops is a settlement that is Arcadian in character with the landscape dominating the appearance of the village with existing development interspersed amongst the landscape. The proposed development as a result of its poor layout, lack of permeability, site coverage, urban form, its unsympathetic design and appearance, the scale and bulk of the development, would lead to the creation of a cramped form of development resulting in an unacceptable impact on the character of the site and surrounding area. The proposed development would be out of character with the distinctive Arcadian context of the surrounding area at this transitional position at this edge of a village location and nearby rural countryside landscape. As such the proposal is contrary to policies S1, S8, D1 and H4 of the Maldon District Local

Development Plan and Government advice contained within the National Planning Policy Framework.



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

Application Number	FUL/MAL/17/00747
Location	Great Downs Farm Station Road Tollesbury Essex
Proposal	Proposed replacement detached two storey dwelling.
Applicant	Mrs J Kayode
Agent	Mr Andrew Watkins - Mullins Dowse Architects Ltd
Target Decision Date	3 October 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	TOLLESBURY EAST
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.

Great Downs Farm, Station Road, Tollesbury
FUL/MAL/17/00747



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 2.10.17
	Date:	19/09/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Planning permission is sought for the demolition of an existing one-and-a-half storey dwelling and the erection of a two storey replacement dwelling. The proposed dwelling would measure a maximum of 14.1m in width by a maximum of 10.1m in depth and height of 7.9m to the ridge and 4.9m to the lower eaves. The dwelling would have a double-pitched roof with photovoltaic panels to the eastern roof slope. A balcony to the rear, a utility room to the side and a front porch break the rectangular shape of the main dwelling. The proposal would accommodate four bedrooms, a bathroom and an en-suite on the upper floor, a study, a living room, a dining and kitchen area, a utility room and a cloak room on the ground floor. Four parking spaces are proposed to the front of the dwelling, where the existing building is located.

3.1.2 The site is located adjacent but outside of the defined settlement boundary for Tollesbury, to the east of Station Road, in a semi-rural location with open countryside surrounding from the east, north and west and residential properties to the south. The building which is proposed to be demolished is located approximately 130m east of Station Road and the proposed dwelling is proposed to be located 12m to the east of the front elevation of the existing dwelling. Access to the application site from Station Road is taken via a private unmade road. Within the same property but outside of the application site, approximately 60m to the west, there are three buildings originally erected to be used in conjunction with agricultural activities. Despite their rudimentary appearance, a part of one of the buildings has a lawful use as a residential unit. Another building is in the process of being converted into a dwelling and a planning application under reference FUL/MAL/17/00862 is being considered by the Council. To the south there are two storey houses.

3.2 Conclusion

3.2.1 The proposal is considered to be acceptable and policy compliant, subject to conditions. It is considered that the proposed development is of an appropriate design, scale and layout which would enhance the character and appearance of the area without causing an adverse effect upon the amenities of the neighbouring occupiers. The access and parking arrangements are considered to be acceptable and the provision of amenity space is more than the policy requirement. The proposal would, therefore, be in accordance with the stipulations of policies S1, S8, D1, D2, H2, H4, T1 and T2 of the approved Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 - Presumption in favour of sustainable development
- 17 - Core Planning Principles

- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring Good Design
- 186-187 - Decision-taking
- 196-198 - Determining applications

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

- S1 - Sustainable Development
- S8 - Settlement boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change & Environmental Impact of New Development
- H2 - Housing Mix
- H4 - Effective Use of Land
- T1 - Sustainable Transport
- T2 - Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The proposed development is for a replacement dwelling. The relevant policy for this type of development is policy H4 of the LDP which states that replacement dwellings will only be acceptable if certain criteria are met.

5.1.2 In more detail, policy H4 of the LDP states that planning permission for the replacement of an existing dwelling with a new dwelling will only be granted if:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting;
and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

- 5.1.3 The dwelling currently on site is a chalet and is used for purposes of human habitation. The existing chalet is a typical example of post-war rural housing but this does not necessarily render the original building worthy of retention. The current position of the dwelling is central within the property but closer to the western boundary of the marked application site. Although the proposed dwelling would be positioned in a different location within the site, in close proximity to the existing dwelling, the proposal would not involve the extension of the residential curtilage in any way.
- 5.1.4 The proposed dwelling has a smaller footprint than the existing bungalow but is demonstrably larger in size and height and is of a more contemporary design, which includes elements such as larger glazed openings, a glazed balcony and photovoltaic panels. The scale and design of the proposed dwelling is appropriate to the site and its setting, when considering that other modern properties have been built in the vicinity of the site. The suitability of the proposal to the site and its impact upon the character and appearance of the area will be considered in more detail within section 5.2 of this report.
- 5.1.5 Moreover, the proposal would not involve the loss of any important landscape or heritage feature, or any feature of ecological interest. As such, it is considered that the proposed development meets the criteria of the relevant policy and on principle is acceptable. Other material planning considerations are discussed in the following sections of the 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 seek 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 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.5 The proposed dwelling would be of a smaller footprint than the existing sprawled bungalow but will provide the same level of accommodation. The layout of the site will not be altered dramatically with the proposed dwelling to have more space to the front. The design and appearance of the two-storey dwelling house appears plain, modest and unobtrusive, combining traditional materials, such as the slates to the roof or the plinth to the bottom of the walls, with more modern materials, such as the plastic for the external windows and doors or the glazing for the balcony. The scale of the proposed building is sympathetic and appropriate to the application site as well as comparable with the scale of other dwellings in the vicinity.

5.2.6 The proposal incorporates three projections from the main volume of the building. To the rear it is proposed to be a balcony. To the side there would be a single-storey element with a dual pitched roof to be used as a utility room. To the front is proposed to be a porch, where the main focal point of the development would be when viewed from the access way. Those elements add interest to the plain design of the main building.

5.2.7 Overall, whilst the proposed building will provide a modern dwellinghouse to its occupants, the layout, scale and appearance of the proposal would be in keeping with other development in the vicinity and would not be detrimental upon the character and appearance of the site and the wider area. Therefore, the proposed development is in line with local and national policies.

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. Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural

environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.3.2 The proposed dwelling is located at least 48m away from No.6 Genesta Close, the closest neighbouring dwelling. Moreover, on the southern elevation of the proposed dwelling there are no openings above the ground floor level. Therefore, issues regarding overlooking, overshadowing or overdominance of neighbouring properties are unlikely to arise. With regard to the residential unit to the west within the same property, the distance between the buildings would be even greater. Thus, overshadowing or overpowering of the neighbouring residential unit is not a concern. Moreover, any overlooking between the buildings would not be worse than the existing situation nor would it be detrimental upon the amenity of the current or future occupiers.
- 5.3.3 Given that the proposed dwelling would be of a smaller footprint than the existing and due to the ground inclination towards the north-west of the application site it is not considered that the development would increase the risk of flooding on site or on neighbouring residential properties. As stated within the application form, it is proposed to utilise the existing drainage for foul sewage and surface water. However, the existing arrangements include a septic tank. Government guidance discourages the use of this type of drainage due to environmental risks. Although the possibility of pollution to affect the amenity of neighbouring occupiers is small, it would be in line with local and national policy to require the submission of details for more appropriate drainage scheme.

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. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The existing access arrangements would not be altered as a result of this proposal. The proposed dwelling would provide four bedrooms, the same level of accommodation as the existing dwelling. The application site benefits from a long driveway with turning area and additional designated parking spaces and turning areas are proposed. These arrangements are considered sufficient to accommodate the parking provision requirements for the development in accordance with policies T1, T2 and D1 of the approved LDP and national policies.

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 garden on the application site is in excess of the standard contained within the Essex Design Guide. The proposed development, although located within the existing private amenity space, would result in a private amenity space on site which would still be significantly greater than the required standard.
- 5.5.3 The landscaping arrangements include the removal of seven existing trees which are not considered worthy of retention. Within the application site the majority of the trees are protected and it is proposed to plant eight new trees along with new hedgerows. A patio area is proposed to the rear of the proposed dwelling along with paths from the driveway to the front and side doors. Flower beds are proposed either side of the main entrance porch. Those arrangements are considered acceptable.

5.6 Other Material Considerations

- 5.6.1 The Council's Environmental Health team has been consulted for this application. They have proposed conditions to request details for the surface and foul water drainage scheme to serve the proposed dwelling. Within the application form it is stated that the foul drainage would be achieved through a septic tank. As already stated this is considered to be unacceptable and contrary to policy D2 of the LDP and government guidance. For the surface water drainage whilst it has been stated that the existing drainage will be used, a Sustainable Urban Drainage Scheme (SUDS) would be preferable and in line with national guidance. Therefore, appropriately worded conditions to request these details would be in line with national guidance provided within the PPG.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/98/00507** – Proposed demolition and re-siting of dwelling. APPROVED 11.08.1998.
- **OUT/MAL/03/00846** - Demolition of existing dwelling house and replacement. APPROVED 18.09.2003.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Object – Negative visual impact on landscape from the seaward side.	The northern boundary of the application site is approximately 440m away from the public footpath running along the river. Any impact on the public vistas would be minimal and not detrimental upon the character and appearance of the area.

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Tree Officer	No objection subject to clarifications on the arboricultural report.	Comments noted.
Environmental Health	No objection subject to conditions requesting details of foul and surface water drainage.	Please see sections 5.3 and 5.6 of the report.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Highway Authority	No objection.	Comment noted.

7.4 Representations received from Interested Parties (summarised)

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

- Allen, David and Maureen - 5 Shamrock Close Tollesbury Essex CM9 8SZ

Objection Comment	Officer Response
The building is probably listed and therefore protected.	The building is not listed or protected in any way. Planning permission for its demolition has been granted previously on two occasions in the last twenty years.

8. PROPOSED CONDITIONS

Conditions:

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: SITE LOCATION PLAN, 6032/SURVEY 2, 6032/3B, 6032/2A, Arboricultural Impact Assessment dated 24 August 2017 and referenced 352, PROPOSED FINISHES document received by the Council on 23 June 2017.
REASON: For the avoidance of doubt as to the extent of this permission.
- 3 Within three months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved the existing dwelling on the site shall be demolished and the resulting material removed from the site.

REASON: For the avoidance of doubt as to the extent of this permission. The development has only been approved on the basis that the dwelling house hereby approved is a replacement for that which exists in accordance with policy H4 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 4 The external surfaces of the dwellinghouse hereby permitted shall be constructed of the materials specified on the PROPOSED FINISHES document received by the Council on 23 June 2017.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 5 Notwithstanding the hard and soft landscape scheme shown on drawing number 6032/3B, full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

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 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.

Hard landscape works:

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development

Plan and national policy and guidance contained in the National Planning Policy Framework.

- 6 A hedgerow scheme including the size and nursery stock of the proposed specimens shall be submitted to and approved in writing by the Local Planning Authority. The hedgerow shall be planted within the first available planting season (October to March inclusive) following the commencement of the development, in accordance with the approved details and retained in perpetuity.

If within five years of the planting of the hedge any plant is removed, uprooted, destroyed or dies another plant of the same species and size shall be planted in the first available planting season, unless the Local Planning Authority gives written consent to any variation.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 7 The trees and hedges identified for retention on the approved Arboricultural Impact Assessment dated 24 August 2017 and referenced 352 which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the Local Planning Authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 8 The development hereby permitted shall not be first occupied / provided with connection to utility services 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.

REASON: To ensure there is the necessary car parking provision on site in line with policies D1, T1 and T2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 9 Development shall not commence on site until a scheme for the provision and implementation of surface water drainage incorporating Sustainable Urban Drainage Schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development hereby approved.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.
- 10 No development shall commence until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

INFORMATIVES

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
2. Waste Management - The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
3. Land Contamination - Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
4. Construction - 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. Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

5. Alteration to an Ordinary Watercourse - Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.
6. Asbestos - If the existing structure was built before 2000, prior to demolition it is recommended that an appropriate Asbestos Type survey of the buildings shall be undertaken. Where asbestos is found the HSE must be notified and a scheme shall be implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 including the use of licensed contractors. It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.

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**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

Application Number	FUL/MAL/17/00862
Location	Barn Great Downs Farm Station Road Tollesbury
Proposal	Part-Retrospective - Change of use and conversion of a building into a self-contained two-bedroom dwellinghouse (Use Class C3)
Applicant	Mr D Lai
Agent	Mr Paul Lonergan - Paul Lonergan Architects
Target Decision Date	18 October 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Parish Trigger Departure from the Local Development Plan

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Barn at Great Downs Farm, Station Road, Tollesbury
FUL/MAL/17/00862



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 2.10.17
	Date:	21/09/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for the conversion of an existing two storey building into a two bedroom dwellinghouse. The conversion works have already begun; hence the application is partially retrospective in nature. The building had planning permission to be used for general storage, storage of farm machinery and workshop albeit is not clear whether that permission was ever implemented.
- 3.1.2 Comparing the existing building with the plans approved in 2007, it appears that the building is 0.6m higher, 0.3m wider and 0.3m deeper measuring 9.5m wide by 6.5m deep by 6.7m high to the ridge of the dual-pitched roof. Furthermore, the number and arrangement of openings has been altered. Additional alterations are proposed as part of this application, namely the insertion of a window on the front elevation, the replacement of three windows to the side elevations with doors, and the erection of a structure to the north of the building which will be used as a balcony at the first floor level and as car port for one car at the ground floor level. The structure would be 3.9m wide by 6m deep and would measure 2.9m high to the first floor level and 4m high to the balustrade. A designated curtilage is proposed to the north of the building which would be defined by a proposed hedge.
- 3.1.3 The application site is located adjacent but outside of the defined settlement boundary for Tollesbury, to the east of Station Road, in a semi-rural location with open countryside surrounding from the east, north and west and residential properties to the south. The building which is the subject of this application is located approximately 80m east of Station Road. Access to the application site from Station Road is taken via a private unmade road which also leads to adjacent site, part of the same property. Within the same property but outside of the application site, approximately 60m to the east, there is the dwellinghouse known as Great Downs Farm. An application is currently being considered by the Council for the demolition of the existing dwelling and the erection of a replacement two-storey, four-bedroom dwelling, located approximately 12 m to the east of the existing. The residential development to the south is mainly in the form of two storey houses.

3.2 Conclusion

- 3.2.1 The application site is located adjacent but outside of the development boundary as defined in the Local Development Plan (LDP). Although the principle of a dwellinghouse outside of the development boundary would be contrary to the main thrust of local policy, on the basis of the presumption in favour of sustainable development of local and national policy and a recent appeal decision at an appeal site adjoining the application site, it is not considered that a refusal for this reason alone could be sustained on appeal.
- 3.2.2 The proposed conversion is considered to be acceptable in terms of its impact upon the character and appearance of the area and its effect to the amenity of neighbouring occupiers. Furthermore, the scheme would provide adequate parking and private amenity space for the needs of its residents. With the above comments in mind, given that the proposal relates to the conversion of an existing building, rather than the erection of a new one, and considering the location of the application site which

adjoins the settlement boundary for Tollesbury, the development is considered sustainable. Therefore, the proposal would be in accordance with the stipulations of policies S1, D1, D2, H2, H4, T1 and T2 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 - Presumption in favour of sustainable development
- 17 - Core Planning Principles
- 47-55 - Delivering a wide choice of high quality homes
- 56-68 - Requiring Good Design
- 186-187 - Decision-taking
- 196-198 - Determining applications

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

- S1 - Sustainable Development
- S2 - Strategic Growth
- S8 - Settlement boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change & Environmental Impact of New Development
- H2 - Housing Mix
- H4 - Effective Use of Land
- T1 - Sustainable Transport
- T2 - Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal is for the conversion of an existing building into a two-bedroom dwellinghouse. The application site is located adjacent but outside of the development boundary as defined within the approved Local Development Plan, and hence within the countryside for policy purposes. The Council aims to direct future growth within the defined settlement boundaries. Policy S8 of the approved LDP states that the countryside will be protected for its landscape, natural resources and

ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for development proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.1.2 Furthermore, policy S2 of the approved LDP identifies the Council's housing need and supply up to year 2029 and states that any other residential development other than those identified with policy S2, namely strategic allocations and garden suburbs, would need justification in order to be supported. The Council's five Year Housing Land Supply report (August 2016) demonstrates that there is a deliverable housing supply equivalent to 6.04 years. This means that there is a sufficient supply of housing land in the District, and that there is no shortage of land with planning permission for housing within the local area of this application site. However, it has to be noted that the application is for the provision of one two-bedroom dwelling and according to the Council's Strategic Housing Market Assessment (SHMA) is a type of residential unit that the Council needs most within its housing mix.
- 5.1.3 Having the previous paragraphs in mind, it is considered that the principle of the proposal appears to be contrary to local policies S2 and S8 of the approved LDP. Though one of the core principles of the NPPF encourages the reuse of existing resources, including the conversion of existing buildings. Paragraph 55 states that whilst "*Local planning authorities should avoid new isolated homes in the countryside*" they can be supported "*where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*". Considering the appeal decision¹ at the adjoining site to the west, it is not considered that the location is isolated. The sustainability credentials of the development along with other material planning considerations will be discussed in the following sections of the 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 seek 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".

¹ Appeal reference: APP/X1545/W/17/3170054

- 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 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5 The building proposed to be converted into a dwellinghouse appears to have been on site in its current form since around 2009. Thus, the building is already part of the existing landscape. Its approved use included general storage and storage of agricultural machinery. Although the proposed change of use would introduce some alterations to the appearance of the building in terms of its openings and the addition of the balcony / car port structure, it is not considered that those would be detrimental upon the character and appearance of the area. In more detail, the proposed structure is considered to be an unobtrusive and appropriate addition to the application site. Moreover, the residential paraphernalia that would be introduced to the site, if this application is approved, is not considered to cause any demonstrable harm upon the rural locality. It has to be noted that planting of a hedge is proposed which would assist in limiting the sprawl of the residential use outside of the application site.
- 5.2.6 Overall, the proposal would not be detrimental upon the character and appearance of the site and the wider area. Therefore, the proposed development is in line with local and national policies in this respect.

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. Policy D2 seeks all development to minimise its impact on the environment by incorporating

measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.3.2 The building subject of this application is located 13m to the north of the existing first floor residential unit on the property. The proposed external alterations would not affect the established relationship between the existing residential unit and the building in terms of overlooking, overshadowing and over dominance.
- 5.3.3 With regard to the dwellinghouse to the east within the same property, the distance between the existing buildings is approximately 55m, and even greater from the proposed dwellinghouse. Thus, overshadowing or overpowering of the neighbouring residential unit is not a concern. Moreover, any overlooking between the buildings would be mitigated by the separation distances and therefore would not be detrimental to the amenity of the current or future occupiers.
- 5.3.4 The nearest neighbouring property outside of the property is No.5 Mallard Close which is at least 53m away from building on site. Considering that distance it is unlikely that the conversion of the building would have any impact upon the amenity of the neighbouring occupiers. Therefore, issues regarding overlooking, overshadowing or overdominance of neighbouring properties are unlikely to arise.

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. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The existing access arrangements would not be altered as a result of this proposal. The proposed dwelling would provide two bedrooms which would need the provision of a maximum of one parking space. The application site benefits from a long driveway with turning area and one designated parking space is proposed to the north of the building. These arrangements are considered sufficient to accommodate the parking provision requirements for the development in accordance with policies T1, T2 and D1 of the approved LDP and national policies.

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 50sq.m. of private amenity space for dwellings with one or two bedrooms.
- 5.5.2 The proposal includes the definition of the residential curtilage for the development with the planting of a hedge. This would create a private amenity space of in excess

of 200m² which would be in excess of the required standard contained within the Essex Design Guide.

- 5.5.3 The landscaping arrangements include the planting of a hedge to define the residential curtilage, paving of the area underneath the balcony/carport structure and retention of the gravel at the driveway. Those arrangements are considered acceptable.

5.6 Sustainable development

- 5.6.1 Although the principle of a dwellinghouse outside of the development boundary would be contrary to certain local policies, the main thrust of the planning system since the introduction of the National Planning Policy Framework is the presumption in favour of sustainable development. The presumption in favour of sustainable development contained in the NPPF has been reflected to local policy S1 of the approved LDP which states that when considering development proposals the Council will take a positive approach and will apply a number of key principles in policy and decision making, including: deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations; and promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations.
- 5.6.2 A recent appeal decision² considered the sustainability of the location. The Inspector determined an appeal for a proposal for five dwellinghouses at an appeal site adjoining the application site to the west. The Inspector, considered at paragraph 9 of the appeal decision that the appeal site was read strongly as an integral part of the surrounding countryside, rather than having any close connection with the residential site, of which the application site is a part. The Inspector later in his decision goes on to comment about sustainability; the harm to the character and appearance of the area outweighed the benefits.
- 5.6.3 Some of the benefits from the appeal site are comparable with this application including good connections to existing services and facilities, social and economic benefits through contributing to the supply of housing in the area, biodiversity enhancements and additional landscaping which would amount to environmental benefits. Moreover, it has to be noted that the proposal would result in a two-bedroom dwelling contributing to the required housing mix for the needs of the district. In this instance, bearing in mind that the building is already on site for a number of years, it is not considered that the impact upon the character and appearance of the area is detrimental and therefore, the remaining benefits applicable to this scheme render the proposal sustainable development in terms of the NPPF.
- 5.6.4 Furthermore, referring to the appeal site, while the Inspector concurred that the Council can demonstrate a five-year-housing-land-supply, this alone was not a reason to dismiss the appeal. On the basis of the recent appeal decision at the site adjoining the application site, it is not considered a refusal of the application only by reason of the location of the application site outside the development boundary could be sustained on appeal. Given that application site is on a previously developed land and

² Appeal reference: APP/X1545/W/17/3170054

the building was already on site, its conversion to a dwellinghouse in a location adjacent to the development boundary is considered sustainable.

5.7 Other considerations

- 5.7.1 Ecology - The location of the application site and the previous use of the building favour the possibility of presence of bats and other fauna on site. A condition requiring the building to be surveyed for these purposes would meet the national guidance tests.
- 5.7.2 Drainage - Given that the building is already on site, any flooding risk is not going to increase on site or elsewhere as a result of the proposal. Although a condition has been proposed for the submission of details of Sustainable Urban Drainage Schemes (SUDS) for the development, it is not considered that this condition would meet the national guidance tests. As stated within the application form, it is proposed to connect the property to the main sewer system which is acceptable.
- 5.7.3 Land Contamination - The Council's Environmental Health team has raised concerns about the previous use of the building and the risk of land contamination. An appropriately worded condition for this matter would meet the tests contained within the national guidance on conditions and shall be imposed to the permission at the event of a positive determination of the application.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/07/01176** – Retention of replacement barns for storage, farm machinery and workshop. APPROVED 21.12.2007.
- **LDE/MAL/13/00196** - Claim for a Lawful Certificate for existing converted barn 1 which has been in continual use as flat at upper floor only. APPROVED 19.04.2013.
- **17/00598/COUPA** - Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development. REFUSED 13.07.2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Object - The building had not been used for agricultural purposes on 31 March 2015 and this does not meet the criteria for this application.	This application is a full planning application seeking permission from the Local Planning Authority. The criterion mentioned by the Parish Council refers to permitted development rights granted by the government.

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Planning Policy	<p>There is a sufficient supply of housing land in the District. Development outside settlement boundaries will only be considered in exceptional circumstances for uses identified in Policy S8; none of which are evidenced by this application.</p> <p>The redevelopment of the agricultural building could be taken to make effective use of land, one of several principles identified as contributing to sustainable development in Policy S1.</p> <p>A view would need to be taken to determine whether the contribution to the effective use of land and any other material considerations associated with this application would outweigh the other policy considerations.</p>	Please see sections 5.1 and 5.6 of the report.
Environmental Health	<p>No formal comment until the Redevelopment of Agricultural Buildings checklist has been completed and submitted so it can be assessed whether any further information is required with the planning application or if any conditions are required in relation to land contamination.</p> <p>The area or catchment has also been subject to regular flooding in recent years so</p>	Please see section 5.7 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	details of SUDS are required in order to prevent adding to this burden and risking flooding to the property and any other.	

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Highway Authority	No objection.	Comment noted.

7.4 Representations received from Interested Parties (*summarised*)

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

- Allen, David and Maureen - 5 Shamrock Close Tollesbury Essex CM9 8SZ
- Dr. Paul Kiff - 5 Mallard Close Tollesbury Essex CM9 8RR

Objection Comment	Officer Response
Residents used to hear and occasionally see Barn Owls, monk jacks, foxes and the different types of birds. The more the area is disturbed the less the residents are likely to see the wildlife.	Please see section 5.7 of the report.
The location is on the fringes of the Nature Reserve so the extra activity could change the whole character of the area.	Please see section 5.2 of the report.
The property is already used for residential purposes.	Please see site photographs and section 3.1 of the report.
The residential use of this barn has been expressly refused on at least two previous occasions and the previous serious planning objections remain.	This is not the case. Please see section 6 of the report.
There is already a main house on site.	The application has to be determined on its own merits. The fact that there is another house on site is not a material consideration on its own. The relationship between the existing and proposed dwelling is a consideration and has been considered.
The access to Downs Farm is at the bottom of Station Road, which leads down a lane to the sea wall and is in constant use of walkers and dog walkers,	An additional two-bedroom dwellinghouse in close proximity to a range of facilities and services offered in the village of Tollesbury is unlikely to

Objection Comment	Officer Response
so this could become an access problem.	create additional traffic to a detrimental degree.
There is already a serious problem with cars and traffic in Station Road, cars are parked halfway on the pavements.	There is adequate parking provision on site. See section 5.4 of the report.

8. **PROPOSED CONDITIONS**

Conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: 1706/2/001 R-B, 1706/2/002, 1706/2/003 R-A, 1706/2/100 R-C, 1706/2/210 R-C.
REASON: For the avoidance of doubt as to the extent of this permission.
- 2 The external surfaces of the dwellinghouse hereby permitted shall be constructed of the materials specified on drawing 1706/2/100 R-C and match those already used on the building.
REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.
- 3 The building shall not be occupied as a dwellinghouse unless a scheme for the proposed hedgerow shown on approved plan 1706/2/003 R-A including the size and nursery stock of the proposed specimens and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority.

The hedgerow shall be planted within the first available planting season (October to March inclusive) following the approval of the scheme, in accordance with the approved details and retained in perpetuity.

If within five years of the planting of the hedge any plant is removed, uprooted, destroyed or dies another plant of the same species and size shall be planted in the first available planting season, unless the local planning authority gives written consent to any variation.

REASON: To protect the character and appearance of the area in line with policies S1, S8 and D1 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 4 The building shall not be occupied as a dwellinghouse until such time as the vehicle parking area indicated on the approved plans underneath the balcony/car port structure, 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.
REASON: To ensure there is the necessary car parking provision on site in line with policies D1, T1 and T2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 5 Prior to the first occupation of the building as a dwellinghouse, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), together with, if any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development, shall have been submitted in writing to the local planning authority for approval.

Where identified as being necessary in the approved assessment/report, the site shall be remediated in accordance with the approved measures and timescale and a verification report demonstrating the effectiveness of the remediation carried out shall be submitted in writing to the Local Planning Authority for approval within 14 days of the report being completed.

REASON: To ensure there is no land contamination harmful to human health in accordance with policy D2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

- 6 The building shall not be occupied as a dwellinghouse unless a comprehensive ecological survey of the site, undertaken to ascertain if any protected species are present, along with details of the provision and implementation of ecological mitigation to protect any protected species if found to be present has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the building as a dwellinghouse.

REASON: To ensure the of the natural environment in accordance with policy D2 of the approved Maldon District Local Development Plan and national policy and guidance contained in the National Planning Policy Framework.

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**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

Application Number	HOUSE/MAL/17/00922
Location	Old Times Cottage Mill Lane Tolleshunt Major Essex
Proposal	Ground and first floor extension additional dormer window to front, juliet balcony to the rear and garden store
Applicant	S Norrington & H Tarling
Agent	W.G. Goodall
Target Decision Date	24 October 2017
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Old Times Cottage, Mill Lane, Tolleshunt Major
HOUSE/MAL/17/00922



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 2.10.17
	Date:	19/09/2017
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Mill Lane, in a residential setting, within the settlement boundary of Tolleshunt Major. The application site is currently occupied by a semi-detached two storey dwelling with an attached garage. The surrounding area is made up of an eclectic mix of dwellings with no prevailing pattern of development.
- 3.1.2 Planning permission is sought for a ground and first floor extension, a garden store and the addition of a dormer window on the front elevation and a Juliet balcony on the rear elevation. The existing conservatory located to the rear of the dwelling would be removed in favor of the proposed development.
- 3.1.3 The proposed ground floor extension would extend from the rear of the dwelling by 2m and would extend 5.1m in width. The first floor extension would extend over the proposed ground floor extension and the existing attached garage, thereby measuring a 9.2m in depth, 5.1m in width with a height of 2.5m to the eaves and 6.5m to the ridge. The additional accommodation would create an extended kitchen / living area at ground floor and a fourth bedroom at first floor.
- 3.1.4 The proposed garden store would be located to the north of the dwelling; it would measure 3m in depth, 4.5m in width, 2.1m to the eaves and 3m to the ridge.
- 3.1.5 The planning application is a revision of refused application HOUSE/MAL/17/00342, which was refused for the following reason:

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

- 3.1.6 Alterations have been made to the proposal to try to overcome the reason for refusal. The depth of the proposed extension has been reduced from 10.2 metres to 9.2 metres and three dormers windows are proposed within the roof slope of the extension. Furthermore, the proposed Gambrel element has been removed from the front elevation and positioned on the side elevation.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development as a whole is large in scale and bulk. However, due to the design and appearance of the proposal, it is not considered to result in demonstrable harm to the character and appearance of the existing dwelling and the locality. Furthermore, it is considered that the proposed development does not detrimentally impact on the car parking provision or private rear amenity space on site. It is therefore considered that the proposed development is in accordance with policies D1 and H4 of the Local Development Plan (LDP) and the guidance contained in the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 56
- 58
- 59

4.2 Maldon District Local Development Plan

- S1 – Sustainable Development
- D1 - Design Quality and Built Environment
- H4 – Effective Use of Land
- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable in compliance with Policy D1 of the LDP.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 The proposed side and rear extension would be located to the northern side of the existing dwelling and would involve a minor rear extension at ground floor level and larger first floor extension that would extend over the proposed rear extension and existing attached garage. The two storey element of the proposed extension would be highly visible from within the public realm.
- 5.2.3 In terms of proportions, namely its size, bulk and height, it is considered that the proposed extension would be a large addition to the semi-detached cottage; it extends 9.2m in depth and has a ridge height that matches that of the existing dwelling. However, the design and visual cues of the extension reference the design and

detailing of the original dwelling when viewed from the front of the dwelling. Furthermore, the proposed gambrel roof reflects the architectural character and style of the existing dwelling. It is noted that the proposed development would be highly visible from the streetscene; however the careful consideration given to the design details ties the development into the host dwelling to an acceptable degree and will therefore not cause material harm to the dwelling or the character of the surrounding area.

- 5.2.4 The proposed dormer windows, which would be located within the front roof slope, would make reference to the existing dormer window that is located to the west of the proposed. These elements are considered to be in keeping with the existing dwelling. Furthermore, the proposed Juliet balcony located on the existing rear elevation would match the proposed Juliet balcony located on the proposed extension. As such, it is considered that the proposed alterations to the dwelling would not detrimentally impact the character and appearance of the existing dwelling or the streetscene.
- 5.2.5 The proposed garden store would be located to the north of the dwelling, along the front boundary of the site. It is considered to be of a typical style and design for residential development, with a weatherboard finish. It would be located along the front boundary of the site and whilst the Council would not encourage development so close to the highway, given the scale of the garden store and the existing boundary treatment, which would largely screen the development, in this instance the garden store is considered acceptable.
- 5.2.6 It is considered that the proposed development as a whole is large in scale and bulk. However, due to the design and appearance of the proposal, it is not considered to result in demonstrable harm to the character and appearance of the existing dwelling and the locality in accordance with policies D1 and H4 of the LDP and the guidance contained in the National Planning Policy Framework.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The application site has one adjacent neighbouring property located to the south of the site. There is undeveloped land to the north and rear of the site.
- 5.3.3 Given the siting of the proposed extension and outbuilding, to the north of the dwelling and the distance from neighbouring dwellings, it is not considered the development would have a detrimental impact on the amenity of the neighbouring properties by way of loss of light, overlooking or forming an unneighbourly development.
- 5.3.4 In this respect, the proposal would be in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 seeks to provide appropriate off-street parking provision in accordance with the District's adopted vehicle parking standards (Adopted Supplementary Planning Document (Supplementary Planning Document (SPD)) July 2006).

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

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the LDP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with one or two bedrooms is 50m².
- 5.5.2 The proposed development would result in a small loss of the rear amenity space. The existing dwelling is set in a large plot with ample rear amenity space which would continue to be provided above the recommended standard.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/17/00342** – Refused application for a ground floor and first floor extension and a garden store. The application subject of this report makes amendments the previously refused application. The roof design of the proposed extension has been reduced in depth from 10.2 metres to 9.2 metres and three dormers windows are proposed within the roof slope of the extension. Furthermore, the proposed Gambrel element has been removed from the front elevation and positioned on the side elevation.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Representations received from Interested Parties (*summarised*)

- 7.2.1 No letters of representation have been received.

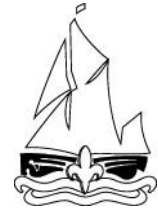
8. PROPOSED CONDITIONS

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 approved drawing: 17-2302-1B, 17-2302-1D.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.

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**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
2 OCTOBER 2017**

OTHER AREA PLANNING AND RELATED MATTERS

- ITEM 1 APPEALS LODGED**
- ITEM 2 APPEAL DECISIONS**
- ITEM 3 APPEAL RE-DETERMINATION**

ITEM 1 APPEALS LODGED

There are none.

ITEM 2 APPEAL DECISIONS

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

COUPA/MAL/17/00232 (Appeal Ref: APP/X1545/W/17/3176062)

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

Address: Land Adjacent Purleigh Law - Walton Hall Lane - Purleigh

APPEAL ALLOWED – 4 September 2017

DECISION LEVEL: Delegated

FUL/MAL/16/01044 (Appeal Ref: APP/X1545/W/17/3167028)

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

Address: Honeywood Farm - Honeypot Lane - Purleigh

APPEAL ALLOWED – 4 September 2017

DECISION LEVEL: Committee (as per Officer recommendation)

HOUSE/MAL/17/00229 (Appeal Ref: APP/X1545/D/17/3176670)

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

Address: Oakfields House Hackmans Lane Purleigh

Decision Level: Delegated

APPEAL ALLOWED – 7 September 2017

HOUSE/MAL/17/00084 (Appeal Ref: APP/X1545/D/17/3176627)

Proposal: Extension and garage conversion to form granny annex

Address: Gransden - 1 Churchacre - Hall Road - Tollesbury

APPEAL ALLOWED – 8 September 2017

DECISION LEVEL: Delegated

HOUSE/MAL/17/00253 (Appeal Ref: APP/X1545/D/17/3177876)

Proposal: Two storey side and rear extension

Address: Pond House - 26 Maldon Road - Great Totham

APPEAL DISMISSED – 14 September 2017

DECISION LEVEL: Delegated

ITEM 3 APPEAL RE-DETERMINATION

The appeal for the following site which was allowed by the Planning Inspectorate on 1 February 2017 has been challenged in the High Court and is to be re-determined by the Planning Inspectorate:

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

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

Address: Land Rear Of 9 Church Road - Wickham Bishops

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