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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

20 October 2017

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 30 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 30 OCTOBER 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 20)

To confirm the Minutes of the meeting of the Committee held on 2 October 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. **FUL/MAL/17/00620 62 New Road, Tollesbury**

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

6. **HOUSE/MAL/17/00857 - Greenlanes, Spring Elms Lane, Little Baddow, Essex CM3 4SQ** (Pages 21 - 28)

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

7. **HOUSE/MAL/17/00878 - 1 Sugar Mill Cottages, Ulting Lane, Ulting** (Pages 29 - 38)

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

8. **FUL/MAL/17/00937 - Claremont, Chelmsford Road, Woodham Mortimer** (Pages 39 - 46)

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

9. **FUL/MAL/17/00988 - Land Adjacent Cherry Blossom Lane, Cold Norton** (Pages

Page 3

47 - 58)

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

10. **FUL/MAL/17/01037 - Land Between 4 Oaktrees and Lee Cottages, The Street, Little Totham** (Pages 59 - 70)

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

11. **Other Area Planning and Related Matters** (Pages 71 - 72)

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

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 10.
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 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
2 OCTOBER 2017**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor E L Bamford
Councillors	J P F Archer, H M Bass, J V Keyes, A K M St. Joseph and Miss S White

478. CHAIRMAN'S NOTICES

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

479. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer CC, M F L Durham CC and D M Sismey.

480. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 4 September 2017 be approved and confirmed.

The Chairman drew Members attention to the Members' Update circulated at the meeting.

481. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest as he sat on Great Totham Parish Council.

Councillor H M Bass declared a personal interest in relation to Agenda Item 6 - RES/MAL/17/00719 – Land East of Malone Cottage, Maypole Road, Wickham Bishops, Essex – as he lived on the same road. In the interests of openness and transparency he advised that Wickham Bishops Parish Council, of which he was a member, had contacted the developer and the agent to encourage them to bring plans forward to the Parish Council. Councillor Bass had sought legal advice on this declaration and had been advised that this did not amount to pre-determination.

Councillor Bass did not vote at Wickham Bishops Parish Council meetings and attended the North Western Area Planning Committee at the Council with an open mind.

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

482. HOUSE/MAL/17/00702 AND LBC/MAL/17/00703 - FORGE COTTAGE, HACKMANS LANE, COCK CLARKS, ESSEX

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

RESOLVED that this application be **APPROVED**, subject to the following 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.
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawing: A1237A/Block, A12372A/PP04A, A13380/GA/A13380/BR02.

LBC/MAL/17/00703:

- 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 approved drawing: A1237A/Block, A12372A/PP04A, A13380/GA/A13380/BR02.

- 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.
- 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.
- 5 Brickwork shall be laid in Flemish bond unless otherwise agreed in writing prior to the commencement of the work.

483. RES/MAL/17/00719 - LAND EAST OF MALONE COTTAGE, MAYPOLE ROAD, WICKHAM BISHOPS, ESSEX

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	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Mr I Wardrop representing Wickham Bishops Parish Council and Mr P Kratz, the Applicant's legal representative, both addressed the Committee.

Members debated this application and were in agreement with the Officer's recommendation. However, the following issues were highlighted, in addition to any comments made in the Officer's report:

- There was no link between the houses on Maypole Road and Great Totham Road;
- There would be difficulties crossing the road from the proposed dwellings for children going to and from school;
- It was understood that the Government's opinion was that affordable housing should not be segregated from open market housing as was shown here;
- The Parish Council had done a market survey and there was no requirement for large houses;
- There would be an impact on the adjacent Scout site;

- The Council must be satisfied that there would be adequate replacement for any hedgerow removed to protect the street scene and provide the same amount of landscaping that is currently in place.

In response to a question on the types of housing to be offered, the Officer advised that policy H2 (housing mix) was not mentioned in the reasons for refusal as there was a housing mix within the site and Officers were focussing on scale, landscaping and appearance.

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

- 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.

484. FUL/MAL/17/00747 - GREAT DOWNS FARM, STATION ROAD, TOLLESBURY, ESSEX

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

Following the Officer's presentation of the report, the Committee was advised that the Parish Council had objected to this application on landscape issues. However, Councillor A K M St. Joseph, the Ward Member, had visited the site and was of the opinion that the proposed dwelling would not be intrusive as it was surrounded by trees and the houses behind the site were higher up.

In response to a question, the Officer advised that there was tree protection and an impact assessment that would protect trees.

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

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.

- 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.
- 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.
- 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.
- 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.

- 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.

- 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.

- 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.
- 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.
- 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.

485. FUL/MAL/17/00862 - BARN, GREAT DOWNS FARM, STATION ROAD, TOLLESBURY

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

Following the Officer's presentation of the report, Mr D Lai, the Applicant, addressed the Committee.

In response to a question, the Officer showed the location of buildings on the plan to clarify the relation between the application site and the building immediately adjacent that had a certificate for lawful use for continued occupation. The Officer also confirmed that if permission were granted for this application then there would be three independently owned dwellings on this site.

Councillor A K M St. Joseph, the Ward Member, proposed approval of the Officer's recommendation and this was duly seconded.

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

- 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.

- 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.

- 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.

486. HOUSE/MAL/17/00922 - OLD TIMES COTTAGE, MILL LANE, TOLLESHUNT MAJOR, ESSEX

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

Councillor E L Bamford, a Ward Member, commented that this was a much better scheme than that which had been previously refused and the Parish Council were also happy with the new application. Councillor Bamford then proposed approval of this application, which was duly seconded.

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 approved drawing: 17-2302-1B, 17-2302-1D.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.

487. OTHER AREA AND PLANNING RELATED MATTERS

(i) Appeals Lodged:

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

Appeal Start Date: 20/09/2017

Application Number: LDP/MAL/17/00004 (APP/X1545/X/17/3176124)

Site: Orchard Cottage 11 Handleys Lane Wickham Bishops

Proposal: The erection of a detached pitched roof building

Appeal by: Mrs J Stafford

Appeal against: Refusal

Appeal procedure requested: Written Representation

Appeal Start Date: 21/09/2017

Enforcement Notice Reference Number: ENF/12/00332/01

Appeal Reference Number: APP/X1545/C/17/3175549

Site: Lot 13, Land West Of Middle Wood, Maypole Road, Great Totham, Essex

Alleged Breach of Planning Control: Without planning permission the unauthorised change of use.

Appeal by: Wayne Alfred Phillips

Grounds of Appeal: that the breach of control alleged in the enforcement notice has not occurred as a matter of fact, that there has not been a breach of planning control, the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections, that the time given to comply with the notice is too short.

Appeal procedure requested: Informal Hearing

Appeal Start Date: 27/09/2017

Application Number: FUL/MAL/16/01142 (APP/X1545/W/17/3182321)

Site: Stow Maries Aerodrome Hackmans Lane Cold Norton

Proposal: Planning application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days. The arrangements to be as follows:

The airstrip to be used by fixed wing and propeller driven aircraft, helicopters, apart from emergency services machines, may only use the site in the event of emergency or during Public Event days

Take offs and landings only after 08.00 hours and no later than either 20.00 hours, or sunset which ever is earlier

In the Winter months (November to April inclusive) there shall be no more than 25 landings and 25 take offs per day

In the Summer months (May to October inclusive) there shall be no more than 25 landings and 25 take offs on weekdays

In the Summer months (May to October inclusive) there shall be a maximum of 50 landings and take offs per day at weekends and bank holidays apart from Special Public Event Flying days when maximum landings and take offs are increased to 75 take offs and 75 landings per day

Appeal by: The Trustees - Stow Maries Great War Aerodrome Trust

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 28/09/2017

Application Number: OUT/MAL/17/00102 (APP/X1545/W/17/3179881)

Site: Land Adj to Eagle Lodge Plains Road Lt Totham

Proposal: Construction of two storey dwelling

Appeal by: Mr Michael Kempen

Appeal against: Refusal

Appeal procedure requested: Written Representations

(i) Appeal Decisions:

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

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

FUL/MAL/16/01404 (Appeal Ref: APP/X1545/W/17/3172133)
Proposal: Retrospective - Use of building as single dwelling house
Address: Falconers Lodge Offices Oak Farm Road Woodham Walter
APPEAL DISMISSED – 21 September 2017
DECISION LEVEL: Delegated

HOUSE/MAL/17/00469 (Appeal Ref: APP/X1545/D/17/3180676)
Proposal: Proposed room in roof with small dormer
Address: Brecknell Cottage, 55 Mell Road, Tollesbury, Essex
APPEAL DISMISSED – 25 September 2017
DECISION LEVEL: Delegated

HOUSE/MAL/17/00399 (Appeal Ref: APP/X1545/D/17/3181375)
Proposal: Construction of tennis court
Address: Spring Elms Farm, Spring Elms Lane, Little Baddow, Essex, CM3
4SQ
APPEAL DISMISSED – 25 September 2017
DECISION LEVEL: Delegated

(ii) Appeal Re-determination:

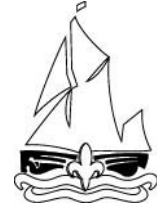
It was noted from the agenda and Members' Update that the following appeal re-determination had been received from the Planning Inspectorate.

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

There being no further items of business the Chairman closed the meeting at 8.16 pm.

MRS M E THOMPSON
CHAIRMAN

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**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
30 October 2017

Application Number	FUL/MAL/17/00620
Location	62 New Road Tollesbury Essex CM9 8RE
Proposal	The demolition of all structures and the development of 10, 2 and 3 bedroom houses with landscaping and associated works including access to the site
Applicant	The Go Ahead Group
Agent	Mr Peter Dines - Gerald Eve
Target Decision Date	11.09.2017
Case Officer	Yee Cheung, Tel: 01621 876220
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Major Application

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

62 New Road, Tollesbury
FUL/MAL/17/00620



 <p>MALDON DISTRICT COUNCIL</p> <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 Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	17/10/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located to the north of New Road and to the south of Thurstable Road. The site comprises of a large building which was formerly used for the stationing of buses and is now vacant. To the south west of the site is a single-storey office building. Vehicular and pedestrian access to the site is via New Road.

3.1.2 The site gradient gently slopes from west to east direction on the northern part of the site fronting onto Thurstable Road. The site is relatively flat on the southern part of the site fronting onto New Road. There are two trees on the northern boundary of the site.

3.1.3 The application site is enclosed by palisade fencing and chain link fencing on the northern and southern boundary of the site. Domestic garden fencing is found to the eastern and western boundary of the site. A variety of style, design, scale, height, bulk of residential properties surrounds the application site.

3.1.4 Planning permission is sought for the demolition of the existing structures on site and to construct ten, two and three bedroom houses with landscaping and associated works including access to the site. The houses proposed would be two-storeys and approximately 7.8 metres in height. Four houses would front and have direct access onto Thurstable Road. Three houses would front and have direct access onto New Road. Three houses would be centrally located within the plot fronting onto a new private access road.

3.1.5 For ease of reference, the houses proposed are presented in a table below:

	No. of bedrooms	Private Amenity Space (Approx.)	Car Parking Spaces
Houses fronting onto Thurstable Road			
Plot 1 and Plot 4 2 x houses	3 bed	207sqm and 228sqm	4 (2 parking spaces per house)
Plot 2 and Plot 3 2 x houses	Small 2 bed	120sqm and 162sqm	4 (2 parking spaces per house)
Houses fronting onto New Road			
Plot 8 1 x house	3 bed	142sqm	2
Plot 9 and Plot 10 2 x houses	Small 2 bed	111sqm and 139sqm	4 (2 parking spaces per house)
Houses fronting the			

access road			
Plots 5, 6 and 7 3 x houses	Large 2 beds	129sqm, 135sqm and 140sqm	6 (2 parking spaces per house)

- 3.1.6 The three bed houses would have an L-shaped floor plan. An open plan kitchen, dining room and living room area and a W.C is proposed at ground floor. Three bedrooms (one with en-suite) and a family bathroom are proposed at first floor level.
- 3.1.7 The small two bed houses would comprise of an open plan kitchen / dining room and living room area and a W.C at ground floor. Two bedrooms and a bathroom are proposed at first floor level.
- 3.1.8 The large two bed houses would have a have L-shaped floor plan at ground floor level only. There would be an open plan kitchen, dining room and living room area and a W.C at ground floor with two bedrooms (one with an en-suite) and a bathroom at first floor level.
- 3.1.9 It is proposed that the houses would be constructed using external materials such as facing buff coloured brickwork and timber cladding. Dark grey tiles are proposed for the roof.

3.2 Conclusion

- 3.2.1 The proposal has been assessed in accordance with the presumption in favour of sustainable development having regard to the other policies in the framework and the Local Development Plan.
- 3.2.2 The site comprises of a large building which was formerly used for the stationing of buses and is now vacant. The development proposal would therefore result in some job related benefits and support to businesses associated with the construction of the residential units in accordance with the economic role of sustainability. Furthermore, the future occupiers of the units would, in all likelihood, give rise to additional expenditure in the local economy. The site is in close proximity to local services and facilities and therefore considered to be sustainable and accords with the general principles of the National Planning Policy Framework. Moreover, the proposal is considered to be visually acceptable and causes no harm to the amenities of neighbours.
- 3.2.3 While the Council can demonstrate a five year supply of deliverable housing sites, the development would contribute additional two / three bedroom units to the supply of housing which would deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities in accordance to the principle aims of the National Planning Policy Framework as well as Policies S1, S8, D1, H4 and T2 contained within the Maldon District Local Development Plan.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 9, 14, 17, 22, 39, 49, 50, 56, 57, 58, 60

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 and Environmental Impact of New Development
- E1 – Employment
- H2 – Housing Mix
- H4 – Effective Use of Land
- N2 – Natural Environment, Geodiversity and Biodiversity
- T1 – Sustainable Transport
- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of 5 years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 There are three dimensions to sustainable development as defined in the National Planning Policy Framework (NPPF). They are the economic, social and environmental roles. The Local Development Plan through the preamble to Policy S1 reiterates the requirements of the NPPF.
- 5.1.3 The application site lies within the defined settlement boundary of Tollesbury as identified in the Local Development Plan (LDP). As such it is considered that Policy S8 of the LDP would be applicable to this case. Policy S8 requires development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape.
- 5.1.4 The application site is centrally located within Tollesbury and is surrounded by existing residential properties. Tollesbury contains a range of facilities that are within walking distance and there are public transport services available. Taking into account the number of dwellings proposed and the generally good level of accessibility of the site to services, facilities and sources of employment, it is considered the principle of development is acceptable in accordance with Policy S8 of the LDP. This is subject to other material considerations which will be discussed below.

5.1.5 Policy E1 of the Local Development Plan states that “*Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or 2) The site would have a greater benefit to the local community if an alternative use were permitted; or 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site’s existing and potential long-term market demand for an employment use.*” In this case it is noted that the site does not currently host any employees as the vacant building has always been used as a bus depot. Although it is not an untidy site or an unattractive building, the bulk, scale, siting of the building is not compatible with the pattern of development in the area and does not contribute positively to the residential character of the surrounding area and therefore it is considered that the proposed use would be of greater benefit to the local community and the character of the area than the existing use and the current buildings at the site. The loss of land that has formerly been used for employment purposes is therefore considered to be in accordance with Policy E1 of the LDP.

5.2 Housing Mix

5.2.1 The proposal would provide a total of up to 10 new dwellings. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.

5.2.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. Out of the ten dwellings proposed, three dwellings would have three bedrooms and seven would have two bedrooms. It is considered that the seven x two bedroom dwellings would assist in meeting the housing shortfall need as set out in the SHMA and policy H2 of the LDP. Whilst three dwellings would comprise of three bedrooms as proposed, on balance, it is considered the housing mix with the higher proportion of two bedroom dwellings provided would contribute to the identified housing need and responsive to local circumstances and should therefore be given more weight in favour of this proposal.

5.3 Affordable Housing

5.3.1 Policy H1 of the Local Development Plan stipulates that all housing developments of more than 10 units or 1,000 sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council’s strategic objectives on affordable housing.

- 5.3.2 The proposal is no more than 10 units and the total gross floor space of the houses is 992 sqm (Gross Internal Floor area ref PPG Paragraph: 031 Reference ID: 23b-031-20161116). As the number of units and gross internal floor areas falls below the threshold required under policy H1, the proposed development does not trigger the requirement for affordable housing. The Housing Department has no further comment to make on this application.

5.4 Design and Impact on the Character of the Area

- 5.4.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.
- 5.4.2 Policy D1 of the Local Development Plan states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.3 Tollesbury village has a great diversity of different residential building types which includes a variety in design features such as dormer windows, roof heights and pitches, as well as varied use of external materials.
- 5.4.4 In terms of design and appearance, the proposed dwellings would be of modern design and construction with gable end projections on some buildings fronting onto New Road and Thurstable Road. Based on the drawings submitted, it appears that weatherboarding would be used at first floor level which would create visual interest as well as breaking up the continuity of the built form. The floor space for each dwelling is proportioned to meet the size of the household proposed and is generally commensurate with property sizes in the locality. It is considered that the proposed dwellings would be to a similar height, bulk and scale to the existing properties at Thurstable Road, Genesta Close, Shamrock Close, Endeavour Close and Valkyrie Close.
- 5.4.5 The prevailing pattern of development in the locality is predominantly of two storey detached, semi-detached and terraced dwellings fronting onto the highway (New Road and Hasler Road). The residential properties along Thurstable Road are a mixture of single-storey and two-storey dwellings. It is noted that the older historic properties to the east of the north west and south west of the site are closer together, more compact due to its built form and have deeper private amenity space. Along Thurstable Road, particularly to the north of the site, properties are generally larger in footprint with shallower private amenity space.

- 5.4.6 The proposed scheme incorporates a mix of two-storey terraced dwellings, semi-detached dwellings and detached dwellings (linked by the bin store). The layout of the development has been designed to provide spacious plots, reflecting elements of the locality in terms of garden size and plot depth particularly to the north and east of the site along Thurstable Road and Hasler Road. The four houses on Thurstable Road have been set back from the pavement with a large front garden and large driveway. Again to reflect the position of the surrounding houses on this road.
- 5.4.7 The proposed dwellings fronting New Road are also set back from the highway to reflect and align with the existing residential dwellings immediately next to the site. The development would also conform to the prevailing layout of existing dwellings when viewed at a wider context.
- 5.4.8 With regard to the plot sizes and the density of development, it is considered that the proposal would not appear out of keeping with the prevailing pattern of development in the locality particularly to the north of the site at Shamrock Close and Genesta Close where the plots and back to back distances are similar in terms of width and depth. In terms of the layout of the proposed development, it is noted that the site is currently occupied by a large, dominating building which is different, out of scale and disproportionate when viewed in context with existing residential properties surrounding the site. It is considered the replacement of this building with residential dwellings would be beneficial to the site and surroundings as the development would improve and enhance the character and appearance of the area.
- 5.4.9 As mentioned in Paragraph 3.1.5 in the report above, each dwelling has sufficient private amenity space to meet the standards of the Essex Design Guide and adequate parking provision to meet the adopted Vehicle Parking Standards. The density of the development equates to approximately 25 dwellings per hectare and has been dictated by the layout of development which is considered to be compatible with the surrounding area. On this basis the density is considered acceptable in this location.
- 5.4.10 In the Design and Access Statement dated May 2017 (Part 2), the Applicant has acknowledged the external materials on neighbouring buildings and traditional local materials used (Paragraph 2.5 and 3.4) however, no details have been submitted to inform the Council what external materials would be used in the construction of the dwellings except with the mentioning of buff bricks, weatherboarding and dark grey roof tiles. In this instance, it is considered reasonable to impose a condition for material samples to be submitted and approved by the Council should the application be approved.

5.5 Impact on Residential Amenity

- 5.5.1 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.
- 5.5.2 Based on the plans submitted, the dwellings have been orientated to minimise the possibility of overlooking neighbouring properties whilst providing safe direct access from the street itself for both pedestrians and vehicles. The back to back distance of

15 metres within the site meets policy requirements contained within policy D1 of the Local Development and the Essex Design Guide.

- 5.5.3 Based on the elevational plans submitted, it appears that on Plots 1, 4 and 8, a first floor window is proposed on each flank wall to serve an en-suite. A condition can be imposed on these windows to ensure that they are obscure glazed which would protect the amenity of the existing occupiers next to the site and the future occupiers of the site in accordance with policy D1 of the Local Development Plan.
- 5.5.4 Concerns were raised regarding the loss of light to the windows on the flank wall of No. 64 New Road by the proposal of a detached garage block located to the south western corner of the site which flanks alongside No. 64 New Road. The Applicant has amended the plans to show a communal car parking area without the garage block which has addressed the concerns raised by the neighbouring residential property. Plots 5, 6 and 7 located within the site are positioned approximately 13.8 metres and 23 metres away from the shared boundary with No. 64 New Road and No. 16 Waterworks. It is considered the distances are sufficient to ensure the private amenity spaces / private sitting-out areas are not overlooked by the development proposal in accordance with policy D1 of the LDP and the Essex Design Guide. In terms of noise and disturbance to the existing occupiers at No. 64 New Road, it is considered that the new communal parking arrangement would be an improvement when compared to the previous use of the site where buses were able to park perpendicular to No. 64 New Road and impacting on the private garden area of that property. In this respect, the proposal would accord with policy D1 of the LDP.
- 5.5.5 It is noted that there are window openings on the ground floor and first floor flank wall / west elevation of No. 60 New Road. The ground floor windows are currently screened by the existing boundary treatment and therefore it is considered that the development would not impact on these windows. There are two windows at first floor level. As these windows are positioned further forward than Plot 10, it is not considered that these windows would be affected by this development. Also, having taken into account the proposed development (Plot 10) and its position away from the shared boundary with No. 60 New Road, it is not considered that the development would adversely impact on the existing occupiers of that dwelling to such a degree as to warrant refusal.
- 5.5.6 With regard to the position of Plot 1, the proposed dwelling is positioned some 8 metres away from the eastern flank wall of No. 16 Waterworks. Having noted the distance between the two dwellings, it is considered that the development would not impact on the residential amenity of the existing occupiers at that property to warrant refusal.
- 5.5.7 Plot 4 is positioned approximately 5.7 metres away from the flank wall of No. 69 Thurstable Road. It is noted that there is a small dormer window on the west elevation of the property. At present, this dormer window faces onto the eastern flank wall of the large bus depot. It is considered that the proposal would benefit the existing occupiers at the property by improving the outlook of the site.
- 5.5.8 In this respect, the proposal would accord with policy D1 of the Local Development Plan.

5.6 Access, Parking and Highway Safety

- 5.6.1 In order to be considered acceptable, new development would need to comply with policy T2 of the Local Development Plan which ensures the provision of off-street parking in line with Maldon District Vehicle Parking Standards (VPS). For two and three bedroom houses it is advised that a maximum of two spaces should be provided.
- 5.6.2 In Paragraph 3.1.5 of the report above, the table lists the number of parking spaces allocated to each dwelling. The parking areas would be located to the front of properties, some in a tandem arrangement and in a communal parking area which runs parallel to No. 64 New Road.
- 5.6.3 The four houses on Thurstable Road have been set back from the pavement with a large front garden and large driveway. It is noted that each driveway is able to accommodate up to 2 cars and includes a turning point on the driveway to ensure all vehicles are able to enter and leave the highway in a forward gear.
- 5.6.4 The three houses on New Road are pulled forward close to the street with off-street parking spaces provided in the form of communal parking located to the south west of the site.
- 5.6.5 With regard to the three dwellings located centrally within the site, a private access road has been proposed off New Road to allow access to a terrace of three large two bed houses. Each dwelling has a driveway and is capable of accommodating two cars. Two visitor parking spaces and a turning space at the end of this road have also been proposed within the site which meets policy requirements.
- 5.6.6 The Highway Authority has assessed the proposal and has raised no objection to the proposal subject to conditions relating to surface treatment, details of the vehicular access, footway, dropped kerbs and a Construction Method Statement (CMS) have been submitted to and approved by the Council. This can be dealt with by condition should the application be approved.

5.7 Private Amenity Space and Landscaping

- 5.7.1 With regard to the size of amenity spaces, the Council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for dwellings with two bedrooms, at least 50 square metres of amenity space should be provided. For three bedrooms or more 100 square metres should be provided. Policy D1 of the Local Development Plan indicates the need for amenity space in new development and such space must be useable.
- 5.7.2 Based on the drawings submitted it appears that the garden size would meet policy requirements contained within policy D1 of the Local Development Plan and The Essex Design Guide.
- 5.7.3 Minimal hard and soft landscaping details have been submitted to accompany this application. A condition can be imposed for more details to be submitted and approved by the Council should the application be approved.

5.8 **Ecology**

- 5.8.1 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’. Further, Policy N2 of the Local Development Plan states that ‘to protect the District’s natural environment and bio-diversity, developments should not have a detrimental impact on sites of ecological significance both in terms of quantity, quality and connectivity’.
- 5.8.2 In support of the planning application, an Ecological Report Phase 1 Habitat Assessment Bat scoping Survey dated April 2017 was submitted. The report is clear that suitable bat roosting features within Building B1 need to be further inspected through an elevated endoscope inspection. Further bat activity surveys would need to be undertaken if the elevated inspection cannot rule out the use of the features by roosting bats in accordance with national planning guidance. The Coast and Countryside has been consulted and additional information has been submitted in relation to the presence of bats at the site. The detail submitted in an email correspondence dated 19 September 2017 has confirmed that there are no bats present on site. It has been advised that if the demolition of the bus depot is to be undertaken in the winter (Oct-Mar), there is negligible potential for bats to be present and no precautions are recommended, as the building is not considered suitable for hibernating bats. However, If the demolition is scheduled for summer (Apr-Sep), it was recommended a single update pre-demolition bat emergence or return survey would be required to confirm that bats are still absent. This would be to remove any risk of bats being found unexpectedly during works.
- 5.8.3 It is understood from the Applicant that demolition is currently scheduled for the winter (February). As such, this is considered to be acceptable and no further report would need to be undertaken. The Coast and Countryside Officer has assessed the additional information submitted and has no further issue regarding to ecology on site. A condition can be imposed should the application be approved.

5.9 **Other Material Considerations**

5.9.1 Bus services serving Tollesbury

The Applicant has confirmed that the loss of the bus depot would not affect the existing bus service to Tollesbury. There are no plans to change the bus service and any decisions in relation to the provision of the bus service would not be linked to whether or not the bus depot would be utilised or not.

5.9.2 Education

Concerns have been raised regarding the local primary school being at capacity. Essex County Council - Education Department were consulted during the process of this application and no reply has been received at the time of writing this report. Any comments received will be reported to Members at committee.

5.9.3 Community Engagement

In the Applicant’s Planning Statement, it appears that discussions were held with the local Parish Council regarding the residential development on this site. The Applicant has also informed the local community of the development proposals as part of the

planning application submission. This is taken into consideration but does not influence the recommendations made on policy grounds. The undertaking of the public events would comply with Development Plan Policy.

5.9.4 Essex County Council - SUDs Team

The SUDs Team submitted a holding objection to the proposed scheme. The Applicant has had discussions with the SUDs Team and has submitted a revised Surface Water Drainage Strategy dated August 2017 for the above site. The SUDs Team have been re-consulted and has now raised no objection to the proposal, subject to conditions and informative to be imposed should the application be approved.

6. ANY RELEVANT SITE HISTORY

- 90/00304/FUL - Renewal of temporary consent - siting of two Portakabins as temporary office accommodation to replace office at East Street Tollesbury. Approved: 14.11.1995
- 97/00512/FUL - Alterations to west elevation replacement of existing fuel tanks with 1 no. tank new fence and brick planter.
- 01/00200/FUL - Proposed demolition of existing office building and erection of a single storey office building. Approved: 25.04.2001

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Recommend the granting of planning permission as the current housing mix meets the needs identified in the Housing Needs Survey (April 2017).	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SUDs Team	Holding Objection on 20 July 2017. The Agent has submitted a new Surface Water Drainage Strategy Report to ECC-SUDs Team. ECC SUDs Team has now raised no objection to the proposal subject to conditions	Noted
ECC Highways	No objection subject to	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	conditions	
Essex and Suffolk Waters	Our records show that ESW do not have any apparatus located in the proposed development.	Noted
ECC Education Department	No reply at the time of writing this report.	Any comments received will be reported on the Members Update

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Housing Department	The number of units and gross internal floor areas do not trigger the requirement for affordable housing, therefore no comment to make on this application.	Noted
Environmental Health Services	No objection subject to condition regarding foul drainage and contamination to be submitted to and approved by the Council	Noted
Tree Officer	No comment to make on this application	Noted
The Coast and Countryside Officer	The officer has assessed the additional information submitted regarding to bats. This is satisfactory.	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:

- Mrs Tessa Bartlett 64 New Road Tollesbury Maldon
- T Wood 1 Genesta Close Tollesbury Maldon

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Car barn would block light into the kitchen and part garden at No. 64 New Road • The design of the development is out of keeping with the Victorian 	Noted in the officer report.

Objection Comment	Officer Response
<p>properties on New Road</p> <ul style="list-style-type: none"> • The development would block the river view • Questioning whether the village needs more small houses when it is well known that there are many families looking for 4 bedroom properties which are very hard to come by • Increase in traffic, dangerous and limited parking • Local school is at its capacity 	

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure that appropriate external materials are used in the construction of the development in accordance with policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
REASON: To ensure that appropriate boundary treatment are used in the construction of the development in accordance with policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework
- 5 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and

details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.
REASON: To ensure that the details of the proposal are acceptable and in the interests of local amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or throughout.
REASON: To ensure that loose materials are not brought out onto the highway in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 7 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
REASON: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 8 The existing accesses or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 9 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.

- 10 The development shall not be occupied until such time as the car parking areas, indicated on the approved plans, has been hard surfaced and sealed. The

car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

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

- 11 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

- 12 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure appropriate drainage for foul water is acceptable for the site in accordance with policy D2 of the adopted Maldon District Local Development Plan.

- 13 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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

- 14 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [13], and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition [14]. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [14].

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

- 16 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Infiltration and groundwater testing in line with BRE 365. If infiltration is demonstrated to be unfeasible, discharge rates from the site should be limited to 5l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Permission from the relevant authority to discharge into the off-site sewer at this rate should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the

- CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policies S1, D1 and D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 17 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with policies S1, D1 and D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 18 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policies S1, D1 and D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 19 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policies S1, D1 and D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 20 Prior to the first occupation of the Plot 1, Plot 4 and Plot 8 hereby permitted, the first floor window in the west elevation of Plot 1, the first floor window in the east elevation of Plot 4, and the first floor window in the west elevation of Plot 8 shall be glazed with opaque glass and of a non-openable design with the

exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

REASON: To protect the amenity of neighbouring residential properties in accordance with policy D1 of the Maldon District Local Development Plan.

- 21 The development hereby approved shall be carried in complete accordance with the Bat Emergence / Re-entry Surveys 170406-ED-02 dated September 2017 and the Phase 1 Habitat Assessment Bat scoping Survey 170406-ED-01a dated April 2017. No demolition works are permitted during the period October to March inclusive.

REASON: To ensure protected species are not affected by the development proposal in accordance with policy N2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 22 No development shall take place until a strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means, has been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the agreed details.

REASON: To ensure such infrastructure is available on site in accordance with policy I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

INFORMATIVES

Waste Management

- 1 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.

Environmental Health Services

- 2 Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials. 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.
- 3 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

Highways

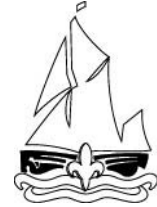
- 4 It would appear that street lighting column numbered 18 on Thurstable Road may require removal or relocation, the applicant is strongly recommended to establish dialogue with the Highway Authority to gain prior consent before any construction, demolition or ground works commence.
- 5 All work within 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.
- 6 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.

Essex County Council SUDs Team

- 7 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 8 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 9 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 10 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 11 The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- 12 We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

- 13 Please refer to the standing advice note explaining the implications of the Flood and Water Management Act (2010).

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**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
30 October 2017

Application Number	HOUSE/MAL/17/00857
Location	Greenlanes Spring Elms Lane Little Baddow Essex CM3 4SQ
Proposal	Retrospective - Erection of single-storey, two-bay cart lodge with lean-to store.
Applicant	Mr John Joyce
Agent	Mr Peter Messenger - P.L. Messenger Architect
Target Decision Date	17.11.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Parish Trigger

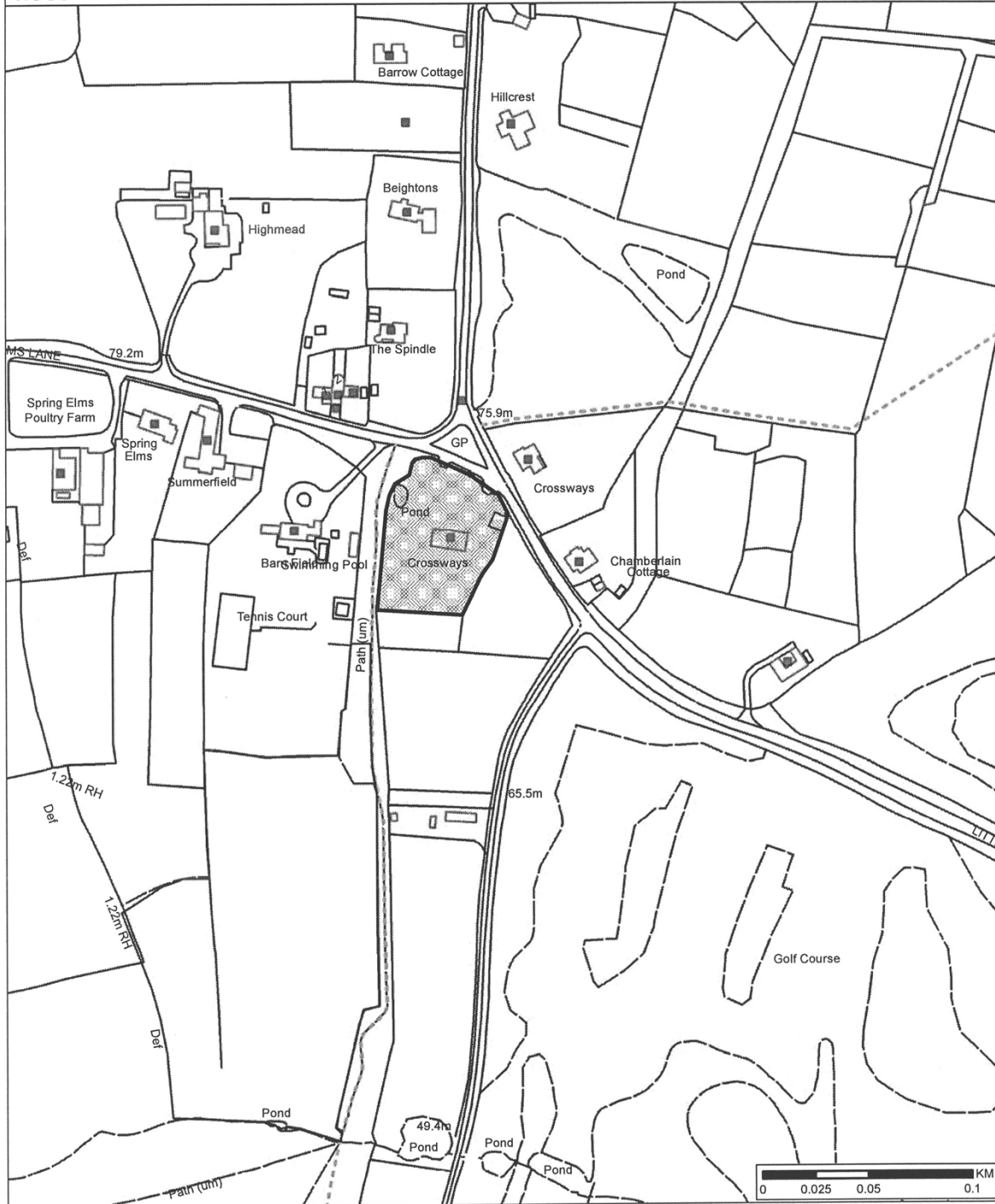
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Greenlanes, Spring Elms Lane, Little Baddow
HOUSE/MAL/17/00857



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	17/10/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Planning permission is sought for the erection of a single-storey, two-bay cart lodge with lean-to store to the rear. The building measures 7.1m deep by 6.5m wide. It has a hipped roof with half gables to the front and rear measuring 2.4m to the eaves and 5.3m to the ridge. As already mentioned, to the rear there is a mono-pitched lean-to element with a maximum height of 2.8m. The development is already completed and thus the application is retrospective in nature. The materials used in the construction of the building include red brick below with timber cladding above for the walls and red plain tiles to the roof. The building is located 1.3m to the east of the main dwellinghouse and 1.5m to the southwest of the pre-existing garage.

3.1.2 The application site lies on the southern side of Spring Elms Lane, a narrow country lane, near its junction with Bassetts Lane and Little Baddow Road, outside of any defined settlement boundary. The application site, which covers an area of approximately 0.33ha, is currently occupied by a two-and-a-half storey dwellinghouse, a number of associated outbuildings, and an in-and-out concrete driveway. The area in the vicinity of the site is verdant with the main type of development being two or three storey dwellings sitting in generously sized and spacious plots. To the south-east of the application site there is the Bunsay Downs Golf Club.

3.2 Conclusion

3.2.1 The unauthorised development would not be detrimental to the character and appearance of the site and the locality to such a degree as to warrant the refusal of the application. Furthermore, no detrimental harm has been identified in terms impact upon the amenity of neighbouring occupiers, the highway safety or the provision of private amenity space on site. Therefore, the development, while not directly complying with the endorsed Woodham Walter Village Design Statement, it complies with policies S1, S8, D1, H4, T1 and T2 of the approved Local Development Plan and guidance contained in the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design
- 186-187 Decision-taking
- 196-198 Determining applications
- 203-206 Planning conditions and obligations

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
- 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)
- Essex Design Guide
- Car Parking Standards
- The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Woodham Walter Village Design Statement

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site lies outside of any defined development boundary. Nevertheless, the provision of facilities associated with an existing and established residential use is considered acceptable in principle, in line with the stipulations of policies S1 and H4 of the approved Local Development Plan (LDP). 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 Similarly, policy H4 of the approved LDP stipulates that all development will be design-led and will seek to optimise the use of land having regard to the following considerations:

- 1) The location and the setting of the site;
- 2) The existing character and density of the surrounding area;
- 3) Accessibility to local services and facilities;
- 4) The capacity of local infrastructure;
- 5) Parking standards;
- 6) Proximity to public transport; and
- 7) The impacts upon the amenities of neighbouring properties.

5.2.5 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.

5.2.6 The outbuilding is visible from the entrance of the site when viewed from the adjoining highway but is generally screened from any views by the pre-existing development and the hedge around the site. The layout that has been created is out of character within the locality where the prevailing pattern of development is either dwellings with spacious front and open gardens or dwellings built close to the boundary of the site with the highway. However, its design and proportions references the style and design of another pre-existing garage on site which sits closer to the boundary of the site. Views of the building are obscured by the landscaping and the other pre-existing building on site, thus mitigating the impact of the development.

5.2.7 It is noted that the Woodham Walter Village Design Statement (VDS) advises that the garages should be set to one side rather than in front of the dwelling and the location in front of the dwelling should be avoided. This is in order to avoid a dominating effect. While the building is located forward of the building line of the dwelling, it is also to the side and, as stated previously, there is already a garage to the front of the dwelling. Therefore, any harm that may arise from the development is not detrimental to such a degree as to warrant the refusal of the application.

- 5.2.8 It has to be noted that across the road, the Council considered an application under reference 17/00615/HOUSE for the erection of an outbuilding. Comparisons can be drawn between the two schemes only to the extent that both refer to the erection of an outbuilding to the front of the main dwellinghouse on site. That application was refused because the proposed development by way of its scale, bulk, mass and design would result in a visually intrusive feature out of keeping with the character and appearance of the area and the host dwelling. The impact of that proposal is materially different to the impact of this development.
- 5.2.9 Overall, it is considered that the unauthorised erection of the outbuilding, by reason of its height, size, scale, form, massing, proportion and layout has resulted in some harm to the character and appearance of the area, but is not detrimental to such a degree as to warrant the refusal of the application.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The garden of the application site wraps around the property and whilst there are residential properties either in the vicinity of the application site, the location of the outbuilding is not considered to give rise to any detrimental impact upon the amenity of neighbouring residential occupiers in terms of overshadowing or overpowering or loss of privacy. However, should permission be granted, it is considered prudent to append a condition to restrict the use of the outbuilding for purposes incidental to the enjoyment of the dwellinghouse. Subject to the planning condition, the development is acceptable in terms of its effect on residential amenity.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Maldon District adopted Vehicle Parking Standards SPD state that for dwellings with four bedrooms or more, a maximum of three parking spaces should be accommodated within the site. Before the development took place, there was already a double garage on site. Moreover, there is extensive hard surfaced area to the front of the dwelling which allows for the provision of at least two more parking spaces without obstructing the in-and-out driveway. The access arrangements of the site have not been altered as a result of the development. On this basis the development is acceptable in terms of its impact upon access, parking and highway safety.

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 SPD advises a suitable garden size for

each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three bedrooms or more.

5.5.2 The development has been carried out in a location to the front of the host dwellinghouse, thus it has not affected the provision of private amenity space on site. Moreover, the development does not include the creation of additional bedrooms and, therefore, does not increase the requirement for a larger private amenity space. In any case, the existing private amenity space on site is in excess of the standard required contained within the Essex Design Guide.

5.5.3 The building is located at an area where a tree used to stand. Although the tree was not protected and could be removed at any time, its presence was softening the views of the dwellinghouse from the adjacent highway. The removal of the tree has not altered the open character of the front yard at the site which remains sympathetic to the character and appearance of the area.

6. ANY RELEVANT SITE HISTORY

- **97/00340/FUL** – Alteration and/or demolition of the existing garage/coach house and extending existing house to provide family accommodation and new detached garage – Approved [16.06.1997]
- **06/00085/FUL** – Increase size of the lounge and minor alterations to the rear and side elevations including forming a loggia – Approved [07.04.2006]
- **09/00289/FUL** – Extension to existing utility area – Approved [01.06.2009]

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	Object – The development is not in line with permitted development provisions, including that the development should not project in front of any wall that forms part of the 'principal elevation'. Further, the size of the proposal, its appearance, scale and bulk would appear dominant and out of character within the street scene contrary to policies S1 and D1 of the LDP as well as the endorsed Woodham Walter VDS. There is a close comparison to the application	Please see section 5.2 of the report

Name of Parish / Town Council	Comment	Officer Response
	HOUSE/MAL/17/00615 at The Spindle which has recently been refused.	

7.2 Representations received from Interested Parties (*summarised*)

7.2.1 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Sally & Trevor Bull Barnfield Spring Elms Lane Little Baddow
- Lucy Westcott Chamberlain Cottage Little Baddow Road Woodham Walter
- Alison Bush Little Owls Post Office Road Woodham Mortimer
- Terry Fisk Summerfield Spring Elms Lane Little Baddow
- Patricia Weston Brambles Elm Green Lane Danbury
- Wendy Futter 38 St Cleres Way Danbury Chelmsford
- June Collings Oakworth The Ridge Little Baddow Chelmsford CM3 4RZ

Supporting Comment	Officer Response
The cart lodge has been built to an excellent standard with a beautiful roof and is very much in keeping with the house and therefore does not look out of place.	Please see section 5.2 of the report
The cart lodge has also been positioned extremely discreetly, so that it cannot be viewed from the road, Spring Elms Lane.	Please see section 5.2 of the report
The double car port does not obstruct any views and only the side can be viewed from the road and only then if you are directly in front of the gate.	Please see section 5.2 of the report
It cannot cause any nuisance or inconvenience to neighbours.	Please see section 5.3 of the report

8. PROPOSED CONDITION

- 1 The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates.
REASON: To protect the character and appearance of the area and the amenity of neighbouring occupiers in line with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.



**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
30 October 2017

Application Number	HOUSE/MAL/17/00878
Location	1 Sugar Mill Cottages, Ulting Lane, Ulting
Proposal	Demolish 4No. timber sheds and replace with single cart lodge style garage and store. Improve existing access by laying sealed shingle surface.
Applicant	Mr & Mrs Stuart & Cheryl Taylor
Agent	Mark Crocker
Target Decision Date	1 st November 2017 (extension of time)
Case Officer	Emma Worby, TEL: 01621 875860
Parish	ULTING
Reason for Referral to the Committee / Council	Parish Trigger

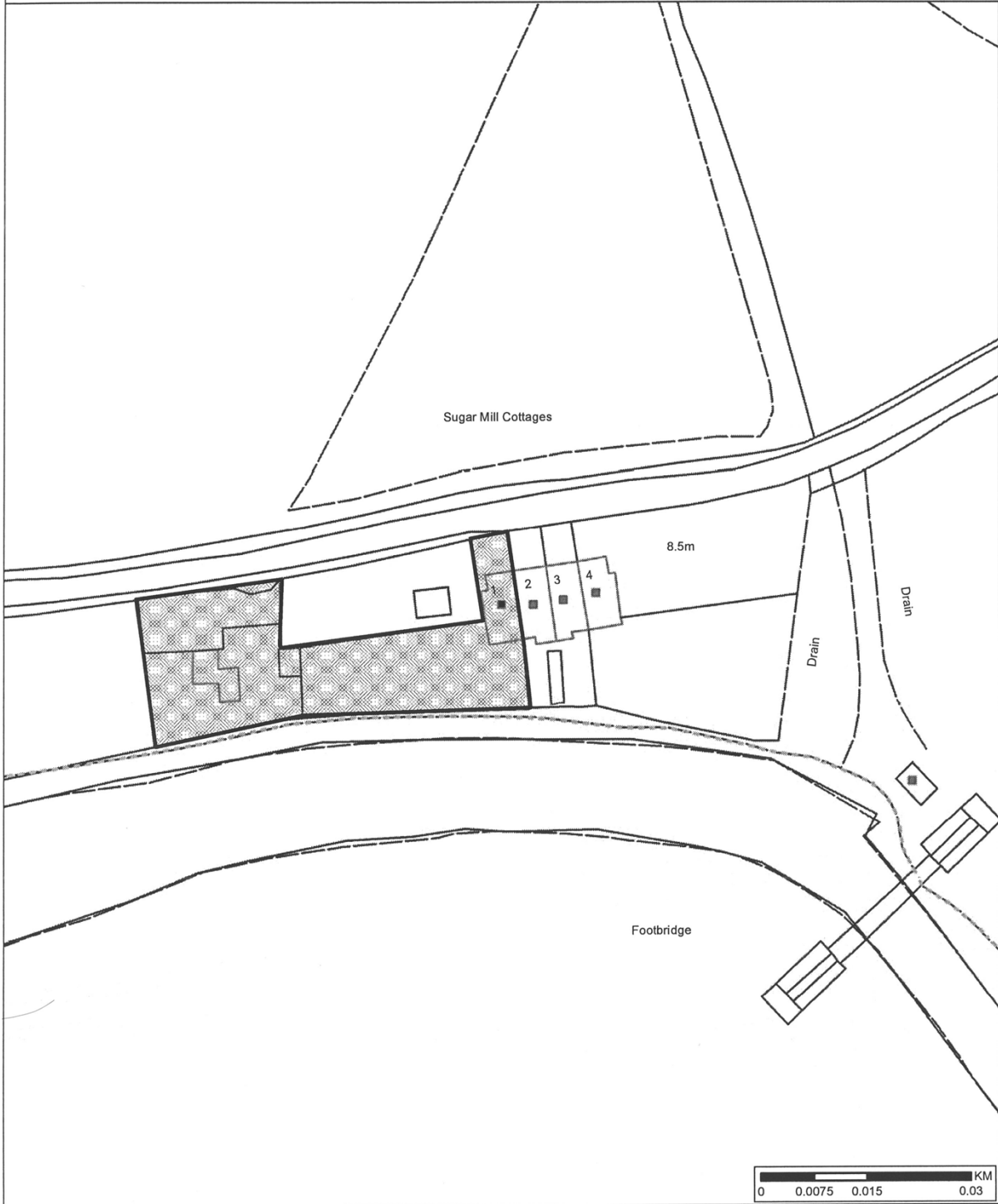
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

1 Sugar Mill Cottages, Ulting Lane, Ulting
HOUSE/MAL/17/00878



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	19/10/2017
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within the parish boundary of Ulting and the Chelmer and Blackwater Navigation conservation area. The site is occupied by a terraced two storey dwelling which forms part of a row of four two storey terraced dwellings in this area. The rear garden extends beyond the rear of the property to the west and includes a piece of land to the west of the main dwellinghouse which is currently occupied by four timber sheds and is used for storage and parking. The site is bordered by woodland to the west, the river Chelmer to the south and agricultural land to the north and east.
- 3.1.2 Planning permission is sought for the construction of a cartlodge to provide covered car parking spaces for two vehicles and adjoining storage space on the ground floor and further storage space on the first floor. There are also proposals for a permeable shingle drive for access from the cartlodge to the highway. The development would be located to the west of the main dwellinghouse to replace the four current sheds on the land.
- 3.1.3 The cartlodge would be 11.24 metres in width, 5.95 metres in length, with 2.9 metres height to the eaves and 6.25 metres height to the ridge. The south elevation would have access to both the ground and first floors with two doors and timber access stairs. There would also be one window on the first floor of the north elevation.
- 3.1.4 The proposed materials for the roof include red/orange Norfolk pantiles and clay ridge tiles. The materials proposed for the walls are black timber cladding with a brick plinth.

3.2 Conclusion

- 3.2.1 It is considered that the proposed cartlodge, by reason of its scale, design and location would not harm the appearance or character of the locality and, due to its relationship with the adjoining properties, the proposed development is not considered to result in any undue harm by way of overlooking or loss of amenity. In addition the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is, therefore, considered that the proposed development is in accordance with policies D1, D3 and H4 of the approved LDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design
- 126-134 Conserving and enhancing the historic environment

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

- D1 Design Quality and Built Environment

- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- S1 Sustainable Development
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle of erecting buildings within the curtilage of a dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with D1 of the Local Development Plan (LDP). Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

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

5.2.2 The application is located within the Chelmer and Blackwater Navigation Conservation Area. A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used.

5.2.3 Planning permission is sought for the construction of a cartlodge to provide covered car parking spaces for two vehicles and adjoining storage space on the ground floor and further storage space on the first floor. There are also proposals for a permeable shingle drive for access from the cartlodge to the highway. This would be located on the section of land to the west of the property which currently contains four timber sheds.

5.2.4 The proposed development would be approximately 6 metres from the highway and, although the area of land is well shielded by a number of trees and hedges, the cartlodge would be visible from the road through the vehicle entrance. Due to the height of the cartlodge, which is 6.25 metres in height and has two storeys, the development would have a significant impact on the streetscene.

5.2.5 However, as the proposed development would be largely shielded from view by the surrounding trees it is not considered that it would cause demonstrable harm to the visual amenity of the streetscene. Furthermore, as stated within the conservation

officer's comments, the development would cause no harm to the special character or appearance of the Chelmer and Blackwater Navigation Conservation Area and the form and materials of the proposed building seem broadly consistent with the traditional character of this part of the conservation area.

- 5.2.6 Although the comments from the Parish Council are noted, the cartlodge for 3 Sugar Mill Cottages, which was granted under planning application reference 07/00343/FUL, has a total height to the ridge of 5 metres and therefore would only be approximately 1.25 meter smaller than the proposed development in this application. The additional height is not considered to be harmful or result in the building being unduly prominent or dominant of the streetscene or the character of the area.
- 5.2.7 Furthermore, the design of the cartlodge is considered to represent an improvement in comparison to the four timber sheds which are currently occupying this site. Therefore, the proposal is not considered to be a visually unacceptable addition to the dwelling.
- 5.2.8 Therefore, it is considered that the proposal, by means of its design, including its materials, is considered acceptable in its setting and would not detract from the appearance of the conservation area or be materially harmful to the existing building or the surrounding area.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The application site is incorporated in a row of four terraced cottages and is the end dwellinghouse with no other properties in the surrounding area. The section of the site to be used for the development is adjoining the parking and garden area for the property No.2 Sugar Mills Cottages to the East. The proposed cartlodge would be approximately 10 metres from this land belonging to No.2 Sugar Mills Cottages.
- 5.3.3 The site is not directly adjoining any dwellinghouses, is some distance from the parking and garden area for No.2 Sugar Mills Cottages and would not have any windows overlooking the private amenity space from the second storey. Therefore, it is not considered that the development would affect the residential amenity of the neighbouring site by way of loss of privacy or overlooking.
- 5.3.4 The development would be 3.9 metres from the north boundary and 6 metres from the highway, 4 metres from the south boundary which is facing the Chelmer River and 4.5 metres from the west boundary which is currently a woodland area. Therefore, the proposals would not impact on any other neighbours due to its relatively remote location.
- 5.3.5 Therefore, overall it is not considered that the development would form an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas, including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The application site currently provides informal parking for several vehicles on the site to the west of the main dwellinghouse. However, there are no formal parking spaces or a garage currently in place. A dwelling of this size would be expected to achieve parking for a maximum of two spaces. The proposed development would provide two car parking spaces within the cartlodge and would, therefore, meet the requirements in the Vehicle Parking Standards document.
- 5.4.3 The Highway Authority has requested the inclusion of two conditions in relation to the proposal. These have been included in section 8 of this report.
- 5.4.4 Therefore it is not considered that the proposed development would have an undue impact upon highway safety or free flow of traffic and no objection is raised to the proposal, in conjunction with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policy T2 of the LDP.

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 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 property currently has 850sq.m of private amenity space including the area where the four sheds currently occupy. The proposed cartlodge would occupy a space of approximately 65sq.m. However, this would still leave ample private amenity space remaining which would be in excess of the amount required in the SPD.
- 5.5.3 The proposed development would result in the loss of a minimal amount of garden space on the application site which would not justify the refusal of this application and therefore there is no objection to the proposal in terms of private amenity space.

6. ANY RELEVANT SITE HISTORY

- **11/00810/HOUSE** – Single storey front porch including store cupboard – approved.
- **12/01087/HOUSE** – Two storey side/rear extension, including replacement of lean-to conservatory – refused.
- **13/00405/HOUSE** - Two storey side/rear extension, including replacement of lean-to conservatory – approved.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Langford and Ulting Parish Council	The proposed garage is 6.25 metres in height and would have an overbearing effect to the detriment of the wider character and appearance of the area. The Parish Council would support a single storey cart lodge style garage to match the garage associated with 3, Sugar Mill Cottages.	See section 5.2.6 of the report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority.	See section 5.4.3 of the report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	I raise no objection to the proposed garage and store building. It will, in my judgement, cause no harm to the special character or appearance of the Chelmer and Blackwater Navigation Conservation Area. The form and materials of the proposed building seem broadly consistent with the traditional character of this part of the conservation area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the	See section 5.2.5 of the report.

Name of Internal Consultee	Comment	Officer Response
	<p>Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area.</p> <p>For the reasons outlined above, I advise that this proposal is consistent with this objective. Using the terminology of the NPPF, the proposed building will cause no harm to the significance of the conservation area.</p> <p>I therefore raise no objection to the unconditional grant of consent.</p>	

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawing TAYLOR 01/4, TAYLOR 01/3 and TAYLOR01/2.
REASON: To protect the character and amenity of surrounding areas in line with policy D1 of the Local Development Plan approved by the Secretary of State and guidance contained within the National Planning Policy Framework.
3. The external surfaces of the building(s) shall be constructed of the materials specified on plan TAYLOR 01/4.
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T2 of the Approved Local Development Plan.
5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy T2 of the Approved Local Development Plan.

6. The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates.
REASON: To protect the amenities of the occupants of neighbouring dwellings in accordance with policy D1 and H4 of the Local Development Plan.

INFORMATIVES

1. Arrangement should be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

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**REPORT of
CHIEF EXECUTIVE**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
30 October 2017**

Application Number	FUL/MAL/17/00937
Location	Claremont, Chelmsford Road, Woodham Mortimer
Proposal	Removal of conditions 3, 4, 5, 6 & 7 on approved planning permission FUL/MAL/16/00581 (Replacement dwelling - single storey extension, re-roofing with rooms in roof and detached cart lodge)
Applicant	Mr. & Mrs. W Prentice
Agent	Mr. Ashley Robinson (A.R.)
Target Decision Date	03 November 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION


APPROVE with no conditions.

2. SITE MAP

Please see overleaf.

Claremont, Chelmsford Road, Woodham Mortimer
FUL/MAL/17/00937



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	17/10/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within the parish of Woodham Mortimer and within the settlement boundary located along Chelmsford Road, which is separate from the main settlement boundary of Woodham Mortimer. The site is on the northern side of Chelmsford Road which is a classified A-road connecting Maldon with Danbury.
- 3.1.2 The site comprises a new replacement dwelling with a detached cart lodge within the front amenity space and which benefits from a drop kerb vehicle crossing. The gradient of the site gently slopes towards the north with the dwelling set lower than the adjacent highway.
- 3.1.3 The property at the application site is a chalet style dwelling with rooms in the roof which benefit from front and rear elevation dormer windows. The property is finished in white render with grey fenestration, grey weatherboarding and a slate roof. The cartlodge within the front amenity space matches the dwelling in terms of elevational materials.
- 3.1.4 The dwelling subject of this report was granted conditional permission in 2016 with the works now complete. The proposal subject of this report seeks to remove conditions 3, 4, 5, 6 and 7 of the extant permission.

3.2 Conclusion

- 3.2.1 It is considered that the removal of conditions 3, 4, 5, 6 and 7 on approved planning permission FUL/MAL/16/00581 is acceptable having regard to the material considerations that are set out below.
- 3.2.2 It is considered that the proposed development is acceptable and compliant with policies S8, D1, H4 and T2 of the Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 17, 7

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site lies within the settlement boundary of Woodham Mortimer as defined in the approved Maldon District Local Development Plan (LDP) and benefits from an extant permission for a replacement dwelling which has been implemented. Therefore the principle of a replacement dwelling on this site has already been established.
- 5.1.2 The approved LDP has been produced with cognizance of the NPPF's emphasis on sustainable development and Policy S8 seeks to direct development to within settlement boundaries to protect the intrinsic beauty of the countryside. As the site is already developed for residential use and within the new settlement boundary of Woodham Mortimer, the site is considered sustainable in this instance. Furthermore policy H4 supports the principle of replacement dwellings.
- 5.1.3 Due to the Secretary of State's determination of the LDP and its policies on 21st July 2017, full consideration must now be given to those policies contained therein. It is noted that the reasons for appending each condition to the extant permission refer to policies within the adopted Maldon District Replacement Local Plan. Whilst those policies have now fallen away with the approval of the LDP, in this instance the direction of travel of the now approved policies referenced in this report are analogous to the previous policies in determining this application.

5.2 Relevant Planning History

- 5.2.1 The site was granted conditional approval for a replacement dwelling in 2016 and the erection of a dwelling has now been completed. It is noted from the planning history that the cart lodge granted approval with the original scheme has been amended, but it is pertinent to note that the outside envelope of the structures in terms of scale, mass, bulk and height have been built in accordance with the relevant approved plans.
- 5.2.2 The application for the replacement dwelling was granted conditional approval with five of those conditions not complied with prior to commencement or during the construction phase and this current proposal seeks to remove those conditions which it is now stated are not relevant, or cannot now be conformed with. Section 73 of the Town and Country Planning Act 1990 (as amended), allows for the variation/removal of conditions and the Local Planning Authority may grant a new permission without the conditions. Assessment should be based on the development that has been undertaken.

5.2.3 The submission seeks to remove condition 3, 4, 5, 6 and 7 from the extant permission which relate to the following.

- **Condition 3** – External surfaces to be constructed of materials and finish which match the existing building
- **Condition 4** – The submission of a Construction Management Plan to cover the duration of the construction phase
- **Condition 5** – The process of assessment, mitigation and measures in the event that land contamination is found when carrying out the development.
- **Condition 6** – A foul drainage scheme to be submitted and approved in writing prior to the commencement of the development.
- **Condition 7** – A surface water drainage scheme to be submitted and approved in writing prior to the commencement of the development.

5.2.4 Unless conditions still comply with the following 6 tests, they should be removed if not consistent. The six tests require that conditions are:

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects

5.3 Design and Impact on the Character of the Area

5.3.1 The requirement to ensure high quality development and inclusive design is seen as being of great importance in the NPPF. It is seen as being a key aspect of sustainable development and should establish a strong sense of place to create attractive places to live. It is seen as being;

“indivisible from good planning and should contribute positively to making places better for people.”

5.3.2 Approved policy D1 also states that development must respect and enhance the character and local context and make a positive contribution in terms of:

- Architectural style, including materials, design features and innovative design
- Scale, height, massing and proportion
- Landscape setting
- Historic environment particularly in relation to designated assets and:
- The natural environment

5.3.3 In relation to Condition 3 of the extant permission, it is noted that whilst that application was considered a replacement dwelling, the condition stated that the materials should match the existing building. As such, compliance with the plans could not be undertaken as the original building was a brick bungalow whilst the submitted and approved submission stated that the replacement would comprise of face brickwork and weatherboard with concrete interlocking roof tiles. For clarification the applicant has stated that the external materials are as follows:

- Marley Eternit Weatherboard – Grey
- Rendered walls – White

- Stoneleaf Slates Interlocking Roof Tiles - Charcoal

5.3.4 The dwelling as built now comprises white render elevations and composite weatherboard in a different configuration as that originally approved, together with a slate tile roof and powder coated aluminium fenestration. However, the external elevations are considered to complement the scheme and do not detract from the character and appearance of this part of Woodham Mortimer, which encompasses an eclectic mix of dwellings which utilize a variety and palette of materials.

5.3.5 As such, as the dwelling is now complete, and the elevational materials utilised accord with policy D1 there is no objection to the removal of condition 3 of the extant permission on the grounds that the retention of the condition is unnecessary.

5.4 Impact on Residential Amenity

5.4.1 The site is set within a ribbon style development along the northern side of Chelmsford Road. As such, there is residential development to either side of the dwelling. However as previously stated, the application subject of this report is for the removal of conditions for elevational materials, a Construction Management Plan, details of foul and surface water drainage and potential land contamination during construction.

5.4.2 As the development is now complete and the built form per se is in accordance with the extant permission, there would be no additional impacts upon adjacent neighbouring occupiers should this submission be granted permission. Furthermore, the change in elevational materials is considered acceptable and no letters of representation have been submitted by adjacent neighbouring occupiers.

5.5 Access, Parking and Highway Safety

5.5.1 There would be no change to the highway access to the site or off-site parking provision. However, as the submission proposes to remove the requirement for the submission of a Construction Management Plan, the Highway Authority has been consulted.

5.5.2 There is no objection from the Highway Authority for the removal of condition 4. Furthermore, as the construction phase is now complete, it is not considered appropriate or necessary to require adherence to this condition. The condition can therefore be removed on the grounds that its retention would be unnecessary.

5.6 Other Considerations

5.6.1 The remaining three conditions that it is proposed to remove relate to surface water drainage, foul drainage and a condition related to the process to be undertaken should land contamination be found during the construction phase.

5.6.2 As such the Council's Environmental Health Service (EHS) has been consulted. There is no objection for the removal of condition 7 for surface water drainage as the works undertaken are acceptable and, therefore, it is not necessary to retain this condition.

- 5.6.3 Whilst there is concern with the removal of condition 5 which relates to land contamination, it is noted that this condition only required submissions and procedural undertakings to the local planning authority in the event that land contamination was found to be present during the construction of the replacement dwelling. In this instance, the applicant has confirmed in writing that no such contamination was found and subsequently no action was required. There is, therefore, no objection to the removal of this condition, as the onus lies with the applicant in this instance to undertake notification. If contamination should subsequently be found at the site, this would be addressed by other legislation and therefore the condition is now unnecessary.
- 5.6.4 The Environmental Health Service initially objected to the removal of condition 6 which required the submission of a foul drainage scheme to serve the development prior to commencement of the works. However, from the Council's own records there is compliance and sign off for the Building Regulations for this element and no further information has been required by that service. It can, therefore, be surmised that this requirement has been assessed and found satisfactory. Furthermore, the applicant has stated that compliance with Building Regulation Ref: FP/16/0224/2 and drawings references 2 Rev G, and 4 Rev B has received approval and a completion certificate for the property granted. The condition can therefore be removed on the grounds that its retention would be unnecessary.
- 5.6.5 It is noted that the Parish Council has objected to the proposal and stated that in their opinion the "valid conditions imposed on the approved application FUL/MAL/16/00581 provided an element of development control and should not be removed.". Whilst this comment is noted, as assessed within this report, in this instance the retention of the conditions and requirement for compliance post construction are not now necessary. Enforcement of the breach of conditions is not necessary and it is considered sensible to resolve the matter by granting a varied permission.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/16/00581** –Replacement dwelling – single storey extension, re-roofing with rooms in roof and detached cart lodge.
Approved – 29 July 2016
- **FUL/MAL/17/00223** – Proposed detached cart lodge
Approved – 25 April 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer Parish Council	Object	The comments of the Town Council are noted in

Name of Parish / Town Council	Comment	Officer Response
		section 5.6 of this report.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	<p>Condition 6 – The foul drains were to be connected to a Klargester Can the applicant confirm that a package treatment plans was installed</p> <p>Condition 7 – Building Control have confirmed that soakaway's were inspected there is no further comment</p>	The comments of the EHO are noted

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

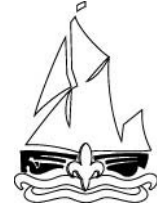
Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection	The comments of the Highway Authority are Noted

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 None received at the time of writing this report.

8. **PROPOSED CONDITIONS**

Approve with No Conditions.



**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
30 October 2017

Application Number	FUL/MAL/17/00988
Location	Land Adjacent 7 Cherry Blossom Lane, Cold Norton, Essex
Proposal	Construction of a detached 3 bedroom bungalow with associated vehicular access, hardstanding and landscaping.
Applicant	Mr Saint
Agent	Mr Young - Local Planning Services
Target Decision Date	22 nd November 2017
Case Officer	Anna Tastsoglou, TEL: 01621 875741
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan 2017

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land Adjacent 7 Cherry Blossom Lane, Cold Norton
FUL/MAL/17/00988



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	19/10/2017
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is located on the eastern side of Cherry Blossom Lane to the north of no. 7 and it is currently an open grassed field approximately 0.14 hectares in size. The site is bounded by fence and a post and rail gate. A number of structures and domestic paraphernalia were sited at the eastern end of the site at the time of the site visit.
- 3.1.2 Immediately adjacent to the south of the application site is no. 7 Cherry Blossom Lane. The site comprises a gabled roof bungalow, with bow bay windows to the front and its entrance situated to the south elevation. To the north, the site abuts the garden of a dwelling known as Poplars, which is sited further away to the north. To the east, there are established hedges and trees, which are part of a large sized dwelling, the Crown Lodge. To the west of the site is the Cold Norton Village Hall.
- 3.1.3 The dwellings along Cherry Blossom Lane are not uniform in character, which includes a variety of bungalows and two storey houses of varying size, style and design. Furthermore, dwellings are sited on varying sized plots which, towards the north, increase in size, reflecting the semi-rural character of the area. The character to the south, along Cold Norton, is residential of higher density.

Description of proposal

- 3.1.4 Planning permission is sought to erect a detached dwelling with associated off-street parking to front and amenity space to rear at the land to the north of no. 7 Cherry Blossom Lane.
- 3.1.5 The proposed bungalow would have a gabled roof and it would be of a triangular shape. The dwelling would measure 8.6m wide, 14.9m deep, with a maximum height of 5.3m.
- 3.1.6 Internally the dwelling would accommodate three bedrooms, an open plan living/dining room, a kitchen, a bathroom, a WC, and a utility room.
- 3.1.7 Two off-street parking spaces would be provided to the front of the dwelling and the amenity area would be around 845sqm.
- 3.1.8 Materials to be used to the external elevations would include white UPVC windows and doors, Marley Modern Smooth Brown roof and the external walls would be finished in cream monocouche render. The property would be bounded by a 1.8m high fence and the proposed hardstanding would be finished with permeable block paving.

Background of the application

- 3.1.9 An outline planning application (Ref. no.: 13/001172/OUT) for the erection of a detached bungalow and garage was allowed on appeal (Ref. no.: APP/X1545/A/14/2219763), where the Inspector concluded that the site is located

within a sustainable location and there would be no significant harm to the character and appearance of the countryside. The Inspector, therefore, concluded that the site would be a suitable location for housing.

- 3.1.10 The current application has been submitted following the submission of a pre-application request (Ref no.: 17/03130/PREAPP) for the erection of a bungalow, of the same siting and appearance with the current proposal.

3.2 Conclusion

- 3.2.1 The proposed development is located outside the settlement boundary for Cold Norton and thus, is in principle contrary to policies that seek to direct new residential development to established settlements. However, the development was assessed against all the dimensions of sustainability and it is considered that it constitutes sustainable development. Based on the Inspector's findings, the development would infill a parcel of unused land which limitedly contributes to the countryside. Therefore, it is considered that the principle of a residential dwelling in this location is acceptable and the proposal would not result in detrimental harm to the character of the area to such a degree as to warrant the refusal of the application. The development would be, on balance, acceptable in terms of design and impact on the area. No objection is raised to the impact on the residential amenity of the neighbours and the future occupiers. The proposal is not considered to result in a detrimental impact on the highway network and safety. Therefore, the development subject to appropriate conditions is considered to be acceptable.

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 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 47-55 Delivering a wide choice of high quality homes
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications

4.2 Maldon District Local Development Plan approved by the Secretary of State in July 2017:

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

- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.2 The proposal site is located just outside of the defined settlement boundary of Cold Norton. The proposal is, therefore, contrary to the objectives of Policy S8 of the LDP. Therefore, the impact of the proposed development on the character and intrinsic beauty of the countryside should be assessed as well as whether the development constitutes sustainable development.
- 5.1.3 As noted above, the site currently forms an open grassed field. Within the appeal decision of the outline planning permission previously allowed on appeal (Application Ref. no.: 13/001172/OUT, Appeal Ref. no.: APP/X1545/A/14/2219763) the Inspector stated that the site is an enclosed parcel of unused land with no notable features or trees other than around its edges. The appeal site makes very little contribution to the visual appearance of the locality. It was further stated that the countryside is not immediately apparent from the site, which is surrounded by a number of residential premises. Thus, the appeal site was not considered to be a sensitive countryside location.
- 5.1.4 The Inspector considered the site to be a vacant plot between properties. Whilst it was accepted by the Inspector that the development would result in a continuous ribbon of development, it was considered that by reason of the large size of the plot and screening from the existing vegetation the impression of sprawl would be avoided. Therefore, on the basis of the Inspector's findings, the development would not compromise the openness of the site and it would not materially harm the character of the countryside.
- 5.1.5 The development, in the immediate vicinity of the site, is predominantly of low density and height and it represents a semi-rural environment. The site within which the proposed bungalow would be located would be large enough (0.14 hectares) to maintain this semi-rural character, given that the size of the footprint of the dwelling would be comparably small with the size of the plot. It is also considered that the

provision of a single storey dwelling in this location would assist in reducing the overall impact of the development on the area.

- 5.1.6 The existence of high dense vegetation to the north and east of the site would reduce the visibility of the site from the countryside. The development would be therefore visible mainly when approaching the site from the southern part of Cherry Blossom Lane and it would be read as part of the built up area within the settlement boundary, rather than the area which sits outside of it.
- 5.1.7 In terms of the sustainability of the proposed development, it is noted that an important element when considering the appropriateness of a residential development is the ability of the future occupiers to access the essential services and facilities through sustainable modes of transport.
- 5.1.8 Although the village of Cold Norton is designated as one of the small villages, it has a number of services and facilities to provide the daily requirements of the future residents, including a primary school, public house and convenience stores. There are also frequent bus services to Chelmsford, Maldon, Southminster and other villages within the District. It is, therefore, considered that the residents of the future occupiers of the proposed dwelling would not be reliant on private vehicles to meet regular day to day needs. Although outside of the defined settlement boundary, the location of the application site, in this particular instance and for the reasons stated above, is considered to be sustainable and it would meet the requirements of the Development Plan policies.
- 5.1.9 In terms of the economic role, the construction of the proposed dwelling would contribute towards the local economy. Albeit minimal, the provision of an additional dwelling would contribute towards the social dimension. However, it is noted that the Council can demonstrate a five year housing supply. The environmental dimension of sustainability, amongst others, relates with the protection and enhancement of the natural and built environment. As noted above, the development would not have a detrimental impact on the natural environment or the countryside. The impact on the built environment and the character of the area, in design terms, is further assessed below, in the relevant section.
- 5.1.10 On the basis of the above, subject to the provision of an acceptable design and giving significant weight to the findings of the Inspector on the now expired 2013 appeal decision, the development is considered to constitute sustainable development in all other aspects.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key*

aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

- 5.2.3 Paragraph 64 also states 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”.
- 5.2.4 This principle of good quality design is 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.*
- 5.2.5 As noted above, Cherry Blossom comprises dwellings and buildings of varying designs, styles and scales. The proposed bungalow would be appropriate in terms of scale and height in relation to the dwellings immediately adjacent to the site and it would be consistent with the scale and positioning of the development in this section of Cherry Blossom Lane.
- 5.2.6 In terms of its external elevations, the dwelling would not match with the design of the neighbouring development; however, given the variety of the built form in the surrounding area, it is not considered that, in this particular instance, reference should be drawn to the detailed design of the adjacent properties.
- 5.2.7 Although it is accepted that the proposed dwelling would not be an exceptional design and the introduction of additional architectural features would have improved the appearance of the proposed dwelling, on balance, taking into account the existing development in the surrounding area, in this particular instance, it is not considered reasonable to recommend refusal of the application on design grounds.
- 5.2.8 Similar to the designs and styles of dwellings, external finishing materials also vary in the surrounding area, including different types and colours of bricks and rendering finished. Therefore, no objection is raised to the proposed finishing materials. However, given the limited level of fenestration to the elevation facing the Cherry Blossom Lane, the introduction of contrasting materials to add some interest to the external elevations is considered necessary. For that reason, the submission of further details of the external finishing materials is recommended to be agreed by condition.
- 5.2.9 No details of refuse storage have been provided; however, it is noted that the property has a large sized garden, which can accommodate refuse bins without adversely impacting upon the appearance of the dwelling.

5.2.10 In light of the above, it is considered that the development would be, on balance, acceptable in terms of its design and impact on the character of the wider area.

5.3 Impact on Residential Amenity

5.3.1 Policies D1 and H4 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.3.2 A minimum of 20 and 23 metres separation distance would be maintained between the proposed dwelling and the south and east boundaries of the application site. This is considered to be a reasonable separation distance to prevent from overshadowing, overlooking and creating an undue sense of enclosure.

5.3.3 Whilst the distance maintained to the northern boundary would be around 1.3m, the site abuts the south garden of the property to the north named Poplars. The dwelling sits an additional 30 metres away from the shared boundary and thus, there would be no adverse impact caused to the residential amenity of the neighbours to the north.

5.3.4 The proposed development, by reason of its location and relationship with the neighbouring dwellings, would not have a greater impact on the amenity of the any other nearby neighbour and it not considered that it would result in unacceptable levels of noise and disturbance from the additional activity caused by the additional dwelling on the road. The impact of the development on the residential amenity is therefore considered acceptable.

5.4 Access, Parking and Highway Safety

5.4.1 The development would be accessed from Cherry Blossom Lane, an unadopted road. Although the site has an existing access and gate, the plans submitted show that the development would involve the formation of a new access centred to the front boundary of the site. The access appears to be wide enough to allow an access which would not result in the obstruction of the shared road.

5.4.2 In accordance with the Maldon District Vehicle Parking Standards, two off-street parking spaces are required to be provided for a three bedroom dwelling.

5.4.3 The proposal would provide ample space to be used for off-street parking. Two side-by-side off-street parking spaces have been shown to the plans submitted, in accordance with the guidance requirements.

5.4.4 Two cycle parking spaces should be provided in order for the development to accord with the requirements of the Maldon District Vehicle Parking Standards. Although no details have been submitted in that respect, it is considered reasonable for these details to be dealt with by condition.

5.5 Private Amenity Space and Landscaping

- 5.5.1 An approximate 854sqm of amenity space would be provided to the future occupiers of the dwelling, which by far exceeds the minimum outdoor amenity space requirements.
- 5.5.2 The proposed dwelling would be large enough to provide a good level of accommodation. All habitable rooms would be provided with an appropriate level of outlook, ventilation and lighting. No objection is therefore raised, regarding the living conditions of the future occupiers.
- 5.5.3 The provision of landscaping would be required in order to soften the appearance of the development. This element of the proposal would be dealt with by condition.
- 5.5.4 The existing neighbouring hedges to the north and east of the application site would be retained.

6. ANY RELEVANT SITE HISTORY

History of application site:

- 13/01172/OUT - Single storey bungalow and garage. Application allowed on appeal.
- 17/03130/PREAPP - Construction of 3 bedroom detached dwelling.

Relevant history of neighbouring sites:

Land Between Koombora And Mansfield, Victoria Road

- 13/00695/FUL - Erection of 2 No. three bedroom dwellings and change of land use to C3. Planning permission refused by reason of the impact on the character of the area, lack of survey information to assess any potential impact on protected species and lack of information to assess the potential impact of the proposal on existing trees and hedges.

Land North Of 29 Green Trees Avenue:

- 15/01086/OUT - Outline planning application with all matters reserved for the construction of 7 dwellings with associated off-street parking. Application allowed on appeal.
- 17/00137/OUT - Outline planning application with all matters reserved for the construction of 3 single storey dwellings with associated off-street parking. Planning permission refused due to the impact of the proposal on the character and appearance of the area.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Norton Parish Council	No comments received at the time of writing of the report.	

Name of Parish / Town Council	Comment	Officer Response

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No comments received at the time of writing of the report.	Condition added (08).

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments received at the time of writing of the report.	

It is noted Highways Agency was consulted by mistake for the abovementioned application and raised no objection to the proposal.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No neighbour representation letters have been received at the time of writing of the report.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings LPS357 1.1, LPS357 1.2, LPS357 1.3, LPS357 1.4, LPS357 1.5, LPS357 1.6 AND Location Plan.
REASON: To ensure the development is carried out in accordance with the details as approved.
- 3 No development shall take place until details of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan.

- 4 No development shall take place until details of the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such in perpetuity.
REASON: To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan.
- 5 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.
- 6 The existing hedgerows and trees along the northern and eastern boundaries of the application site shall be protected during the construction of the development.
REASON: To protect the character of the area and the natural environment in accordance with the National Planning Policy Framework and policies D1 and N2 of the approved Maldon District Local Development Plan.
- 7 The development hereby permitted shall not be occupied until details of the vehicle parking, including any parking spaces for the mobility impaired, have been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and the vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework and policy T2 of the approved Maldon District Local Development Plan.

- 8 Prior to the commencement of the development hereby permitted details of the number, location and design of bicycle parking facilities/powerd two wheelers shall be submitted to and agreed in writing by the local planning authority and shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.
REASON: To ensure that cycle parking is provided in accordance with the National Planning Policy Framework, policy T1 of the approved Maldon District Local Development Plan and the Maldon District Vehicle Parking Standards.
- 9 Prior to the commencement of the development details of the surface water and foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Local Development Plan.

INFORMATIVES

- 1 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.
- 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.

You are also advised that refuse store should be stored to the rear of the property rather than the front.



**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
30 October 2017

Application Number	FUL/MAL/17/01037
Location	Land Between 4 Oaktrees And Lee Cottages, The Street, Little Totham
Proposal	Three bed bungalow
Applicant	Mr. J Purdy
Agent	Mr. Peter Le Grys – Stanfords
Target Decision Date	08 November 2017
Case Officer	Hilary Baldwin
Parish	Little Totham
Reason for Referral to the Committee / Council	Departure from the Local Plan Parish Trigger

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Land Between 4 Oaktrees And Lee Cottages, The Street, Little Totham
FUL/MAL/17/01037



 <p>MALDON DISTRICT COUNCIL</p> <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 Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	17/10/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site lies directly adjacent to the settlement boundary of Little Totham and forms a grassed area providing access to a field to the rear of dwellings which front the highway. It is located between existing properties, with a timber Grade II listed barn on the opposite (western) side of the highway. The Street comprises a mix of properties of varying designs with both single storey and two storey properties within the vicinity of the site.

3.2 Planning permission is sought to erect a single storey detached dwelling with off-road parking facilities and private amenity space.

3.3 The dwelling would have overall measurements of 18m deep by 10m wide and an overall ridge height of 5.6m. The design of the property would be that of a single storey property with a small hipped roof front (west) and southern side projection. At the rear (eastern end), there would be a further small pyramidal roof projection set at 45° to the main dwelling which would take advantage of the site shape and be for the benefit of a kitchen. The three projections would have overall heights of 4m.

3.4 In terms of external materials the property would have a brick plinth, weatherboard elevations and a red clay tile roof. At the front elevation, an over-sailing roof would provide a covered area for the front entrance.

3.5 A vehicle access would lead to off-street parking for two vehicles.

3.6 Conclusion

3.6.1 Having regard to the location of the proposed dwelling, it is considered on balance that the development would accord with the tripartite approach of sustainability as defined by the National Planning Policy Framework. As such the proposed dwelling would accord with the stipulations of policies S1, S8, H4 and D1 of the Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14, 49 and 59

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment

- D3 Conservation and Heritage Assets
- 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)
- Essex Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 The proposal is for a new dwelling outside of, but directly adjacent to, the settlement boundary of Little Totham as defined by the approved Local Development Plan and is, therefore, considered contrary to policy in principle.
- 5.1.3 Policies S1 and S8 of the Local Plan provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District.
- 5.1.4 The Maldon District, outside of the defined settlement boundaries is predominantly rural in nature. However, in this instance, the site lies between properties within the settlement boundary and a crescent of four properties which are outside. The settlement boundary forms the southern side boundary of the site.
- 5.1.5 Therefore, whilst the principle of a new dwelling outside of a defined settlement boundary is contrary to the Council's spatial approach of locating new dwellings within the development boundaries of existing built up areas, in this application the particular location of the dwelling and the specific details of the proposal and site specific constraints and benefits must be assessed.
- 5.1.6 The planning and appeal history of the site is highly pertinent in the assessment of this current application. These are discussed in the next section of this report.

5.2 Relevant Planning History

- 5.2.1 The site has been subject to two previous applications for development of the site, OUT/MAL/14/00929 and FUL/MAL/16/00296 for a residential dwelling. Both

applications were refused permission by the Local Planning Authority and subsequently both were dismissed through the appeal process.

- 5.2.2 However, it is highly pertinent to refer to and note both the appeal Inspector's reports on these applications.
- 5.2.3 The initial application was outline in form with all matters reserved for consideration at the reserved matters stage. The appeal Inspector for this application concluded that the development of the site would not harm the character and appearance of the area, (subject to appropriate design) and that the Council's concern with regard to sustainability was not a valid reason for the scheme to fail. The main concern was with regard to the living conditions of occupiers of No's 1 & 2 Lee Cottages. As the submission was outline in form with no matters for consideration, the Inspector deemed that impact upon occupiers of those properties could not be ascertained and it could not be safely concluded that no harm would arise in respect of the living conditions at adjacent properties.
- 5.2.4 The secondary application was a full application and comprised a two storey property. The appeal Inspector for this application deemed that the mains issues were the effect on the living conditions of the occupiers of adjacent dwellings with regard to outlook, the character and appearance of the area and highway safety. The Inspector concurred with the findings of the first Inspector in that the proposal for development of the site for a residential dwelling would not harm the character and appearance of the area and that there would be a harmful effect on highway safety.
- 5.2.5 With regard to the impact upon adjacent residential occupiers, it was deemed that there would not a loss of daylight or sunlight for existing occupiers but that there would be substantial harm to the outlook and living conditions of neighbouring occupiers which would result in clear conflict with the development plan.
- 5.2.6 It is therefore considered that, notwithstanding the approval of the Local Development Plan since the determination of the previous two applications, comparisons and contrasts need to be drawn between all three applications. Furthermore, the second appeal Inspector was mindful of the then emerging Local Development Plan and the Council's position with regard to the Five Year Supply of Housing Land.

5.3 Housing Need

- 5.3.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.3.2 Policy H2 of the LDP and its preamble, which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.3.3 The Council is, therefore, encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would result in

1, three bed dwelling. The proposal is considered to make a very limited contribution to the housing supply/ addressing the housing stock imbalance in the district.

5.4 Design and Impact on the Character of the Area

5.4.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.

5.4.2 Approved policy D1 also states that development must respect and enhance the character and local context and make a positive contribution in terms of:

- Architectural style, including materials, design features and innovative design
- Scale, height, massing and proportion
- Landscape setting
- Historic environment particularly in relation to designated assets and:
- The natural environment

The proposed dwelling would be positioned within the site with space to the front of the property and private amenity space to the rear. It would be set away from the boundaries by varying amounts and sits between the semi-detached properties known as Lee Cottages which back onto the site to the south and the side amenity space of the adjacent property in Oaktrees to the north. The area is characterised by a mix of dwellings with varying designs and ages forming a generally continuous frontage along The Street with off street parking and access points.

5.4.3 In terms of the second appeal (referenced subsequently in this report) the Inspector concurred with their colleague from the first appeal that the *“infilling of this gap within what is essentially a built up frontage would not fundamentally alter the character of the area to any significant extent.”*

5.4.4 It is noted that the second application was for a two storey dwelling whilst this current and third proposal is for a single storey dwelling which would not be significantly wider. The increase in width for the main bulk of the dwelling in this application is 0.9m, but the overall height has been reduced by 2.4m from 8m to 5.6m over the whole length of the building. Therefore refusal on the grounds of detrimental impact upon the character and appearance of the area and street scene is not considered sustainable at appeal.

5.4.5 The design of the dwelling is that of a bungalow with over-sailing roofs, a brick plinth and weatherboard elevations. The design also takes account of the site size at the rear with a kitchen projection set at 45° and with the overall length increased by 6m. Whilst these elements are considered contrived and are designed to maximize the site area, these facets of the overall design are not considered to warrant a reason for refusal.

5.4.6 Whilst the design of the dwelling and garden area of the proposal are considered to meet policy requirements in this instance, it is considered appropriate that further development for extensions and fenestration within the roof slope are restricted by way of a condition appended to any grant of permission.

5.4.7 As such it is considered that the proposal would comply with policies S1, S8, D1 and H4 of the Local Development Plan and the provision and guidance as contained within the NPPF.

5.5 Effect on amenity of neighbouring occupiers

5.5.1 The initial application was outline in nature with all matters reserved for further consideration. However, whilst the appeal Inspector dismissed that appeal, it was stated that this was due to the lack of evidence that no impact upon adjacent neighbouring occupiers could be demonstrated. The secondary application, which comprised full details of the scheme, could therefore be assessed and the Inspector for that appeal considered that the depth, combined with the height would obstruct the outlook from Lee Cottages by an imposing building of “*significant depth and height*” and would result in an overbearing effect with substantial harm to outlook.

5.5.2 Whilst the scheme subject of this third application has elongated the overall design of the property by 6m, its proximity to the common boundary with the gardens of Lee Cottages would be no closer and the eaves height would be restricted to 2.4m with the slack roof slope of 35° which slopes gently away from the site boundary to a height of 5.6m towards the centre of the site. The proposal is therefore considered to have overcome the previous Inspector’s concerns with regard to impact upon adjacent occupiers and their outlook. It is pertinent to note that the last appeal Inspector found that the two storey dwelling subject of that application would not result in loss of daylight or sunlight and would, therefore, only cause a loss of outlook, which has been substantially addressed by this application.

5.5.3 Furthermore, the elongated design of this proposal would result in the additional length of this scheme being set behind a garage within the garden of No 2 Lee Cottages and is not considered to result in exacerbated impact upon those occupiers.

5.5.4 The scheme is therefore considered to accord with the criteria of policies D1 and H4 of the Local Development Plan, the guidance and provision as contained within the NPPF and the guidance as contained within the Essex Design Guide which is an adopted Supplementary Planning Document.

5.6 Access, Parking and Highway Safety

5.6.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising two to three bedrooms require a maximum of 2 spaces. Such provision could adequately be accommodated within the site.

5.6.2 Essex County Council Highway Authority has been formally consulted on the application in terms of highway safety but at the time of writing this report, a consultation response had not been received. Any response will be reported by way of the Member’s Update.

5.6.3 However, it is noted that the access point and visibility splay for this current scheme is very similar to that of the previous scheme. In that appeal assessment, the Inspector considered highway safety and noted that the scheme would utilise an existing field access and would include a turning area to allow vehicle to enter and exit in a forward

gear. The grounds for that appeal identified that visibility splays could be achieved for the site of 2.4m by 90m to the north and 2.4m by 60m to the south. This was taken into account and it was concluded that the new dwelling would not have a harmful effect on highway safety.

5.6.4 Therefore, should the Highway Authority return a similar opposition to the proposal for this submission, the differences in the scheme which relate to the dwelling only, are not considered to warrant a reason for refusal on highway safety.

5.6.5 The scheme is therefore considered to accord with the criteria of policy T2 of the Local Development Plan in terms of highway access and parking provision.

5.7 Private Amenity Space and Landscaping

5.7.1 The Essex Design Guide requires that three/four bedroom dwellings have a minimum of 100m² of private garden space. Such a provision would be met in this instance.

5.7.2 Conditions for the submission of boundary treatments and landscaping are considered appropriate to assist the assimilation of the proposal into the rural area are considered appropriate should permission be granted.

5.8 Other Considerations

The Council's Environmental Health Service has been consulted and there is no objection to the scheme subject to conditions for surface and foul water drainage scheme to be submitted prior to commencement. This accords with their response from the previous application which was deemed acceptable for this element of the scheme. Therefore, it is considered appropriate that similar conditions are appended to any grant of permission forthcoming from this recommendation

5.8.1 It is noted that the Parish Council has objected to the proposal on the grounds of a cramped and congested site, inappropriate design, unsustainability and impact upon adjacent neighbouring occupiers. These points have been addressed within the main body of this report.

5.8.2 It is noted that no Letters of Representation have been submitted at the time of writing this report. Should any letter be received, these will be addressed within the Member's Update.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/14/00929** - Outline planning application with all matters reserved for the construction of 1 dwelling with associated off-street parking. Refused 23 January 2015.
APP/X1545/W/15/3130608 - Appeal Dismissed 30 December 2015.
- **FUL/MAL/16/00296** – Three bed dwelling. Refused 16 May 2016.
APP/X1545/W/16/3163155 - Appeal Dismissed 07 March 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Totham Parish Council	Object	The comments of the Parish Council are noted

7.2 Representations received from Interested Parties (*summarised*)

7.2.1 No letters were received at the time of writing this report

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall accord with that shown on drawings No's LOCATION PLAN, 1104/01A and 1104/02 and specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. Prior to the construction of the dwelling hereby approved written details and samples of the materials to be used in the construction of the external surfaces of the dwelling are to be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure that the development is carried out in accordance with the details as approved and in order to meet the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
4. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.
REASON: In the interests of local amenity in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
5. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof of the dwelling hereby

permitted without planning permission having been obtained from the local planning authority.

REASON: To protect the amenities of the occupants of neighbouring dwellings in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

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

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of Maldon District Local Development Plan.

7. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy D2 of the Maldon District Local Development Plan.

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 appropriate parking is provided in accordance with policy T2 of the Maldon District Local Development Plan.

9. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON: In the interests of local amenity in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

10. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;

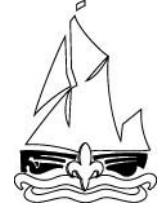
The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting 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.

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: In the interests of local amenity in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

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**REPORT of
CHIEF EXECUTIVE**

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

OTHER AREA PLANNING AND RELATED MATTERS

ITEM 1 APPEALS LODGED

ITEM 2 APPEAL DECISIONS

ITEM 1 APPEALS LODGED

Appeal Start Date: 16/10/2017 (received: 16/10/2017)
Tree Replacement Notice Reference Number: 17/00316/TREE
Appeal Reference Number: APP/TRN/X1545/6373
Site: 2 Seagers, Great Totham, Essex, CM9 8PB
Alleged Breach: Failure to replace 2 TPO trees after being felled.
Appeal by: Mr & Mrs P Page
Grounds of Appeal: The requirements of the notice (in respect of size, species of tree or the period of time given) are unreasonable, The planting of a tree in accordance with the tree replacement notice is not required in the interests of amenity or would be contrary to good forestry practice, The place on which the tree is required to be planted is unsuitable for the purpose.
Appeal procedure requested: Fast Track

ITEM 2 APPEAL DECISIONS

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

OUT/MAL/16/00915 (Appeal Ref: APP/X1545/W/17/3172993)
Proposal: Outline planning application for the demolition of one dwelling with all matters reserved for the construction of 7 dwellings comprising 2 x two bed, 2 x three bed and 3 x four bed dwelling
Address: Land Rear Of The Orchards Maldon Road Latchingdon
Decision Level: Delegated
APPEAL DISMISSED – 22 September 2017

LDP/MAL/16/01165 (Appeal Ref: APP/X1545/X/17/3168107)
Proposal: Claim for Lawful Development Certificate for proposed development: Change of use of two agricultural buildings to residential
Address: Barn 1 And Barn 2 Lodge Farm, Old London Road, Woodham Walter, Essex
Decision Level: Delegated
APPEAL DISMISSED – 9 October 2017

HOUSE/MAL/16/01451 (Appeal Ref: APP/X1545/D/17/3177683)
Proposal: Conversion of double garage and erection of a link extension and dormers to form an annexe to the existing farmhouse
Address: The Elms, Lodge Road, Woodham Mortimer, Essex, CM9 6SL
Decision Level: Delegated
APPEAL ALLOWED – 12 October 2017
APPLICATION FOR FULL AWARD OF COSTS MADE BY APPELLANT REFUSED – 12 October 2017