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APOLOGIES Committee Services

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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

17 November 2017

Dear Councillor

You are summoned to attend the meeting of the;

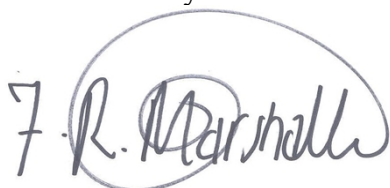
NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 27 NOVEMBER 2017 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully



Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor E L Bamford

COUNCILLORS

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

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

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 27 NOVEMBER 2017

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

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 30 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. **OUT/MAL/17/01034 - Rear of Strawberry Lane, Tolleshunt Knights, Essex**
(Pages 17 - 34)

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

6. **HOUSE/MAL/17/01036 - Chelmer, West Bowers Road, Woodham Walter, Essex, CM9 6RZ** (Pages 35 - 42)

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

7. **FUL/MAL/17/01160 - Land Adjacent Sunnycot, Chelmsford Road, Purleigh, Essex** (Pages 43 - 52)

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

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

NOTICES

Sound Recording of Meeting

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

Fire

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

Health and Safety

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

Closed-Circuit Television (CCTV)

This meeting is being monitored and recorded by CCTV.



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
30 OCTOBER 2017**

PRESENT

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

520. CHAIRMAN'S NOTICES

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

521. APOLOGIES FOR ABSENCE

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

522. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 2 October 2017 be approved and confirmed.

523. DISCLOSURE OF INTEREST

Councillor J V Keyes declared the following:

- A non-pecuniary interest as he was a Member of Great Totham Parish Council;
- A non-pecuniary interest in relation to Agenda Item 10 – 17/01037 - Land Between 4 Oaktrees and Lee Cottages, The Street, Little Totham – as he knew the Applicant, had purchased items from him and had carried out haulage work for him.

Councillor M F L Durham, CC declared that he was also a Member of Essex County Council and declared a non-pecuniary interest in any items pertaining to it.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on matters including education, highways and the Essex Design Guide.

524. FUL/MAL/17/00620 62 NEW ROAD, TOLLESBURY

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

Following the Officer's presentation of the report a question was asked as to whether the proposal included any affordable housing. The Officer advised that the threshold for affordable housing to be included was above 10 dwellings.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 5 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective,

- another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.
- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or throughout.
- 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.
- 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.
- 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.
- 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.
- 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
- 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.
- 13 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local

Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, 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.

- 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].

- 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 an 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

525. HOUSE/MAL/17/00857 - GREENLANES, SPRING ELMS LANE, LITTLE BADDOW, ESSEX CM3 4SQ

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

Following the Officer's presentation of the report, Mr P Messenger, the Agent, addressed the Committee.

Members were of the view that although the Parish Council did not support this application, the cart lodge was barely visible and was an attractive structure. Moreover, the neighbours were in support of the application.

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

526. HOUSE/MAL/17/00878 - 1 SUGAR MILL COTTAGES, ULTING LANE, ULTING

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

Following the Officer's presentation of the report, Mr S Taylor, the Applicant, addressed the Committee.

Councillor M F L Durham, a Ward Member, proposed approval of this application in accordance with the Officer's recommendation and this 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 the approved drawing TAYLOR 01/4, TAYLOR 01/3 and TAYLOR01/2.
3. The external surfaces of the building(s) shall be constructed of the materials specified on plan TAYLOR 01/4.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
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.
6. The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates.

527. FUL/MAL/17/00937 - CLAREMONT, CHELMSFORD ROAD, WOODHAM MORTIMER

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

RESOLVED that this application be **APPROVED** with no conditions.

528. FUL/MAL/17/00988 - LAND ADJACENT CHERRY BLOSSOM LANE, COLD NORTON

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

Following the Officer's presentation of the report, Councillor Miss S White proposed that this application be approved in accordance with the Officer's recommendation. This 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 drawings LPS357 1.1, LPS357 1.2, LPS357 1.3, LPS357 1.4, LPS357 1.5, LPS357 1.6 AND Location Plan.
- 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.
- 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.
- 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.
- 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.
 - 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.
 - 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.
 - 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.

529. FUL/MAL/17/01037 - LAND BETWEEN 4 OAKTREES AND LEE COTTAGES, THE STREET, LITTLE TOTHAM

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

Following the Officer's presentation of the report, Members were concerned that the proposed dwelling was close to nos 1 and 2. The Officer advised that the distance from the neighbouring properties was within acceptable limits.

Councillor J V Keyes proposed approval of this application in accordance with the Officer's recommendation and this 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 accord with that shown on drawings No's LOCATION PLAN, 1104/01A and 1104/02 and specifically referenced on this decision notice.
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.
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.
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.
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.
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.
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. 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.
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.

530. OTHER AREA PLANNING AND RELATED MATTERS

(i) Appeals Lodged:

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

Appeal Start Date: 27/09/2017
Application Number: FUL/MAL/16/01447 (APP/X1545/W/17/3180005)
Site: Barn At Sheepcoates Farm Church Road Great Totham
Proposal: Conversion of agricultural building to residential (Class C3)
Appeal by: Mr D Clark
Appeal against: Refusal
Appeal procedure requested: Written representation

Appeal Start Date: 27/09/2017
Application Number: LBC/MAL/16/01448 (APP/X1545/Y/17/3180007)
Site: At Sheepcoates Farm Church Road Great Totham
Proposal: Conversion of agricultural building to residential (Class C3)
Appeal by: Mr D Clark
Appeal against: Refusal
Appeal procedure requested: Written representation

Appeal Start Date: 09/10/2017
Application Number: LDE/MAL/16/00844 (APP/X1545/X/17/3184314)
Site: 61 Broad Street Green Road Great Totham
Proposal: Claim for Lawful Development Certificate for existing use of independent residential dwelling
Appeal by: Mrs M Houlding
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 24/10/2017
Application Number: HOUSE/MAL/17/00431 (APP/X1545/D/17/3183549)
Site: New Farm - Beckingham Street - Little Totham
Proposal: Detached garage and carport
Appeal by: Mr & Mrs J Renwick
Appeal against: Refusal
Appeal procedure requested: Householder Appeal Service (HAS)

(ii) Appeal Decisions:

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

ENF/12/00332/01 (Appeal Ref: APP/X1545/C/17/3175549)

Address: 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.

Grounds of Appeal: that the breach of control alleged in the enforcement notice has not occurred as a matter of fact, that there has 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 WITHDRAWN – 3 October 2017

FUL/MAL/17/00349 (Appeal Ref: APP/X1545/W/17/3177523)

Proposal: Variation of conditions 6 and 7 on approved planning permission

FUL/MAL/15/00439 (Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials)

Address: Poultry Sheds Moors Farm Moors Farm Chase Little Totham

APPEAL WITHDRAWN – 29 September 2017

COUPA/MAL/16/01384 (Appeal Ref: APP/X1545/W/17/3177356)

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

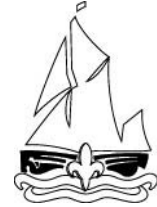
Address: Outbuilding At Stockhall Farm - Hatfield Road - Ulting

APPEAL ALLOWED – 26 October 2017

DECISION LEVEL: Delegated

There being no further items of business the Chairman closed the meeting at 8.05 pm.

MRS M E THOMPSON
CHAIRMAN



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
27 NOVEMBER 2017**

Application Number	OUT/MAL/17/01034
Location	Land to the Rear of Strawberry Lane Tolleshunt Knights Essex
Proposal	Outline planning to erect up to 27 dwellings and form access road onto Brook Close
Applicant	Mr C Newenham - Wilkin & Sons Ltd
Agent	Mr Phillip McIntosh - Melville Dunbar Associates
Target Decision Date	12 December 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Member Call In Major Application

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Rear Of Strawberry Lane, Tolleshunt Knights
OUT/MAL/17/01034



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/01034
	Date:	15/11/2017
	MSA Number:	100018588

3. SUMMARY

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

- 3.1.1 The application relates to an irregular shaped parcel of land of approximately 1.6 hectares located to the north of Brook Close. The land is bordered by residential properties to the Northeast and East (fronting onto D'Arcy Road) and to the South and Southwest where residential properties front onto Brook Close and Strawberry Lane. To the north of the site is a commercial garage which fronts onto Factory Hill. To the Northwest boundary of the site is a water course in the form of a stream, which runs in a Southwest to Northeast direction and is known as Layer Brook.
- 3.1.2 The gradient of the site slopes gently from Southeast to North direction. The boundary treatment of the site comprise of timber boarded fencing, trellis fencing and some trees, hedges and shrubs.
- 3.1.3 Outline planning permission was refused on 15 June 2017 (reference: OUT/MAL/17/00364) for the erect up to 27 dwellings and form access road onto Brook Close. The reasons for refusal is listed below:-

- 1 *At present, the application site prevents the coalescence of Tolleshunt Knights and Tiptree where it falls under the jurisdiction of Colchester Borough Council. It is considered that the proposed development would fundamentally alter the open character of the north western edge of the village of Tolleshunt Knights, contrary to policies BE1, CC6 of the adopted Maldon District Replacement Local Plan, policies S1, S8, D1 of the Maldon District Local Development Plan and Government advice as contained within the National Planning Policy Framework.*
- 2 *The application site is in a rural location outside of the defined settlement boundary for Tolleshunt Knights where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. If developed, the site would be disconnected and isolated from the existing settlement, which has limited access and connectivity with the existing village thus would represent an unsustainable form of development. The proposed development would fail to protect and enhance to the character and appearance of the rural area and the built form would have an urbanising effect resulting in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. Further, the application site is not considered to be in a sustainable location. This is due to lack of footways, together with the distance to local services / facilities means that there would not be a safe or convenient pedestrian access to local services / facilities and it is likely that there would be greater reliance on the private car. The proposal would therefore be contrary to policies BE1 and T2 of the adopted Maldon District Replacement Local Plan; policies S1, S8, D1 and T2 of the Maldon District Local Development Plan; and the three dimensions to sustainable development as contained within the National Planning Policy Framework.*

- 3 *The application site is located in fluvial Flood Zone 3 which has the high probability of flooding. The Council can demonstrate a Five Year Housing Land Supply, as such residential development should be directed to areas of low risk of flooding. Furthermore, the submitted Flood Risk Assessment is unsatisfactory as it fails to demonstrate that the proposed development would be safe for prospective occupiers of the site. Therefore, the development is contrary to Government guidance and advice contained in the National Planning Policy Framework, the National Planning Practice Guide, and policy D5 of the Maldon District Local Development Plan.*
- 4 *In the absence of a signed legal agreement the development makes no contribution for affordable housing, which would be required with respect to mitigating the wider impacts of the development on local infrastructure and townscape. As such the proposal is considered to be contrary to policy PUI of the adopted Maldon District Replacement Local Plan, policies H1 and I1 of the Maldon District Local Development Plan, and the National Planning Policy Framework.*

3.1.4 The current outline application is a resubmission following the above refusal. Outline planning permission is sought for a residential development comprising of 27 dwellings (11 dwellings would be affordable dwellings), garages and associated works on land to the rear of Strawberry Lane. The matters for consideration are the principle of the development and the access point to the site. The appearance, landscaping, layout and scale of development will form the Reserved Matters to be determined at a later stage.

3.1.5 Based on the Site Layout Plan submitted (1459-PS.002.C dated 22.11.2016), the position of the proposed dwellings appears to back or flank onto existing dwellings along D'Arcy Road, Brook Close and Strawberry Lane. The vehicular and pedestrian access point would be via Brook Close and onto Strawberry Lane. The application also refers to the provision of a pedestrian / cycle bridge over Layer Brook and linking onto Factory Hill.

3.2 Conclusion

3.2.1 The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.

3.2.2 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in Paragraphs 18 to 219 taken as a whole. At the heart of the Framework in paragraph 14 is a presumption in favour of sustainable development. The Framework further identifies economic, social and environmental dimensions to sustainable development.

3.2.3 With regard to the environmental aspect of the National Planning Policy Framework (NPPF), it is considered that the impact of the development on the character and appearance of the application site and the locality, and with particular regard to its location and scale and its poor connectivity to its immediate surroundings, would be an unsustainable form of development. The development would fail to meet the three strands of sustainable development as contained in the NPPF when viewed as a

whole. The proposal would also be contrary to policies S1, S8, D1, H4, N2 and T2 of the Maldon District Local Development Plan approved by the Secretary of State.

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, 18, 14, 14, 17, 39, 49, 50, 56, 57, 60, 64, 100, 101, 102, 109

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Outline planning permission is sought for a residential development comprising of 27 dwellings (11 dwellings would be affordable dwellings), garages and associated works on land to the rear of Strawberry Lane. The matters for consideration are the principle of the development and the access point to the site. The appearance, landscaping, layout and scale of development will form the reserved matters to be determined at a later stage.

5.1.2 Policies S1, S2 and S8 of the Maldon District Local Development Plan approved by the Secretary of State 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.

- 5.1.3 The application site lies outside, but next to the defined settlement boundary of Tolleshunt Knights. 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 the whether the development constitutes sustainable development.
- 5.1.4 The application site lies to the north of Brook Close and Strawberry Lane just outside the defined settlement boundary of Tolleshunt Knights. Tolleshunt Knights is a small residential village with no shops, services or local facilities other than a village hall. The village therefore has very poor sustainability credentials from an accessibility perspective. More extensive facilities are available in Tiptree centre, around 2000 metres / 1.2 miles from the application site. An informal bus stop is located some 0.2 miles metres from the access point of the site which would provide a link to larger centres at Tollesbury, Tiptree and Witham. However, this service is very limited. Further, there are no footpaths that links the application to the informal bus stop, however it is noted that there is a footpath on the opposite side of D'Arcy Road. Although, services and facilities in Tiptree would be within reasonably convenient cycling distance, the route would be unlikely to be attractive to pedestrians due to poor connectivity due to the lack of footpaths. Consequently, it is likely that future occupiers of the proposed dwellings on this site would be reliant on trips by private car for most of their day to day needs.
- 5.1.5 Whilst Tiptree offers access to a local town, schools and everyday facilities, there is limited opportunity for future occupiers to access these facilities without the use of private cars. As mentioned above, there is an informal bus stop in close proximity of the site and as this is not clearly marked, it is not clear whether buses stop in this locality thus further encouraging the use of private cars.
- 5.1.6 The site would have limited safe and attractive connections to the existing community and the wider area by walking and cycling with the evitable heavy reliance on the motor vehicle for short journeys and to access services and facilities not within the village. It is noted that in this current application, the Applicant has proposed a footpath / cycle bridge across Layer Brook to link with Factory Hill which would reduce the walking distance to Tiptree (Paragraph 4.26 of the Applicant's Planning Statement). The Applicant suggests that this footpath / cycle bridge can be secured through a Section 106 agreement.
- 5.1.7 It is important to note that the proposed footpath / cycle bridge is outside the application site edged in red and outside the area edged in blue which is also under the Applicant's ownership. As such this footpath / cycle bridge cannot be secured through a Section 106 agreement. While it is noted that the footpath / cycle path links onto Factory Hill, it does not show how this would be implemented or benefit the future occupiers of the site.
- 5.1.8 Based on this assessment, the location of the site would fail to discourage the use of private cars contrary to Paragraph 17 of the NPPF which sets out a core planning principle as part of the sustainability agenda, stating that planning should "*actively manage patterns of growth to make the fullest possible use of public transport,*

walking and cycling, and focus significant development in locations which are or can be made sustainable". The proposal would also fail to accord with Policy T2 of the LDP.

5.2 Five Year Housing Land Supply

5.2.1 The Council published its latest Policy Advice Note regarding the Council's current status on the Five-Year Housing Land Supply 2016 / 2017 in September 2017 which demonstrates that a five year housing land supply is available and it is noted that the housing policies of the Local Development Plan are up-to-date.

5.3 Affordable Housing

5.3.1 Paragraph 50 of the NPPF provides support for boosting the supply of all types of housing, including affordable housing. Policy H1 of the Local Development Plan (LDP) provide the thresholds for the provision for both on and off site affordable housing.

5.3.2 Policy H1 of the LDP is based upon an evidence base which requires Affordable Housing provision on - *"All housing developments of more than 10 units or 1,000sqm 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"*.

5.3.3 The affordable housing requirement for Tolleshunt Knights is 40% as the village falls under 'Northern Rural' in accordance with Policy H1 of the LDP. As the development proposal is for the construction of 27 houses, the Council therefore seeks to implement the affordable housing requirements contained with the LDP where in this instance would equate to 11 Affordable Housing units. The Applicant has liaised with the Housing Department and the following housing mix has been proposed:-

- 2 x 1 bed 2 person apartments
- 6 x 2 bed 4 person apartments
- 2 x 1 bed 2 person bungalows
- 1 x 3 bed 5 person bungalow

5.3.4 It was noted that in the previous outline planning application (17/00364/OUT) the following housing mix was proposed: -

- 4 x 1 bed 2 person units
- 5 x 2 bed 4 person units
- 2 x 3 bed 5 person units.

Although that outline planning application had proposed 11 affordable units which met the requirement of Policy H1 of the LDP, the size of the units did not meet the recommendations of the Council's Strategic Housing Market Assessment (SHMA) where the following was required:-

"80% smaller - 35% 1 bed 2 person, 45% 2 bed 4 person 20% larger - 20% 3 bed 5 person, 4 bed 7 person as required 20% all affordable should be suited to meet needs of older people 1 and 2 bed may be increased to 90% where required and viable in

cases where this enables the provision of homes for older people and is consistent with identified need. The recommendation on tenure mix is 80% Social/Affordable Rented and 20% Intermediate (Shared Ownership) ”

- 5.3.5 The new housing mix proposed as contained in Paragraph 5.2.3 is now considered to be acceptable. The Housing Department is in support of this application which is now providing affordable housing that assists in meeting the affordable housing need of the District. The provision of affordable housing for this site would need to be secured by a legal agreement. In this resubmission, it appears that no signed legal agreement has been submitted to accompany the application and therefore the reason for refusal in the previous outline planning application 17/00364/OUT would still stand for this current development proposal.

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 The application site is located to the north side of Brook Close and to the rear of existing residential properties fronting onto Strawberry Lane and D’Arcy Road. The site is free from any built form of development and is rural in nature. The site is laid to grass and partially enclosed by trees, hedgerows and timber fencing. The proposed development would, due to the quantum of development proposed, unquestionably result in a demonstrable change to the character and appearance of the site from one of a rural nature to an urban form of development by moving the built form of development further northwest closer to the boundary of Colchester Borough.
- 5.4.4 Based on the Illustrative Site Layout Plan submitted (Drawing No: 1459-PS.002 Rev C dated September 2017), it shows that the development proposal is broadly consistent with the prevailing pattern of development in the immediate locality with a housing density of approximately 17 dwellings per hectare. However, the layout of the residential properties creates an exclusive inward looking development with public open space and play area which appears only accessible to the future occupiers of the site. The development proposal, if approved, would not integrate successfully with the natural and built environment as it appears to be an exclusive development, self-contained by its boundaries.

- 5.4.5 The development as a whole responds poorly to its existing context and fails to connect with the pattern of development and footpaths, both in and outside, of the site. The current proposal does not address the reason for refusal in the previous outline planning application 17/00364/OUT particularly in relation to connectivity of the site.
- 5.4.6 In addition to the above, the introduction of additional domestic paraphernalia, hard surfacing and off-street parking as a result of the 27 new dwellings would, on balance, cause unacceptable harm to the character and appearance of the area. The proposal would be contrary to the objective of the NPPF, as set out in Paragraph 58, of ensuring that development responds to local character and reflects the identity of its surroundings.
- 5.4.7 In the Applicant's Planning Statement (Paragraph 4.9), reference was made to a 1993 planning application for residential development on this site. That particular application was refused by the Council on 25 May 1993 and was subsequently dismissed on Appeal following a Public Inquiry dated 2 March 1994 (reference. T/APP/X1545/A/93/227836/P2). Whilst the Council is fully aware of that the appeal and its content stating that residential development on this site '*would not result in an unacceptable extension of the village into the countryside*', '*that the development might be visible from some view points on Factory Hill*', and '*that the proposal would not result in the visual coalescence of Tolleshunt Knights and Tiptree*', it is important to note that circumstances of the site, surrounding development and the policy environment and Government guidance have changed since 1993 and therefore, limited weight should be given to that appeal decision when determining this current application as this is not considered to outweigh the harm highlighted above.

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 It is important to note that this is an outline planning application with the 'layout', 'appearance', 'landscaping' and 'scale' forming the reserved matters. Only the 'access' is to be considered at this stage. No details have been submitted at present regarding the design, appearance and the exact height of the dwellings or the position of the fenestration on each property. The Council is therefore unable to assess the impact regarding the loss of light or privacy to any of the existing residential properties fronting onto D'Arcy Road, Brook close and Strawberry Lane. However, it is considered possible for a development to be provided on site for the quantum proposed that would not have a detrimental impact on the amenity of adjoining residents.
- 5.5.3 On this basis it would be unreasonable for the Council to refuse outline planning permission regarding the loss of residential amenity as these issues can be addressed at the reserved matters stage through careful consideration and appropriate design and by imposing appropriate planning conditions.

5.6 Private Amenity Space and Landscaping

- 5.6.1 With regard to the size of amenity spaces, the Essex Design Guide (EDG) advises that for dwellings with one or two bedrooms, at least 50sqm of amenity space should be provided. In circumstances such as one bed flats, the provision of amenity space could be provided in the form of communal garden area where 25spm would be the minimum for each dwelling. For three / four bedrooms or more, at least 100 square metres of amenity space should be provided. Policy D1 of the Local Development Plan indicates that the need for amenity space in new development and this must be useable.
- 5.6.2 Based on the illustrative Site Layout submitted (Drawing No: 1459-PS.002 Rev C dated September 2017), it appears that the garden sizes for each proposed dwelling would meet or would be in excess of the minimum standards in accordance with the EDG and Policy D1 of the LDP.
- 5.6.3 As part of this application, public open space and a play area is proposed to the north west of the site. This green wedge is considered an important part of the development due to its location and its relationship with the surrounding rural area to the north and Northwest where the land meets Layer Brook and open land beyond even though it is sited outside the Maldon District and within the jurisdiction of Colchester Borough Council (CBC). CBC has expressed that the development proposal would maintain a meaningful separation between the parishes of Tolleshunt Knights and Tiptree and therefore raises no objection to the application.

5.7 Parking

- 5.7.1 The Maldon District Council Vehicle Parking Standards (VPS) states that residential dwellings comprising one bedroom would require a maximum of one parking. For two/three bedrooms, a maximum of two, off-street parking spaces would be required and for four or more bedroom dwellings, three, off-street parking spaces would be required. The illustrative Site Layout Plan submitted (1459-PS.002 Revision C dated September 2017) has been provided in support of this outline planning application and it appears that each dwelling is able to accommodate the level of off-street parking required in accordance with the VPS and Policy T2 of the LDP. In the supporting Planning Statement, it states that 57 parking spaces for residents and 8 visitor spaces would be provided within the site. In this respect, the proposal would comply with the aforementioned Policy T2 and guidance.

5.8 Access and Highway Safety

- 5.8.1 Letters of representation have been received concerning the access / egress point to the site and the lack of footpath connectivity from the site to bus stops and to Tiptree. In the supporting Planning Statement, the development proposes to deliver local highway improvements which include a pedestrian footpath along Brook Close, Strawberry Lane and onto D'Arcy Road. It appears a footpath can be provided along Strawberry Lane as ECC Highway has confirmed that it would be on highway land. However, the footpath is not clear along D'Arcy Road as there appears to be lack of space to accommodate a footpath to the existing residential properties fronting onto the road. While it is noted that there is a footpath on the north eastern side of D'Arcy Road, this footpath does not lead into Tiptree as it abruptly terminates at No. 3

D'Arcy Road. The footpath continues on the northern side of Brook Road, Factory Hill and beyond where pedestrians would have to cross over the road to continue their journey by foot.

- 5.8.2 The Highway Authority has been consulted and has raised no objection to the proposal subject to conditions and informative to be imposed should the application be approved.
- 5.8.3 In terms of accesses for emergency vehicles, the Essex County Fire and Rescue Service was consulted and has raised no objection to the proposal as the access / egress proposed is considered satisfactory.

5.9 Flood Risk

- 5.9.1 The north western part of the application site is located in fluvial Flood Zones 2 and 3 which have the high probability of flooding. Towards the south eastern back of the site, the application site falls within Flood Zone 1. New dwellings and residential uses are considered to have high vulnerability as defined in the National Planning Practice Guidance (NPPG) and previously in the technical guidance to the NPPF when sited in Flood Zones 2 and 3.
- 5.9.2 The NPPG identifies that the Sequential Test aims to steer new development to areas with the lowest probability of flooding, with the aim to steer development towards Flood Zone 1. LPAs are required to take into account the vulnerability of land uses and consider reasonably available sites where possible in Flood Zone 2. It is only when there is no reasonably available land within Flood Zone 1 or 2 that sites can be considered in Flood Zone 3, taking into account the vulnerability of the land use and applying the exceptions tests (where required).
- 5.9.3 In addition the Exceptions Test is also applicable and is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. This is a two part test requiring evidence to be submitted to show that the benefits of the development would outweigh the risk of flooding and that the development will be safe for its lifetime. This aspect of the test requires the submission of a Flood Risk Assessment (FRA).
- 5.9.4 In terms of the Sequential Test, as part of the FRA (Flood risk assessment and surface water Drainage/Suds Strategy Report ref: 1761/re/01-17/02 dated May 2017 Revision A prepared by Evans Rivers and Coastal Ltd), flood modeling reports have been submitted to demonstrate that the proposed dwellings can be accommodated on land within Flood Zone 1 and therefor satisfies the Sequential and Exception Tests. It is considered appropriate to take a pragmatic approach to the application of the sequential test as, although the site includes land within Flood Zones 2 and 3, no dwellings would be constructed on those flood risk zones.
- 5.9.5 The Environment Agency had previously raised an objection to this proposed scheme (17/00364/OUT) as there were deficiencies contained in the submitted Flood Risk Assessment that was submitted at that time in support of the development, contrary to Government advice contained within the National Planning Policy Framework and policy D5 of the Local Development Plan.

5.9.6 In this current application, the Environment Agency has reviewed the supporting FRA documents and now raises no objection to the proposal subject to conditions to be imposed should the application be approved. In this instance, the proposal would address the previous reason for refusal in relation to flood risk on this site (17/00364/OUT) in accordance with Government advice contained within the National Planning Policy Framework and policy D5 of the Local Development Plan.

5.10 Ecology

5.10.1 A Phase 1 ecological report was submitted as part of the application submission (Eco-Planning UK dated 14 February 2017). Since that submission, a Phase 2 ecological report (presence/absence) surveys dated 31 October 2017 has been submitted to support the proposal. The Coast and Countryside Officer has been consulted and no reply has been received at the time of writing this report. Irrespective of this, Natural England has raised no objection to the proposal as the proposal is unlikely to affect any statutorily protected sites or landscapes.

5.10.2 A letter of representation has been received from The North East Essex Badger Group (NEEBG) highlighting that there badgers setts that are located not far away from the application site. NEEBG have recently had sightings of badgers crossing the road, accessing the copse adjacent to the site. Therefore should the application be approved, consideration should be given to any digging / excavation works carried and that they should be covered at night to prevent badgers from falling into and unable to get out.

5.11 Other Material Considerations

5.11.1 In accordance with Section 70A of the Town and Country Planning Act 1990, the Council is fully aware of the legislation and that the current application submitted could be construed as a repeated application where Councils can decline to determine a planning application similar to previous planning applications which were refused in March 1994 and June 2017. The Council has noted that there have been no changes to the illustrative Block Plan submitted when compared to the previous outline planning application 17/00364/OUT. However, the Applicant has submitted additional information for the Council to address the four reasons for refusal namely flood risk, access and connectivity to the site and its surroundings. Further, when the previous outline planning application 17/00364/OUT was determined, policies from the Maldon District Replacement Local Plan (2005) was considered and given more weight as the Maldon District Local Development Plan (LDP) was not approved by the Secretary of State at the time. Now that the LDP has been approved, this is also planning material consideration and carries significant weight when determining this current application.

5.11.2 As mentioned in the report above, the proposal includes the provision of a pedestrian / cycle bridge over Layer Brook. This bridge lies outside the application site edged in red and outside the Applicant's land edged in blue. As there are limited details of the works proposed, it is considered that any Grampian conditions imposed or legal agreements to be drafted would be imprecise and could potentially become unenforceable to an extent that would make it unreasonable to secure its provision.

5.11.3 It is has been brought to the Council’s attention that Japanese Knotweed has been found on site. The case officer has advised that the residents would need to contact Natural England and the Environment Agency as this falls outside the planning remit.

6. ANY RELEVANT SITE HISTORY

- 93/00134/OUT - Residential development. Refused: 25.05.1993 – Appeal Dismissed on: 02.03.1994
- 07/00161/FUL - Use of land for keeping and exercising horses for recreational purposes. Approved: 4 April 2007
- 17/00364/OUT - Outline planning to erect up to 27 dwellings and form access road onto Brook Close. Refused: 15 June 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knight Parish Council	Object for the following reasons:- <ul style="list-style-type: none"> • Coalescence between Tolleshunt Knights and Tiptree • Impact on the open character and appearance of the village • Outside of the settlement development • The Council can demonstrate a Five Year Housing Land Supply • The site is disconnected and isolated • Lack of footways / no safe pedestrian access to bus stop • Distant from local facilities and services • The site lies in Flood Zone 3 – High Flood Risk • No legal agreement signed regarding the provision of affordable housing • Increase in traffic onto Strawberry Lane • No details regarding the proposed footway / cycle track to the north of the site • The development would attract older people and young families and if they are reliant to public transport then they may become isolated • Impact on wildlife • Impact on drainage and increase in flood risk 	Noted

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Fire and Rescue Service	The distance is considered to be excessive to the nearest statutory fire hydrant No: 23/118. An additional fire hydrant would be required should the application be approved	Noted
Essex County Fire and Rescue Service (Water)	No objection in principle subject to informative to be imposed should the application be approved	Noted
Environment Agency	No objection to the proposal subject to conditions	Noted. This has addressed Reason for Refusal 3 of outline planning application 17/00364/OUT
Natural England	Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.	Noted
Essex and Suffolk Waters	ESW records show that there is no apparatus located in the proposed development	Noted
Colchester Borough Council	CBC does not oppose the broad principle of this development provided it maintains a meaningful separation between the parishes of Tolleshunt Knights and Tiptree.	Noted. This is covered in Section 5.5 of the report.
ECC Highway	No objection subject to conditions and informative to be imposed should the application be approved	Noted. This is covered in Section 5.7 of the report.
ECC Education Department	No comments received at the time of writing this report	No comments received at the time of writing this report. Any comments received will be reported on the Members Update
ECC SUDs Team	No comments received at the time of writing this report	No comments received at the time of writing this report. Any comments

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
		received will be reported on the Members Update
Anglian Water Services	No comments received at the time of writing this report	No comments received 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
Planning Policy Department	<ul style="list-style-type: none"> There is a sufficient supply of housing land in the District, and there is no shortage of land with planning permission for housing within the area local to this site. It should also be noted that a site becomes windfall on completion rather than at application stage. The proposal is contrary to policy S8 of the LDP. 	Noted
Environmental Health Services	No objection subject to conditions in relation to foul drainage, air quality, and contamination to be submitted and approved by the Council.	Noted
Conservation Officer	No objection as it does not appear the development would affect No. 4 D'Arcy Road (Grade II Listed)	Noted
Housing Department	Support - This application which is providing affordable housing that assists in meeting the affordable housing need of the District.	Noted. This is covered in Section 5.3 of the report.

7.4 Representations received from Interested Parties (*summarised*)

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

- Mr Mark Myers 40a Strawberry lane Tollushunt knights Maldon
- Mrs Glenda Russell 22 D'Arcy Road Tiptree Colchester
- Kenneth James 21 Strawberry Lane Tiptree Colchester
- Mr Winger & Ms Johnson 2 Brook Close Tolleshunt Knights Maldon
- Mr & Mrs Gibbs 5 Strawberry Lane Tiptree Colchester
- Liz Mann 29 Strawberry Lane Tolleshunt Knights Essex
- Teresa & Steve Whiting 2 The Folly Tiptree Colchester
- Mr Steven Cookson 38 strawberry lane Tolleshunt knights Co5 0rx
- Robert J S Long Forge Cottage 12 D'Arcy Road Tiptree
- N Sutton & D Burgess 32 Strawberry Lane Tiptree Colchester
- Nind Family 22 Strawberry Lane Tiptree Colchester
- Dale Jewitt 1 Brook Close Tiptree Essex
- Mrs Michelle Colclough 8 Darcy Road Tolleshunt Knights Tiptree
- Mr & Mrs Whybrow 34a Strawberry Lane Tolleshunt Knights Colchester
- Mr Wayne Bennett 36 strawberry lane tiptree co5 0rx
- Mr J A Carruthers 11 The Folly Tiptree Colchester
- Brian & Anne Knight 52 Strawberry Lane Tiptree Colchester
- Mrs Jill M Ellis 3 Brook Close Tiptree Essex
- Frances & Phil Smith 62 Strawberry Lane Tiptree Essex
- Danielle Jewitt 1 Brook Close Tiptree Essex
- Leanda Kent 15 Strawberry Lane Tiptree Essex
- Mrs Joanne Wray 14 Strawberry Lane Tolleshunt Knights Tiptree
- Mrs R Ellis 34 Strawberry Lane Tiptree Colchester
- Mrs Karen Pearse 28 Strawberry Lane Tolleshunt Knights CO5 0RX
- Mr & Mrs M L Wagerfield Broadway 26 Strawberry Lane Tiptree
- Susan Parnwell 21A Strawberry Lane Tiptree Colchester
- George Parnwell 21A Strawberry Lane Tiptree Colchester
- Richard Wright 6 Strawberry Lane Tiptree Colchester
- Tom Scott & Beth Sorrell 6 D'Arcy Road Tiptree Colchester
- Robert Hadley 2 Mary Wright Way Tiptree Colchester
- Shirley Taylor 44 Strawberry Lane Tiptree Colchester
- Mrs Carolyn Mcsweeney On Behalf Of Tiptree PC Mynott Court Church Road
- Mr David Baverstock 18 D'Arcy Road Tolleshunt Knights Essex
- Mr And Mrs Hood 27 Strawberry Lane Tiptree Colchester
- Mr Martin Colclough 8 Darcy Road Tolleshunt knights Tiptree
- Liz & George Pitman High Clere Tudwick Road Tiptree
- Stephen Ellis 3 Brook Close Tolleshunt Knights Tiptree
- Mr & Mrs Poyntz 8 Strawberry Lane Tiptree Colchester
- BJ & MA Harris 17 D'Arcy Road Tiptree CO5 0RR
- Constance Porter 10 D'Arcy Road Tolleshunt Knight CO5 0RP
- Simon Taylor 44 Strawberry Lane Tiptree Colchester
- Michelle & David Cox Westwood House Tudwick Road Tiptree

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The current plans are no different to the plan submitted in 1993 and 2017 • Increase on-street parking • Danger for vehicles pulling out of Strawberry Land onto D'Arcy Road • Poor visibility splays • The site is outside the settlement boundary and is backland development • Flooding on site and to the rear of properties at Strawberry Lane • Lack of street lighting in the area. The proposal would result in light pollution • Impact on local wildlife • Kelvedon Station is not within cycling distances • The proposed footpath through an ancient woodland is not acceptable and a lie • Devaluing properties • Tolleshunt Knights and Tiptree are merging • Japanese knotweed are found on site • Lack of services, facilities and medical care • No bus route through D'Arcy Road • Increase in traffic movement and congestion • Loss of light, privacy and overlooking • Lack of employment opportunities in Tiptree • Lack off width and pedestrian footway along Strawberry Lane and Factory Hill • Sewage overflow problems in Strawberry Lane 	<p style="text-align: center;">Noted in the report</p>

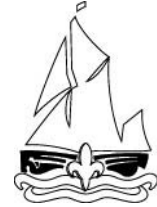
7.4.2 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mrs Judy Massie Elmfield Layer Breton Colchester

Comment	Officer Response
<p>The North East Essex Badger Group would make the following observation: Whilst NEEBG have no recording of a badger sett on this land, there is one not far away and NEEBG have recently had sightings of badgers crossing the road, accessing the copse adjacent to the site.</p>	

8. REASONS FOR REFUSAL

- 1 At present, the application site prevents the coalescence of Tolleshunt Knights and Tiptree where it falls under the jurisdiction of Colchester Borough Council. It is considered that the proposed development would fundamentally alter the open character of the north western edge of the village of Tolleshunt Knights, contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice as contained within the National Planning Policy Framework.
- 2 The application site is in a rural location outside of the defined settlement boundary for Tolleshunt Knights where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District. If developed, the site would be disconnected and isolated from the existing settlement, which has limited access and connectivity with the existing village thus would represent an unsustainable form of development. The proposed development would fail to protect and enhance to the character and appearance of the rural area and the built form would have an urbanising effect resulting in an unwelcome visual intrusion into the undeveloped countryside, to the detriment of the character and appearance of the rural area. Further, the application site is not considered to be in a sustainable location due to lack of footways, together with the distance to local services / facilities means that there would not be a safe or convenient pedestrian access to local services / facilities and it is likely that there would be greater reliance on the private car. The proposal would therefore be contrary to policies S1, S2, S8, D1, H4 and T2 of the Maldon District Local Development Plan; and the three dimensions to sustainable development as contained within the National Planning Policy Framework.
- 3 In the absence of a signed legal agreement the development makes no contribution for affordable housing, maintenance and management of the public open space and children's play area, footpath / cycle link and the provision of bus stops which would be required with respect to mitigating the wider impacts of the development on local infrastructure and townscape. As such the proposal is considered to be contrary to policies H1 and I1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.



**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
27 November 2017

Application Number	HOUSE/MAL/17/01036
Location	Chelmer, West Bowers Road, Woodham Walter.
Proposal	First floor extension to chalet bungalow to form two storey dwellinghouse & an infill porch extension to the side.
Applicant	Dr Perumpalli
Agent	Ms Louise Cook – Smart Planning
Target Decision Date	07.11.2017
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Chelmer, West Bowers Road, Woodham Walter
HOUSE/MAL/17/01036



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/01036
	Date:	15/11/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of West Bowers Road and is in a rural location outside of a defined settlement boundary. The site currently contains a detached bungalow and is located between two agricultural fields. There are properties 52 metres to the east and 140 metres to the west of the site. The dwellings which front Bassetts Lane are well spaced and mainly large detached dwellings.
- 3.1.2 Planning permission is sought to construct a first floor extension on the existing chalet bungalow.
- 3.1.3 The proposed extension will increase the dwelling height from 5.9 metres to 8.8 metres and would measure a maximum of 16.2 metres in width and 7.8 metres in depth. The extension would accommodate three bedrooms, two bathrooms and a landing area. The ground floor would be reconfigured to accommodate four bedrooms, two bathrooms, a lounge, kitchen/dining area, a porch and entrance area. The proposal will increase the number of bedrooms on site from five to seven.
- 3.1.4 It is also proposed to construct an infill porch extension to the eastern elevation. The porch will measure 2.9 metres wide, 2.6 metres to the top of the flat roof and 3.2 metres to the top of the roof lantern. The porch will have a depth of 3 metres.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development by reason of its scale, bulk, design and siting would result in a visually dominant, unbalanced and incongruous form of development which would be detrimental to the character and appearance of the original dwelling and to the intrinsic character and beauty of the countryside. Therefore, the proposal is considered to be detrimental to the dwelling and the character and appearance of the area contrary to approved policies S1, S8, D1 and H4 of the Local Development Plan, Government guidance contained within the National Planning Policy Framework and the Woodham Walter Village Design Statement.

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 – Preservation in favour of Sustainable Development
- 17 - Core planning Principals
- 56 -58 – Requiring good design

4.2 Maldon District Local Development Plan

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

- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

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

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should also be noted that similar advice is contained within policies D1 and H4 of the approved Local Development Plan. Furthermore, design guidance is contained at section 3 of the Woodham Walter Village Design Statement.
- 5.2.3 The existing dwelling is a modest bungalow of no particular architectural merit. However, it contributes to the rural character of the locality, sits comfortably in its unspoiled countryside setting and humbly on its plot due to its limited scale, bulk and degree of visual intrusion. Mature landscaping of trees and hedges provides a good degree of screening and lends itself to the rural aesthetics of the site.
- 5.2.4 It is proposed to erect an extension at first floor level to the existing dwelling. The proposal would increase the ridge height of the existing dwelling from 5.9 metres to a maximum of 8.8 metres and would feature as a hipped gable at the front and rear elevations. The proposal would also include a frontward, hipped gable projection that would be 7.1 metres in height. The depth of the first floor extension is 16.2 metres and has a width of 7.8 metres.
- 5.2.5 The significant height increase of 2.9 metres is considered to result in a visually dominant form of development that is readily apparent from large distances, particularly when approaching the site from the east and west along West Bowers Road. It is therefore, considered that the proposal will adversely impact on the intrinsic character and beauty of the countryside contrary to policy S8 of the approved Local Development Plan.

- 5.2.6 Whilst it is noted that there are other large, two storey dwellings within the locality, namely Somerset, West Bowers Road; this dwelling is located in a less prominent position and within a more built up area, therefore, the impact on the surrounding area is considered less severe and the site cannot be used as a direct comparison to the application site or the proposal.
- 5.2.7 When viewed from the front and rear, the proposal is considered to result in a discordant feature when viewed in context with the existing dwelling due to the resulting height difference between the remaining single storey elements and the proposed first floor extension. Therefore, the proposal is considered to result in detrimental harm to the character and appearance of the original dwelling.
- 5.2.8 The resulting east and west elevations, which are highly visible from within the streetscene and from long distances along West Bowers Road, are considered to result in a top heavy and bulky form of development due to the scale, bulk and extent of the proposal. This is further exacerbated by the number of altering roof profiles on the eastern elevation which are considered to be contrived in design, due to a convoluted roof form of varying depths, which would be highly visible when approaching the site from the east, to the detriment of the character and appearance of the dwelling and the locality.
- 5.2.9 Whilst the proposed porch is considered to have limited architectural merit, in terms of its proportions it is considered to be a subservient addition to the main dwellinghouse. Furthermore, the proposed materials will match those of the existing dwelling. Therefore, it is not considered that the proposed porch will cause any material harm to the character and appearance of either the dwelling or the surrounding area.
- 5.2.10 Therefore, it is considered that due its scale, bulk and height the proposed first floor extension will result in a contrived and dominant form of development which will be materially harmful to the character and appearance of both the dwelling, the locality and the countryside, contrary to policies S1, S8 D1 and H4 of the Local Development Plan and guidance contained within both the NPPF and the Woodham Walter Village Design Statement.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The application site is located in a rural locality; the site is bound at all boundaries by agricultural fields. The nearest neighbouring property is located approximately 60 metres to the east of the application site and given the topography of the area is lower than the application site.
- 5.3.3 There are first floor windows proposed on the east and west elevations. The western elevation windows will each serve an en-suite and the eastern window will serve a landing. Two French doors with Juliet balconies are also proposed on the southern elevation which will serve a master bedroom and there are two proposed windows on the northern elevation which will each serve a bedroom. Given the distance between

the proposed extension and neighbouring properties, the proposal is not considered to give rise to overlooking or loss of privacy.

- 5.3.4 In terms of scale and bulk the proposal is considered to appear highly visible within the landscape, but given its distance from neighbouring properties is not considered to have a negative impact on the amenities of neighbouring occupiers. Therefore, it is not considered the development would have a detrimental impact on the amenity of the neighbouring properties by way of loss of light, overlooking or forming an unneighbourly development. In this respect, the proposal would be in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

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

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the LDP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m².
- 5.5.2 The proposed development will not result in a loss of the rear amenity space. Furthermore, the existing dwelling is set in a large plot with ample rear amenity space which would continue to be provided above the recommended standard.

6. ANY RELEVANT SITE HISTORY

93/00562/FULF- Approved Alterations and first floor extension to existing bungalow
93/00562/FULA - Alterations and first floor extension to existing bungalow amended plans - enlarged rear dormer.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

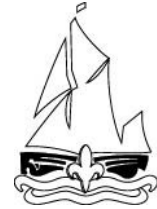
7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	<p>Councillors appreciate and understand the applicants reasons for the application but they could not agree to either support or object to the application with a equally split vote, 2 in support, 2 objectors and 2 abstained.</p> <p>Some councillors expressed that although they felt the appearance of the existing building would be improved, the raised elevation in close proximity to the road would be out of character and overbearing on the streetscene. It would be visible from the river valley conservation area and due to its design would be intrusive. These reasons would be contrary to policies S1 and D1 of the approved LDP, the endorsed Woodham Walter VDS and the NPPF.</p> <p>It was therefore agreed that the response to MDC would be to raise no objection but make comments as outlined above. It should also be noted that there was concern that the plans were unclear in places and the contrived hipped end to the building together with a hipped bay has been shown incorrectly on the drawing and presents a false impression.</p>	Noted and addressed at section 5.2

8. REASON FOR REFUSAL

- 1 The proposed first floor extension due to its scale, bulk and design would result in a visually dominant, unbalanced and incongruous form of development which would be detrimental to the character and appearance of the original dwelling, to the surrounding area and to the intrinsic character and beauty of the countryside. Therefore, the proposal is considered to be detrimental to the dwelling and the character and appearance of the area contrary to approved policies S1, S8, D1 and H4 of the Local Development Plan, Government guidance contained within the National Planning Policy Framework and the Woodham Walter Village Design Statement.

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**REPORT of
CHIEF EXECUTIVE**

to
NORTH WESTERN AREA PLANNING COMMITTEE
27 November 2017

Application Number	FUL/MAL/17/01160
Location	Land Adjacent Sunnycot, Chelmsford Road, Purleigh
Proposal	Erection of detached two bedroom chalet bungalow with associated cart lodge, access and amenity.
Applicant	Mr. T Selfe
Agent	Ms. Hayley Webb - Smart Planning Ltd
Target Decision Date	27 November 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In Departure from the Local Plan

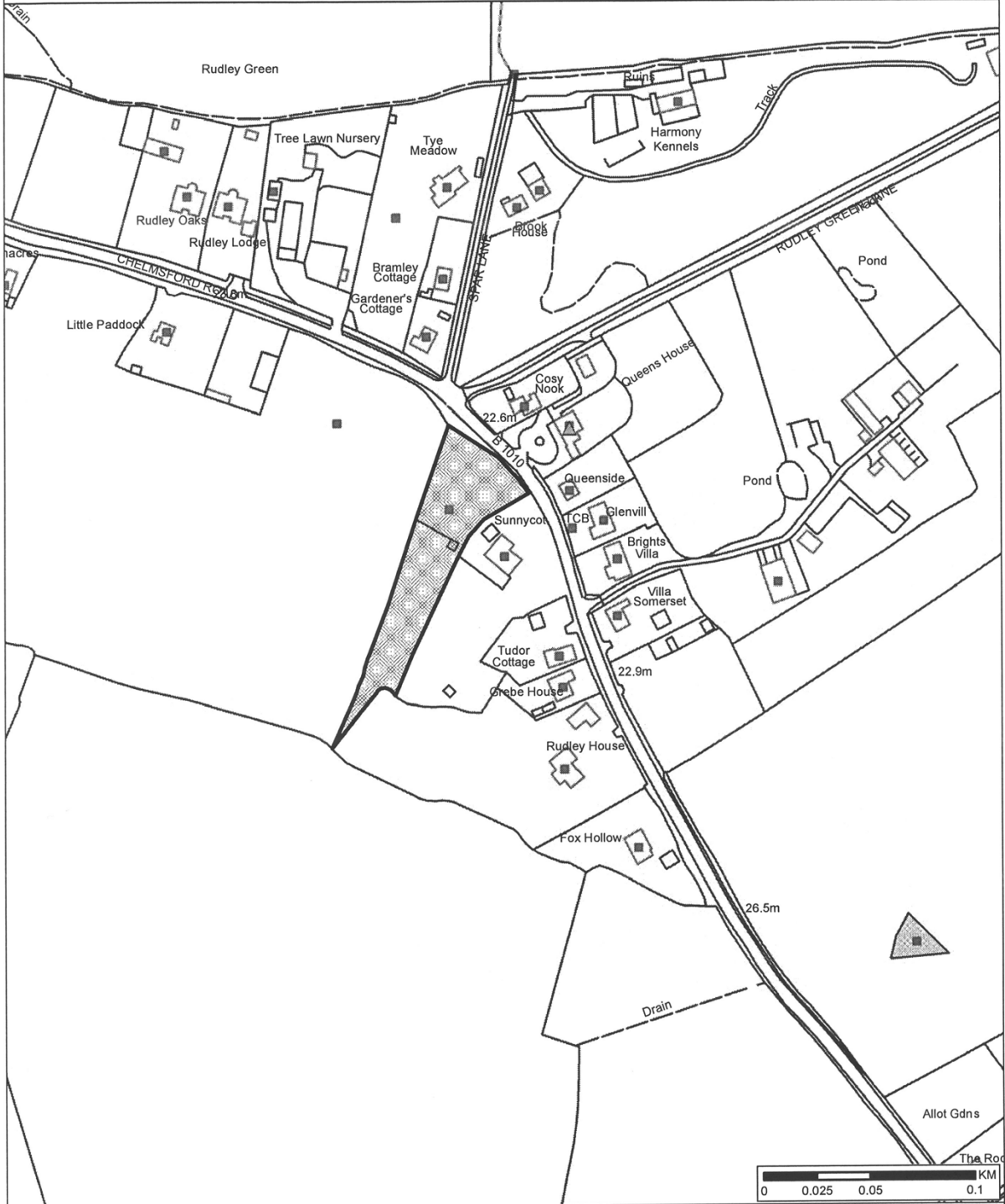
1. **RECOMMENDATION**

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


2. **SITE MAP**

Please see overleaf.

Land Adjacent Sunnycot, Chelmsford Road, Purleigh
FUL/MAL/17/01160



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 Maldon District Council 100018588 2014


MALDON DISTRICT COUNCIL
www.maldon.gov.uk

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 17/01160/FUL
Date:	15/11/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site comprises a parcel of land to the north west of a single storey dwelling known as Sunnycot. The plot forms an elongated triangle with an informal vehicle access to the highway. The plot comprises rough grassland with some hedging and existing site boundaries to the adjacent dwelling and the open agricultural fields to the northwest.
- 3.1.2 The site is outside of the settlement boundary of Purleigh.
- 3.1.3 Planning permission is sought for the erection of a detached dwelling on the site with associated vehicle parking, garaging, individual highway access and private amenity space.
- 3.1.4 The dwelling would have an “L” shaped footprint with overall measurements of 13.9m wide, 13.2m deep and with a ridge height of 6.95m to the main ridge parallel with the highway. The main section of the property would comprise weatherboard elevations with the rear projection rendered. The fenestration would be timber with the roof tiles a mix of clay and slate.
- 3.1.5 The detached garage would have a footprint of 6m by 6m with a ridge height of 5.5m. The garage would have a gable and hipped end roof structure with one enclosed garage space and one open carport. The building would be located adjacent to the north-western side elevation of the property and set back from the front elevation of the proposed dwelling by 5m.
- 3.1.6 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.
- 3.1.7 A vehicle access would lead to the dwelling with additional off-street parking to the site frontage.

3.2 Conclusion

- 3.2.1 Having regard to the location of the proposed dwelling, it is considered on balance that the development would not accord with the tripartite approach of sustainability as defined by the National Planning Policy Framework. Notwithstanding the revisions made to the current scheme to reduce the width of the dwelling by 0.6m and the ridge height by 0.45m, the provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area.
- 3.2.2 As such the proposed dwelling would be contrary to 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 the settlement boundary of Purleigh 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. The site lies to the north-west and adjacent to a cluster of properties which extend southwards along the highway with several detached dwellings opposite. The settlement boundary of Purleigh lies some 500m to the south-east with

Agenda Item no. **7**

access to the support services and facilities, which includes a primary school, village shop, public house and church.

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 history of the site and planning appeal decisions on sites within the local area are 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 a previous application for development of the site, FUL/MAL/17/00408 for a residential dwelling. This application was refused permission by the Local Planning Authority on the grounds of failure to protect or enhance the rural landscape setting which forms an integral part of and contributes to the locality. Furthermore, it was not considered to be a sustainable form of development as defined by the Framework and contrary to the tripartite approach of the guidelines and principles contained therein.

5.2.2 It is therefore considered that, notwithstanding the approval of the Local Development Plan since the determination of the previous application, comparisons and contrasts need to be drawn between both applications.

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, two bed dwelling being created. However, 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
- 5.4.3 The proposal would comprise development of the site for the construction of a detached two storey dwelling on land to the north west of Sunnycot, which is a single storey property. Whilst it is acknowledged that there is a property of a similar design opposite the site, the dwellings in this area comprise an eclectic mix with those immediately adjacent and opposite being single storey.
- 5.4.4 Development of the application site would intensify the built form into an open site which currently provides an important visual gap and open area which prevents ribbon development and cohesion of the built form. The overall character of the area is agricultural land with the dwellings in this location being sited adjacent to the highway.
- 5.4.5 The settlement boundary of Purleigh is located to the south east of the site and is a minimum of 450m away. The village school is a further 350m with the village shop, public house and church further south again. In addition, there is a clear boundary formed by the dwellings in Lodge Lane with an undeveloped area between the settlement and the dwellings within the area known as Rudley Green.
- 5.4.6 Therefore any development beyond the clear confines of the settlement of Purleigh would introduce a harder edge to the highway as a result of built form, urban sprawl and domestic paraphernalia to the detriment of the character and appearance of the area and the general settlement pattern which is a key element of the countryside's character and appearance.
- 5.4.7 Furthermore, the site would be highly visible from the public highway. Whilst the volume of traffic to these properties may be limited, formal boundary treatments in this location for security and privacy would lead to the further urbanization of the plot to the detriment of the character and appearance of the area.
- 5.4.8 In terms of the design of the dwelling, this in itself is not considered to be objectionable and has taken visual clues from other similar dwellings within the vicinity of the site and it represents a cottage style dwelling.
- 5.4.9 However, notwithstanding the revisions between the previous scheme and that subject of this report, which comprises a minor reduction in width by 0.6m and height by 0.45m, the design, size, scale and bulk of the dwelling when compared to the dwelling

directly adjacent and those opposite is considered to represent a large built form in this semi-rural environment and would visually add to the urbanization of this open section of highway and add to the ribbon development along this section of highway.

- 5.4.10 Furthermore, whilst it is noted that new dwellings have been allowed through the appeal process to the northern side of the highway at the former Treelawn Nursery site, (Ref: OUT/MAL/15/00691 and APP/X1545/W/16/3148836) it must be noted that the Inspector for the appeal considered that site to represent previously developed land and was therefore distinguishable from the wider countryside and would consolidate rather than extend the pattern of settlement. The proposal subject of this report would extend the built form along the highway and would result in additional coalescence of the built form in this area.
- 5.4.11 As such it is considered that the proposal would fail to comply with policies S1, S8 and D1 of the LDP and the provision and guidance as contained within the NPPF.
- 5.4.12 The impact of the development on the character and appearance of the site would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the local plan, the approved policies of the LDP and the NPPF.

5.5 Effect on amenity of neighbouring occupiers

- 5.5.1 Policies D1 and H4 require consideration of the effect of development on neighbouring amenity and safety. Due to the degree of separation from the adjacent property to the south east, it is considered that there would be limited loss of amenity to occupiers of that property. Ground floor fenestration only is proposed within the south eastern side elevation. There are no further dwellings within the vicinity of the site which would be impacted upon.
- 5.5.2 The scheme is therefore considered to accord with the criteria of policies D1 and H4 of the submitted LDP. The guidance and provision as contained within the NPPF and the guidance as contained within the Essex Design Guide which is an adopted Supplementary Planning Document.

5.6 Access, Parking and Highway Safety

- 5.6.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising two/three bedrooms or more require a maximum of 3 spaces. Such provision could adequately be accommodated within the site and within the proposed garage.
- 5.6.2 Essex County Council Highway Authority has been formally consulted on the application in terms of highway safety and there is no objection to the proposal. Whilst this consultee response is acknowledged and the recommended conditions relating to highway safety could be appended to any subsequent grant of permission, the visual impact of a new formal highway access would add to the built form in this location, to the detriment of this semi-rural area.

5.6.3 The scheme is therefore considered to accord with the criteria of policy T2 of the LDP in terms of highway access and parking provision but the benefit of achieving this would be contrary to the character and appearance of the area and therefore contrary to policies D1 and H4 of the Local Development Plan.

5.7 Private Amenity Space and Landscaping

5.7.1 The Essex Design Guide requires that two bedroom dwellings have a minimum of 50m² of private garden space rising to 100m². Such a provision would be met in this instance.

5.7.2 The application site already comprises some mature boundary treatment. A condition for their protection and retention, is considered necessary and reasonable and can be imposed upon any grant of permission should it be granted.

5.7.3 As the submission was supported by an Ecology Report, the Council's Coast and Countryside Officer has been consulted. A consultation response had not been received at the time of writing this response. However, it is noted that the previous scheme, which comprised very similar development in the same location on the same site was not objected to by the Coast and Countryside Officer, and conditions were recommended should permission be granted. As such, it is considered that should permission be granted for this proposal, similar conditions can be appended.

5.7.4 In this respect the scheme is considered to accord with policies D1 and H4 of the LDP.

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 and a procedural condition in the event that land contamination is found. These accord 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 a petition supporting the proposal has been received which states that the development of the site, which is considered "unused and unkempt" would be an improvement. However, notwithstanding the current state of the site, its development for built form with inherent domestic paraphernalia and urbanization is considered contrary to the aforementioned policies which seek to preserve and maintain the rural district.

5.8.2 It is noted that the supporting Planning Statement refers to the requirement of the applicants to return to the village and be close to family members. Whilst the Local Planning Authority is empathic to this requirement, this is not considered a sound planning reason to permit a two storey development outside of the settlement boundary for an independent market property.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00408** - Three bed detached chalet bungalow with associated detached cart lodge, landscaping and demolition of the existing storage building.
Refused 12 June 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	No comment received at the time of writing this report	Any response will be reported by way of the Members Update

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection subject to conditions for surface water and foul drainage schemes to be submitted prior to commencement and a procedural condition should land contamination be found.	The comments of the EHO are noted

7.3 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection. Subject to conditions for location of gates, no unbound driveway material and a visibility splay.	The comments of the Highway Authority are Noted

7.4 Representations received from Interested Parties

- 7.4.1 A single petition has been received signed by 14 people which supports the proposal

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8. REASONS FOR REFUSAL

1. The provision of a dwelling on this site, would fail to protect or enhance the natural beauty, tranquillity, amenity and traditional quality of the rural landscape setting by introducing unacceptable built form into the site that currently forms an integral part of, and contributes to, the rural quality of the area. The proposal would therefore fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the locality, contrary to policies S1, S8, D1 and H4 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

2. The site is not considered to be in a sustainable location. Therefore, the creation of new residential development, remote from community services and essential support facilities, would be contrary to the ‘presumption in favour of sustainable development’ as contained in the National Planning Policy Framework and to policies S1 and S8 of the Maldon District Local Development Plan. The poor sustainability credentials of the site and its locality, coupled with the impact of development on the character and appearance of the rural locality, would significantly and demonstrably outweigh the benefits of the proposal when assessed against policies S1 and S8 of the Local Development Plan and the National Planning Policy Framework as a whole.