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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

29 December 2017

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 8 JANUARY 2018 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'F. R. Marshall'. The signature is written in a cursive style and is enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor E L Bamford

COUNCILLORS

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

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

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AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
MONDAY 8 JANUARY 2018

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

2. **Minutes of the last meeting** (Pages 9 - 14)

To confirm the Minutes of the meeting of the Committee held on 27 November 2017, (copy enclosed).

3. **Apologies for Absence**

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. **RES/MAL 17/01068 - Land Adjacent Spring Elms Farm, Spring Elms Lane, Woodham Walter, Essex** (Pages 15 - 24)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated).

6. **FUL/MAL17/01120 and LBC/MAL/17/01121- Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex** (Pages 25 - 34)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated).

7. **HOUSE/MAL17/01330 - 21 Chapel Road, Tolleshunt D'Arcy, Essex, CM9 8TL** (Pages 35 - 42)

To consider the planning application and recommendations of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated).

8. **TPO 11/17 - Tollesbury Surgery, 25 High Street, Tollesbury, Essex CM9 8RG** (Pages 43 - 50)

To consider the report of the Director of Planning and Regulatory Services (copy enclosed).

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

Reports for noting:

In accordance with the recent Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
-

Note:

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

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

NOTICES

Sound Recording of Meeting

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

Fire

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

gather there and await further instruction.

Health and Safety

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

Closed-Circuit Television (CCTV)

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

BACKGROUND PAPERS

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

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

Development Plans

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

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

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

ii) Essex County Council

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

iii) Maldon District Council

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

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

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
27 NOVEMBER 2017**

PRESENT

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

622. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

623. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor J V Keyes.

624. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 30 October 2017 be received.

Present

Councillor Mrs P A Channer, CC was shown as present as a Member of the Committee, whereas she should be recorded as an Ex-Officio Member.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 30 October 2017 be confirmed.

625. DISCLOSURE OF INTEREST

Councillor Mrs M E Thompson declared a non-pecuniary interest in relation to Agenda Item 5 – OUT/MAL/17/01034 – Land to the Rear of Strawberry Lane, Tolleshunt Knights, Essex, as she was a Member of Tolleshunt Knights Parish Council.

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

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

Councillor A K M St. Joseph declared a non-pecuniary interest in relation to Agenda Item 5 – OUT/MAL/17/01034 – Land to the Rear of Strawberry Lane, Tolleshunt Knights, Essex, as he knew the Applicant.

626. OUT/MAL/17/01034 - REAR OF STRAWBERRY LANE, TOLLESHUNT KNIGHTS, ESSEX

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

Following the Officer's presentation of the report, Mr M Porter, representing Tolleshunt Knights Parish Council and Mr P McIntosh, the Applicant's Agent, both addressed the Committee.

Members debated this application and raised a number of questions to which the Officer responded:

- The footpath was referred to in the Members' Update, but was not included in the reasons for refusal

This application included a footbridge which would give greater connectivity in the wider area and, as this issue had been addressed, it was not included as a reason for refusal;

- Flood risk

The development is sited outside of the flood risk area and the Environment Agency had not raised any objection. Therefore, this reason for refusal had been removed from this application;

- Layer Brook connected to Abberton Reservoir. Was there a risk of contamination?

Environmental Health had assessed this application and had raised no objections, but had recommended that if this application was approved then conditions regarding contamination be included;

- Japanese Knotweed

This was dealt with outside of planning legislation;

- Wildlife

The previous application had mentioned badgers and, if necessary, this could be dealt with by way of condition. However, as it was not previously a reason for refusal it could not now be introduced as one.

Concern was raised that even though the housing was not in a flood area, the public open space and play area of the proposed development was. Members considered that the site was not sustainable and drew attention to the Parish Council's opinion that the proposed development would be detrimental to the existing community.

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

- 1 At present, the application site prevents the coalescence of Tolleshunt Knights and Tiptree where it falls under the jurisdiction of Colchester Borough Council. It is considered that the proposed development would fundamentally alter the open character of the north western edge of the village of Tolleshunt Knights, contrary to policies 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.

627. HOUSE/MAL/17/01036 - CHELMER, WEST BOWERS ROAD, WOODHAM WALTER, ESSEX, CM9 6RZ

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

Following the Officer's presentation of the report, Ms L Cook, the Applicant's Agent, addressed the Committee.

Members debated this application and, whilst they appreciated that the proposed development was close to the road, it was a single track road and the property was fairly isolated. The proposed building was modest compared to other replacement dwellings and the existing building was not an attractive one.

Councillor M F L Durham, CC proposed approval of this application, contrary to the Officer's recommendation. This proposal 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.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 17.4204/M001, 17.4204/M002A, 17.4204/M003A, 17.4204/E101A, 17.4204/E102, 17.4204/E103, 17.4204/E104, 17.4204/E105, 17.4204/E106, 17.4204/P201B, 17.4204/P202C, 17.4204/P203B, 17.4204/P204, 17.4204/P205 and 17.4204/P206C
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan

628. FUL/MAL/17/01160 - LAND ADJACENT SUNNYCOT, CHELMSFORD ROAD, PURLEIGH, ESSEX

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

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

There followed a debate and some Members did not agree with the Officer's recommendation and raised the following reasons:

- The road was a relatively main road
- There were large properties located on the same road that the Council had granted permission for
- There was a shortage of two bedroomed properties in the District
- There was a bus stop, so the location was sustainable
- The Parish Council was in support of the application.

Councillor Miss S White, a Ward Member, proposed approval of the application contrary to the Officer's recommendation and this was duly seconded.

Other Members held a contrary view and were of the opinion that the site was at the edge of the settlement boundary and, if this application was allowed, there was a danger of creating an urban ribbon development. The Council had both clear policies and a Local Development Plan in place and this application fell outside of the development boundary. The Council must be consistent in its decision making

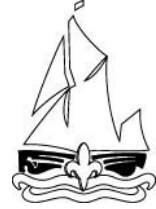
Members voted on the proposal to approve the application and the motion failed. There followed a vote on the substantive motion.

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

- 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.

There being no further items of business the Chairman closed the meeting at 8.20 pm.

MRS M E THOMPSON
CHAIRMAN



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
NORTH WESTERN AREA PLANNING COMMITTEE
8 January 2017

Application Number	RES/MAL/17/01068
Location	Land Adjacent Spring Elms Farm, Spring Elms Lane, Woodham Walter
Proposal	Reserved matters application for the approval of appearance, landscaping, scale and layout on approved application OUT/MAL/14/01160 (Outline application for removal of two former poultry sheds and erection of one dwelling and detached garage).
Applicant	Mr. & Mrs. R Jones
Agent	Mr. G Clark - Clark Partnership
Target Decision Date	12 January 2018
Case Officer	Hilary Baldwin
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Member Call In

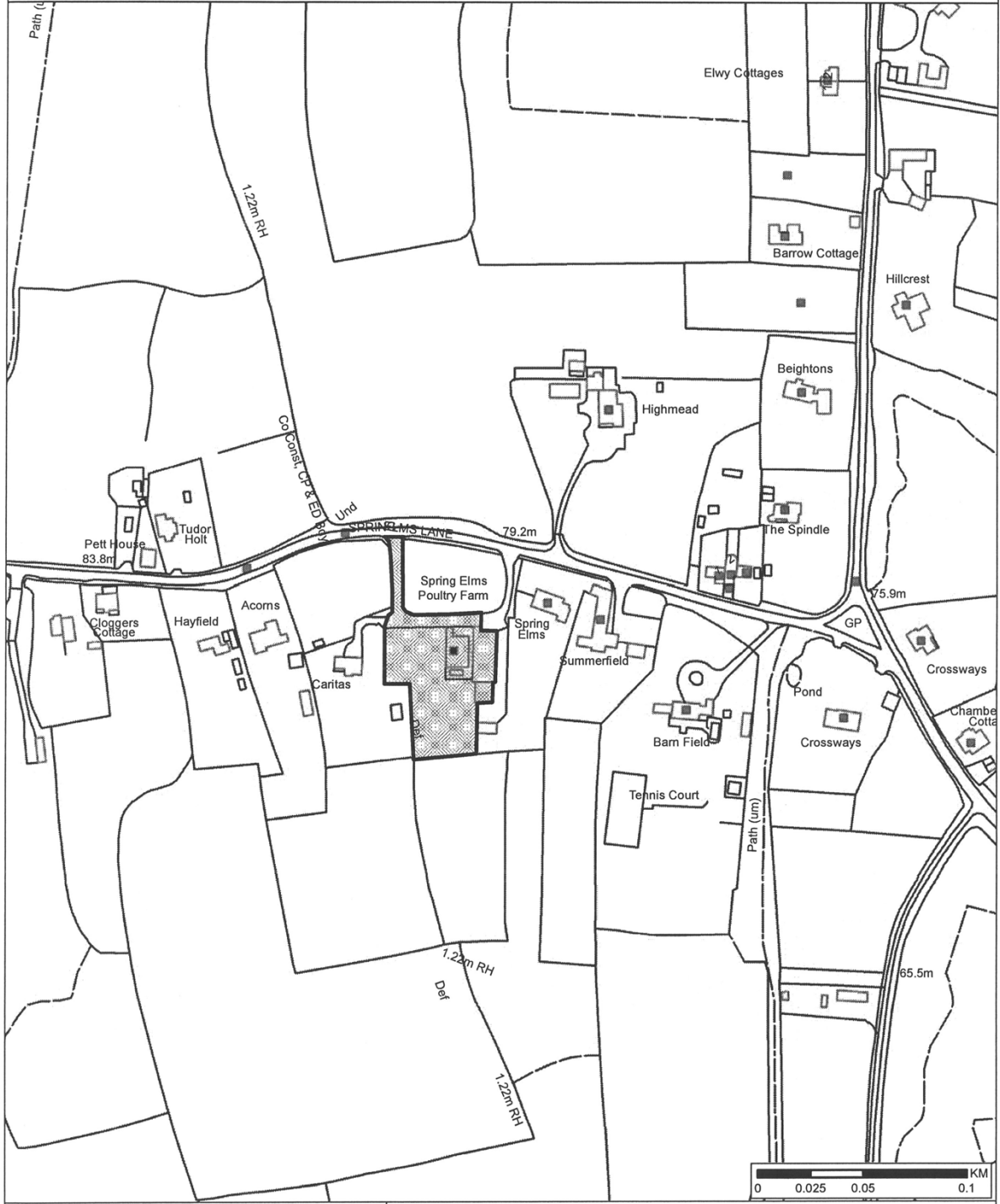
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

Land Adjacent Spring Elms Farm, Spring Elms Lane, Woodham Walter
RES/MAL/17/01068



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/01068/RES
	Date:	18/12/2017
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Spring Elms Lane to the west of the settlement of Woodham Walter and comprises two former poultry sheds which are currently in use for business storage and an area of open grassed land. There is an existing vehicle access from the highway which leads to the structures on site and which returns to the highway past the adjacent residential dwelling known as Spring Elms Farm.
- 3.1.2 The structures are set back from the highway with an open landscaped area which benefits from mature boundary treatment between the site and the highway.
- 3.1.3 The site extends to a total of 0.3Ha, and is approximately rectangular with an overall width of 50m and depth of 68m and a vehicle access track projecting north to the highway. The two existing structures occupy the eastern side of the site, with the eastern boundary adjoining a vehicle access to a further building to the rear of Spring Elms Farm.
- 3.1.4 The locality is generally rural in character with residential dwellings to the east and west of the site and open rural land to the south. The topography of the site is such that it drops from north to south. The site is outside of any development boundary. The western boundary of the site forms the Maldon District Boundary with the boundary of the City Council of Chelmsford.
- 3.1.5 Following the grant of outline permission, this proposal represents the Reserved Matters details. As part of the outline permission, the principle of the development together with the access was approved. The current application seeks planning permission for the reserved matters which are appearance, landscaping, layout and scale.
- 3.1.6 The layout of the site broadly follows the layout of the proposal at outline stage with the dwelling in a similar location and comprises one detached two storey dwelling with a detached garage.
- 3.1.7 The dwelling would have overall measurements of 14.8m wide by 13.8m deep. The front elevation would have two hipped end projections for the benefit of the bay windows with a third gable end projection to the rear elevation. To each side elevation a small hipped roof single storey projection is proposed for the benefit of a utility and small living room. These would project an additional 3m and 3.6m respectively. The land in this location slopes down southwards and the overall height of the dwelling would be 9.1m when measured at the front of the dwelling increasing to a total of 9.7m when measured at the rear elevation.
- 3.2 A detached three bay garage is proposed to the west of the site and set back parallel with the location of the dwelling. This structure would measure 6m by 9.5m with a further 3m projection to the rear elevation. A further vehicle parking area is proposed at ground level in this location. External stairs are proposed to a first floor store room which would benefit from two dormer windows.

3.3 Conclusion

- 3.3.1 Having regard to the scale, appearance and layout 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.
- 3.3.2 The overall scale, bulk and mass of the dwelling, in conjunction with the scale and mass of the detached garage is considered to result in a large visually intrusive development which 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.
- 3.3.3 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
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The 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 Outline planning permission (Ref: OUT/MAL/14/01160), was granted on 24th April 2015 which therefore establishes the principle of the development of the site for one dwelling and detached garage together with the access as acceptable.
- 5.1.3 The application subject of this report is a reserved matters application for the approval of appearance, landscaping, layout and scale in relation to the approved outline planning application and proposes the development of the site for one detached dwelling with vehicular access, a detached garage block and private amenity space.
- 5.1.4 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.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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.
- 5.2.2 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
- 5.2.3 The proposal would comprise development of the site for the construction of a detached two storey dwelling on land to the west of Spring Elms Farm together with a detached garage block with first floor accommodation. Whilst it is acknowledged that there are two storey properties within the vicinity of the site, there is a preponderance of chalet style dwellings, single storey properties and cottages set close to the highway.
- 5.2.4 Whilst it is also acknowledged that the proposed property would be set back from the highway and topographically lower than the road, the overall scale, width and height of the dwelling at 14.8m wide with the additional 3m and 3.6m single storey side projections would result in built form being over 21m wide. This, in conjunction with the detached two storey garage building would spread the built form over the majority of the site width and result in detrimental visual impact upon the semi-rural area. Albeit there are former commercial buildings on the site at present, these are single storey, in keeping with the rural setting and project away from the highway, leaving an important visual gap to the rural countryside beyond.
- 5.2.5 It is also recognized that the indicative drawings submitted in conjunction with the outline application proposed a more compact dwelling with a height of 7.5m, which, together with the detached garage, would only be as wide as the dwelling subject of

this report. The degree of separation, the increased height with an additional 2m and expanse of built form, mass and bulk, is considered to result the encroachment and coalescence of development in this location, out of keeping with the more discreet dwellings in the local area.

- 5.2.6 Development of the application site as proposed would intensify the built form in an open site which currently provides an important visual gap across the rural landscape and open vistas to the wider countryside. The current built form and the unbuilt area to the west prevents ribbon development along the highway and prevents cohesion of the built form along the highway which would result from the proposed large dwelling and separate garage block.
- 5.2.7 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.
- 5.2.8 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.

5.3 Effect on amenity of neighbouring occupiers

- 5.3.1 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 properties to the east and west of the site, it is considered that there would be limited loss of amenity to occupiers of either property. It is noted that a condition has been appended to the outline permission to restrict the use of the garage to that of vehicle parking only and additional restrictive conditions are not considered relevant or necessary in this instance.
- 5.3.2 In this respect the scheme is 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.

5.4 Access, Parking and Highway Safety

- 5.4.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising three or more bedrooms require a maximum of 3 spaces. Such provision could adequately be accommodated within the site and within the proposed garage. It is noted that the extant outline permission, referenced in a subsequent section of this report has already approved the access to the site. This reserved matters application does not propose to amend this access or change its location.
- 5.4.2 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.
- 5.4.3 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 by way of the location of the detached two storey garage building would be contrary to

the character and appearance of the area and therefore contrary to policies D1 and H4 of the Local Development Plan.

5.5 Private Amenity Space and Landscaping

5.5.1 The Essex Design Guide requires that three bedroom dwellings have a minimum of 100m². Such a provision would be adequately met in this instance.

5.5.2 The application site already comprises some mature boundary treatment and the extant outline permission is subject to conditions for details of boundary treatments, and hard and soft landscaping treatments to be submitted.

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

5.6 Other Considerations

5.6.1 The Council's Environmental Health Service has been consulted and there is no objection to the scheme subject to a condition for land contamination mitigation should it found during development. Such a condition can be appended to any grant of permission.

5.6.2 As the western boundary of the site abuts land under the jurisdiction of Chelmsford City Council, a consultation request was issued to the relevant planning authority. It is noted that this have been received and reviewed and there are no objections to the proposal.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/14/01160** - Outline application for removal of two former poultry sheds and erection of one dwelling and detached garage.
Approved 24 April 2015

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	Parish Councilors support the application	The comments of the Parish Council are noted

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection subject to a condition for land contamination, should it	The comments of the EHS are noted

Name of Internal Consultee	Comment	Officer Response
	be found.	

7.3 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection.	The comments of the Highway Authority are Noted
Chelmsford City Council	No Objection	The comments of the neighbouring planning authority are noted

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received supporting the application from the following and reasons for their support area summarized as set out below.

- Ms. C Ogden. Caritas, Spring Elms Lane, Little Baddow, Chelmsford, CM3 4SG
- Mr. J Joyse. Greenlanes Little Baddow CM3 4SQ
- Mr. T Fisk. Summerfield Spring Elms Lane Little Baddow Chelmsford

Supporting Comments	Officer Response
<p>There is no objection to the proposal</p> <p>Neighbouring occupiers are happy for a property to be built here.</p> <p>There is familiarity with other properties built by the applicants and know they will be attractive and sympathetic to the area</p> <p>Set well back</p> <p>Not intrusive</p> <p>The existing sheds are no longer in keeping with the character of the area</p> <p>Good use of the site</p> <p>Road is predominantly residential</p> <p>Safe access onto the highway</p>	<p>The comments have been noted and addressed within the report</p>

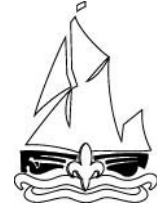
8. REASON FOR REFUSAL

REFUSE: for the following reason:

1. The scale, bulk, mass and height of the dwelling in conjunction with the two storey detached garage 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.

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**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 JANUARY 2018**

Application Number	FUL/MAL/17/01120
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	Retention of temporary hanger for display, storage and maintenance of historic aircraft
Applicant	The Trustees Stow Maries Great War Aerodrome
Agent	TMA Chartered Surveyors
Target Decision Date	17 January 2018
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In Major Application

Application Number	LBC/MAL/17/01121
Location	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
Proposal	Retention of temporary hanger for display, storage and maintenance of historic aircraft
Applicant	The Trustees - Stow Maries Great War Aerodrome
Agent	TMA Chartered Surveyors
Target Decision Date	17 January 2018
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In Major Application

1. RECOMMENDATION

FUL/MAL/17/01120

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

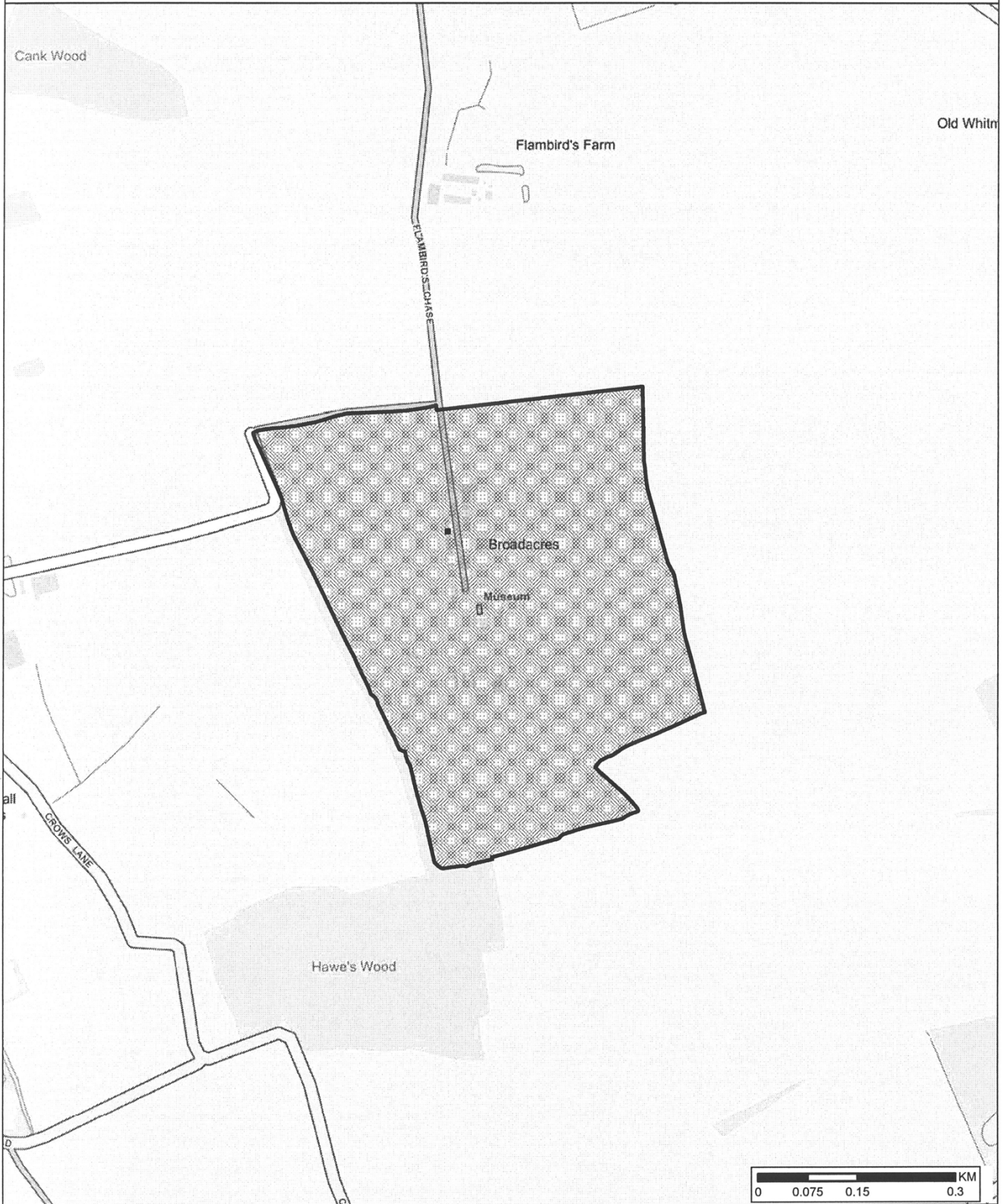
LBC/MAL/17/01121

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

2. SITE MAP

Please see overleaf.

Stow Maries Aerodrome, Hackmans Lane, Cold Norton
LBC/MAL/17/01121



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Scale: 1:8,000

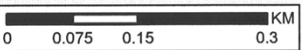
Organisation: Maldon District Council

Department: Department

Comments: NW Committee 17/01121/LBC

Date: 18/12/2017

MSA Number: 100018588



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The Stow Maries Great War Aerodrome (SMGWA) is located off a private track from Hackmans Lane. The aerodrome is understood to be the most complete WWI aerodrome in Europe and is, therefore, of outstanding architectural and historic significance. The site is also a designated conservation area and twenty-four of the surviving buildings are Grade II* listed.

3.1.2 The SMGWA was purchased from the previous private owners in 2013 with funding from the National Heritage Memorial Fund and other local and national government sources. The site is now under the custodianship of Stow Maries Great War Aerodrome Trust and is open to the general public where it runs as a charitable and educational establishment.

3.1.3 Retrospective Planning permission and Listed Building Consent (reference: FUL/MAL/14/00574 and LBC/MAL/14/00575) for the erection of a temporary hangar for three years for storage and maintenance of historic aircraft were approved and granted subject conditions. The planning permission and Listed Building Consent both expired on 8 October 2017.

3.1.4 The hangar is approximately 13.7 metres wide x 34 metres long and stands 4.5 metres high when measured at its highest point. It is currently used to accommodate and maintain a number of historic and replica WWI aircraft. Some are replicas, appropriate to the period, which are in flying condition while there are other original aircraft which are on permanent display. The hangar is open to the public for display purposes and also used to maintain and store aircraft.

3.1.5 Planning permission and Listed Building Consent is sought for the the retention of this temporary hangar which would result in this structure being a permanent feature within the aerodrome complex. While this is the case, the Design and Access Statement dated October 2017 submitted by the Applicant sets out the long term vision for this hangar and it is for it to be replaced by a replica WW1 hangar when sufficient funds have been secured for the building project. The WW1 hangar was approved in 2009 by application FUL/MAL/09/00250. This 2009 application is extant by virtue of activities and conditions that were imposed and had taken place at the time.

3.2 Conclusion

3.2.1 The proposal seeks planning permission and Listed Building Consent for the retention of a hangar building, which has already been constructed on site. This hangar is used in conjunction with the airfield whilst other features on the site are repaired and made suitable for use as part of the activities and tourism provided at the aerodrome. The hangar has been assessed against relevant planning policies at a local and national level and is considered to be acceptable subject to conditions.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 9, 14, 17, 28, 56, 57, 126, 131

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

- S1 - Sustainable Development.
- S7 - Prosperous rural economies.
- S8 - Settlement Boundaries and the Countryside.
- D1 - Design Quality and Built Environment.
- D3 - Conservation and Heritage Assets.
- E5 - Tourism.

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The application site is located outside of the settlement boundary where the general principle of development is not acceptable. However, the proposal relates to an existing use of the land and surrounding area which is known as the Stow Maries Aerodrome. As explained in Paragraph 3.1.1 in the above report, the Council recognises that the aerodrome provides an important feature for tourism in the district and the current proposal would enable the existing tourist facilities to continue working in accordance with Policy E5 of the Local Development Plan.

5.1.2 The retention of the building relates directly to the use of the aerodrome and therefore the general principle of development would be considered acceptable. This is subject to other material considerations which will be discussed in the report below.

5.2 Design and Impact on the Character of the Area

5.2.1 The location of the site outside of a defined settlement means that it is essential for any new development to protect and enhance the character and appearance of the District's landscape in accordance with Policies S1 and S8 of the Local Development Plan (LDP). Policy D1 of the LDP requires any new development to respect and enhance the character and local context and make a positive contribution, the list of criteria includes, amongst other things, (a) architectural style, use of materials, detailed design features and construction methods; (b) Height, size, scale, form, massing and proportion; and (e) historic environment particularly in relation to designated and non-designated heritage assets.

- 5.2.2 The hangar in situ is of a typical design reflective of an airline hangar. The scale, form and materials of the structure are not considered to be obtrusive in its setting, relating well to the existing aerodrome; associated outbuildings; activities and reflecting the history of the site. The position of the building is adjacent to an existing structure which forms part of the aerodrome and is seen in the context of the group of buildings to which it forms part of. The hangar was given temporary consent in 2014, and since then the building itself has been weathered well and appears more in keeping with the military ambience of the site.
- 5.2.3 Whilst the scale of the hangar is large, it is considered to clearly reflect the character and appearance of the site and it is not as a result visually intrusive in its setting. Overall the structure is considered to be acceptable in visual terms.
- 5.2.4 It was noted that in the previous planning application and Listed Building Consent (reference: FUL/MAL/14/00574 and LBC/MAL/14/00575) a part of a barn structure had to be removed in order to accommodate the hangar. It was considered at the time that the partial loss of the barn structure would not result in harm to the character and appearance of the area, and would enable the proposed hangar to be sited in close proximity to existing structures. The development had ensured that the built form on site was retained in a consolidated area to reduce any visual impact of the hangar on the wider landscape setting. In this respect, it is considered that the proposal for retention of the hangar would accord with Policy D1 of the LDP.

5.3 Effect upon Character / Appearance of Conservation Area

- 5.3.1 The entire site of the aerodrome is designated as a conservation area. It is, therefore, essential to ensure that any new development, whether of a permanent or temporary nature, protects or enhances the special interest of the conservation area. Policy D3 of the LDP sets requirements in aiming to protect conservation areas as a form of heritage asset and the NPPF equally seeks to protect heritage assets, recognising the importance of their designation.
- 5.3.2 As detailed above, the proposal is not considered to result in harm to the character and appearance of the locality, given its proximity to the existing group of buildings and the nature of the structure. The position of the building does not affect important views, landscape features or open spaces in the conservation area and the design of the hangar is traditional in appearance. Therefore, it is considered that there is no conflict with the policies aiming to protect the conservation area. The Conservation Officer and Historic England were both consulted regarding this application. Both the Conservation Officer and Historic England have raised no objection to the current applications.

5.4 Impact on the Listed Buildings

- 5.4.1 The aerodrome contains a group listing of 24 buildings. These are Grade II* Listed. Policy D3 of the LDP and the core planning principles and guidance in the NPPF all seek to ensure the protection of heritage assets such as listed buildings, including their settings. This includes considerations such as design and visual impact.
- 5.4.2 In the previous planning application and Listed Building Consent, the Conservation Officer and Historic England (formally English Heritage) were consulted. No

objections were raised in respect of the hangar's impact on the historic assets. The Historic England consultation response indicated that the development would *"contribute towards the conservation and appreciation of the significance of this exceptional relic of the First World War."* Similar comments were provided by the Conservation Officer.

- 5.4.3 With regard to the design of the hangar, it was not considered at the time the hangar would result in harm being caused to the setting of the group of listed buildings. The partial demolition of the timber barn structure to accommodate the hangar was also not considered to result in harm being caused to the setting of this group, as it was not a historic structure but a later addition, deemed by Historic England to be of no special interest as a structure. There is thus no conflict with the aforementioned policies.
- 5.4.4 Historic England has assessed the current applications and advised that *"flying aircraft obviously enhance the appreciation of the site as an airfield, and storage for planes is essential to support this activity ... The retention of the hangar would support the sustainable development of the airfield"*. Historic England therefore supports the application on heritage grounds in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 5.4.5 In the previous planning application FUL/MAL/14/00574 and Listed Building Consent LBC/MAL/14/00575, a condition was imposed requesting the materials from the partially removed barn (i.e. roof trusses, timber) to be retained and reused for future projects within the site enabling the potentially historic fabric of the buildings to be preserved and utilised. The Applicant has confirmed in an email correspondence dated 30 November 2017 that the work on the barn was undertaken carefully by a team of volunteers under the ultimate supervision of Purcells who were appointed under the Heritage Partnership Agreement to manage restoration work to the adjoining Motor Transport Sheds (MT Sheds). It is understood that the timbers / resultant materials are currently stored in the restored MT Sheds. Photographs were also submitted by the Applicant on 4 December 2017 to show that the timbers retained and are stored in the MT Sheds following the demolition of the barn.

5.5 Impact on Residential Amenity

- 5.5.1 Within close proximity of the hangar is a dwelling. Therefore it is necessary to assess the impact the proposal would have on the amenity of occupiers of that property as required by Policies D1 and D2 of the Local Development Plan.
- 5.5.2 The hangar is sited some 70-75 metres from the closest point of the dwelling "Broadacres". The use of the hangar is stated to be for storage and maintenance of historic aircraft. At present, given the use of the aerodrome land, such activities could take place anywhere within the site including outside or in existing buildings. It is only for the protection of the historic aircraft that an indoor space, of a suitable size, is required.

5.5.3 The Environmental Health Services has assessed the application and has raised no objection to the retention of the hangar on this site.

5.6 Access, Parking and Highway Safety

5.6.1 No highway matters arise in this application as the development would not affect existing parking arrangements at the aerodrome or the access arrangements to and from the highway. The hangar would be used as part of the existing facility and therefore would require no further parking facilities for visitors. The application would therefore accord with Policy T2 of the LDP.

5.7 Other Considerations

5.7.1 The planning application FUL/MAL/14/00574 and Listed Building Consent LBC/MAL/14/00575 gave temporary consent for a period of three years for the retrospective hangar. As part of the planning approval and the granting of the Listed Building Consent, a condition was imposed that the building to be removed and the land restored to its condition immediately prior to the development authorised by the permission on or before 31 October 2017 in accordance with a scheme of work previously submitted to and, approved in writing by, the local planning authority, unless before that date a formal planning application for the retention of the building has been approved by the Council.

5.7.2 The reason for this condition was to give the Council the opportunity to reassess the impact of the hangar after a set period of time, in this instance three years, and to ensure that the development would not impact on nearby residential amenity and that no permanent harm is caused to the character and appearance of the conservation area or setting of the group of Grade II* listed buildings within the aerodrome complex. Having assessed the use of the hangar and its relationship with its site and surroundings, it is considered that no harm has been caused in terms of character and appearance of the area, impact on listed buildings and residential amenity. It is, therefore, considered that the approval of this planning permission and Listed Building Consent for the hangar to be retained in perpetuity within the site would accord with Policies S1, D1 and D3 of the Maldon District Local Development Plan, and Guidance contained in the National Planning Policy Framework.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00050** – Change of use of Buildings 3 & 4 to workshop and ancillary office accommodation (B1 use). Approved 27.05.09.
- **FUL/MAL/09/00237** – Emergency services access way. Approved: 22.05.2009
- **FUL/MAL/09/00239** – Renovation of building 15 for visitor centre & museum including re-roofing. Approved: 26.03.2009
- **FUL/MAL/09/00250** – Re-instatement of airfield and erection of aircraft hangar. Approved: 15.06.2009
- **CON/MAL/09/00251** – Demolition of dwelling and grain store in order to erect 2 no. aircraft hangars. Approved: 22.05.2009
- **FUL/MAL/09/00252** – Conversion of former MT building and cart shed to B1 business use and model flying club accommodation. Approved: 29.05.2009

- **FUL/MAL/09/00300** – Proposed Aircraft Hangar. Approved: 12.06.2009
- **FUL/MAL/09/00413** - Construction of 3 ponds and related access-ways. Approved: 10.07.2009
- **FUL/MAL/09/00696** - Renovation of former pilots ready rooms and erection of 2no. wind socks. Approved: 06.10.2009
- **FUL/MAL/09/00699** - New and replacement huts for WW1 Museum. Approved: 06.10.2009
- **FUL/MAL/11/00429** - Erection of temporary aircraft hangar. Approved: 28.09.2011
- **FUL/MAL/14/00574** - Retrospective application for erection of temporary hangar (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- **LBC/MAL/14/00575** - Retrospective application for erection of temporary hangar (3 years) for storage and maintenance of historic aircraft. Approved: 08.10.2014
- **LBC/MAL/15/00830** - Proposed alterations to reinstate the existing brick pier to the West elevation of the MT shed to match the existing adjacent exactly and to install additional wind bracing to the metal rafters of the MT shed to provide lateral support to the roof and the gable walls. Proposed reinstatement of existing slate cat-slide roof to the South end of the West elevation of the RE workshop. Approved: 09.11.2015
- **LBC/MAL/15/00832** - Proposed works for the careful demolition of the existing non-original timber framed and corrugated iron clad cart lodge to the North of the MT Shed. Approved: 09.11.2015
- **FUL/MAL/16/00306** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- **LBC/MAL/16/00307** - Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop. Approved: 20.06.2016
- **FUL/MAL16/01142** – Planning application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome including hours of operation, restrictions on the number of take offs and landings, and arrangements for Special Public Event days. Refused: 27.07.2017
- **LBC/MAL/16/01143** - Planning Application for operational arrangements for the use of the Airfield at Stow Maries Great War Aerodrome. Pending Consideration
- **LBC/MAL/16/01155** - Proposed works to the existing officers mess building to carefully remove the existing decayed asbestos roof covering and replace with a profiled cement fibre board to match the existing profile: works to the south elevation to infill existing enlarged openings to install new doors, windows and entrance canopy to reinstate the facade to the original appearance. Approved: 20.12.2016
- **FUL/MAL/17/01071** - Variation of conditions 13 & 14 on approved planning permission FUL/MAL/09/00250 (Re-instatement of airfield and erection of 2no. aircraft hangars to match former buildings on site). Pending consideration

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	The Aerodrome is a valuable asset in the area - Policy E5 Tourism applies (Economic Prosperity).	Noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways	No comments to make on the application FUL/MAL/17/01120.	Noted
ECC SUDs Team	It is unlikely this application will increase surface water flood risk.	Noted
Environment Agency	No comments received at the time of writing this report.	Any comments received will be reported on the Members' Update.
Historic England	No objection to the planning application and the Listed Building Consent.	Noted.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services (EHS)	EHS raised concerns in 2014 about the use of the hangar for maintenance of historic aircraft and the risk of disturbance to the occupiers of Broadacres. However, since planning permission was granted EHS has received no complaints. EHS has therefore no objections to the proposal.	Noted.

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No harm to the significance or the setting of the Grade II* listed buildings and the conservation area	Noted in the report.

7.4 Representations received from Interested Parties (summarised)

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

- Judith Lea for the Maldon Society, 12 The Courtyard Spital Road Maldon Essex

Supporting Comment	Officer Response
Support the applications for the extension of time for the existing temporary hangar until the others can be built.	Noted. The current applications would be for the retention of the existing hangar that was given temporary consent in 2014.

8. PROPOSED CONDITIONS

FUL/MAL/17/01120:

- 1 The timber barn that was removed for the development of the hangar as approved in planning application FUL/MAL/14/00574 shall be retained and be protected to enable their use elsewhere within the aerodrome complex.
REASON In order to ensure the preservation and use of features of historic interest in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework.

LBC/MAL/17/01121:

- 1 The timber barn that was removed for the development of the hangar as approved in Listed Building Consent LBC/MAL/14/00575 shall be retained and be protected to enable their use elsewhere within the aerodrome complex.
REASON In order to ensure the preservation and use of features of historic interest in accordance with Policy D3 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework.



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 JANUARY 2018**

Application Number	HOUSE/MAL/17/01330
Location	21 Chapel Road Tolleshunt D'Arcy Essex CM9 8TL
Proposal	Single storey rear extension to replace conservatory. New enlarged roof with accommodation including dormers to front and rear.
Applicant	Mrs V McCabe
Agent	The Nicholas Ward Design Practice
Target Decision Date	9 January 2018
Case Officer	Emma Worby, TEL: 01621 875860
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Member Call In

1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

21 Chapel Road, Tolleshunt D'Arcy
HOUSE/MAL/17/01330



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/01330/HOU
	Date:	20/12/2017
www.maldon.gov.uk		MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is a two storey detached dwellinghouse with a garage to the west. The property is located in the settlement boundary of Tolleshunt D'Arcy and on Chapel Road which is a primarily residential area with a mixed style of buildings. The dwellinghouse currently has a conservatory to the rear which was granted planning permission in July 2005, along with the garage.
- 3.1.2 Planning permission is sought to replace the current conservatory/sun lounge with a new single storey rear extension. The extension would have a flat roof and be 3.35 metres in height, 4.35 metres in depth and 9 metres wide. Proposals include bi-fold doors on the rear elevation. The proposed materials for the extension would match the existing property.
- 3.1.3 The proposal also includes a loft conversion with four pitched roof dormers, two to the front and two to the rear. There is also a roof light proposed for the front elevation and rear elevations between the two dormers. The proposed dormers would have a 1.8 metre width, a 2.3 metre depth, a 1m height to the eaves and 2.2 metre height to the ridge. This would create an additional two bedrooms and a bathroom in the current roof space.
- 3.1.4 To accommodate the further living space within the roof, it is proposed that the ridge height is increased by 0.95 metres from 7.9 metres to 8.85 metres.
- 3.1.5 The application follows a refusal of HOUSE/MAL/17/00998 that proposed a similar development with a 0.35 metre taller ridge and three front dormers. The application was refused on the grounds that the proposed development would result in demonstrable harm to both the dwelling and the locality and would be contrary to the National Planning Policy Framework (NPPF) and policy D1 and H4 of the adopted Maldon District Local Development Plan (LDP).

3.2 Conclusion

- 3.2.1 It is considered that the two poorly aligned dormers to the front elevation would represent dominant and disproportionate additions to the host dwelling which would result in a visually intrusive and incongruous feature within the site and the locality. It is therefore considered that the propose development would result in demonstrable harm to both the dwelling and the locality and is consequently not in accordance with policies D1, S1 and H4 of the approved LDP. Furthermore, it should be noted that the development has not overcome the harm highlighted at the time of the last application.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design

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

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with policies D1 and H4 of the Local Development Plan.

5.2 Design and Impact on the Character of the Area

- 5.2.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of policy D1 of the LDP ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment. H4 of the LDP states that any development which includes the alteration, extension and/or addition to a building must be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building.

- 5.2.2 The NPPF states that:

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

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

- 5.2.3 The proposed dormers are considered to be of limited architectural merit which would be a dominant and noticeable feature within the roofscape and would be unaligned

with the lower window of the original property. The two dormers on the front elevation would be highly visible from the adjacent highway and therefore would affect the overall character of the area. They are not considered to be in keeping with this style of property and would result in an unusual feature within the streetscene. It is noted that there is only one property on this section of Chapel Road which has similar front facing, second storey dormers however this is a different style of property and is approximately 30 metres from the application site, this is therefore considered to be a noted consideration of very limited weight when determining this application.

- 5.2.4 The two dormers, roof light and single storey extension to the rear of the dwellinghouse would not be visible from the streetscene and therefore would not have a harmful effect on the character of the area. Also, the rear extension would be a similar size to the current conservatory. The roof light on the front of the property is also considered a subservient addition to the property and therefore would not affect the overall streetscene.
- 5.2.5 In comparison to the previous application, reference HOUSE/MAL/17/00998, the number of dormers on the front elevation has been reduced from three to two and the increase in the ridge height has been reduced from an increase of 1.3 metres to an increase of 0.95 metres. These amendments to the scheme have not overcome the reason for refusal in the previous application as it is considered that the resultant roofscape would still be harmful to the character and appearance of the site, streetscene and the surrounding area in general.
- 5.2.6 Overall, the two front facing dormers are considered to be unacceptable in their setting and would detract from the appearance and be materially harmful to the existing dwellings and the locality contrary to policy D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The development would result in an increase in the number of windows on the property. Two dormer windows and one roof light are proposed for the front of the property and therefore would not overlook the amenity space of any of the surrounding neighbours. Furthermore, the site directly opposite the application site does not currently contain any residential properties. The two dormers and one roof light on the rear of the dwellinghouse would be approximately 65 metres from the rear boundary of the site. Therefore although the proposed windows would be higher up than existing windows, due to the distance of separation, they would not cause any loss of privacy for the properties to the rear of the site on D'Arcy Way.
- 5.3.3 Due to the single storey nature of the rear extension and the distance from neighbouring properties, it is not considered that it would cause any overshadowing or overlooking on residential amenity to the rear or adjacent properties of Chapel Road.

5.3.4 Therefore, overall it is not considered that the development would form an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

5.4 Access, Parking and Highway Safety

5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes.

5.4.2 The proposed development will result in a dwelling that has the potential for six bedrooms. The existing car parking arrangements on the site provide parking for at least three vehicles, which is the level of car parking the Council would expect for a property of this size. As the proposed development will not impact the layout or provision of vehicle parking on the site it is considered that the proposed development will not have a detrimental impact on the provision of vehicle parking on the site in accordance with the vehicle parking standards.

5.5 Private Amenity Space and Landscaping

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m of private amenity space for dwellings with three or more bedrooms.

5.5.2 The existing garden on the site is in excess of the standard contained within the Essex Design Guide of 100m², and although the proposed development will result in the loss of some of the garden, the remaining garden will still be in excess of the standard. Therefore, the proposed extension is in compliance with policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/05/00645** – Proposed sun lounge and garage – approved.
- **HOUSE/MAL/17/00998** – Single storey rear extension to replace conservatory. New enlarged roof with accommodation including dormers to front and rear – refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment
Tolleshunt D'Arcy Parish Council	We have no comments.

7.2 Representations received from Interested Parties (*summarised*)

7.2.1 No letters of representation have been received.

8. REASONS FOR REFUSAL

- 1 The proposed development, by virtue of the two poorly aligned dormers to the front elevation would represent dominant and disproportionate additions to the host dwelling which would result in a visually intrusive and incongruous feature within the site and the locality. It is therefore considered that the propose development would result in demonstrable harm to both the dwelling and the locality and is consequently not in accordance with policies D1, S1 and H4 of the approved LDP.

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**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
8 JANUARY 2018**

Application Number	TPO 11/17
Location	Tollesbury Surgery, 25 High Street, Tollesbury
Proposal	Confirmation of TPO 11/17
Applicant	Drs O D Abazie and C U Ogaziechi
Agent	-
Target Decision Date	28.02.2018
Case Officer	Devan Lawson
Parish	TOLLESBURY
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

1. RECOMMENDATION

CONFIRM Tree Preservation Order (TPO) 11/17 without any modifications.

2. SITE MAP

Please see overleaf.

Tree Preservation Order

**TPO 11/17 25 High Street
Tollesbury**

Details



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Community and Leisure Serv
Comments:	J L G

3. SUMMARY

3.1 In July 2017, the Council received a notification under the terms of section 211 of the Town and Country Planning Act 1990, to undertake works to a tree within a Conservation Area. The notification proposed to fell the Sycamore Tree growing in the car park of Tollesbury Surgery, 25 High Street Tollesbury. The proposed removal of the tree was considered to materially impact on the amenity of the area. Therefore, a Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is a professionally and nationally accepted system of scoring the amenity value of a tree, was carried out and it concluded that the tree was worthy of a TPO. Therefore, a TPO was served on 30 August 2017.

3.2 An objection has been received relating to the serving of TPO 11/17 and it has not been resolved, the question of whether or not to confirm the TPO has been brought before members to consider.

3.3 The Site

3.3.1 The Sycamore tree is located centrally within the car park of Tollesbury Surgery, 25 High Street, Tollesbury within the settlement boundary and conservation area of Tollesbury.

3.3.2 The site is located at the junction of the High Street and Elysian Gardens within the centre of Tollesbury. The use of the site and its central location means that the site plays a significant role in defining the character and appearance of the Conservation Area. The open site frontage and low walls means that the content of the site is prominent within the streetscene.

3.3.3 There is another tree located within the application site, on the boundary shared with Elysian Gardens. However, this tree does not substantially restrict views of this large, mature and impressive tree.

3.4 Ownership

3.4.1 The tree is within the property of Tollesbury Surgery, 25 High Street, Tollesbury which is known to be owned by Drs O D Abazie and C U Ogaziechi.

4. MAIN RELEVANT POLICIES

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

4.1 Corporate Plan 2015-2019:

- Corporate Goals: 2. Protecting and shaping the District – 2.b. Protection and enhancement of the District's distinctive character, natural environment and heritage assets.

4.2 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)

4.3 **Government Guidelines:**

- 4.3.1 Government guidelines advise that: The Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.
- 4.3.2 If Members decide to Confirm TPO 11/17, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:
1. that the TPO is not within the powers of the Act, or
 2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.
- 4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

5. **MAIN CONSIDERATIONS**

- 5.1 The affected Sycamore tree is located in the car park of Tollesbury Surgery, 25 High Street, Tollesbury; it is of a significant height and has retained an attractive shape. Due to the height of the tree and its location within the car park views are available from within the public realm. The tree is highly visible from both the High Street and Elysian Gardens. Given that the tree is fairly isolated in its occurrence, with just one other tree within close proximity on the site, and that it is of a significant size, the tree is considered to have a significant amenity value. Please see **APPENDIX 1** for the site photos.
- 5.2 It is noted that the tree does restrict the parking within the car park to some extent and that the applicant has health and safety concerns regarding the state of the car park surface as a result of the tree. However, there has been no evidence provided that demonstrates that removing the tree is the only solution. Therefore, it is considered that as no other maintenance options for the car park appear to have been explored, nor have any other management regimes for the tree, the works are not justified and the concerns raised in relation to the impact of the retention of the tree do not outweigh the significant contribution the tree makes to the amenity of the area.
- 5.3 The proposed felling of the tree within the conservation area notification was considered excessive and unnecessary and the trees amenity value would have been lost to the detriment of the conservation area. Further to this, the justifications for the works were not considered sufficient in mitigating the harm caused by the loss of the tree. Therefore, the Sycamore tree was assessed using the TEMPO and the tree scored 15 out of 25 which means that the TPO is considered to be defensible. It is noted that a score of 16 would have meant the tree would fall within the category of definitely meriting a TPO.
- 5.4 Within the objection to the TPO (summarised below) it was stated that the works are proposed for safety reasons as the roots are creating potholes and there are falling leaves which create trip and slip hazards. The objection also states that older patients find it hard to navigate their vehicles due to the presence of the tree. However, no

evidence has been provided to suggest that there are no other mitigation options and therefore the removal of the tree is considered to be excessive. If an application for works to a protected tree is received by the Council this is information that would be taken into consideration and assessed at that time. It is relevant to note that the serving of a TPO does not prevent an application being made for reasonable works to the tree but does give the Local Planning Authority the ability to assess those works.

6. ANY RELEVANT SITE HISTORY

- **TCA/MAL/17/00725** - T1 Sycamore – Remove. PO served 30.08.2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Interested Parties (*summarised*)

7.1.1 Letters were received **objecting** to the serving of the TPO from the land owner, Mr D Young, of 83 East Street, Tollesbury:

Objection Comment	Officer Response
The TCA application was refused due to the amenity value of the tree. However, the tree on the edge of the car park would keep the amenity value of the area.	The tree on the western boundary of the car park does not restrict the views of the Sycamore tree from the High Street. Furthermore, due to the large size, maturity and attractiveness of the notification tree it is not considered that the tree on the western boundary would be sufficient in mitigating against its loss. Please also see section. 3.3.1.
The tree is causing health and safety issues as the roots are creating potholes in the car park and are a tripping hazard. In the winter leaves create a slipping hazard.	No evidence showing that the existing pot holes have been caused by the tree or that the tree is causing structural damage has been provided. This evidence could be submitted as part of TPO application.
New housing is increasing the number of patients at the surgery and so more spaces are required. The tree also prevents disabled people parking closer to the surgery. The removal of the tree would provide more parking.	No evidence has been provided to show a growing demand for car parking on site. The need for parking spaces or inability for drivers to navigate a carpark is not considered to result in a sufficient reason for the removal a tree which has significant amenity value. Please refer to section 5.4.
Older residents find it hard to navigate vehicles due to the trees siting.	Please refer to comment above and section 5.4.
The tree may be damaging the property at the cost of Doctors and the NHS funds.	No evidence has been submitted to demonstrate the damage being caused to the building.

8. CONCLUSION

- 8.1 The Sycamore Tree subject of the TPO offers a significant contribution to the character and appearance of the Tollesbury Conservation Area due to its prominent position and its large, mature and attractive nature.
- 8.2 There has been no evidence provided to suggest that the tree is causing damage to the Tollesbury Surgery car park or the building itself. Furthermore, there has been no evidence provided which suggests that other management regimes have been explored to prevent the need of removing the tree. Therefore, given that the tree has a TEMPO score of 15, it is considered that the TPO should be confirmed to prevent the loss of such a striking and impressive tree which plays a significant role in shaping the character and appearance of the Tollesbury Conservation Area.

Site Photos



