

# Unrestricted Document Pack

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Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

26 January 2018

Dear Councillor

You are summoned to attend the meeting of the;


## **NORTH WESTERN AREA PLANNING COMMITTEE**

on **MONDAY 5 FEBRUARY 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 blue ink, appearing to read 'Fiona Marshall', enclosed within a large, loopy circular flourish.

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

## **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)

### **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
  - 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 (as amended)
  - The Town and Country Planning (Development Management Procedure) (England) Order 2015
- 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 (as amended)
- The Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 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 (Note: superseded by Maldon Design Guide)
  - Essex and Southend on Sea Replacement Waste Local Plan 2017
- iii) Maldon District Council
  - Five Year Housing Land Supply Statement 2016 / 17
  - Maldon Design Guide - 2017
  - Central Maldon and Heybridge Masterplan - 2017
  - 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 –2006
  - Wickham Bishops Village Design Statement – 2010
  - Althorne Village Design Statement - 2015
  - Woodham Walter Village Design Statement – 2017
  - Various Conservation Area Appraisals.



**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**MONDAY 5 FEBRUARY 2018**

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

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 8 January 2018 (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. **MLA/MAL/17/00582 Land Opposite 34 Hall Road, Great Totham** (Pages 15 - 22)

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

6. **FUL/MAL/17/00776 Land West of Fambridge Road, North Fambridge** (Pages 23 - 54)

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

7. **FUL/MAL/17/00802 Blackstone Farm, Lodge Lane., Purleigh** (Pages 55 - 62)

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

8. **FUL/MAL/17/01197 E J Taylor & Sons, Mill Works, Burnham Road, Hazeleigh** (Pages 63 - 76)

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

9. **FUL/MAL/01230 Rosemead, D'Arcy Road, Tolleshunt Knights** (Pages 77 - 88)

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

10. **FUL/MAL/17/01407 Honeywood Farm, Honeypot Lane, Purleigh** (Pages 89 - 98)

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

11. **TPO12/17 Beatbush Wood, Park Lane, Tolleshunt Knights** (Pages 99 - 106)

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

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

13. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

14. **MLA/MAL/17/00582 - Land Opposite 34 Hall Road, Great Totham** (Pages 107 - 108)

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

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**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**

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**Note:** (\* Please note the list of related Background Papers attached to this agenda)

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 Nos. 5 – 10.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or see the website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

**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.





**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
8 JANUARY 2018**

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**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 and Miss S White
Ex-Officio Non-Voting Member	Councillor Mrs P A Channer CC

**703. CHAIRMAN'S NOTICES**

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

**704. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 27 November 2017 be approved and confirmed.

**705. APOLOGY FOR ABSENCE**

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

**706. DISCLOSURE OF INTEREST**

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council who were consulted on highways and other matters. She also advised that in relation to Agenda Item 6 - FULMAL1701120 and LBCMAL1701121 - Stow Maries Aerodrome, Hackmans Lane, Cold Norton Essex she was the Essex County Council Divisional Member for this area.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council.

Councillor E L Bamford declared a non-pecuniary interest in Agenda Item 8 TPO 11-17 - Tollesbury Surgery, 25 High Street, Tollesbury as this was her medical centre.

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

**707. RES/MAL 17/01068 - LAND ADJACENT SPRING ELMS FARM, SPRING ELMS LANE, WOODHAM WALTER, ESSEX**

<b>Application Number</b>	<b>RES/MAL/17/01068</b>
<b>Location</b>	Land Adjacent Spring Elms Farm, Spring Elms Lane, Woodham Walter
<b>Proposal</b>	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).
<b>Applicant</b>	Mr. & Mrs. R Jones
<b>Agent</b>	Mr. G Clark - Clark Partnership
<b>Target Decision Date</b>	12 January 2018
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer presentation, the Applicant, Mrs Jones addressed the Committee.

Councillor M F L Durham, a Ward Member, advised that he did not agree with the recommendation of Officers. He commented on the proposed development and felt that the street scene impact along with the scale and bulk was very low. Councillor Durham proposed that the application be approved, contrary to Officers' recommendation. He advised that the Parish Council supported this application as it conformed with their recently confirmed Woodham Walter Village Design Statement.

Councillor H M Bass, the other Ward Member, agreed with and seconded the proposal of Councillor Durham.

In response to a query regarding the use of the garage, the Principle Planner advised that it would be for storage purposes and confirmed that this could be conditioned if Members were mindful to approve the application.

In response to the proposal from Councillor Durham the Committee discussed appropriate conditions with the Officers present and it was agreed that conditions regarding materials, the garage and those requested by Environmental Health should be applied if the application was approved.

The Chairman the put the proposal in the name of Councillor Durham to approve the application and upon a vote being taken this was agreed.

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

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the drawings listed above 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. The first floor storage area above the garage outbuilding hereby approved shall only be used for purposes ancillary enjoyment to the dwelling. The accommodation shall not be used independently of the dwelling hereby approved and shall not be used to provide sleeping accommodation.
5. 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 and where remediation is necessary a remediation scheme must be prepared. 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 the completion of the measures identified in the approved remediation scheme a verification report must be prepared and submitted to the Local Planning Authority. The dwelling hereby approved shall not be occupied until such verification report has been approved by the Local Planning Authority.

**708. FUL/MAL17/01120 AND LBC/MAL/17/01121- STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX**

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

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

Councillor Miss S White, a Ward Member, advised that she did not have concern with the hanger but raised residents' concerns regarding there not being any conditions attached to the suggested approval of this application. In response Officers advised that the 2009 application covered use of the wider site and related condition still applied and therefore these could not be placed on this application. It was noted that any conditions attached to an approval had to be relevant to the development. An informative was suggested by Officers but not supported by Members.

Following further debate Councillor Miss White advised that as the temporary permission expired in 2017 the application should be deferred to allow research into appropriate conditions and if not deferred she proposed the application be refused and made comment about Members voting. This proposal was duly seconded. The Chairman put this proposal of deferment to the Committee but upon a vote being taken the motion was declared lost.

In accordance with Procedure Rule 13 (3) Councillor J P F Archer requested a recorded vote. This was duly seconded by Councillor Miss White.

The Chairman then put the Officers' vote of approval to the Committee.

For the recommendation:

Councillors E L Bamford, H M Bass, M F L Durham, J B Keyes, A K M St. Joseph and Mrs M E Thompson.

Against the recommendation:

Councillors J P F Archer and Miss S White.

Abstention:

There were none.

In response to a comment made regarding voting, it was noted that Members were on the Committee to vote on all matters and did so with an open mind whether or not an application was within their particular Ward or not.

**FUL/MAL/17/01120**

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

- 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.

**LBC/MAL/17/01121**

**RESOLVED** that Listed Building Consent be **GRANTED** subject to the following condition:

- 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.

**709. HOUSE/MAL17/01330 - 21 CHAPEL ROAD, TOLLESHUNT D'ARCY, ESSEX, CM9 8TL**

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

Councillor E L Bamford, a Ward Member, advised that she had concern regarding the dormers and proposed that the Committee agree the Officers' recommendation of refusal. This was duly seconded.

Following some discussion on the proposed dormers, the Development Management Team Leader advised that if Members' were mindful to approve the application it would be possible to condition that the dormers be aligned with the bedroom windows rather than this detail having to come back before the Committee.

In response to a question regarding the Maldon Design Guide, Members were advised that the reports to this Committee were written prior to approval of the Design Guide by the Council.

The Chairman put the Officers recommendation of refusal to the Committee and upon a vote being taken the motion was declared lost.

Councillor J B Keyes then proposed that the application be approved, contrary to Officers' recommendation. This proposal was duly seconded. The Development Management Team Leader suggested a number of conditions to be applied should the application be approved and these were agreed by Members.

The Chairman then put the proposal in the name of Councillor Keyes and upon a vote being taken this was agreed.

**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 drawings listed above on this decision notice.
3. The proposed development shall only be undertaken using materials as shown within the application form and the plans hereby approved.

**710. TPO 11/17 - TOLLESBURY SURGERY, 25 HIGH STREET, TOLLESBURY, ESSEX CM9 8RG**

The Committee considered the report of the Director of Planning and Regulatory Services seeking Members' consideration of Tree Preservation Order (TPO) 11/17 – Tollesbury Surgery, 25 High Street, Tollesbury.

The report provided detailed information regarding the tree, its location, ownership and planning history of the site. It was noted that one objection had been received regarding the serving of the TPO which had not been resolved. Photos of the site and tree were attached as Appendix 1 to the report.

Councillor E L Bamford, a Ward Member, proposed that the Tree Preservation Order be confirmed without any modification. This proposal was duly seconded.

There was some discussion regarding the location of the tree and whether it could be moved or replaced.

The Development Management Team Leader advised that the TPO had been made following an application for works to the tree which was in a conservation area. He informed Members that if they were mindful not to confirm the TPO there would not be any protection for the tree but that the TPO this would provide this whilst also allowing the applicants to seek to remove the tree and, for example, replace it in an alternative area.

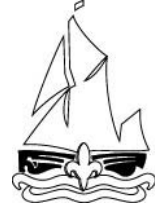
Following further discussion Councillor Miss S White proposed that the TPO not be confirmed, contrary to Officers' recommendation. This proposal was duly seconded. Upon a vote being taken there was an equality of votes and the Chairman used her casting vote against the proposal.

The Chairman then put Councillor Bamford's proposition and the Officers recommendation to confirm the TPO without any modification. Upon a vote being taken there was an equality of votes and the Chairman used her casting vote in favour of the proposal.

**RESOLVED** that Tree Preservation Order 11/17 at Tollesbury Surgery, 25 High Street, Tollesbury be confirmed without any modification.

There being no further items of business the Chairman closed the meeting at 8.35 pm.

MRS M E THOMPSON  
CHAIRMAN



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

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
05 FEBRUARY 2018**

<b>Application Number</b>	<b>MLA/MAL/17/00582</b>
<b>Location</b>	Land Opposite 34 Hall Road, Great Totham
<b>Proposal</b>	Variation of Existing Section 52 Agreement to remove requirement not to erect or apply for planning permission for the erection of any permanent structures on land as edged green on the plan accompanying the Agreement
<b>Applicant</b>	Smart Planning Limited
<b>Agent</b>	Ms Louise Cook
<b>Target Decision Date</b>	08 February 2018
<b>Case Officer</b>	Mark Woodger
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	No scheme of delegation applies.

**1. RECOMMENDATION**

**It is recommended that:**


- 1) The Local Planning Authority resolves to refuse to determine the application for the variation of a legal agreement pursuant to Section 106A of the Town and Country Planning Act 1990.**
- 2) The Local Planning Authority resolves that the applicant's submission is treated as a request to voluntarily vary the existing Section 52 Agreement and agree to such a variation.**

**2. SITE MAP**

Please see overleaf.

**Land Opposite 34 Hall Road Great Totham**  
**MLA/MAL/17/00582**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00582
	Date:	26/01/2018
	MSA Number:	100018588
www.maldon.gov.uk		



### 3. SUMMARY

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

The applicant seeks to modify an old section 52 Agreement associated with a historic planning application which has the reference MAL/408/84. The historic planning application granted permission in outline for the removal of former derelict buildings, and the limited extension of the “Seagers Estate”. This permitted the extension by means of three bungalows and three houses, they have been built and are numbered 51 – 56 Seagers. This site is located on the eastern edge of the Great Totham with the main residential area to the west, and currently open land to the east.

- 3.1.1 The applicant wishes to remove part of the Section 52 Agreement which prevents a future planning application being made on part of the site. If the Council refuses to vary the Agreement then the landowner would have to apply to the Lands Tribunal for an order removing the restriction.
- 3.1.2 In granting planning permission for the 6 dwellings the Council placed a number of restrictions on the development by a then Section 52 Legal Agreement. A Section 52 Agreement is similar in effect to a Section 106 Agreement. The s52 legislation was repealed back in 1990, although existing section 52 Agreements are still technically enforceable. The Agreement required incorporated a restriction and required certain actions, firstly the transference of part of the site to an amenity use. This has been done and there is a recreation amenity space on this land located off Maldon Road. As mentioned the Section 52 Agreement also prohibits the landowner from asking for planning permission and erecting any buildings on land coloured green on the plan as attached to the agreement. It is this area of land outlined in green which this application relates to, and it is requested that the requirements of the Section 52 are lifted.
- 3.1.3 Officers have researched the case to see what the reason was for placing the restriction on the Green Land, and this is not documented. However on the southern part of this site outlined in green, over land which measures 1.83 hectares, planning permission has been granted on appeal with reference OUT/MAL/16/00289 for the erection of 30 market and affordable housing. At paragraph 30 of the appeal decision the Inspector stated that :
- “My attention has been drawn to a Section 52 Planning Agreement dating from 1984 which places a covenant on the appeal land, preventing the erection of permanent buildings or structures on it. Procedures for the modification or discharge of planning obligations are set out in the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992. No such application or appeal is before me and, therefore, the land would be bound by the 1984 irrespective of my decision. It would be for the decision maker in any subsequent application or appeal to determine whether the requirements of the 1984 Agreement remain valid.”*
- 3.1.4 It is therefore clear that the Inspector was aware of this restriction when determining to allow that development and did not see this matter as a ground to prevent the approval of that development. The reasoning for this is that the matter should be dealt with through a separate process.

- 3.1.5 The application site falls outside but adjacent to the settlement boundary and is best described as a former gravel pit, historically landfilled, rising to the north over an undulating surface with scattered trees, generally low level scrub vegetation and rough grassland.

### **3.2 Conclusion**

- 3.2.1 The application has been made under the terms of Section 106A of the Town and Country Planning Act 1990 (as amended) . It is clear that this legislation applies only to agreements made pursuant to Section 106 of the 1990 Act and not planning obligations agreed under Section 52 of the 1971 Act. It would therefore be improper to use the incorrect legislation to amend the terms of a Section 52 Agreement and as such it is recommended that the Local Planning Authority (LPA) refuses to determine the application on the grounds that it has no powers to determine such an application.
- 3.2.2 The Council can however choose to vary the legal agreement voluntarily, outside of an application and it is recommended that this approach is taken by the LPA and the application that is submitted is treated as a request to vary the Section 52 agreement voluntarily.
- 3.2.3 The Council could refuse to voluntarily agree to vary the Agreement but it then opens itself up to a hearing in the Lands Tribunal and the associated legal costs.
- 3.2.4 Furthermore if the Council refuses to vary the Section 52 agreement and the applicant does not make an application to the Lands Tribunal, the Council would still be unlikely to enforce the Agreement by application for an injunction for the reasons set out below.
- 3.2.5 If the Council tried to enforce the Agreement the Court would have to consider whether the requirements of the original Section 52 are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- 3.2.6 The imposition of a legal agreement which prevents individuals from submitting applications on land does not pass the test of reasonableness. What development may be found acceptable is determined by planning applications which themselves are made under the Act and not through legal agreements imposed on planning decisions. Therefore and with planning permission being granted for this development at Appeal the acceptability of development has been established and to conclude it is recommended that should the development as approved by application OUT/MAL/16/00289 be undertaken the Council would not reasonably be able to seek an injunction to enforce this legal agreement. Therefore it is recommended that the LPA resolves that the applicant should be advised that the Council would be willing to enter a deed of variation, voluntarily and at the expense of the applicant.

## **4. MAIN RELEVANT POLICIES**

For the purposes of considering this application the sole consideration is to consider if the legal agreement meets the tests as set out in para 204 of the National Planning Policy Framework (NPPF) 2015. This is a single issue application.

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 This is a detailed matter and considers the relevance of the obligations as set out in 1984 and their relevance at this time being guided by the definitions of the same as in the NPPF.

### **5.2 Relevant Planning History**

- 5.2.1 The application site has the following history:

- **FUL/MAL/09/00219** - Erection of two box stable block with tack room. Refused: 08.05.2009.
- **FUL/MAL/09/00600** - Erection of new stable block containing two stables and tack room, with grazing land. Refused: 14.09.2009.
- **FUL/MAL/11/00278** – Installation of a 'Nissen hut' within a secure compound for a temporary period of 12 months. Refused: 26.05.2011.
- **OUT/MAL/13/00786** - Erection of 50 no. market and affordable housing units, and a community pocket park, accessed from existing Hall Road access point. Refused: 03.07.2014 – Dismissed on Appeal: 29 June 2015.
- **OUT/MAL/16/00289** – Erection of 30 market and affordable housing units accessed via Hall Road. Refused 03 October 2016 – Allowed on Appeal: 14 February 2017

### **5.3 Consideration of the Issues**

- 5.3.1 Firstly, as the legal agreement was agreed under the terms of Section 52 of the Town and Country Planning Act 1971 and not Section 106 of the Town and Country Planning Act 1990, it is not possible to apply for a variation of the existing Legal Agreement under the terms of Section 106A of the 1990 Act, in the way as proposed. This is acknowledged by the applicants in their letter of the 07 December 2017 in support of this application. Therefore, the LPA should refuse to determine the application as Section 106A of the 1990 Act is not the appropriate procedure to amend a Section 52 agreement.

## 6. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 6.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Strongly object The previous application was contentious and outside the former development boundary. The development restriction on the land, and the transference of land to the north to the Parish was the correct planning gain. For the application to succeed the Great Totham Plan required amendment which was passed with agreement of a local referendum. To relinquish this would ignore the democratic process. It is asked what action is being taken against the landowner who has informed that agreement by applying for permission.	The comments of the Town Council are noted. As for the matter of current action none has been taken as this is not considered reasonable.

### 6.2 Representations received from Interested Parties

6.2.1 Letters were received objecting to the application from the following and the reasons for their objections are as set out below:

- EJ and Mrs V J Osborn, 55 Seagers, Great Totham
- AK and Mrs C Hood, 51 Seagers, Great Totham
- Brenda Cox, 53 Seagers, Great Totham
- MJ and Mrs EA Saxton, 52 Seagers, Great Totham
- Mrs P Yates, 56 Seagers, Great Totham
- RP Garrod, 42 Seagers, Great Totham
- David Bruce, 41 Seagers, Great Totham

Originally the development at Seagers was subject to change to the Great Totham Plan and followed a referendum. A reversal of this would be unacceptable.	Noted. This consultation took place in 1984. This application falls to be considered in light of policies which exist in 2018.
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The current cricket pitch was transferred to a privately owned pitch as a result of the S.52 Agreement.	There will be no change to the cricket pitch.
The agreement limited development outside the village, which is shown in the LDP as a small village.	Noted, never the less permission existing for 30 dwellings on this site.
Any relaxation of the S.52 will allow the landowner to develop the rest of the field as a precedent.	All application for permission will be considered on their merits as and when they may be received.
Hall Road is a charming rural country lane which would be lost by the widening of verges etc	Noted, never the less permission existing for 30 dwellings on this site.
More development would cause additional traffic to the detriment of the area in general	Noted, never the less permission existing for 30 dwellings on this site.
The purpose of the S.52 was to ensure that no development be allowed on this green belt land and was a promise to the people of Great Totham	Noted, the site is no in the Green Belt which does not feature n Maldon District
The S.52 is an opportunity to stop development on this field once and for all.	Noted, never the less the reasonableness of the 1984 S.52 is here to be discussed.
Comments as received in respect of the application for housing on the site remain	Noted, however this has to be considered as a stand-alone submission.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**  
**to**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**05 FEBRUARY 2018**

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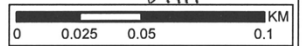
<b>Application Number</b>	<b>RES/MAL/17/00776</b>
<b>Location</b>	Land West Of Fambridge Road North Fambridge Essex
<b>Proposal</b>	Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floor space, a 1.8ha village green and public open space.)
<b>Applicant</b>	David Wilson Homes
<b>Agent</b>	Mr Andy Butcher - Strutt And Parker
<b>Target Decision Date</b>	03.11.2017 – Extension of Time: 6 February 2018
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

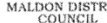
**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.



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Maldon District Council 100018588 2014



MSA Number: 100018588



### **3. SUMMARY**

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

- 3.1.1 The application site measuring approximately 6.19 ha in size lies within the development boundary for North Fambridge. Before the Local Development Plan was approved by the Secretary of State, the application site was located outside the development boundary for North Fambridge in the Maldon District Replacement Local Plan (MDRLP) (2005).
- 3.1.2 The site is predominantly rectangular in shape and has an existing access off Fambridge Road, opposite the access to Fleet Farm. The topography of the site is gentle, with levels rising consistently and evenly from Fambridge Road towards the west.
- 3.1.3 The site forms part of a larger agricultural field and contains limited hedgerow and tree planting along its boundaries. Rear gardens of existing residential dwellings along The Avenue abuts the southern boundary of the application site.
- 3.1.4 The application seeks the approval of reserved matters relating to the access, appearance, landscaping, layout and scale of the development following the granting of outline planning permission with all matters reserved for application OUT/MAL/14/01016 by the Council for *‘the provision of up to 75 market and affordable dwellings, a village centre of up to 1,000sqm of flexible commercial and community floor space, a 1.8ha village green and public open space’*.
- 3.1.5 The dwellings are set back by about 110 metres and 160 metres from Fambridge Road with a large open space area between the road frontage and the built form of development. The dwellings throughout the development are set to face either onto the road network or out over the open space and the countryside beyond. Landscaping is introduced within and around the perimeter of the site.
- 3.1.6 The dwellings proposed are primarily two-storeys in height with the exception of Plots 3, 7, 27, 29, 30, 33, 38, 44, 49, 50 and 61 where they will be two and half storeys in height with roof lights. The affordable units would also be two-storeys in height but in the form of semi-detached or terrace properties.
- 3.1.7 The houses will have garages, available private amenity space and on-street parking.
- 3.1.8 The external materials proposed to be used in the construction of the development would be red-multi bricks, yellow bricks, white boarding and render for the walls. The roof would be either red plain tiles or grey plain tiles. The list of materials is shown on Drawing No: 745. 204.06 dated 4.12.2017 - Materials Plan.
- 3.1.9 As part of the outline approval, the Applicant had entered a signed Section 106 legal agreement for the following contributions:-
- 30% Affordable housing
  - Education contribution
  - NHS contribution
  - Residential Travel Plan

- Open Space and Amenity Land
- Off-site ecological contribution

3.1.10 It is important to note that this current Reserved Matters application does not include a detailed proposal for the commercial elements listed in the outline planning application OUT/MAL/14/01016 (*A village centre of up to 1000sqm of flexible commercial and community floor space*). This is because the Applicant has instructed Savills (estate agents who specialises in commercial / community uses) to market the site in order to identify an appropriate end-user for the site. Savills are currently working with the Council's Economic Development Team regarding this marketing. This element in the proposal will lead the delivery of the commercial space independently from that of the 75 dwellings.

3.1.11 All conditions that were imposed on outline planning application OUT/MAL/14/01016 are still relevant.

### **3.2 Conclusion**

The principle of the application site accommodating up to 75 dwellings to be erected on this site has already been established through the granting of outline planning permission OUT/MAL/14/01016 with all matters reserved for subsequent consideration. Therefore, this Reserved Matters submission seeks permission for access, appearance, landscaping, layout and scale which will be discussed in the report below. The Council has also considered the housing mix and while the submission does not accord with Policy H2 of the Maldon District Local Development Plan (MDLDP), legal advice was sought, as discussed in the report below, and it is concluded that the development is acceptable in this instance.

## **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:**

- Achieving Sustainable Development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 1 – Building a Strong, Competitive Economy
- Section 4 – Promoting Sustainable Transport
- Section 5 – Supporting High Quality Communication Infrastructure
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting Healthy Communities

## **4.2 Maldon District Local Development Plan approved by the Secretary of State on 21 July 2017**

4.2.1 The following policies are considered relevant to this Reserved Matters:

- S1 – Sustainable Development.
- S2 – Strategic Growth.
- S8 – Settlement Boundaries and the Countryside.
- D1 – Design and Quality and Built Environment.
- D2 – Climate Change and Environmental Impact of New Development.
- D4 – Renewable and Low Carbon Energy Generation.
- D5 – Flood Risk and Coastal Management.
- H1 – Affordable Housing.
- H2 – Housing Mix.
- H4 – Effective Use of Land.
- N1 – Green Infrastructure Network.
- N2 – Natural Environment and Biodiversity.
- N3 – Open Space, Sport and Leisure.
- T1 – Sustainable Transport.
- T2 – Accessibility.
- I1 – Infrastructure and Services.

## **4.3 Relevant Planning Guidance / Documents:**

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The application site lies within the development boundary for North Fambridge. Before the MDLDP was approved by the Secretary of State, the application site was originally located outside the development boundary for North Fambridge as contained in the MDRLP (2005).
- 5.1.2 The proposal seeks the approval of Reserved Matters in order to construct up to 75 dwellings with associated off-street parking, turning areas, private amenity space, public open space / village green on this plot. Policy S8 of the Local Development Plan (LDP) seeks to direct development within defined settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. In this instance, the proposal falls within the defined settlement development of North Fambridge and on this basis the general principle of

development in this locality would be acceptable. Further, it is important to state at the outset that the principle of development on this site has been established by the granting of outline planning permission OUT/MAL/14/01016 with all matters reserved for up to 75 dwellings. Accompanied with that outline planning permission was a signed and dated Section 106 legal agreement to provide contributions as listed in Section 3.1.5 of the report above. The current application seeks to address the Reserved Matters which are ‘the access’, ‘appearance’, ‘layout’, ‘scale’ and ‘landscaping’.

- 5.1.3 Access to the site would be from Fambridge Road. As part of the outline planning application OUT/MAL/14/01016, a Transport Statement (prepared by Cottee Transport Planning) was submitted and assessed by Essex County Council Highways had assess who raised no objection to the proposal subject to conditions.
- 5.1.4 Soft landscaping would be introduced on and around the perimeter of the site. An area of open space / village green of approximately 1.8 hectare village green and public open space would be created to the east of the site.
- 5.1.5 The Council is fully aware that raw sewerage and foul drainage has always been an issue in North Fambridge. However, this issue was identified in the outline planning application: OUT/MAL/14/01016 in relation to foul water infrastructure improvements, capacity issues and the viability and delivery of the development. In the officer’s 2014 report, it stated that:-

*“There is an “absolute right”, conferred by S106 of the Water Industry Act (1991), on the owner or occupier of premises, to connect those premises to a public sewer without any requirement to give more than 21 days notice. Unless the Undertaker is provided with sufficient advance notice of large scale increases there is the potential for the public sewer to not have surplus capacity capable of accommodating the increased load, without the risk of flooding. This problem is accentuated by the fact that the budgets of Sewerage Undertakers and the charges that they are permitted to make, have to be agreed by OFWAT and that this process takes place at five yearly intervals”.*

*“It is also clear that it is entirely undesirable to permit a development to take place which then has an automatic right to discharge into a public sewer, which it will overload”.*

*“The accepted legal stance is that that a Local Planning Authority (LPA) can make planning permission conditional upon there being in place adequate sewerage facilities to cater for the requirements of the development without ecological damage. Therefore, if the developer indicates that he intends to deal with problem of sewerage by connecting to a public sewer, the LPA can make planning permission conditional upon the sewerage authority first taking any steps necessary to ensure that the public sewer will be able to cope with the increased load. Thus, the LPA can prevent a developer from overloading a sewerage system before the Undertaker has taken steps to upgrade the system to cope with the additional load”.*

*“Within the planning system there is an acknowledged presumption in favour of development unless the proposal would result in demonstrable harm to interests of acknowledged importance. Furthermore, planning permission should not be withheld*

*when it is possible to impose a condition, upon the granting of planning permission that would overcome any demonstrable harm from the development. It has been decided at the High Court that Grampian Conditions in relation to foul water infrastructure are an appropriate ‘tool’ for controlling any environmental harm”.*

*“As such, the first reason for refusal can be adequately addressed by way of appropriately worded planning conditions”.*

5.1.6 Planning conditions were therefore imposed on OUT/MAL/14/01016 in relation to the above and is currently with the Council as a Discharge of Condition application DET/17/05154 which is pending consideration subject to consultation responses from internal and external bodies.

5.1.7 The dwelling mix will be as set out in the following table (Accommodation Schedule No: 745.500.05 dated 28.11.2017):

<b>Market Housing</b>		
Beds	Type	Number
3	House (5 person)	5
4	House (5 person)	4
4	House (7 person)	7
4	House (8 person)	13
5	House (10 person)	23
<b>Total</b>		<b>52</b>
<b>Affordable Housing</b>		
Beds	Type	Number
2	Semi-detached (4 person)	17
3	Terrace dwelling / semi-detached (Plots 17, 18, 19, 20, 54 and 56) (5 person)	6
<b>Total</b>		<b>23</b>

5.1.8 In terms of dwelling mix, it is noted that a high percentage of larger dwellings are proposed which is not consistent with the Council’s latest Strategic Housing Market Assessment (SHMA) Although the mix is different from that as set out in the SHMA where smaller housing units of one and two bedrooms are preferable than three or more bedroom units, it is important to note that in the outline planning application OUT/MAL/14/01016, the provision of 30% affordable housing was approved in accordance with Policy H9 of the MDRLP (2005). This was carried through in the S106 legal agreement and as such this cannot be amended to reflect the current affordable mix and provision in accordance with Policy H1 of the approved LDP.

Policy H2 of the LDP on housing mix requires all development ‘to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population’. The SHMA provides the evidence base to the policy. Paragraph 50 of the NPPF requires local authorities to “plan for a mix of housing based on

*current and future demographic trends, market trends and the needs of different groups in the community” and “identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand”.*

- 5.1.9 With regard to the Housing Mix, the Applicant submitted a Housing Mix Assessment prepared by Barton Willmore dated 9 March 2017 and a Summary Review of the Housing Mix prepared by Strutt and Parker dated October 2017. The main justification for the proposed housing mix is that there is market demand for large detached houses in North Fambridge in favour of small units (one / two beds). The report goes on to state that it is not appropriate for the Council to apply a blanket SHMA mix requirement across the whole District as this limits the ability of the Council to plan positively and respond to local character and demand.
- 5.1.10 To address the impact of demographic and household formation change and to create a better housing offer the SHMA recommends a 60% small and 40% large unit split. The proposal shows a higher proportion of larger residential properties. The Local Planning Authority has reviewed the submitted details and it has been concluded that the justification is considered insufficient to allow a development of the mix as proposed for this site. As it stands, the housing mix is considered disproportionate and inconsistent with Policy H2 of the LDP. Further, the proposed housing mix would also be contrary to the findings of the 2014 SHMA.
- 5.1.11 However, the Council has sought legal advice regarding the housing mix. As no planning conditions or any informative were imposed on the outline planning application OUT/MAL/14/01016, or included within the S106 legal agreement, it effectively means that Council has no control on the housing mix and therefore the Applicant can determine the housing mix without the need for any approval from the Council. It is clear in planning law that the Council cannot refuse a Reserved Matters approval due to unacceptable housing mix unless a condition has been imposed to require such a matter to be agreed at the Reserved Matters stage. Based on this legal advice, it is considered the Council has to accept the housing mix provided in this submission.

## **5.2 Layout**

- 5.2.1 The submitted plans demonstrate that 75 dwellings (open market and affordable) with associated private amenity parking area, public open can be accommodated within the site in an appropriate manner. While no details of the 1000sqm commercial / community area have been submitted with this current Reserved Matters application, irrespective of this, the Master Plan Drawing No: 745.201.06 dated 04.12.2017 also shows that should details be submitted for this commercial / community area, it can also be accommodated on site.
- 5.2.2 The access to the site would be via Fambridge and at a position as shown on the illustrative plans on the outline planning application OUT/MAL/14/01016. While concerns have been raised by local residents regarding the layout of the development and that the position of the dwellings does not reflect the prevailing pattern of development, it is important to note that the development is set back some considerable distance from the highway and the impact on the landscape was not raised in the OUT/MAL/14/00186 or in OUT/MAL/14/01016. There are no significant long distance views into the site. There are no views from the River

Crouch and there are only glimpses of the site from elevated land. The main views into the site are from Fambridge Road, albeit this is well screened in the summer, and from the rear of the existing dwellings that bound this land on Fambridge Road and The Avenue. Therefore, it would be unreasonable for the Council to refuse the application in relation to the layout of the development.

- 5.2.3 Access informs Layout. The proposed layout orientates principle elevations to the highway / private drives or facing outwards to the public open space or countryside edges. The residential parcels / perimeter blocks are laid out in a back to back arrangement including the same arrangement with existing dwelling houses on the southern boundary of the site fronting onto The Avenue.
- 5.2.4 The development is in the form of detached, semi-detached and a block of terraced housing (Plots 54, 55 and 56). Each dwelling is set in reasonable plot sizes that meet off-street parking standards and private amenity spaces. The front elevation of the properties fronts onto streets and open spaces providing active frontages and natural surveillance. The back to back arrangements would provide security and privacy to the future occupiers of the site.
- 5.2.5 Having considered the position of the dwellings, it is not considered that the development would unduly overshadow or dominate the existing adjacent housing. While concerns have been raised in relation to the height of Plot 50 and its close proximity to Bracken House, The Avenue, it is measured that Bracken House is located some 40 metres away from the shared boundary with the application site. Plot 50 is positioned approximately 16 metres when measured at its closest point from the shared boundary with Bracken House, The Avenue and while this is close, the development proposal would meet the back-to-back distances in accordance with the Essex Design Guide (EDG). Further, no first floor windows are proposed on the gable end of Plot 50, only to the rear wall of the main dwelling where the rear F/F windows serves a bathroom and Bedroom 5 and three roof lights serving an en-suite and Bedroom 2. The rear wall sits further back from the shared boundary by about 20 metres which exceeds the requirement contained in the EDG.
- 5.2.6 In terms of density of development, the site equates to 24 units per hectare. This is considered to be appropriate on the edge of an existing settlement surrounded by open countryside. Further, this density would be comparable to a recent scheme which was approved by the Council RES/MAL/17/00712 for the residential development of up to 100 dwellings, with associated public open space and infrastructure on land at Holloway Road, Heybridge where the density of development also equates to 24 units per hectare.
- 5.2.7 Parking spaces throughout the scheme are located in areas that are less prominent i.e. in tandem arrangement next to dwellings and in the form of garages. The internal road layout, including footpaths, have been carefully thought out and provides connectivity across the site and to its wider surroundings.
- 5.2.8 In conclusion, there are no concerns in relation to the layout of the proposed development.

### **5.3 Appearance and Scale**

- 5.3.1 Adjacent to the application site are a variety of buildings with a variety of styles, periods and materials. The residential properties proposed within the site are predominantly two-storeys in height. Nine dwellings would be two and a half storeys in height as already mentioned in the report above. The height of the dwellings ranges between 7.8 metres and 9.4 metres. The dwellings would be built using red facing bricks, red plain tiles, yellow bricks with grey roof tiles, red bricks with grey roof tiles and yellow brick with red plain tiles, a mix and match approach which would create visual interest to the street scene when viewed in the public domain as shown on Drawing No: 745. 203.04 dated 04.12.2017 - Storey Heights Plan and 745. 204.06 dated 04.12.2017 - Materials Plan. In terms of scale and appearance, there is no differentiation between the affordable and open market dwellings in terms of external material and layout.
- 5.3.2 The houses proposed are arranged in perimeter blocks and fronts onto all road frontages within the site. Where the proposed street scene turns a corner, double frontage buildings are proposed to complement and provide overlooking of the street scene. Brick walls of approximately 1.8 metres in height faces onto the street scene on Plots 1, 3, 7, 23, 26, 27, 29, 30, 37, 38, 41, 46, 49, 61, 63 as shown on Drawing No: 745. 231.04 dated 04.12.2017 - External Works Plan. .
- 5.3.3 The proposal, in terms of appearance and scale is considered appropriate, its site and surroundings are in accordance with Policies S1, D1 and H4 of the LDP.

### **5.4 Access**

- 5.4.1 The proposed main access point is from Fambridge Road. All modes of transport can enter and exit the site from this single access point i.e. pedestrian, cycle and vehicle. There are also proposed pedestrian/cycle routes to Crouch Road and connections from within the site to and from existing footpaths on the western and northern boundary. There is an existing track to Elmtrees Farm from Fambridge Road through the public open space. The site is bounded by existing dwellings and private gardens on the southern boundary. The western and northern boundaries face agricultural fields or open land and Fambridge Road bounds the eastern boundary.
- 5.4.2 All houses will have dedicated parking for the future occupiers and visitors, in accordance with the Council's currently adopted standards in accordance with Policy T2 of the LDP
- 5.4.3 The Highway Authority has assessed the principal access point to the site and has raised no objection to the proposal. However, the Highway Authority has raised concerns that construction access is proposed to the south of the site along Crouch Road which is a private road; it has been advised that the Applicant should demonstrate to the satisfaction of the LPA that they have a legal right of way over it for the purposes of construction. This is a civil matter, but can be listed as an Informative should the application be approved. With regard to the on-site Construction Management Plan, this is currently being considered by the Discharge of Condition application DET/MAL/17/05154.



## **5.5 Landscaping**

- 5.5.1 Dwellings are well positioned on the layout enabling the provision of front gardens in many cases and tree planting within the verges, the central main road through the site, the northern, southern and western of the site as well as trees within the public open space to the east of the site where the land meets Fambridge Road. The detailed landscaping plan has been designed to use native planting to create an attractive place for people to live, with the concept of providing a visually attractive development which will also enhance biodiversity and the ecological value of the site. Strategic planting will provide visual enhancement and form the public spaces of the development. The Tree Officer has assessed the proposal and has raised no objection subject to the submitted details contained within the Arboricultural Method Statement dated 30 November 2017 (reference: JBA 17/005 AR02 Rev A) and the Tree Surveys work (reference: JBA 17/005 dated 06.04.2017) and the Tree Protection Plan (reference: JBA 17/005 TP01 Revision A dated 30.11.2017) are strictly adhered to.

## **5.6 Anglian Water Services (AWS)**

- 5.6.1 Letters of representation have been received concerning the foul water drainage for the site and its impact on existing residential properties in North Fambridge. As part of the application, Anglian Water Services (AWS) has been consulted on several occasions in relation to the proposed development at this site and the development at Manor Farm The Avenue (RES/MAL/17/00766). The most recent response from AWS was dated 5 December 2017 Is set out in paragraph below from (Preface to the Summary of Recommendation Foul Water Drainage Strategy) which states that:-

### Preface

This assessment has been undertaken to provide an up to date and site specific foul water drainage strategy for the development proposed by David Wilson Homes on Land West of Fambridge Road, North Fambridge.

- 5.6.2 This assessment supersedes the earlier assessment undertaken at pre-planning stage in December 2015. The purpose of assessment at the pre-planning stage is to specify the solution that can be determined with most certainty ahead of detailed design. Subsequent to outline planning approval more detailed analysis was underwritten by the developer. This has provided more reliable definition of the potential deficit, employing additional analytical techniques that are not available to the pre-planning assessment.
- 5.6.3 Whereas the pre-planning assessment will generally emphasise a single connection scenario and one feasible mitigation solution, the more detailed analysis will allow for a range of scenarios and consider alternative solutions.

### Development details

- 5.6.4 This is a residential development comprising two parcels of land to a total of 105 residential properties (30 and 75 respectively) in land off The Avenue, North Fambridge. The development site is approximately 5km from Latchingdon Water Recycling Centre (WRC). The sewerage network to which the development will connect is shown in **APPENDIX 1**.

#### Latchingdon water recycling centre

- 5.6.5 Foul water from the development site will drain to the catchment served by the Latchingdon Water Recycling Centre (WRC). The WRC operates under a dry weather flow permit with reference to a hydraulic flow rate and a sanitary consent standard that specifies limits for specific contaminants in the treated effluent discharged.
- 5.6.6 AWS's current calculation indicates that there is insufficient hydraulic capacity, within the dry weather flow permit to receive the development flows.
- 5.6.7 Although the WRC process may still have hydraulic capacity, the assumptions around the implications for water quality in the receiving watercourse would no longer be certain. Therefore a prevailing exceedance of the dry weather flow permit will trigger a review of the sanitary consent standard, which may ultimately necessitate some increase in the process capacity at the WRC.
- 5.6.8 In contrast to network detriment, where the outcome of exceeding hydraulic capacity in sewerage can be accurately defined, the impact on water quality of exceeding the dry weather flow permit is dependent upon a much wider range of factors. The permit will reflect a number of assumptions relating to the strength or characteristics of the sewage and the prevailing condition of the receiving watercourse.
- 5.6.9 Investment to increase process capacity would follow a position agreed with the Environment Agency and involve analysis over a much longer period than usually required for sewerage network detriment. Discussion toward this agreed position would begin when reliably predicted growth or outline approved development is calculated to exceed the dry weather flow permit.
- 5.6.10 Such investment as is deemed necessary will be prioritised, in consultation with the Environment Agency, with reference to the level of risk posed and the allowable funding constraints. The investment will also form part of a wider treatment strategy for the WRC that will also address changing environmental conditions and asset deterioration.
- 5.6.11 This composition of investment needs is reflected in the WRC Asset Plan and it is the purpose of pre-development assessments to ensure that the proposed growth is accounted for in the Asset Plan for Latchingdon WRC.
- 5.6.12 It is Anglian Water's responsibility to ensure that the Asset Plan and consequent investment planning is sufficiently robust to sustain an effective treatment strategy at Latchingdon WRC.

### Calculated flow rates

- 5.6.13 From the development composition detail provided, the calculated flow rates for each scenario are as follows:

<b>DWF Calculations</b>				
	<b>Attribute</b>	<b>Value</b>	<b>Totals</b>	<b>Unit / Calculation</b>
A	Residential dwellings	105		No.
B	Residential occupancy	2.35		No.
C	Residential population (P)	247		No. (A x B)
D	Residential PCC (G)	125		l/h/d
$E_{(avg)}$	<i>Residential demand - Average</i>		<b>0.36</b>	l/s (C x D)/86400
$E_{(peak)}$	<i>Residential demand - Peak</i>		<b>0.76</b>	l/s ( $E_{(avg)}$ x 2.12)
F	<b>Infiltration</b>		<b>0.09</b>	l/s (0.25 x $E_{(avg)}$ )
$O_{(avg)}$	<b>Total Discharge - Average</b>		<b>0.45</b>	l/s ( $O_{(avg)}$ + F)
$O_{(peak)}$	<b>Total Discharge - Peak</b>		<b>0.85</b>	l/s ( $O_{(peak)}$ + F)

**Table 1: Calculated flow rates for each Scenario**

- 5.6.14 The occupancy and consumption rates used in the flow calculations reflect research undertaken across the UK water industry. These rates along with the factors applied for infiltration and peak flow are incorporated into the design standard that Anglian Water applies across our region.
- 5.6.15 There is no evidence to justify deviation from these standards in this case.

### Connection Point

- 5.6.16 The proposed connection point for the Manor Farm parcel is manhole TQ8597 4201 (NGR TQ8543897250) just outside the site entrance located in The Avenue (**APPENDIX 2**).
- 5.6.17 The diameter of the sewer to which the proposed development will connect is 150mm. A gravity connection is feasible for this parcel.
- 5.6.18 The proposed connection point for the northern parcel is manhole TQ8597 5301 (NGR TQ8554597318) the manhole immediately upstream of The Avenue PS (**APPENDIX 2**).
- 5.6.19 The diameter of the sewer to which the proposed development will connect is 150mm. A review of the site topography indicates that a gravity connection is not viable for the whole development area and a pumped conveyance would be required.

### Sewerage Network

- 5.6.20 The network to which this development will connect is nominally a foul water system; however, operational experience has shown it to be susceptible to surcharging during storm conditions.
- 5.6.21 The immediate network drains to The Avenue pumping station (NFAASP), located close to the connection manholes. The pass forward flow rate at NFAASP is 4.8 l/s. The rising man from NFAASP discharges approx. 595m to the north at m/h TQ8597

5901 (NGR TQ8556697912), located in the junction of Fambridge Road and Franklin Road.

- 5.6.22 There is no directly linked combined sewer overflow at NFAASP, so storm conditions will surcharge the upstream sewerage and cause the pump events to increase in duration as the additional flow is passed forward to the sewer in Franklin Road. The sewer in Franklin Road is formed of 150mm nominal bore pipework and discharges at the Franklin Road pumping station (NFAFSP), located at the eastern end of the road. The pass forward flow rate at NFAFSP is 12.9 l/s. The rising man from NFAFSP discharges to the sewerage on Cold Norton Road approx. 3km to the north.
- 5.6.23 In storm conditions, flows in excess of this pass forward rate at NFAFSP will spill to a watercourse via the emergency overflow. (**APPENDIX 3**)

#### Analysis results

- 5.6.24 As the network is operating as a combined system, in order to evaluate the impact of this development; the analysis has examined its hydraulic performance when the development flows connect during a storm event.
- 5.6.25 For flood risk analysis the model runs used a 20 year critical length storms for the standard range of durations up to 1440min to establish the baseline condition, against which the future scenarios were tested. Overflow operation analysis is based on an average of 10 year time series rainfall (TSR) data.
- 5.6.26 Solutions for detriment mitigation are based on 30 year storm events.

#### Baseline Hydraulic Performance

- 5.6.27 The baseline condition before the development flows connect indicates that the existing network discharging to NFAASP is susceptible to high surcharge conditions during the critical storm. The model predicted flooding during 20 year design storm event at two points close by The Avenue PS.
- 5.6.28 This flooding prediction is not corroborated by reported incidents and given its extent, this is considered to be an over-prediction and further historical verification would be required to establish a more reliable quantity.

#### Predicted Detriment - Flooding

- 5.6.29 The detriment analysis assumes that the development is generating flow at the peak dry weather rate during the critical storm condition.
- 5.6.30 With the development flows added, the model predicted flooding detriment at 3 locations. The largest increase in flooding is at NFAASP; the predicted volume of 75.8m<sup>3</sup> represents a 5.25% increase on the baseline prediction (**APPENDIX 4**).
- 5.6.31 The flooding detriment results mainly due to the pass forward flow capacity of NFAASP. The predicted increase in flooding at the three locations is considered to be of high risk and mitigation would be needed to resolve this.

## Predicted Detriment - Overflow and Water Quality

- 5.6.32 There is only one overflow within the network that is impacted by the development flow. This is located at NFAFSP at the eastern end of Franklin Road. The model has been assessed using 10 year TSR event. The assessment is detailed below.

CSO/EO (Spill link)	Average of 10 years (per year)					
	Baseline		Future		Increase	
	Spill frequency	Spill volume (m <sup>3</sup> )	Spill frequency	Spill volume (m <sup>3</sup> )	Spill frequency	Spill volume (m <sup>3</sup> )
North Fambridge-Franklin Road SP (NFAFSP) EO (TQ86971902.2)	0.300	3.702	0.200	3.89	-0.100	+0.188 (+5.078%)

**Table 2: Effect of the growth site S-2977 on overflows compared to base model.**

- 5.6.33 This increase reflects the marginal increase in pump running at NFAASP to convey the additional flows generated by the development during the storm event. An increase in excess of 1% would generally be considered sufficient to justify mitigation; however, this increase in spill volume is negligible and would be considered to be of low risk.

## Residual Capacity

- 5.6.34 Sensitivity analysis indicates that with the 30 units connected by gravity, the level of predicted additional detriment is negligible and below the threshold requiring attention. Therefore the analysis supports the original assessment conclusion that the Manor Farm parcel can be connected before mitigation is required.

## Mitigation Solutions

- 5.6.35 Mitigation solutions are designed to prevent detriment to the existing sewerage network performance during a 1 in 30 year critical duration storm event.
- 5.6.36 The analysis indicates that the foul water connection strategy identified in the original drainage impact assessment (DIA) is viable. This allows for the 30 houses comprising the Manor Farm parcel to connect by gravity at manhole TQ8597 4201 and the 75 houses comprising the northern parcel to connect via pump to manhole TQ8597 5301.
- 5.6.37 The DIA recommended solution comprised a combination of upstream attenuation with active control on the discharge and network reinforcement at NFAASP as follows:
- 5.6.38 Provision of 68m<sup>3</sup> of off-line on-site storage with gravity return to the conveyance pumping station with active control linked to the existing The Avenue PS.
- Provision of 33m<sup>3</sup> of storage The Avenue PS.

## Recommended Solution

- 5.6.39 In view of the uncertainty on the extent of surface water connecting to the existing network during storm conditions, it is recommended that a mitigation solution should

seek to control the development discharge to suit hydraulic conditions rather than attempt to mitigate a less definable network surcharge.

- 5.6.40 Therefore, an active discharge control (also referred to as real-time control or RTC) solution is proposed. The solution involves using signals from level monitors located downstream of the connection, to inhibit the development conveyance pump operation. This allows the development flows to be stored within the development drainage until the storm condition has abated and the level in the receiving sewer reduced sufficiently to accommodate the discharge from the development.
- 5.6.41 In this situation the critical receiving sewerage asset is NFAASP, which already has constant level monitoring as part of its existing pump control system. The recommended solution envisages a signals link between NFAASP and the conveyance pumping station on the northern parcel development, so that high wet well levels at NFAASP are used to inhibit the conveyance pump operation.
- 5.6.42 The analysis indicates that in the critical 30 year event the worst case inhibit duration is almost 23 hours. During this period the development drainage would need to be able to store its flow while the conveyance pump is inhibited. This would require up to 30m<sup>3</sup> of additional storage within the development drainage, which could be utilised without surcharging connecting laterals or compromising a free outfall from connected property. (**APPENDIX 5**)
- 5.6.43 The diagram in **APPENDIX 5** shows the flow and level profile at the conveyance pumping station during this critical storm event. The rainfall profile at the top of the graph represents the storm profile that provides this worst case scenario.
- 5.6.44 A further refinement on the DIA solution considered a reduced conveyance pump rate. This previous assessment assumed a conveyance pump rate of 5l/s, based on prevailing Anglian Water minimum asset standards favouring rising mains of not less than 100mm nominal bore. Since the DIA was issued, we have undertaken a review of adoptable standards for small developments. We would now take a view that the risk of rising main blockage for smaller bore pipes is not significant at relatively short distances.
- 5.6.45 Using a smaller rising main bore of 80mm allows for a reduced rate broadly averaging 3.8l/s. With this reduced rate the network reinforcement element of the original DIA solution is no longer required.

#### Summary of Recommended Foul Water Drainage Strategy

- 5.6.46 The analysis concludes that the Manor Farm (southern) development parcel, comprising 30 houses, should connect by gravity to manhole TQ8597 4201 (NGR TQ8543897250) located in The Avenue. No mitigation solution is required for this parcel.
- 5.6.47 The northern development parcel in land off The Avenue, comprising 75 houses, should connect via pumped conveyance at 3.8l/s to manhole TQ8597 5301 (NGR TQ8554597318) the manhole immediately upstream of The Avenue PS. This parcel should not be occupied until the following mitigation is installed:

1. Provision of a signal link between NFAASP and the conveyance pumping station control.
2. Configuration of conveyance pumping control to enable an inhibiting of the pump operation based on levels measured at NFAASP.
3. Provision of 30m<sup>3</sup> of additional storage within the development drainage. This may be installed within the wet well or in over-sized upstream sewers.

5.6.48 It is assumed that the developer will install the conveyance pumping station and rising main, along with the storage capacity in item 3. Therefore, a requisition scheme under Section 98 Water Industry Act would involve only items 1 and 2 of the recommended solution.

5.6.49 An email correspondence dated 3 January 2018 was received by a drainage consultant appointed by the North Farnborough Parish Council concerning the foul water flows and overflows from the this development proposal and Land to the West of Farnborough Road site (OUT/MAL/14/01016 and RES/MAL/17/00776). This correspondence was forwarded to AWS for further comment. AWS has confirmed in an email correspondence dated 17 January 2018 with the following response:-

#### Drainage

*'Detailed analysis has demonstrated that the prevailing network risks are not significantly impacted by the proposed development. The outcome of the analysis shows that with the proposed active control on the development discharge there is no impact on the existing network performance'*

#### Treatment

*'As stated in our briefing note Anglian Water realised that with additional growth Latchingdon WRC consent may need to be reviewed due to potential exceedence of the Dry Weather Flow permit. Anglian Water are currently preparing a Water Recycling long term plan, this document once prepared will be used to inform future business plans including future investment at our WRCs. In putting together this Plan Anglian Water take into account future development and will consult the Environment Agency to determine any revisions to existing permits and potential temporary measures if required. It is Anglian Water's responsibility, not the developers, to ensure a viable treatment strategy'*

5.6.50 As mentioned above, the consultation response is from the statutory consultee Anglian Water Services based on the assessment and details submitted by the Applicant and therefore no objection is raised to the proposal.

#### Environment Agency

5.6.51 The Environment Agency (EA) were consulted and has assessed the Applicant's submission and documentations (Drainage Statement Site B) prepared by RSK, covering both surface water and foul water drainage. A consultation response has been received from EA dated 12 January 2018 concerning the Foul Water / Wastewater from the site. It was expressed that further clarification would be required particularly in regard to how the proposed solution and mitigation in the Development Impact Assessment (DIA) have a bearing on the permitted capacity at

Latchingdon Water Recycling Centre. In any event, no development can commence on site and no development can be occupied until the foul water strategy has been carried out and planning condition 13 on outline planning application OUT/MAL/14/01016 and DET/MAL/17/5154 has been fully discharged.

## **5.7 Other Issues**

- 5.7.1 Matters relating to a Sustainable Urban Drainage Scheme, a Construction Method Statement, Ecology, Street lighting and Archaeological works are controlled by condition on the outline planning application OUT/MAL/14/01016 which are currently being considered by the Council under DET/MAL/17/05154.
- 5.7.2 Concerns have been raised with regard to little details being submitted with the application in relation to the 1000sqm of commercial / community area. Although this does not form a part of this Reserved Matters application, as mentioned in report above, the Council is actively working with the Applicant / Agent to promote this site for mixed use purposes that would benefit the existing and future occupiers of the site.
- 5.7.3 Letters of representation have been received concerning the lighting strategy for the site. A planning condition imposed on the outline planning application OUT/MAL/14/01016 for details to be submitted and approved by the Council.

## **6. ANY RELEVANT SITE HISTORY**

- **OUT/MAL/14/00186** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floor space and a 1.8ha village green and public open space.  
Refused: 11 August 2014
- **OUT/MAL/14/01016**- Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floor space, a 1.8ha village green and public open space.  
Approved: 18 March 2016

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
North Farnbridge Parish Council	<p>Object to the planning application for the following reasons:</p> <ul style="list-style-type: none"> <li>• Inadequate sewerage provision</li> <li>• Concerns regarding to flood risk</li> <li>• Concern regarding little interest for the proposed commercial development</li> <li>• There should be no</li> </ul>	<p>Noted in the report. Some of these points have already been addressed in the outline planning application OUT/MAL/14/01016</p>



Name of Parish / Town Council	Comment	Officer Response
	<p>high level lighting – there are no industrial units in the surrounding area</p> <ul style="list-style-type: none"> <li>• Impact to the road in relation to delivery vehicles and obstruction to existing residents</li> <li>• Noise and disturbance from the development</li> <li>• The layout is inconsistent with the existing properties in the village</li> <li>• The gardens proposed appear to be small and not meet the Essex Design Guide</li> <li>• The dwellings are 2.5 storeys in height and would impact on existing properties</li> <li>• The proposed footpaths within the site do not connect to any footpaths outside the site</li> <li>• Concerns regarding the safety of the LPG storage tank</li> <li>• The use of tankers to</li> <li>• The bus services submitted in support of the application is incorrect</li> <li>• Crouch Road is outside the application site and therefore should not be seen as a means of access form the estate</li> <li>• The use of tankers to pump out the holding tanks is not acceptable</li> <li>• The Joint Position Statement 2014 should be relevant</li> <li>• High level lighting is not acceptable given its</li> </ul>	

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	location to open field, impact on village setting and wildlife	

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Fire and Rescue	The proposal is satisfactory with the exception of the road serving Plots 14 and 23 where the turning head do not comply with Building Regulations	Noted. If the proposal would require the repositioning of the residential dwellings to accommodate a turning head in accordance with Building Regulations then a new application would be required
Highways Authority	No objection subject to conditions	Noted
Natural England and Essex Wildlife Trust	No Habitat Regulation Assessment (HRA) was submitted in support of the application and therefore unable to assess if the development would have a significant effect on the nearby nature reserve sites	As part of the outline planning application: OUT/MAL/14/01016, a S106 legal agreement was signed and dated to provide off-site ecological mitigation strategy. This issue has therefore been addressed.
Essex County Council (SUDS)	No objection subject to conditions to be imposed should this application be approved	Noted. This is currently being dealt with by a discharge of condition application DET/MAL/17/05154
Environment Agency	EA are no longer supporting Condition 13 on OUT/MAL/14/01016 and DET/MAL/17/05154 until further clarification has been submitted for approval	Noted. This is currently being dealt with by a discharge of condition application DET/MAL/17/05154
Anglian Water Services (AWS)	Based on the the Applicant's submitted foul drainage information, it is considered that the impacts on the public foul sewerage network have	The Council has also consulted AWS in relation Condition 13 of the outline planning application (OUT/MAL/14/01016) to which this Reserved

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	been adequately addressed at this stage.	Matters application relates, which requires the submission and approval of detailed foul drainage information under DET/MAL/17/05154
Archaeology	Conditions regarding to archaeology to be imposed	Noted. This is currently being dealt with by a discharge of condition application DET/MAL/17/05154
Emergency Planner	A condition to be imposed for there to be a suitable flood warning and evacuation plan in place as the development sits within flood zone 3 in part.	Noted. As the residential properties are located outside Flood Zone 3, it is considered that a flood warning and evacuation plan would not be necessary
Essex and Suffolk Waters (ESW)	ESW do not have any apparatus located in the proposed development.	Noted

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Services	Conditions needs to be discharged by ECC SUDs Team	Noted. This is currently being dealt with by discharge of condition application DET/MAL/17/05154
Economic Development Team	The team supports the 1,000sqm space as the commercial use would create jobs and additional income for the Maldon District.	Noted.

Name of Internal Consultee	Comment	Officer Response
Leisure and Livability	<p>The following comments have been made:-</p> <ul style="list-style-type: none"> <li>• Lack of green space / link within and across the site</li> <li>• Unable to determine where the play space is within the site</li> <li>• Standard trees are being introduced. A variety of species with multiple numbers would be more appropriate</li> <li>• Hedgerow and trees should be planted on the western boundary where it meets the open countryside</li> <li>• Inadequate amount of trees proposed within the site</li> </ul>	Noted. The amended plans as shown on Drawing No: JBA 17/005-SK01 dated December 2017 - Landscape Masterplan for Plots and POS has addressed the officer's concerns.
Planning Policy	The housing mix is not consistent with Policy H2 and is contrary to the findings of the 2014 SHMA	Noted in the report
Housing Team	The current submission which provides affordable housing that assists in meeting the need of the District	Noted in the report

#### 7.4 Representations received from Interested Parties

- 7.4.1 Letters were received **objecting** to the application from the following people. Some of the residents have submitted additional letters objecting to the proposal following the display of amended site notices dated 19 October 2017 and 6 December 2017. The reasons for objection are summarised as set out in the table below:

- Richard Grout Dengie House The Avenue North Fambridge
- Gail Grout Dengie House The Avenue North Fambridge
- Mr & Mrs Newman Northlands The Avenue North Fambridge
- Mrs Pauline Carter Fairacre House Ferry Road North Fambridge
- Mr Terry Carter Fairacre House Ferry Road North Fambridge
- Kevin Blackmore Kitts View The Avenue North Fambridge
- Edward Cogger Hawbridge Franklin Road North Fambridge

- Mr T Cogger Hawbridge Franklin Road North Fambridge
- Mrs Lena Cogger Hawbridge Franklin Road North Fambridge
- Mrs TA Cogger Hawbridge Franklin Road North Fambridge
- Mr EJ Cogger Hawbridge Franklin Road North Fambridge
- Mr & Mrs Baker Stondon The Avenue North Fambridge
- Angie Boden Langmeil The Avenue North Fambridge
- Mr K P Cooper River View Cottage Brabant Road North Fambridge
- Mrs J L Cooper River View Cottage Brabant Road North Fambridge
- Ms S A Cooper River View Cottage Brabant Road North Fambridge
- Mr M Anderson Braemar Fambridge Road North Fambridge
- Debbie Anderson Braemar Fambridge Road North Fambridge
- Mr & Mrs Humphrey Green Finches Franklin Road North Fambridge
- Miss Amber Cogger Kimberley Franklin Road North Fambridge
- Clare Morris 6 Station Cottages Station Approach North Fambridge
- Richard Morris 6 Station Cottages Station Approach North Fambridge
- Mrs E.D. Newman Tay House Fambridge Road North Fambridge
- Mr B.J Newman Tay House Fambridge Road North Fambridge
- Dorothy Quick Cherry Trees Fambridge Road North Fambridge
- Simon Quick Cherry Trees Fambridge Road North Fambridge
- Mr Kush Sharma Mulberry House 17 Rectory Road North Fambridge
- Mr Mark Eyre Bracken House The Avenue North Fambridge
- Richard Edwards Gate Marsh House Church Road North Fambridge
- Mr & Mrs Boden Langmeil The Avenue North Fambridge
- Ken & Jennifer Jackson Birch House The Avenue North Fambridge
- Mrs Tracy Byford East View The Avenue North Fambridge
- Miss A P Thomas Easter Cottage Station Approach North Fambridge
- Derek & Hilary Gardner Mallard Roberts Road North Fambridge
- Kenneth Nunn Fourways Stephenson Road North Fambridge
- Dr & Mrs Raffray Lynton House Franklin Road North Fambridge
- Ms Elizabeth Clack Poundfield Cottage Roberts Road North Fambridge
- The Humphries Family Mulberry House Fambridge Road North Fambridge
- Molly Blackmore Kitts View The Avenue North Fambridge
- Leanne Eyre Bracken House The Avenue North Fambridge
- Bridget Eyre Bracken House The Avenue North Fambridge
- Edward Eyre Bracken House The Avenue North Fambridge
- Peter Wynn 27 Wordsworth Avenue Maldon Essex

Objection Comment	Officer Response
<b>Principle</b>	
<ul style="list-style-type: none"> <li>• The site is located outside the development boundary</li> <li>• The application fails to take into consideration that the Council can now demonstrate a Five Year Housing Land Supply and that the Rural Allocations for North Fambridge was deleted in Policy S2 of the LDP approved by the</li> </ul>	This is discussed in Section 5.1 of the report

Secretary of State	
<b>Design of Development</b>	
<ul style="list-style-type: none"> <li>• Density is too high for a village</li> <li>• Lack of public space</li> <li>• The dwellings are too close to the existing boundary of existing properties resulting in loss of privacy and overlooking (Plot 50)</li> <li>• The private amenities are too small for the properties</li> <li>• Noise from the pumping station / sub-station will affect the amenity of existing residential properties</li> </ul>	<p>This is discussed in the report. Details of the station / sub-station can be dealt with by condition should the application be approved.</p>
<b>Highway</b>	
<ul style="list-style-type: none"> <li>• Increase in traffic</li> <li>• The development would have an impact on the wider highway network (Lower Burnham Road (B1012))</li> <li>• Heavy vehicles damaging the roads</li> <li>• Impact on the wider highway network</li> <li>• Crouch Road is a Private Road</li> </ul>	<p>This issue has been considered in the outline planning application OUT/MAL/14/01016. Further, the Highway Authority has raised no objection to the current application subject to conditions and informative. The Highway Authority has noted that construction access is proposed to the south of the site along Crouch Road which is a private road; the applicant should demonstrate to the satisfaction of the LPA that they have a legal right of way over it for the purposes of construction. This is addressed in the informative should the application be approved</p>
<b>Surface Water and Anglian Water</b>	
<ul style="list-style-type: none"> <li>• Surface Water and Foul Water Drainage still not resolved</li> <li>• Localised flooding in the area</li> <li>• Holding tanks on site? When will they be emptied?</li> </ul>	<p>This is addressed in the report and is currently being dealt with by DET/MAL/17/05154.</p>
<b>Other Considerations</b>	

<ul style="list-style-type: none"> <li>• Poor Public Transport</li> <li>• Close to Blue House Farm (SSSI) and impact on Brent Geese</li> <li>• No employment opportunities in the village</li> <li>• Conditions have not been discharged for this site on the outline application</li> <li>• The external lighting is inappropriate</li> <li>• Hours of operation on site</li> <li>• Questioning the housing demand for large houses</li> </ul>	<p>The principle of development has been established on site by virtue of planning application OUT/MAL/14/01016. The impact on the nearby Nature Reserve (SSSI) was considered in the previous application and is being dealt with by DET/MAL/17/05154</p> <p>Transport and employment opportunities were not considered as an issue in the previous outline application and therefore would be unreasonable to warrant refusal on that basis.</p> <p>The external lighting is a planning condition which has not been considered under DET/MAL/17/05154 but by a subsequent DET application</p> <p>An informative can be added to control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbouring properties should the application be approved.</p> <p>The housing demand and mix is addressed in the report</p>
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## 8 **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
**REASON:** To ensure that the development is carried out in accordance with the details as approved.
- 2 The development shall be constructed shall be constructed of the external materials specified on Drawing No: 745. 204.06 dated 04.12.2017 Materials Plan and 745. 231 .04 dated 04.12.2017.  
**REASON:** To ensure that the external materials used for the construction of the development is appropriate to its site and surroundings in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 3 The hard landscaping for the site shall be constructed in complete accordance with materials specified on Drawing No: 745. 231.04 dated 04.12.2017 and retained as such thereafter.  
**REASON:** To ensure that the external materials used for the construction of the development is appropriate to its site and surroundings in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 4 The tree protection and soft landscaping for the site shall be carried out in complete accordance with the following details and Drawing No:-

- JBA 17/005/1 Rev I dated June 2017
- JBA 17/005/2 Rev I dated June 2017
- JBA 17/005/3 Rev I dated June 2017
- JBA 17/005/4 Rev I dated June 2017
- JBA 17.005.5 Rev I dated June 2017
- JBA 17/005-06 Rev H dated July 2017
- JBA 17/005-07 Rev G dated July 2017
- JBA 17/005-08 Rev H dated July 2017
- JBA 17/005-09 Rev H dated July 2017
- JBA 17/005-SK01 Rev E dated December 2017
- JBA 17/005 TP01 Rev A dated 04.07.2017
- Arboricultural Method Statement prepared by James Blake Associates Ltd (reference: JBA 17/005 AR02 Rev A dated 30 November 2017)
- Tree Protection Warning Signs
- Tree Survey Schedule dated 5 December 2017
- Tree Works Schedule dated 5 December 2017

REASON: To ensure the landscaping is appropriate and to protect the visual amenity of the area in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 5 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate parking and turning is provided in accordance with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework

- 6 Prior to the first occupation of the dwelling annotated Plot 50 on Drawing No: 745.201.06 dated 04.12.2017, the first floor window serving the bathroom and the roof light serving the en-suite shall be glazed with opaque glass and be retained as such thereafter.

REASON: To protect the amenity of the existing occupiers on The Avenue and the future occupiers of the site in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 7 Prior to the first occupation of the dwelling annotated Plot 51 on Drawing No: 745.201.06 dated 04.12.2017, the First floor window serving the dressing room shall be glazed with opaque glass and be retained as such thereafter.

REASON: To protect the amenity of the existing occupiers on The Avenue and the future occupiers of the site in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 8 Prior to the first occupation of the dwelling annotated Plot 52 on Drawing No: 745.201.06 dated 04.12.2017, the first floor windows serving the bathroom and the en-suite shall be glazed with opaque glass and be retained as such thereafter.

REASON: To protect the amenity of the existing occupiers on The Avenue and the future occupiers of the site in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.



- 9 Details of the sub-station and pumping station, including the design, height, noise emission shall be submitted to and approved by the Local Planning Authority. The details as approved shall be constructed prior to the first occupation of the respective dwellings to which it relates and be retained as such thereafter.
- REASON: To protect the amenity of the existing occupiers on The Avenue and the future occupiers of the site in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

### **INFORMATIVE**

It should be noted that if the shared surfaces are offered for adoption they should be a minimum of 6m in width. Confirmation of any proposed adoption extents should also be provided.

Any trees and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

If the development is to be lit, it would usually be by freestanding lighting columns which have to be sited clear of the carriageway but within areas adopted as part of the highway. The columns would normally be located in the footway or within a 1 metre x 1.5 metre concrete base which may have to be attached to the back of an overhang strip so that the base often has the appearance of being within private property. To avoid later difficulties, it will be essential to ensure that any lighting columns and the associated concrete areas are made known in advance and not subsequently sold to house purchasers.

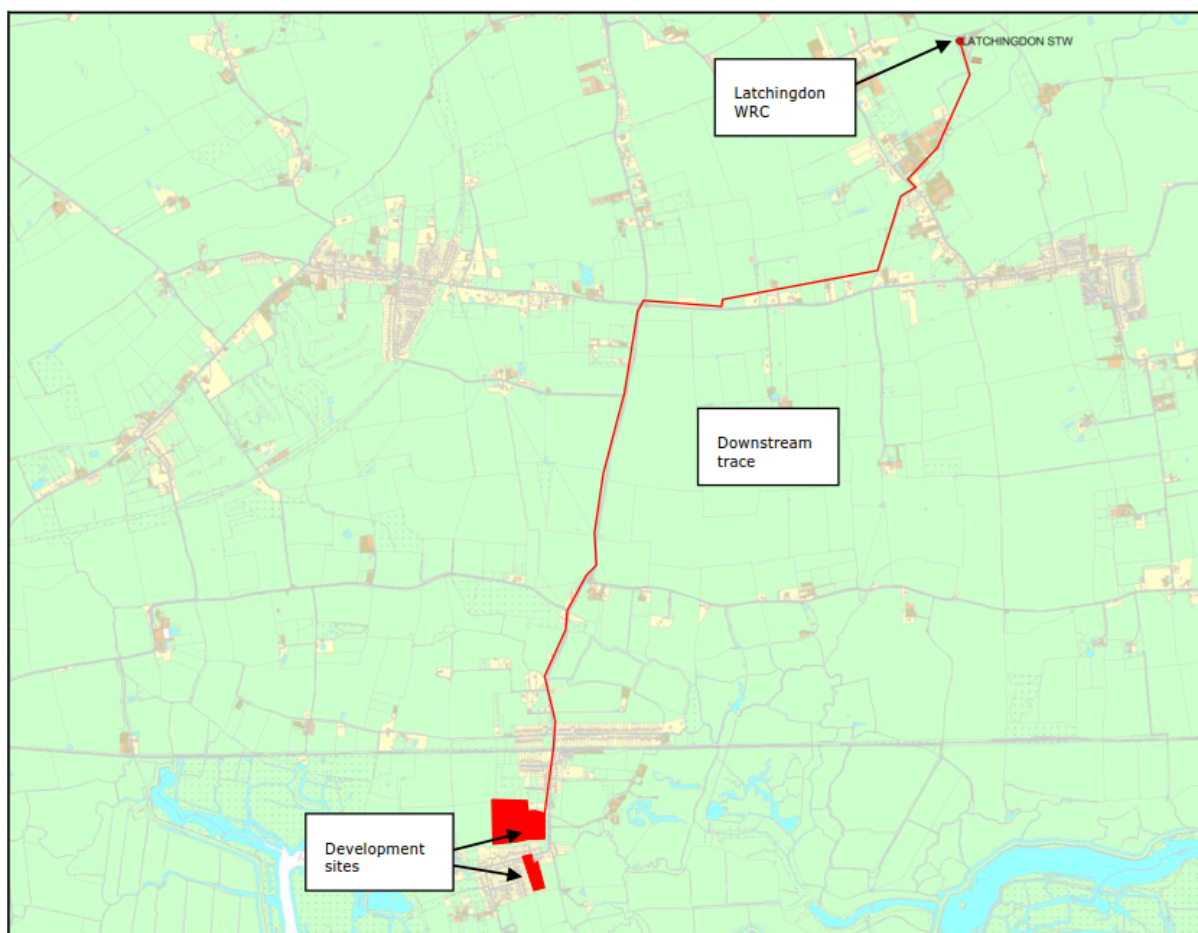
All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.



**Figure 1 showing the development site and downstream trace of the sewerage network to the WRC**

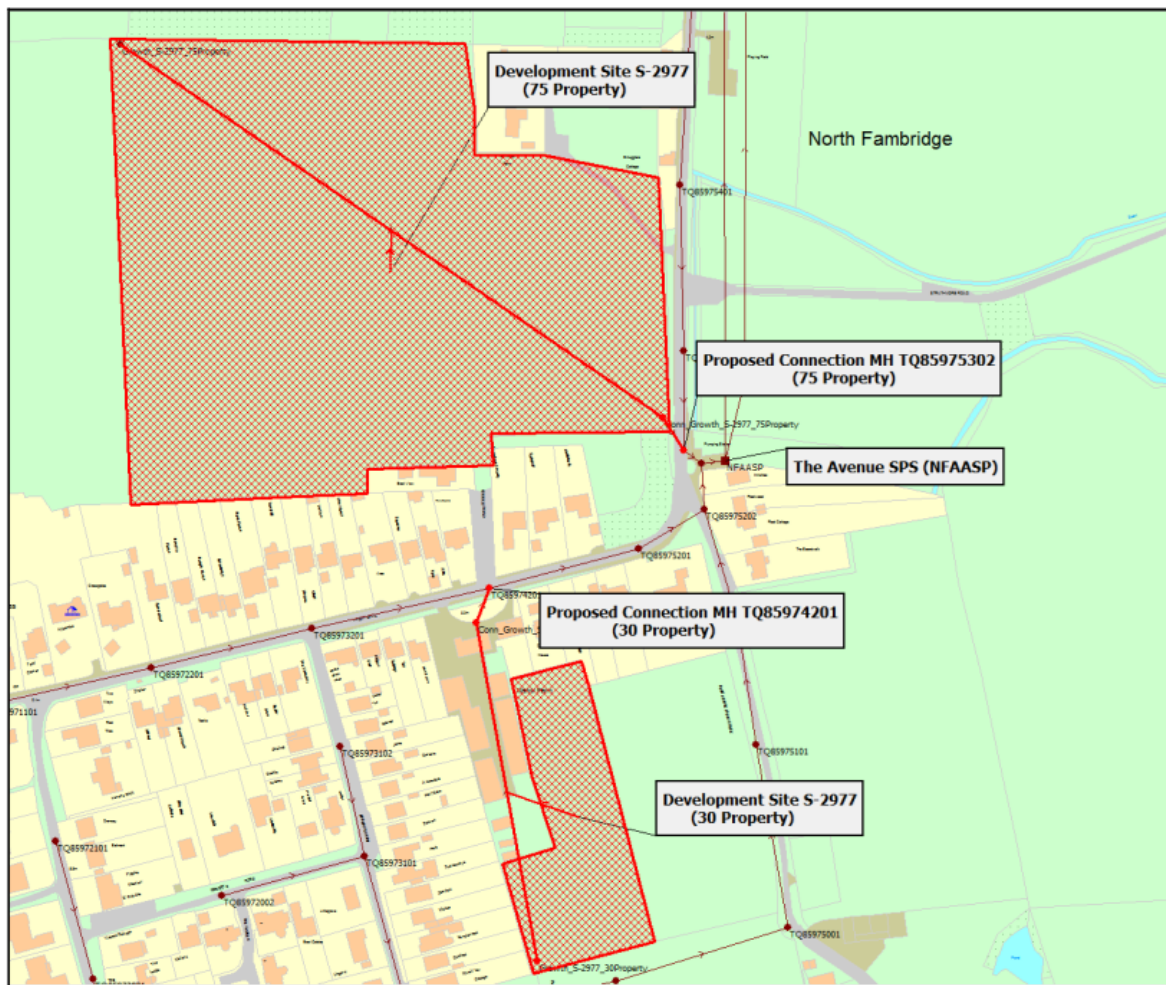
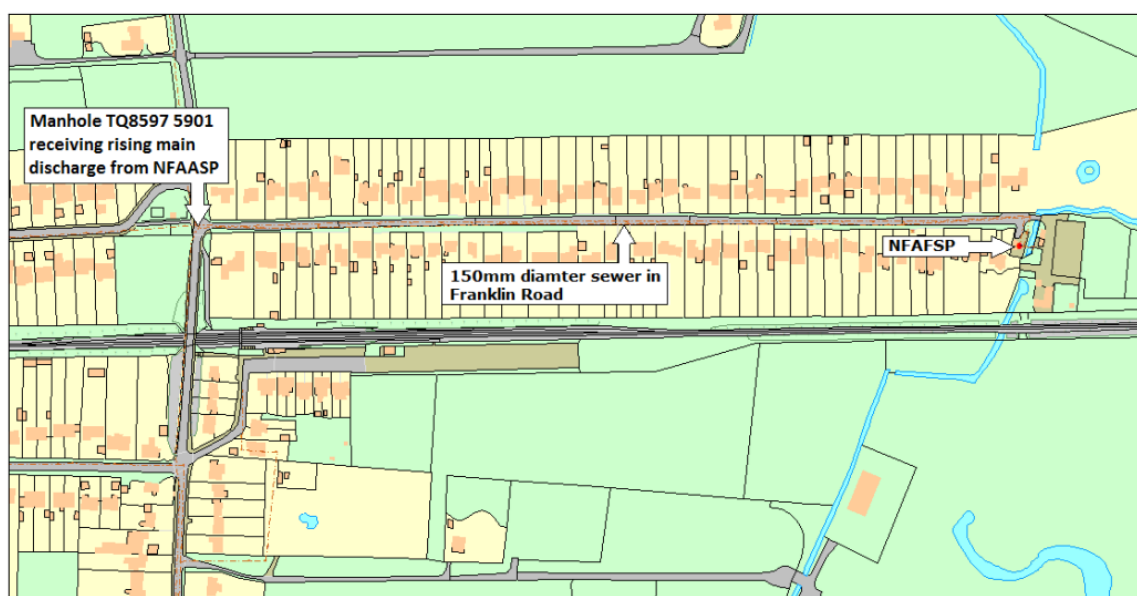
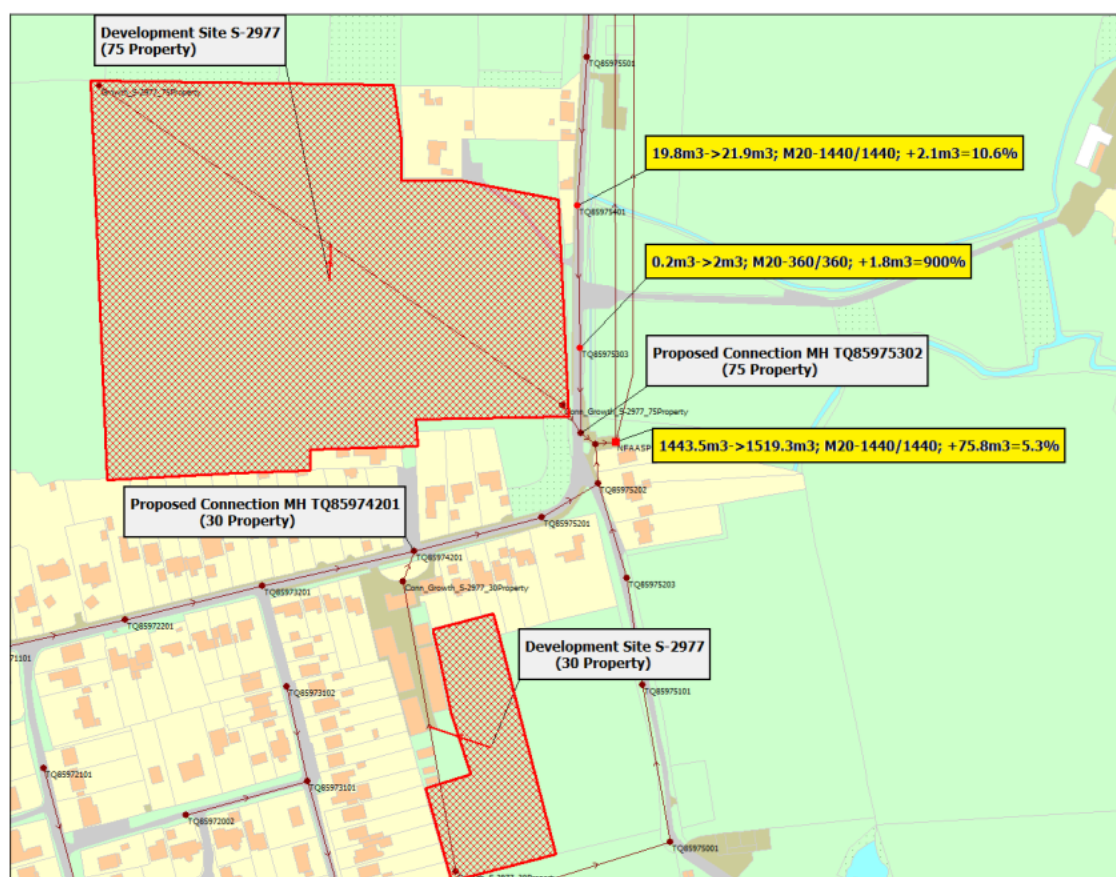


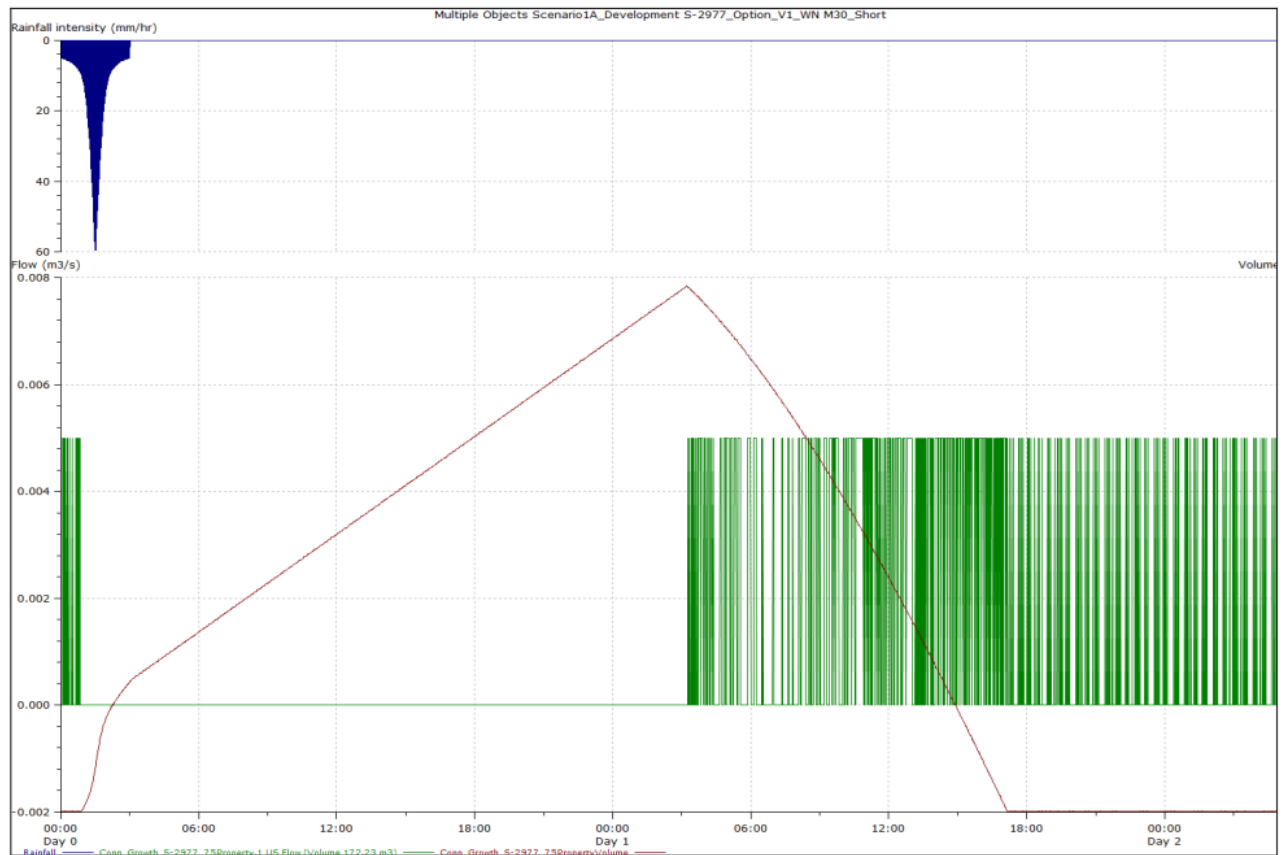
Figure 2 showing the proposed connection points in relation to the development parcels



**Figure 3 showing the immediate network draining to Franklin Road pumping station (NFAFSP)**



**Figure 4 showing the extent of predicted flood detriment with the development connected**



**Figure 5 showing the flow pattern and RTC operation from the conveyance PS during 30 year design event (this assumes a discharge rate of 5 l/s)**



**REPORT of  
THE DIRECTOR OF PLANNING AND REGULATORY SERVICES**  
**to**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**05 FEBRUARY 2018**

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<b>Application Number</b>	<b>FUL/MAL/17/00802</b>
<b>Location</b>	Blackstone Farm Lodge Lane Purleigh Essex CM3 6PW
<b>Proposal</b>	Retrospective – siting of two (2) containers for agricultural use
<b>Applicant</b>	Ms. E. Padfield
<b>Agent</b>	-
<b>Target Decision Date</b>	21.02.2018
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	<b>PURLEIGH PARISH COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Blackstone Farm Lodge Lane Purleigh**  
**FUL/MAL/17/00802**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	17/00802/MAL
	Date:	23/01/2018
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		



### **3. SUMMARY**

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

- 3.1.1. Planning permission is sought for the provision of two shipping containers to be used for ancillary storage in association with the existing agricultural business on site. The containers are sat on unmade ground and are anchored on the land by their own weight. The containers are already in situ; therefore, the application is retrospective in nature.
- 3.1.2. The application site is located on the northern side of Lodge Lane, Purleigh, in a rural area outside of any defined development boundary. The site is part of the agricultural holding and is occupied by three barns, a bungalow and two containers. The site is enclosed by boarded fence and hedgerows. The rural area is characterised by open farm land with adjacent farm properties and their outbuildings within the locale. Lodge Lane is a single track metalled road leading to other farmsteads.

#### **3.2. Conclusion**

- 3.2.1. The impact of the development on the character and appearance of the rural locality is considered to be detrimental as the proposal is for an incongruous form of development, failing to enhance the character and appearance of the area, contrary to policies S1, S8 and D1 of the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF).

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1. National Planning Policy Framework 2012 including paragraphs:**

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

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- E4 Agriculture and Rural Diversification
- D1 Design Quality and Built Environment
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3. Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

## **5. MAIN CONSIDERATIONS**

### **5.1. Principle of Development**

- 5.1.1. Planning permission is sought for development which is used in association with the existing and established agricultural use and ancillary operations carried out within the agricultural holding. As the development is associated with the existing use of the site it is considered that its principle is acceptable in line with policy S1.
- 5.1.2. Furthermore, policy S8 states that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for, among others, agriculture and forestry and related development (in accordance with Policy E4).
- 5.1.3. Policy E4 states that the Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where:
- 1) There is a justifiable and functional need for the building/activity;
  - 2) The function of the proposed building/activity is directly linked, and ancillary to, the existing use; and
  - 3) The building / activity could not reasonably be located in existing towns, villages or allocated employment areas.
- 5.1.4. It is considered that the principle of the development is in line with policy E4 and as such satisfies the criterion of policy S8. Whether the visual impact of the development is acceptable in line with the main thrust of policy S8 will be considered in section 5.2 of the report. Other material planning considerations will be discussed in the following sections of the report.

### **5.2. Design and Impact on the Character of the Area**

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

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

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

- 5.2.3. This principle has been reflected within the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 5.2.4. The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5. The proposal of this retrospective application is for two containers within a rural area. This type of structure appears to be at odds with the rural character and appearance of the area and the adjacent countryside. The undulating topography and arrangement of development in the area, allow extended views from the wider locality towards the containers. While the site and other properties nearby are dominated by barns and other large agricultural buildings, which in terms of scale are substantial when compared to the containers, the style and design of the metal shipping containers is incongruous to the nature of an agricultural use and more akin to a commercial use. Moreover, the presence of large agricultural buildings is something that is expected in a rural area. The unauthorised development has demonstrably harmed the character and appearance of the locality.
- 5.2.6. The use of containers has resulted in an alien form of development, appearing at odds with the established development pattern. In particular, container 1 has resulted in an incongruous feature in the streetscene, failing to harmonise with the rural character of the area, and appearing at odds with other built form in the immediate locality. Although the hedge on the boundary softens the impact of container 1, its retention cannot be guaranteed. Furthermore, even if the hedge is protected by the Hedgerow Regulations, there is no control over the height or density at which the hedge should be retained. As for container 2, although the structure is considered to be incongruous in form and appearance, it is noted that its location adjacent to a barn obscures views of the structure from the south, particularly in views from the highway. Views of container 2 would be visible from the open countryside north and would therefore

have a visual impact on the character of the area, albeit with the impact reduced by virtue of the fact that it is viewed against the backdrop of the existing building at the site.

- 5.2.7. During the site visit it was noted that a container of similar size as container 1 was located on the land across the road. It appeared that the addition of the container was recent. There is no evidence to indicate that this container benefits from planning permission. Therefore, its presence in the locality does not carry significant weight in favour of this application.
- 5.2.8. The fallback position of the development, if there is any, should be taken into account as it is a material planning consideration. According to the access and design statement submitted with the application, the containers are used in association with the agricultural operations of a holding larger than 5ha. Class A of Part 6 of Schedule 2 of the General Permitted Development Order (GPDO) 2015 allows for: *“The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—*  
*(a) works for the erection, extension or alteration of a building; or*  
*(b) any excavation or engineering operations,*  
*which are reasonably necessary for the purposes of agriculture within that unit”*. However, the containers are not buildings nor excavation or engineering operations. Therefore, there is no fall-back position to be considered. Even if it was contented that the containers could be considered to be buildings, one of the limitations of the provision above is A.1 (d) which states that development is not permitted if: *“it would involve the provision of a building, structure or works not designed for agricultural purposes;”* A shipping container is an item which by definition is not designed to be used for agricultural purposes. As such, the conclusion that there is no fall-back position to be considered is reinforced.
- 5.2.9. Overall, the impact of the development on the character and appearance of the locality is considered to be detrimental as the proposal is for an incongruous form of development, failing to enhance the rural character and appearance of the area, contrary to policies S1, S8 and D1 of the LDP and the NPPF.

### **5.3. Impact on Residential Amenity**

- 5.3.1. The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2. The nearest dwelling to the site is more than 100m away. Due to the scale, nature and distance of the development from the adjacent neighbouring residential properties, it is not considered that any harm has been caused to the amenity of those properties in terms of overlooking, overshadowing or overpowering. The nature of the use is unlikely to give rise to any detrimental noise or other pollution affecting the neighbouring occupiers.

## **5.4. Access, Parking and Highway Safety**

- 5.4.1. Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2. The existing access arrangements onto the highway would not be altered as a result of this proposal. The units provide cumulatively 23.8m<sup>2</sup> of storage space which would need the provision of a maximum of one parking space. While there is no designated provision of parking areas on site, there are extensive hard surfaced areas on site and immediately off the site which can be used for the purposes of off street parking provision. The development is considered acceptable in terms of access, parking and highway safety.

## **6. ANY RELEVANT SITE HISTORY**

- No relevant planning history.

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Purleigh Parish Council	Support	Noted

### **7.2. Representations received from Interested Parties**

- 7.2.1. No representations were received for the application.

## **8. REASONS FOR REFUSAL**

- 1 The impact of the development on the character and appearance of the rural locality is considered to be detrimental as the structures are an incongruous form of development which fail to enhance the character and appearance of the area, contrary to policies S1, S8 and D1 of the Local Development Plan and the guidance contained in the National Planning Policy Framework.

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

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
05 FEBRUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01197</b>
<b>Location</b>	E J Taylor And Sons Ltd Mill Works Burnham Road Hazeleigh Essex
<b>Proposal</b>	Addition of two extensions for office use to the existing cottage/office building, creating a total additional floor area of 962sqm, and the provision of further parking facilities
<b>Applicant</b>	Mr Bob Taylor - EJ Taylor & Sons Ltd
<b>Agent</b>	Miss Heather Organ
<b>Target Decision Date</b>	1 February 2017
<b>Case Officer</b>	Yee Cheung <a href="tel:01621876220">Tel:01621 876220</a>
<b>Parish</b>	<b>HAZELEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**E J Taylor and Sons Ltd Mill Works Burnham Road Hazeleigh**  
**FUL/MAL/17/01197**



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 Maldon District Council 100018588 2014

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 17/01197/FUL

Date: 23/01/2018

MSA Number: 100018588



### **3. SUMMARY**

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

- 3.1.1 Mill Cottage is located to the north east of Burnham Road (B1010, Hazeleigh. The site area is approximately 0.69 hectares and is occupied by a cottage which is used as a head office and various outbuildings which are also used as offices (Class B1(a) Use). The site is currently an area of rural employment with numerous buildings on large areas of hardstanding. Building materials and plant equipment are stored on site in the Builder's Yard immediately to the south east of the cottage (Class B8 Use).
- 3.1.2 Informal car parking spaces are currently to the front, north side and rear of the cottage. Further informal car parking spaces are available to the rear of the Builder's Yard.
- 3.1.3 Hazeleigh village is very rural in nature with farms and buildings spread throughout. The application site is partially screened by existing trees and hedgerow to the north west, south east and along the main Burnham Road. A pasture field lies adjacent to the east boundary, with open views across Hazeleigh countryside. Residential properties 'Grove Cottage' and 'Mill House' sit either side to Mill Cottage. The site gradient varies across the land from the southern boundary to the north corner. Undulating rural landscape is apparent when viewed from the site towards north and north east direction.
- 3.1.4 Access to the site is off Burnham Road (B1010). Burnham Road is a main road with no pedestrian footpath. However a bus service is available and bus stops are located approximately 80 metres to the south of the application site along Burnham Road opposite Goat House Lane.
- 3.1.5 The proposal is for the construction of two extensions to the existing cottage / office. The first extension would be two-storey in height and to be erected to the northern side of the cottage. This extension would measure approximately 9.7 metres in width and 9.7 metres in depth. It would be 7.1 metres in height to ridge level with a twin gabled roof design. This element would be constructed using red multi-brickwork, cream render and brown plain tiles to match the existing cottage and would provide Office 1 (ground floor) and Office 5 (first floor).
- 3.1.6 To the rear of the cottage, another two storey extension is proposed. The extension would measure approximately 24 metres wide and 17 metres in depth. The height of the extension would range between 5.7 metres and 7.2 metres due to the existing site gradient with a flat roof. This extension is contemporary in design and would be constructed using red facing brickwork, cedar boarding with dark grey aluminum fenestration detailing. This new addition would accommodate Office 2, 3 and 4, w.c, a further three small offices, rest room, printer room and a central stairwell / lift for access onto first floor. At first floor level, Office 6, 7, 8, 9 and 11, a meeting room, w.c, and a tea room are proposed.
- 3.1.7 The proposal also includes a two-storey in height glass corridor which connects the existing cottage to the new rear extension.

- 3.1.8 Based on the plans submitted, it shows 63 car parking spaces to be proposed within the site. The proposal also includes 4 disability spaces, 10 van spaces, 5 motorcycles and 20 cycle spaces for employees. 9 visitors' spaces are proposed to the front of the building.
- 3.1.9 As part of the application submission, a Design and Access Statement (Ref: 17/03/DAS dated October 2017); Landscape Statement prepared by Kirsten Bowden dated October 2017; and a letter by E. J Taylor & Sons Ltd to justify the need for the extensions and alterations to accommodate the growing workforce.

### **3.2 Conclusion**

- 3.2.1 Policy E1 of the Local Development Plan (LDP) states that proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses. Therefore, the proposal in principle would accord with Policy E1 of the LDP as well as meting the economic and social role of presumption in favour of sustainable development as contained within the National Planning Policy Framework (NPPF). However, the proposed development would result in an increase in the quantum of development and an unacceptable intensification of the site, adversely affecting the visual amenity of the rural area. The development, if approved, would have an urbanising effect on the rural character of the area that would result in an unwelcome visual intrusion into the open and undeveloped countryside. This fails the environmental role of sustainable development and therefore on balance, it is considered that the benefits of the proposal would not outweigh the harm to the character and appearance of the rural area.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 7 Three dimensions to sustainable development
- 8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 28 Supporting a prosperous rural economy
- 29-41 Promoting sustainable transport
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment

### **4.2 Maldon District Local Development Plan approved by the Secretary of State on 21 July 2017:**

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside

- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

#### **4.3 Relevant Planning Guidance / Documents:**

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The District's economy comprises employment in high quality manufacturing, construction, business, and light and general industry, as well as non-traditional employment in sectors such as education, health, retail and tourism. All these sectors have a positive contribution to the local, regional and national economy. The vitality, diversity and responsiveness of the economy is fundamental to the future prosperity of the District and its position within the wider economy.
- 5.1.2 Policy E1 of the LDP states that the Council will encourage employment generating developments and investment in the District to support the long term growth vision outlined in the Council's Economic Prosperity Strategy (EPS). This will be achieved through the regeneration, modernisation and expansion of existing employment sites. Further, the policy goes on to say that proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the current needs of local businesses in the District. The above policy should be read in conjunction with Policies S1, S7 and S8 of the LDP where it stipulates that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for, amongst other things, employment generating proposals, as stipulated in Policy S8 (b) of the LDP.
- 5.1.3 The NPPF, Section 3 'Supporting a Prosperous Rural Economy') also advises that Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things, *'support the sustainable growth and expansion of all types of business*

*and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings’.*

- 5.1.4 The main issues to consider when determining this application is the design of the development proposal; its effect on the character and appearance of the rural area, and whether the development would impact on residential amenities.

## **5.2 Justification of the Development Proposal**

- 5.2.1 E. J. Taylor & Sons Ltd is a family company established in 1963. EJ Taylor & Sons is a construction firm which specialises in all building tasks from the inception and design of a site, civil engineering and large groundworks, contract builds, small groundworks and civil maintenance, to insurance repairs and housing maintenance, with the majority being in the Essex area.
- 5.2.2 Within the application submission, it is understood that the company has the capability to carry out all building tasks from inception and design of a site, right up to making sure a property undergoes its final clean, and everything in between. The firm has numerous departments ranging from civil engineering and large groundworks, contract builds, small groundworks and civil maintenance, insurance repairs and housing maintenance, with the majority of projects being in the Essex area.
- 5.2.3 E.J. Taylor & Sons and its workforce has been steadily growing over the years. The company has outgrown their head office (Mill Cottage), with a number of departments moving out of the cottage and into temporary containers and outbuildings scattered around the yard. This increases difficulty in the day to day running with departments being isolated. The proposed extensions would allow the company to remain at Mill Cottage and gain the much needed floor space they require to grow as a company.
- 5.2.4 In the Design and Access Statement submitted, it goes on to state that:
- 81 of E.J. Taylor & Sons’ 265 employees are based at our Mill Works head office, the rest are site based
  - E.J. Taylor & Sons have a fleet of 128 vans and 49 cars (all of the 81 office based staff either have a company car or their own car) and 4 lorries
  - E.J. Taylor & Sons’ ratio of vans to employees has increased in recent years as the small works divisions (which require smaller teams and therefore more vans)
  - Roughly 10 site-based vans on average visit the Builders Yard to collect materials and plant between: 7am-8am each morning, and roughly 20 visits on average in the evening: 3:30pm-5pm.
- 5.2.5 As part of the application submission, a letter submitted by E.J. Taylor & Sons shows a steady increase in staff / employment and the company’s annual turnover (to remain private and confidential). It is considered that the justification for the proposal meets Policy E1 of the LDP.

### 5.3 Design and Impact on the Character of the Area

- 5.3.1 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.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 5.3.3 Paragraph 64 also states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 5.3.4 This principle of good quality design is reflected in the LDP. Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate; (b) Height, size, scale, form, massing and proportion; (c) Landscape setting, townscape setting and skylines; and (d) Layout, orientation, and density.
- 5.3.5 The application site is located within the Woodham Wooded Farmland (F6), as identified with the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council’s evidence base. This character area includes the wooded, east-west ridge, tree-lined road, lanes and tracks, tree-enclosed fields and many dispersed fragments of ancient oak-hornbeam woodland, all of which are sensitive to changes in land management. The network of quiet rural lanes (including lining hedge banks and hedgerows) is also sensitive to change or increased traffic associated with new development. There is a relatively strong sense of historic integrity, resulting from a dispersed settlement pattern (with more recent nucleation at Bicknacre), enclosed meadows within river valleys and a considerable degree of co-axiality within fields (on a local-scale), usually relating directly to the immediate topography.
- 5.3.6 While it is acknowledged that within the Woodham Wooded Farmland (F6), the busy A414 winds through this countryside, as well as many lanes and secondary roads including the B1010 and that varied land use is visible i.e. sand and gravel pits, nurseries, agricultural storage and other commercial activity. Overall, the character area has relatively high sensitivity to change as there is still a strong sense of tranquillity and a strong sense of place in the area.
- 5.3.7 The application site is located to the north east of Burnham Road, Hazeleigh and is occupied by an existing cottage (used as head office) and various sized outbuildings

to the side and rear of the building. The proposal seeks to construct a two-storey side extension to the north side of the cottage and a two-storey extension to the rear.

5.3.8 Based on the plans and Design & Access Statement submitted, it is noted that the side extension to the cottage would be traditional in style, matching the existing building. The proposal will have clay roof tiles, cream render and white windows. The existing low-level ridge height will continue across to the proposed side extension. It is understood that the side extension to the cottage would partially screen the rear extension from Burnham Road.

5.3.9 With regard to the rear extension, the design would be modern with straight lines and symmetry. Large windows are proposed on the rear elevation of the extension to provide natural light into the offices. The roof would be flat to minimise the height and will have a large projected eaves detail. A mixture of red multi brick and cedar weather boarding would be used on the new build. A glass walkway is proposed to link the new and the old buildings together.

5.3.10 The plans submitted shows the following increase of the built form:-

	<b>Existing</b>	<b>Rear Extension</b>	<b>Side Extension</b>	<b>Percentage Increase %</b>
Ground Floor	127sqm	396sqm	85sqm	74% increase in floor area (ground floor)
First Floor	115sqm	396sqm	85sqm	76% in floor area (first floor)
Total:	242sqm	792sqm	170sqm	962sqm - 75% increase in gross floor area (ground and first floor)
Existing commercial buildings within the Builder's Yard (Use Class B8)	580sqm (Approximately)	No change	No change	No change

5.3.11 In terms of the scale, mass, height, bulk, depth and width, the proposed development, particularly the rear extension would appear dominant and disproportionate against the backdrop of the cottage and when viewed within its rural setting. While it is acknowledged that there are existing built forms within the site with limited architectural merit, these buildings are in close proximity to the principal cottage and appear subservient when viewed at a distance.

- 5.3.12 It is apparent on site that there is a distinct visual difference between the built up area of site and the wider rural area. It is considered that the visual harm from the quantum of development, the depth, width, bulk of the rear extension, including the vast area of hardstanding to form the staff car parking area would create an unwelcome form of development which would materially and adversely encroach onto the rural landscape to the north east, particularly when viewed from Lodge Road, and significantly detract from the natural beauty, quality and amenity of the countryside. At present, it is noted that the cottage and the existing outbuildings are contained fairly tightly within the site. While the contemporary element to the rear of the cottage would be of some architectural interest, it would be jarringly at odds with the existing building in all respects. Further, the proposal in terms of its increased built form, turning area and hardstanding, would be noticeable and would result in demonstrable harm to the rural area particularly when viewed from Lodge Road into the site.
- 5.3.13 Having taken into account the above, it is considered that the impact of the development on the character and appearance of the site and its rural surroundings would significantly and demonstrably outweigh the benefits of the proposal when assessed against policies S1 and D1 of the LDP, and Government advice contained within the NPPF in relation to 'Good Design'.
- 5.3.14 It is also pertinent to note that in December 2017, the Local Planning Authority (LPA) adopted the Maldon District Design Guide (MDDG) which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.3.15 In Section A03 'The Value of Good Design' of the MDDG it states that good design has an impact on all aspects of the built and natural environment, be it a simple extension to an existing house or a large residential or commercial development. Good design translates into more than the appearance of buildings. It is important in both small residential extensions and large-scale developments where form and materials are introduced and new streets and spaces are created. Functionality and practicality are embedded in the design and are as important as the visual quality of a building, town centre or rural intervention. It goes on to say that for commercial development, well designed buildings are good for business. Flexibility to respond to changing social and economic circumstances is important, as are design solutions which encourage creativity and innovation. Everywhere, investment in good quality design is shown to provide a higher return on the investment made.
- 5.3.16 While the Council is not adverse to extensions and alterations to the existing building on site, it is the design and appearance of the development that is of concern. It is considered that the impact of the development on the character and appearance of the site and its rural surroundings as outlined above would conflict with the aims and criterion of the MDDG in relation to good design.
- 5.3.17 Based on the development proposal, it is not likely that the proposed extensions would have an impact on the setting of the listed building to warrant refusal in this respect, as the development would be to the north side of the Builders Yard.

## **5.4 Impact on Residential Amenity**

- 5.4.1 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The nearest residential properties to the application site are Grove Cottage some 30 metres away to the north east and Mill House, a Grade II listed building located immediately to the south east.
- 5.4.3 A letter of representation has been received concerning the depth and height of the development when viewed from Grove Cottage. Having considered the distance of approximately 30 metres between Grove Cottage and the application site, it is considered that the impact on the existing occupiers at Grove Cottage would be negligible in terms of loss of light or outlook. It is noted that there are first floor windows on the flank wall of the rear extension that serves Office 9, 11 and an internal corridor. A condition can be imposed to ensure that these windows to be obscure glazed should the application be approved. Further, additional soft landscaping can also be introduced to the site boundary to mitigate the impact on the development proposal.
- 5.4.4 Letters of representation have been received with regard to external lighting and noise and disturbance from the creation of the new car parking area to the rear of the site. The Environmental Health Services (EHS) has assessed the proposal and although it is acknowledged that the proposed parking area would be a significant increase in size from the existing carpark to the rear and may increase traffic movements / staff on site and cause disturbance to those residing in the locality, EHS has not raised an objection to the proposal and has suggested that the Applicant provide a Noise Management Plan to identify potential problems and provide suitable mitigation measures. Again, these issues can be dealt with by planning conditions.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 Access and egress to the site would be via an existing point off Burnham Road. It is proposed that this access point would be widened to improve visibility splays and to allow vehicles to enter and leave the site at the same time. The Proposed Site Plan (Drawing No: 17/03/05 Revision A) submitted shows an internal driveway accessing to the parking area to the rear. Traffic calming measures will be introduced along this section of driveway, 63 car parking spaces to be proposed within the site. The proposal also includes 4 disability spaces, 10 van spaces, 5 motorcycle spaces, 20 cycle spaces for employees and 9 visitor spaces are proposed in front of the building.
- 5.5.2 In accordance with the Maldon District Vehicle Parking Standards and Policies D1 and T2 of the LDP, one space per 30m<sup>2</sup> would be required for Class B1(a) 'Office Use'. The existing gross internal floor space is currently measures at 242sqm and 94sqm will be lost by demolition which would result in the requirement for 5 parking spaces on site.



- 5.5.3 The gross floor space of the development proposal is 962sqm and as such an additional 32 parking spaces should be provided. For the Builders Yard to the south east, a maximum of one space per 150sqm would be required for Class B8 'Storage and Distribution' use. The gross floor area of the existing buildings is approximately 580sqm which means 4 parking spaces should be provided.
- 5.5.4 On Drawing No: 17/03/05 Revision A, a large area of hardstanding for car parking is proposed to the rear for the office extensions and the Builders Yard. While ample spaces are being provided for the future occupiers of the site, it is considered that the over provision of car parking spaces by 22 spaces (63-41=22) to the rear of the site would have an urbanising effect on the rural character of the area that would result in an unwelcome visual intrusion into the open and undeveloped countryside, to the detriment of the character and appearance of the area, contrary to Policies D1 and N2 of the LDP and core planning principles and guidance contained in the NPPF.
- 5.5.5 Letters of representation have been received concerning the increase in traffic movement and car parking on site. While it is noted in the Applicant's Design & Access Statement that the company had introduced a policy in 2012 that formally prohibited company vehicles from using the minor roads and lanes around Mill Works (Lodge Road, Rectory Lane, Post Office Lane, Goat House Lane and Slough Road) in order to minimise traffic impact on the local community and confirms that this is enforced. The Council has taken this statement in good faith as the direction of traffic movement is unenforceable. Irrespective of this, the Highway Authority has assessed the proposal and has raised no objection to the proposal subject to conditions and informative to be imposed should the application be approved.

## **5.6 Landscaping**

- 5.6.1 As part of this application submission, a Landscape Statement prepared by Kirsten Bowden was submitted to support the proposal. The statement analyses the impact of the proposal on the local landscape character and views to and from the site.
- 5.6.2 A site visit was undertaken on 7 December 2017 and it was noted that new native hedge and tree planting have been introduced to the perimeter of the site demarcating the extended car park and to provide screening of the site from the wider view. While the provision of landscaping would alleviate and soften the appearance of the development and can be dealt with by condition, it is important to note that there is a stark contrast between the built-up edge of the site and the open countryside to the north and north east. Further, such soft landscaping would take time to establish and that there can be no guarantee that the trees and hedges would remain in perpetuity. Therefore, the screening provided as part of the application would not be a justification to allow this proposal. It is considered that the development, if approved, would further encroach into the countryside thus impacting the area particularly when viewed at a distance from Lodge Road where the land is higher, contrary to Policies S1, D1 and N2 of the LDP.

## **Other Considerations**

- 5.7 A letter of representation was received concerning the ownership of the land. This issue has since been rectified and the correct ownership certificate (Certificate B) has been served. With regard to covenants on land, this would involve interested parties,

for example: the occupiers of the site, developers, and landowners etc. and is not a material consideration as it is outside the planning remit.

- 5.8 To the south of the application site is Mill House, a Grade II listed building. While it is noted that the proposed car park will intrude into the rural landscape, the Conservation Officer is satisfied that the proposal would cause no harm to the setting or significance of Mill House. Due to the splayed angle of the proposed car park's south-eastern boundary, the views of rolling hills enjoyed from the listed building would remain largely uninterrupted.
- 5.9 In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In this instance, it is considered that the proposal would be consistent with this objective.
- 5.10 Further, the proposal would cause no harm to the significance of the listed building and that it is therefore compliant with the policies set out in Chapter 12 of the NPPF and Policy D3 of the LDP. No objection is raised by the Conservation Officer.

## 6. **ANY RELEVANT SITE HISTORY**

- **ADV/MAL/14/00198** - Application for advertisement consent for 2 No. advertisements on free-standing dual-facing signage board at site frontage. Refused: 30 April 2014
- **FUL/MAL/98/00258** - Erection of external rear fire escape stair. Approved: 12.05.1998
- **FUL/MAL/97/00841** - Removal and replacement of existing first floor and roof structure and erection of external store. Approved: 10.02.1998
- **FUL/MAL/96/00483** - Erection of new frost-proof store spray booth and replacement of timber rack. Approved: 08.10.1996
- **FUL/MAL/95/00646** - Change of use of Mill Cottage for use as offices and redevelopment of existing yard at Mill Works – Approved - 14.11.1995
- **FUL/MAL/95/00283** - Additional car parking for staff cars – Approved – 27.06.1995
- **FUL/MAL/94/00157** - Extension to existing offices – Approved - 28.06.1994

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Woodham Mortimer and Hazeleigh Parish Council	The proposal do not impact on the street scene Would like conditions to be imposed regarding the screening and light to prevent negative impact on	Noted

Name of Parish / Town Council	Comment	Officer Response
	nearby residential properties	

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No objection subject to conditions and informative to be imposed	Noted
ECC SUDs Team	Not a major development and is highly unlikely to have any impact on flood risk.	Noted
UK Network Powers	No comments received at the time of writing of the report.	Any comments received will be reported on Members Update

## 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection subject to conditions in relation to a noise management plan, lighting, plant equipment, surface water drainage and foul drainage scheme to be submitted to and approved by the Council should the application be approved	Noted
Planning Policy Team	Supports providing the development accords with Policy E1 of the LDP	Noted

## 7.4 Representations received from Interested Parties

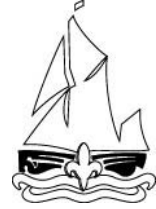
### 7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Michael Gurry Shingle Farm Lodge Road Hazeleigh
- John & Pauline Stevenson Grove Cottage Burnham Road Hazeleigh
- Dawn Moran Peppers Lodge Road Hazeleigh
- Jon Gibson Peppers, Lodge Road Hazeleigh

<b>Objection Comment</b>	<b>Officer Response</b>
Increase in vehicle noise and disturbance Increase in traffic movement Impact on the countryside Light pollution from the existing site Does the company need all the space proposed for all its' staff under one roof? The development would affect the amenity of neighbouring residential properties Object to the car park in a rural field The business has outgrown the site Visual impact to Grove Cottage Design, appearance, scale, height and finish of building is out of character with the area Land ownership / covenant on land	These issues have been addressed in the officer report

## 8. **REASON FOR REFUSAL**

- 1 The proposed development by virtue of the scale, form and design of the proposed extension and the spread of the car parking area to the north east would result in the unacceptable intensification of the site, adversely affecting the visual amenity of the rural area. The development, if approved, would have an urbanising effect on the rural character of the area that would result in an unwelcome visual intrusion into the open and undeveloped countryside, to the detriment of the character and appearance of the area contrary policies S1, S8, D1 and N2 of the Maldon District Local Development Plan, the Maldon District Design Guide, and Government guidance as contained within the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
05 FEBRUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01230</b>
<b>Location</b>	Rosemead, D'Arcy Road, Tolleshunt Knights
<b>Proposal</b>	Demolition of stable block and erection of detached bungalow with associated parking
<b>Applicant</b>	Mr. & Mrs. D Dwyer
<b>Agent</b>	Mr. Peter Le Grys - Stanfords
<b>Target Decision Date</b>	19 January 2019
<b>Case Officer</b>	Hilary Baldwin Tel: 01621 875730
<b>Parish</b>	<b>TOLLESHUNT KNIGHTS</b>
<b>Reason for Referral to the Committee / Council</b>	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.

# Rosemead D'Arcy Road Tolleshunt Knights

## FUL/MAL/17/01230



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 17/01230/FUL

Date: 23/01/2018

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The site adjoins a group of agricultural style buildings which are set well back from the west side of D'Arcy Road. Generally loose knit linear development extends along the east side of the road in the vicinity of the site. However, development on the west side of the road is much more sporadic with isolated groups of buildings separated by significant areas of open land which is agricultural in character. The site lies directly adjacent to the existing agricultural buildings and would utilise the same highway access from D'Arcy Road with new site boundaries to the east, south and west.
- 3.1.2 The proposal seeks planning permission for the demolition of one agricultural building and the change of use of the land to that of residential use and the erection of a detached dwelling with parking forecourt and private rear amenity space. The property would have a rectangular shaped footprint with overall measurements of 19.4m wide, 8.5m deep and an overall ridge height of 5.8m. External materials would comprise timber clad elevations and concrete roof tiles. In terms of fenestration the northern (front) elevation would comprise windows set in the style of equine stables with more traditional residential style windows within the other elevations with two sets of French style windows within the rear (southern) elevation.
- 3.1.3 Vehicle access would be shared with the existing access to the agricultural buildings and would lead to both the proposed dwelling and the existing buildings.
- 3.1.4 The site is outside of the settlement boundary of Tolleshunt Knights.

#### **3.2 Conclusion**

- 3.2.1 The land has been subject to four previous applications for residential development in similar locations, with two being dismissed at appeal. Whilst it is acknowledged that the current proposal has located the dwelling on the site of an existing agricultural outbuilding, the resultant harm to the landscape character and lack of compliance with the three dimensions of sustainability, which need to be considered conjointly, would result in conflict with the development plan policies as well as with the Framework and contrary to the criterion of approved policies S1, S8, D1 and H4 of the approved LDP and the provision and guidance 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
- Maldon District Design Guide (2017)

### **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 site is located within the rural area outside the development boundary Tolleshunt Knights and approved policies S1 and S8 of the Local Development Plan (LDP) provide the strategic position for the future growth and direction of travel of the built environment for the Maldon District. The approved plan and specifically the strategic policies seek to deliver residential growth whilst contributing to protecting and enhancing the District's natural, built and historic environment.
- 5.1.3 The NPPF is also clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three key dimensions that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental roles. This requirement is carried through to local policies via policy S1 of the approved LDP which emphasises the need for sustainable development.
- 5.1.4 Furthermore, the Maldon District, outside of the defined settlement boundaries is predominantly rural in nature and the provision of a detached dwelling on the site would urbanize it to the detriment of the character of the area. This is discussed further in a subsequent section of this report.
- 5.1.5 It is also noted that since previous applications for residential development on this land, the Local Planning Authority (LPA) is in receipt of the Secretary of State's determination and approval of the District's Local Development. The Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified need.



- 5.1.6 It is noted that the previous appeals deemed the site sustainable in terms of travel and distance to community support services and facilities.

## **5.2 Relevant Planning History**

- 5.2.1 The site has been subject to previous applications for development of the site for a residential dwelling. The previous application, FUL/MAL/17/00777 was refused by the Council for the following reasons:

*The proposed development, as a result of its design, siting, and location on an open parcel of land, would result in an incongruous, prominent form of new development that would have an unacceptable urbanising effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. The poor sustainability credential as defined by the Framework would significantly and demonstrably outweigh the benefits of the proposal when assessed against the approved policies of the Local Development Plan and the National Planning Policy Framework as a whole. The proposal would therefore fail to meet the requirements of policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan and the core planning principles and guidance as contained within the National Planning Policy Framework.*

- 5.2.2 The current application, which represents the same development, in the same location, together with the same Planning Statement has been submitted by the applicant. However a covering letter with the submission states that the applicant considers that there are “significant inaccuracies” within the Council’s consideration of the application site and that secondly, the failure to provide adequate and appropriate consideration of the earlier appeal decision issued in December 2016. The covering letter continues by stating that rather than lodge an appeal against the decision, the “opportunity” is provided for the Council to reconsider its position.
- 5.2.3 Therefore, the assessment for this current application will follow a similar process as for all applications, including the preceding application, which addresses local, and national policy criterion and all relevant material considerations. It will then be followed by a separate section addressing the concerns of the agent and the Council’s response to the legitimacy of those concerns.

## **5.3 Housing Need**

- 5.3.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change. The Council will therefore support, by way of approved policy H2 a greater proportion of smaller units to meet the identified needs and demands for such housing.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. The proposals contribution, to the District’s identified housing need, which is a single storey property but which includes three bedrooms, is therefore so limited that its benefits can only be categorized as very minimal in this instance.

## **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 Paragraph 55 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities” and that “Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as, amongst others; the exceptional quality or innovative nature of the design of the dwelling. Such a design should: be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area”.
- 5.4.4 Similar support for high quality design and the appropriate layout scale and detailing of the development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.4.5 Due to the Secretary of States determination of the LDP and its policies on 21st July 2017, full consideration must now be given to those policies contained therein.
- 5.4.6 The proposal would result in a detached three bed dwelling directly adjacent to, and on the site of, one existing agricultural building.
- 5.4.7 Whilst it is acknowledged that the proposal differs from the previously dismissed appeal, the current submission would result in a domestic structure in this location with domestic curtilage and inherent domestic paraphernalia. Therefore it is considered to be similar in nature.
- 5.4.8 A previous submission (FUL/MAL/15/01300) proposed a dwelling adjacent to the existing buildings with the domestic curtilage extending south and east of the site and whilst it is recognised that the current submission would replace an existing agricultural building, that structure is seen as part of the holding in this location and which currently backs onto the open field. The provision of a similar structure, whilst it terms of scale and bulk would be analogous to the former building on the site, the provision of domestic style openings and a private amenity space, which would significantly protrude into the adjacent field, would result in domestication and visual intrusion of this part of the rural District.

5.4.9 For the previous appeal, the Inspector considered that the proposed bungalow, whilst smaller than the previous appeal to that, still did not agree with the appellant in that case on the grounds that in terms of impact of encroaching into the surrounding open landscape it could not be made acceptable and that the dwelling would not assimilate well in the predominantly open surrounding. Albeit the current proposed dwelling would be on the siting of an existing agricultural building, the projection of private amenity space into the rural landscape would result in the erosion of landscape character. The recently adopted Maldon District Design Guide (2017), impresses the requirement for quality private outdoor amenity space for dwellings. This space should function as a private sitting out area, play area and be somewhere to hang out laundry. Although soft boundary treatments could be required by a planning condition, the protrusion of a wholly domestic parcel of land into the current open field would still be evident.

5.4.10 Whilst it is accepted that the dwelling proposed in this scheme would replace and be similar to that of an existing agricultural building, the siting of a dwelling, its expanse of domestic curtilage and inherent domestication of the site are not considered to have overcome previous reasons for refusal. Furthermore, the previous appeal Inspector opined that:

*“nor would the proposed screening of the site constitute exceptional justification of the development. The argument that a dwelling would be out of public view for this reason would not be compelling in principle. Not only would it take a long time for screen planting to have any beneficial effect, but it is an argument that could be repeated all too often in the overall detriment of the character and appearance of the countryside”*

5.4.11 In this respect of encroachment and visual impact in the rural area there is considered to be minimal difference between the two schemes and no compelling reason for the LPA to come to a different conclusion in this case.

5.4.12 Whilst it is acknowledged that both previous appeal Inspectors considered that in terms of access to community support facilities and services, the previous proposals were sustainable, the question of sustainability in terms of its definition within the Framework and its core values of protecting the rural countryside, combined with the recently approved policies by the Secretary of State, cannot lead to a different conclusion.

5.4.13 Therefore, given the material harm to the character and appearance of the area, the proposal would significantly harm the site and result in detrimental impact upon the character and appearance of the area contrary to policies S1, S8, D1 and H4 of the LDP, the guidance and provisions as contained within the NPPF and the adopted Maldon District Design Guide.

## **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 nearest adjacent properties to the east, it is considered that there would be limited loss of amenity to occupiers of those properties. 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 2 spaces. Such provision could adequately be accommodated within the site.
- 5.6.2 Essex County Council Highway Authority has been formally consulted on the application in terms of highway safety and there is no objection to the proposal subject to conditions for the parking area to be laid out and retained, driveway surface materials and cycle parking on site. Such conditions are considered appropriate and necessary in this instance and can be appended to any subsequent grant of permission.

## **5.7 Private Amenity Space and Landscaping**

- 5.7.1 The Essex Design Guide requires that two bedroom dwellings have a minimum of 50m<sup>2</sup> of private garden space rising to 100m<sup>2</sup> for three bedroom dwellings. Such a provision would be met in this instance. This is supported by Section C07 of the Maldon District Design Guide (2017).
- 5.7.2 Whilst the submission shows an indicative hard and soft landscaping scheme it is not considered to adequately address this element. Conditions for landscaping details could be appended to any grant of permission.
- 5.7.3 In this respect the scheme is considered to accord with policies D1 and H4 of the LDP.

## **5.8 Other Considerations**

- 5.8.1 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 informatives in the event that land contamination is found, refuse and recycling, construction consideration and an asbestos survey. This accords with their response from the previous application which was deemed acceptable for this element of the scheme.
- 5.8.2 Therefore it is considered appropriate that similar conditions and informatives are appended to any grant of permission forthcoming from this recommendation.
- 5.8.3 However, concern was raised by that service in relation to the proximity of the proposed dwelling to the stables and the possibility that either piece of land could be sold separately. This could lead to potential future occupiers complaining of noise, odours and detrimental impact from the adjacent use. No impact assessment has been

submitted to quantify or suggest control. It is recommended that a further condition is appended to require the two land uses to be tied and retained in the same ownership. However such a condition is not deemed to meet the six tests for conditions as referenced in paragraphs 5 to 26 of the Planning Practice Guidance and referred to in paragraphs 203 and 206 of the Framework.

- 5.8.4 As advised in a previous section of this report, an evaluation of the applicant's comments with regard to the assessment of the submission undertaken by the local planning authority in reference to the previous application will be undertaken.
- 5.8.5 The initial point that the applicant contends is that the Decision Notice is "wholly incorrect", as the reason for refusal refers to the site being an open parcel of land. As the applicant is aware, the previous Officer assessment repeatedly references the existing building, its replacement and its relationship to the existing structures. However, the development also includes a private amenity space which protrudes beyond the building line of the existing buildings out into the open agricultural land. As development as defined within planning legislation also includes change of use of land, which in this instance would include the private amenity space and its inherent boundary treatment, it is not considered that this description is incorrect.
- 5.8.6 Secondly, the applicant states that the notated photographs supporting the Officer report compound the inaccuracies. However, the photographs as taken define the site, its proposed amenity space, adjacent buildings, vehicle access from the highway and the wider rural area in which the site is located. These supporting images clearly demonstrate that a full site visit was undertaken at the time of that assessment.
- 5.8.7 However, to ensure that a full and thorough assessment has been undertaken for the proposal subject of this proposal, albeit the same plans and proposals have been submitted to the local planning authority, a full site visit was undertaken again with photographic evidence. This was carried out with the applicants present on the site.
- 5.8.8 It was noted that the agricultural and stable buildings contained limited agricultural equipment and were being utilized for storage and parking of commercial and domestic vehicles, vehicle maintenance and general storage. Photographs to this effect were taken at that time. Furthermore it is noted that the submission states that the buildings are stables and are in equine use. No horses were present at the time of the site visit with very limited evidence that the buildings were being utilized as such. Furthermore, the applicants verbally confirmed in the course of the site visit that the buildings and land were being utilized in connection with a vehicle operator's licence from the premises. Investigation into this has confirmed this position.
- 5.8.9 As these issues have only recently come to light in the course of the investigation of the proposal, it is considered prudent that a condition for the submission of noise assessment and mitigation on potential future occupiers is appended to any grant of permission.
- 5.8.10 Notwithstanding this, it is considered that the proposal as submitted and the comments made in the supporting information do not change the stance made by the local planning authority which has assessed the proposal in accordance with local and national government guidance.

**6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/13/00875** – Erection of four bedroom dwelling with associated cart lodge. Refused 06 December 2013.
- **FUL/MAL/14/00747** – Erection of a detached four bedroom family house with an open cartlodge. Refused 04 November 2014.  
Appeal Ref: APP/X1545/W/15/3023012. Dismissed 16 October 2015.
- **FUL/MAL/15/01300** - Erection of detached bungalow with associated parking, landscaping and ancillary works. Refused 11 April 2016  
Appeal Ref: APP/X1545/W/16/3155729. Dismissed 01 December 2016.
- **FUL/MAL/17/00777** - Demolition of stable block and erection of detached bungalow with associated parking  
Refused 05 October 2017

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Tolleshunt Knights Parish Council	Support	The comments of the Parish Council are noted

**7.2 Internal Consultees (*summarised*)**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Service	No Objection subject to relevant conditions.	The comments of the EHO are noted in Section 5.8.

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Highways	No objection. Subject to conditions for, no unbound driveway material, parking layout to be as shown and cycle storage	The comments of the Highway Authority are Noted

**7.4 Representations received from Interested Parties**

- 7.4.1 Letters were received supporting the application from the following and the reasons for objection are summarized as set out in the table below

- Mr. & Mrs. H Belcher, 37 D'Arcy Road, Tolleshunt Knights, CO5 0RR

Supporting Comments	Officer Response
0	The comments supporters have been noted and addressed within the report

7.4.2 Letters were received commenting on the application from the following and the reasons for comment are summarized as set out in the table below

- Mr. & Mrs. Thorn, 35 D'Arcy Road, Tolleshunt Knights, CO5 0RR

Supporting Comments	Officer Response
Concern with regard to the business use of the site and trucks leaving the site at antisocial hours. No concern with the development	The comments have been noted and addressed within the report

## 8. REASONS FOR REFUSAL

1. The proposed development, as a result of its design, siting, and location on an open parcel of land, would result in an incongruous, prominent form of new development that would have an unacceptable urbanising effect by way of visual intrusion and unacceptable encroachment into the rural landscape setting. The poor sustainability credential as defined by the Framework would significantly and demonstrably outweigh the benefits of the proposal when assessed against the approved policies of the Local Development Plan and the National Planning Policy Framework as a whole. The proposal would therefore fail to meet the requirements of policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan and the core planning principles and guidance as contained within the National Planning Policy Framework.

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

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
05 FEBRUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01407</b>
<b>Location</b>	Honeywood Farm, Honeypot Lane, Purleigh, Essex
<b>Proposal</b>	Removal of condition 1 on approved planning permission FUL/MAL/16/01044 allowed on appeal APP/X1545/W/17/3167028 (Removal of condition 3 (agricultural occupancy condition) on approved planning permission FUL/MAL/82/00003)
<b>Applicant</b>	Mr A Brown
<b>Agent</b>	Mrs L Frost
<b>Target Decision Date</b>	2 February 2018
<b>Case Officer</b>	Yee Cheung Tel: 01621 876220
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

# **Honeywood Farm Honeypot Lane Purleigh** **FUL/MAL/17/01407**



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	<p>www.maldon.gov.uk</p>	<p>Organisation: Maldon District Council</p>
		<p>Department: Department</p>
		<p>Comments: NW Committee 17/01407/FUL</p>
		<p>Date: 23/01/2018</p>
		<p>MSA Number: 100018588</p>

### **3. SUMMARY**

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

3.1.1 Honeywood Farm is located to the north east of Honeypot Lane, Purleigh and is occupied by a detached bungalow with poultry sheds immediately to the rear. Planning permission was granted in 1982 for a bungalow to be erected within the farm holding subject to a restrictive agricultural occupancy condition imposed on the building.

3.1.2 The application is for the removal of Condition 1 on approved planning permission FUL/MAL/16/01044 allowed on appeal APP/X1545/W/17/3167028 dated 4 September 2017 for the removal of Condition 3 (agricultural occupancy condition) on approved planning permission FUL/MAL/82/00003.

3.1.3 To accompany the planning application, a report for the proposed removal of the agricultural occupancy condition prepared by Acorus (rural property specialists) dated November 2017 was submitted and attached were the following Appendices:-

- Alternative Uses
- Planning Practice Guidance and the Six Tests
- Examples of other planning and appeal decisions for an agricultural dwelling
- Rightmove:- Properties that were sold in 2015
- A particular advertising Honeywood Farm for sale at the Guide Price of £318:000 which was previously submitted in support of application FUL/MAL/16/01044)
- Advertisement on Farmers Weekly for sale at the Guide Price of £318:000 which was previously submitted in support of application FUL/MAL/16/01044).
  - 4 September 2015
  - 2 October 2015
  - 1 January 2016
  - 5 February 2016
  - 6 November 2016
- Advertisement on Auction Finder for sale at the Guide Price of £318:000 which was previously submitted in support of application FUL/MAL/16/01044)
  - 4 December 2015
  - 6 February 2016
- Advertisement on Maldon and Burnham Standard for sale at the Guide Price of £318:000 which was previously submitted in support of application FUL/MAL/16/01044)
  - 17 September 2015
  - 12 November 2015
- Honeywood Farm advertised on Acorus Rural Property Services on the following dates:-
  - 1 October 2015
  - 30 October 2015
  - 27 November 2015
  - 23 December 2015

- 4 February 2016
  - 19 February 2016
  - A letter dated 26 November 2015 prepared by Acorus was sent to farmers whether there are demands / interests for an agricultural dwelling in the locality of Purleigh
  - A location plan submitted to show the existing poultry sheds and their distances away from Fowler's Farm, New House Farm and adjacent golf course
  - Copies of extracts showing the cost of cattle raising and profits
  - A list showing planning applications approved and refused by the Council
- 3.1.4 The above submitted is to show the unsuitability of reuse and redevelopment of the site and evidence of marketing of the bungalow has been undertaken in support of the removal of the agricultural occupancy condition.

### **3.2 Conclusion**

- 3.2.1 It is concluded that the condition imposed on Honeywood Farm by the Planning Inspectorate in the recent appeal decision APP/X1545/W/17/3167028 dated 4 September 2017 meets the six tests as contained in the National Planning Practice Guidance (NPPG) and therefore it would be unreasonable to remove this condition without the justification as outlined in the appeal decision. As such, the proposal would fail to accord with policies E4 and H7 of Maldon District Local Development Plan and 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:**

- 7, 14, 17, 28, 56, 57, 203, 206

### **4.2 Maldon District Local Development Plan was approved on 21 July 2017 by the Secretary of State:-**

- S1 – Sustainable Development
- S8 – Settlement Boundaries and the Countryside
- D1 – Design Quality and Built Environment
- E4 – Agricultural and Rural Diversification
- H7 – Agricultural and Essential Workers' Accommodation

#### 4.3 Relevant Planning Guidance / Documents:

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

### 5. MAIN CONSIDERATIONS

#### 5.1 Principle of Development

- 5.1.1 The planning regime has permitted dwellings in the rural areas for agricultural workers as an exception to the general national policy of protecting the countryside from unnecessary and instructive build development. In most cases conditions are attached to such dwellings to ensure that they remain part of the dwelling stock that assists the agricultural industry in this District in maintaining its viability and functionality.
- 5.1.2 In the previous planning application that was dismissed on appeal (appeal reference: APP/X1545/W/17/3167028 dated 4 September 2017). Policy CC16 ‘Agricultural Occupancy Conditions’ in the Maldon District Replacement Local Plan 2005 was cited. The purpose behind Policy CC16 was to ensure that dwellings built as exceptions to the normal restraints upon development in rural areas continue to serve the needs of the agricultural community unless rigorous examination demonstrates otherwise. This is consistent with the overarching principles of the National Planning Policy Framework (NPPF) to protect the character and beauty of the countryside and to avoid new isolated homes in rural areas unless special materials circumstances prevail otherwise.
- 5.1.3 Policy CC16 has been carried forward to be replaced by Policy H7 ‘Agricultural & Essential; Workers’ Accommodation’ of the LDP.
- 5.1.4 In addition to Policy H7, the NPPG makes it clear that conditions should not be retained unless there are sound and clear cut reasons for doing so. With specific reference to agricultural occupancy conditions, *Paragraph 105 of the Circular stresses that it will not be appropriate to remove such conditions unless it is shown that that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving houses for that propose.* Further, Paragraph 206 of the National Planning Framework (NPPF) advises that *any proposed condition that fails to meet any of the six tests should not be used ... Every condition must always be justified by the local planning authority on its own planning merits on a case by case basis.* Following the Appeal Hearing that took place on 18 July 2017, the Planning Inspectorate had assessed the appeal case and imposed an up to date wording of the agricultural occupancy condition on planning application MAL/3/82 dated 8 March 1982 (Condition 3) which read:-

*‘The occupation of the dwelling hereby permitted shall be limited to persons wholly or mainly employed, or last employed, locally in agriculture as defined in Section 290 (1) of the Town and Country Planning Act, 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).’*

- 5.1.5 The Planning Inspectorate reworded the planning condition imposed on FUL/MAL16/01044 dated 4 September 2017 to now read:-

*'The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependents.'*

- 5.1.6 The material consideration when determining this application for the removal of Condition 1 imposed by the Planning Inspectorate is whether the condition is legally sound and if there are other justification submitted to warrant the removal of it.

## **5.2 Assessment**

- 5.2.1 Policy H7 of the LDP states that *'to protect the rural nature of the District and encourage sustainable development, the Council's spatial approach is to locate new dwellings within the development boundaries of existing built up areas. However, it is recognised that in some circumstances the demands of farming, forestry, or other rural-based enterprises can make it essential for one or more full-time employees to live at, or very close to, their location of work.'* While this policy relates to new permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise and this current application relates to an existing agricultural workers dwelling with an agricultural occupancy condition, the argument would be similar as the removal of the condition would effectively tantamount a new dwelling in the countryside with no restrictions. Such proposal would not normally be viewed favourably as the development would be contrary to Policies S1, S2, S8, D1, E4 and H4 of the LDP.
- 5.2.2 In the Planning Inspectorates (PI) appeal decision, it was highlighted that Policy CC16 had set out specific criteria requiring proof of no further agricultural need for the property; evidence of marketing among the agricultural community for a minimum period of time and at a price to reflect the occupancy condition; and the dwelling to be occupied in connection with agriculture for a period of ten years. While PI were fully aware of the emerging LDP policies at the time, the tests under policy CC16 remained relevant to the PI's decision, as LDP Policies E4 and H7 do not contain such detailed criteria.
- 5.2.3 In Paragraphs 9 and 10 of the appeal decision, the PI acknowledged that the existing poultry buildings on site were in a very poor condition, and agrees that the buildings in their current form are no longer suitable for poultry farming. However, it goes on to say that *'this would not necessarily prevent modernisation or a different agricultural use in tune with paragraph 28 of the Framework. The appellant suggested that there are very limited options for other rural enterprises on the site, due to the cost of replacement buildings and the physical constraints of the wider site. There is little evidence to support either point, even with Mr Brown's background in agriculture. There is also no reason why, new agricultural buildings would not be granted planning permission.'* There is also a need to plan for a mix of housing based on the needs of different groups in the community. Condition No. 3 of planning application MAL/3/82 dated 8 March 1982 does not restrict the occupation of the dwelling solely to Honeywood Farm. Someone unrelated to the site that is mainly employed or last employed in agriculture or forestry locally could occupy the dwelling. The dwelling could also be occupied by a widow or widower of such a

person'. Hence, the Planning Inspectorate was not persuaded that there was no longer a functional need for the property for agriculture or a rural business at the site.

5.2.4 It is noted that the Planning Inspectorate (PI) had considered the marketing aspect of the property by the Applicant and agreed that the site had been suitably marketed in the local farming community and in the national press. The PI had attached greater weight to the Applicant's guide price at the time and the Council has accepted the reasoning behind this. The PI has also highlighted that Policy E4 and H7 do not require the property to be marketed for rent and therefore the Applicant's submission just in relation to the property's market price would be sufficient. However, based on the Applicant's submission in support of the application, it appears that the marketing for the site has stopped on the Farmers Weekly, Auction Finder, Maldon and Burnham Standard and on the Acorus Rural Property Services. (Last marketed on 6 November 2016, 6 February 2016, 12 November 2015 and 19 February 2016) As these guide prices are over a year old, the Council cannot ascertain if this still reflects today's property market price. Concern is also raised to the historical nature of these marketing campaigns.

5.2.5 Paragraph 15 of the appeal decision is considered pertinent to this case. In the Appeal Hearing, it was discussed that there has been a steady number of planning permissions for new agricultural dwellings in the district over eleven years. The Planning Inspectorate considered that new agricultural dwellings do need specific and detailed justification as typically new homes in the countryside would not ordinarily be granted planning permission. These planning permissions listed in the Applicant's submission show that there is a steady and continuing demand for such accommodation in the District. It has been concluded that:

*'Persons viewing the site expressed concern with the condition of the buildings insofar as their needs. But, even with the lack of offers, this does not alter my view that it has not been sufficiently demonstrated that there is no further functional need for the property for agriculture or a rural business at the site.'*

5.2.6 The Planning Inspectorate stated that Condition No 3 on planning application MAL/3/82 remains to have a useful functional purpose in providing agricultural and rural workers accommodation in the district or for their dependents. Thus, the removal of Condition No 3 would be contrary to Policy H7 of the LDP, which emphasises the value of the existing stock of restricted dwellings in avoiding the need for further dwellings in the countryside.

5.2.7 Based on the above, it is considered that the appropriately worded condition on Appeal Ref: APP/X1545/W/17/3167028 should remain on Honeywood Farm as insufficient information has been submitted for the removal of it.

### **5.3 Alternative Uses**

5.3.1 Policy E4 of the LDP states that the diversification of agricultural land and buildings to alternative activities is vital to the viability of many farm enterprises. The Council recognizes that the District's economic functions are not only based on formally allocated employment sites but also through employment activities that occur on farm conversions and similar rural sites which provide relatively lower cost accommodation and encourage local entrepreneurial activity.

- 5.3.2 The Council recognises the importance of encouraging economic growth in rural areas in order to create jobs and prosperity. Therefore, the Council will seek to promote the development and diversification of agricultural and other land-based rural business where appropriate.
- 5.3.3 In the recent appeal decision, the Planning Inspectorate clearly states that alternative uses for the site has not been sufficiently demonstrated that there is no further functional need for the property for agriculture or a rural business at the site. In this submission, the Applicant has submitted some information to possible alternative uses on site and why the uses would be unviable. These uses are in relation to broilers, poultry laying, caged / free range egg production, cattle, sheep, horticulture, and forestry. While the explanation for each alternative is generic and could be considered to be in support of the current application, it still does not justify the removal of the condition as mentioned in Paragraph 10 of the appeal decision where the site can be occupied by someone mainly employed or last employed in agriculture or forestry could occupy by the dwelling. In the Appeal Hearing, Mr A Brown explained that he has and is likely to continue to play a role in the running of a beef livestock farm at Morris Farm. As such, Mr A Brown is in compliance with the agricultural occupancy condition and therefore there is no justification in removing this condition imposed on APP/X1545/W/17/3167028 dated 4 September 2017. Again, if the application is approved, the proposal would not only go against Policy E4 of the LDP but also Policy H7 as mentioned in the report above.

#### **5.4 Use of Planning Conditions - The Six Test**

- 5.4.1 The NPPF and Planning Practice Guidance states that when planning conditions are properly used, they can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.
- 5.4.2 The planning application seeks to remove Condition 1 imposed by the Planning Inspectorate on appeal decision APP/X1545/W/17/3167028 dated 4 September 2017 which stipulates:-
- ‘The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependents.’*
- 5.4.3 The Applicant does not consider that the above condition meets the six tests i.e. necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other aspects.
- 5.4.4 The Planning Inspectorate concluded that the condition and the evidence provided at the Appeal Hearing suggested that it continues to serve a purpose, but had made changes to the wording to the original 1982 planning condition as it was necessary so that it reflects current planning legislation and guidance. The condition is still



relevant to planning and relevant to the development to be permitted, as Policy H7 of the LDP makes it clear that all planning permissions in relation to agricultural and essential workers' accommodation will be subject to an appropriate occupancy condition. The condition imposed by the PI is enforceable, precise and reasonable and is not considered disproportionate in terms of a dwelling which was intended to be used in conjunction with the agricultural holding. Further, the updated condition also includes '*surviving civil partner as such*' which gives a greater degree of flexibility to who can be occupied at Honeywod Farm. In this respect, the condition imposed by the PI should remain.

- 5.4.5 As Mr A Brown still has connection to agriculture as mentioned in the report above, there is no reason for the removal as this could deplete this type of accommodation in the district.

## **5.5 Design and Impact on the Character of the Area**

- 5.5.1 It is accepted that the removal of an agricultural occupancy condition on the property would not have an impact on the design and appearance of the building or the wider rural area. In this respect, the proposal would accord with policies E4 and H7 of the LDP.

## **5.6 Impact on Residential Amenity**

- 5.6.1 It is accepted that the removal of an agricultural occupancy condition on the property would not have any adverse impact on the amenity of neighbouring residential properties at 'New House Farm' which is positioned approximately 70 metres to the south west and 'Fowler's Farm' which is located approximately 90 metres away to the north of the site. The proposal therefore accords with policy D1 of the LDP.

## **5.7 Access, Parking and Highway Safety**

- 5.7.1 The existing access to the bungalow and poultry buildings would not be altered and as such the removal of the agricultural occupancy condition would have no impact on all highway users in accordance with policy T2 of the LDP.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/3/82** – Agricultural dwelling. Approved: 27.07.1982
- **FUL/MAL/16/00270** - Removal of Condition 3 (Agricultural Occupancy Condition) on approved planning permission FUL/MAL/82/00003. Refused: 15.06.2016
- **COUPA/MAL/16/00593** - Prior approval of proposed change of use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development. Refused: 07.07.2016
- **FUL/MAL/16/01044** – Removal of an agricultural occupancy condition. Refused: 4 November 2016. Allowed on appeal on 4 September 2017

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Cold Norton Parish Council	No reply at the time of writing this report	Any comments received will be reported on the members Update
Stow Maries Parish Council	No reply at the time of writing this report	Any comments received will be reported on the members Update

### **7.2 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Services	No objection to the removal of condition	Noted
Planning Policy Team	Need to assess if the condition is compliant with the six tests as set out in the NPPF and NPPG	Noted

### **7.3 Representations received from Interested Parties**

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

## **8 REASON FOR REFUSAL**

- 1 Policy H7 of the Maldon District Local Development Plan requires stringent criteria are met before planning permission is granted for permanent or temporary accommodation in the countryside. This policy also states that all planning permission in relation to agricultural and essential workers' accommodation will be subject to an appropriate occupancy condition. In this instance, it is considered that the evidence provided is insufficient to demonstrate that there is no longer an agricultural need for the property and on this basis the application does not satisfy the policy requirement. Further, the removal of an agricultural occupancy condition at Honeywood Farm would deplete the number of agricultural workers' dwellings within the district, contrary to policy H7 of the Maldon District Local Development Plan, and Government advice as contained within the National Planning Policy Framework.



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**5 February 2018**

<b>Tree Preservation Order</b>	<b>TPO 12/17</b>
<b>Location</b>	Beatbush Wood, Park Lane, Tolleshunt Knights
<b>Proposal</b>	Confirmation of TPO 12/17
<b>Confirmation by</b>	01.03.2018
<b>Case Officer</b>	Emma Worby, Planning Officer (01621 875860)
<b>Parish</b>	<b>TOLLESHUNT KNIGHTS</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

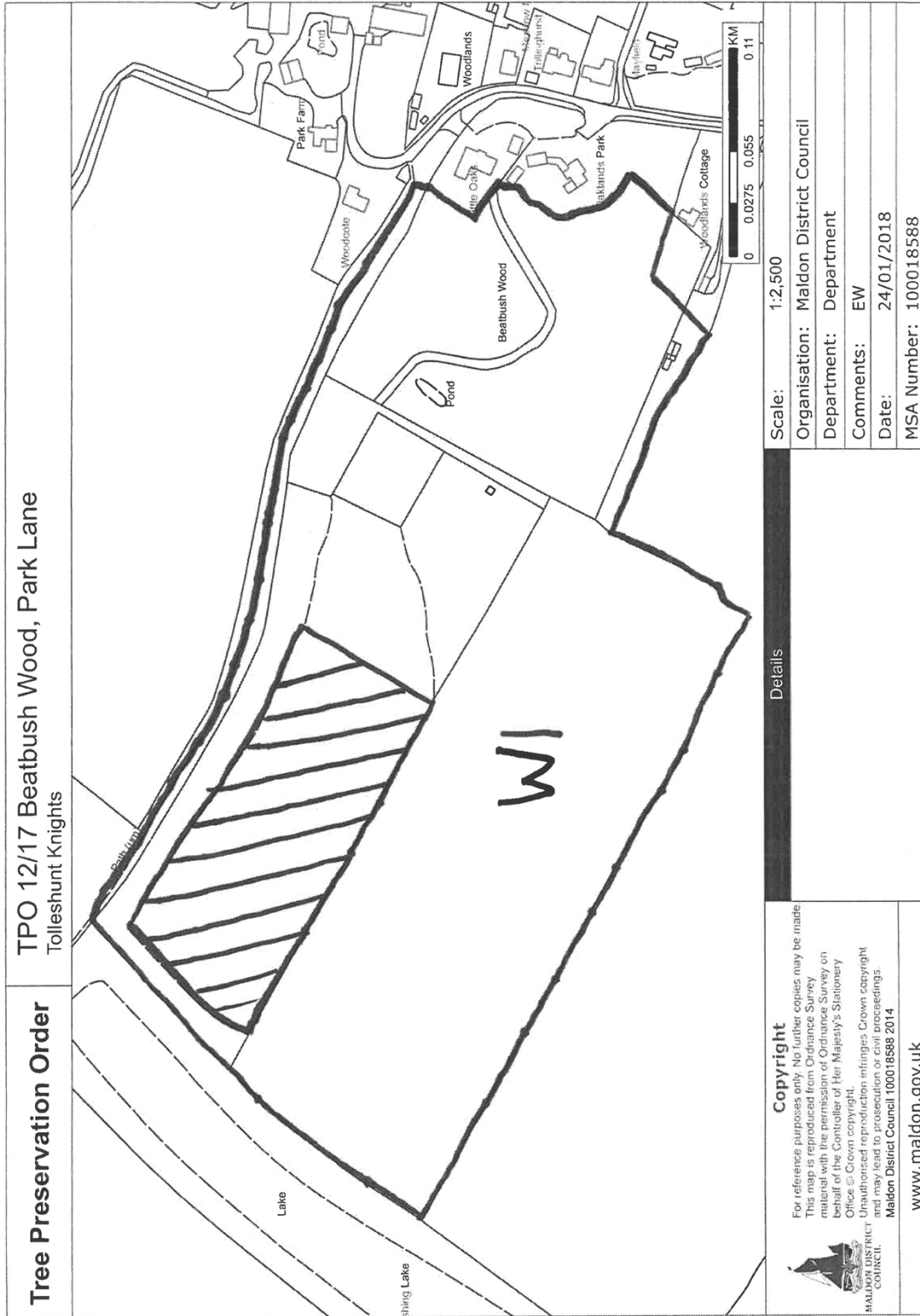
**1. RECOMMENDATION**

**CONFIRM Tree Preservation Order (TPO) 12/17** with the following modification:

1. Removal of the large clearing to the north west of Beatbush Wood which was included in the TPO 12/17 when served. Please see APPENDIX 2 for the revised map.

**2. SITE MAP**

Please see overleaf.



### **3. SUMMARY**

3.1 An application for a new dwelling was received in August 2017 (reference 17/00891/FUL) which detailed a new access route from Park Lane through Beatbush Wood. The application is still pending consideration and is due to be determined in March 2018. This potential development activity raised concerns for the health of the woodland, as it is likely the felling of mature trees would be required for the access road. Therefore, to prevent the uncontrolled felling of the trees, a Tree Preservation Order was served.

3.2 An objection has been received relating to the serving of TPO 12/17 and it has not been resolved, therefore the question of whether or not to confirm the TPO has been brought before members to decide.

#### **3.3 The Site**

3.3.1 The woodland, which is made up of broadleaf trees and several conifers, is located to the West of Park Lane and to the rear of the properties Oaklands Park and Littleoaks.

#### **3.4 Ownership**

3.4.1 The majority of the woodland is owned by Mr. Peter Leonard, Ms. Ashley Wilson of Oaklands Park, Park Lane, Tolleshunt Knights, Essex, CM9 8HB. A smaller section to the north east of the woodland site is owned by Janice Dacosta of Littleoaks, Park Lane, Tolleshunt Knights, Essex, CM9 8HR.

### **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 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 12/17, 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 Beatbush Wood, which is the subject of the proposed TPO 12/17, is located to the west of Park Lane in Tolleshunt D'Arcy and made up of mainly broadleaf woodland with open pasture and some conifer trees. The area is not currently protected by an existing TPO, nor is the area located within a conservation area. Therefore, prior to the serving of the TPO 12/17, no statutory protection was afforded to the woodland. The order was served due to potential development works which would be likely to require the felling of some of the trees within the woodland. In the arboricultural method statement submitted with the planning application for development works (reference 17/00891/FUL), it is stated that some trees have already been felled prior to the serving of the TPO.
- 5.2 The woodland covered by W1 in the TPO is large in size at approximately 10 hectares and is visible in the public realm from both Park Lane, a public footpath to the north of the site and Brookhall Lake, a fishing lake to the west. There are several residential properties in the surrounding area on Park Lane. Due to the size of the site and its public location it is considered that the woodland has a positive impact on the character of the area and the amenity value of the woodland is considered to be significant. Please see APPENDIX 1 for the site photos.
- 5.3 It is considered that any uncontrolled loss of trees within the woodland covered by the TPO could vastly reduce the amenity value of the woodland to the detriment of the area. In response to the planning application submitted for a new dwelling, the Tree Officer stated that the site could benefit from some woodland management to benefit the amenity of the landscape and its wildlife value. However, it is considered that the TPO would ensure that the works proposed are suitable and would promote the longevity of the woodland. Within the objection to the TPO (summarised below), it was stated that a woodland management plan is required and it is considered by the Local Planning Authority that the serving of a TPO would be the best method to manage these works.
- 5.4 Within the objection to the TPO (summarised below) it was stated that the TPO would cause unnecessary administrative burden. However it is considered that, whilst there are administrative procedures required for applications submitted for works to a tree protected by a TPO, these are necessary to give the Local Planning Authority the ability to assess any works and protect trees that make a significant contribution to visual amenity. The procedures are also set out under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 and are not set by the Local Planning Authority.
- 5.5 The area the subject of the Tree Preservation Order includes a large clearing. This was included on the grounds that the Forestry Commission description of Woodland includes '*land under strands of trees, with a canopy cover of at least 20% (of having the potential to achieve this), including integral open space and including felled areas that are awaiting restocking*'. The objection that has been received objects to the

inclusion of this ‘field’ which it is stated measures approximately 230 metres by 70 metres and has been cut and managed. There are very few trees within this area and they do not form woodland cover. It is also suggested that the menege area within the site should not be included and that the Tree Preservation Order should not be confirmed until the planning application has been determined.

- 5.6 For the reasons set out above, it is considered that the provisional tree preservation order could legitimately include ‘clearings’ that contribute to the woodland environment. However, to address the objection that has been raised, Officers are willing to suggest the modification of the area to be covered by the Tree Preservation Order to exclude the open field and the menege that is referred to by the objector. It is not considered that the determination of the planning application at the site should precede the serving of the Tree Preservation Order, but in any event, removing the area of land on which the dwelling is proposed (for other reasons as set out above) would address the issue raised.
- 5.7 Section 7(2) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states that “*an authority may confirm an order with or without modifications.*” It is therefore considered that the modification of the order through the exclusion of land from that which was previously proposed can be undertaken in accordance with section 7(2) provided that the procedures set out at section 7(3) and 7(4) are followed and it is noted that the modification would not conflict with paragraph 7(5).
- 5.8 The objection also highlights that the description fails to reference a strand of pine trees that have been planted and that the woodland definition does not adequately distinguish between areas of different tree coverage within that woodland. In this instance it is considered that the designation of woodland is adequate and individual clusters and areas of specific tree types are not considered to be necessary.
- 5.9 The TPO does not place any additional burden upon the owner to carry out works, it does however require a formal application to be submitted and approved before carrying out works that may involve felling of trees and changes in the vegetative character of the area. If the owner prefers to submit a management plan, an application for a programme of works over time can be approved for up to a 5 year period.

## **6. RELEVANT SITE HISTORY**

- 6.1 17/00891/FUL – Erection of a detached dwelling – pending consideration.

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Interested Parties (*summarised*)**

- 7.1.1 **Objections** to the serving of the TPO have been received from the Nigel Cowlin of Nigel Cowlin Landscape, Planning and Design on behalf of the majority land owners Mr. Peter Leonard and Ms. Ashley Wilson of Oaklands, Park Lane, Tolleshunt Knights, Essex, CM9 8HB. A summary of the objections are as follows:

Objection Comment	Officer Response
<p>Unnecessary legal device that will result in the need for ongoing administrative procedures that could otherwise be avoided.</p> <p>There are a number of individual non-woodland areas or features which do not include tree cover and should not form part of any TPO.</p> <p>There is no risk to the long-term wellbeing of this woodland and as such a TPO is an unnecessary administrative burden to all concerned.</p> <p>7.1. The woodland has been left un-managed for approximately 20 years and is in need of a woodland management plan.</p> <p>As there is a pending planning case, no action should be taken to revise or confirm the order until it has taken its course to a planning determination. This is because the presence of a dwelling and domestic curtilage across an area covered by a woodland TPO would present a fundamental conflict and the TPO would need to be revised at that stage in any event.</p>	<p>Please refer to section 5.9</p> <p>Please refer to section 5.5 and 5.6</p> <p>Please refer to section 5.9</p> <p>Please refer to section 5.3</p> <p>It is not considered that a revision of TPO 12/17 would be required should planning permission be granted for application 17/00891/FUL. Furthermore, the TPO needs to be confirmed by 01.03.2018, which is before the determination date of the planning application. Please refer to section 5.6.</p>

2 A letter received **in support** of the TPO has been received from Terena Waylen. A summary of the comments are as follows:

Supporting Comment	Officer Response
<p>The land should not be developed on now or in the future.</p> <p>This woodland has been present in Tolleshunt Knights for several hundred years and has hundreds of mature oaks and other trees with grasslands.</p> <p>This land supports many varieties of birds, including several hawks and birds of prey and all other birds, bees, butterflies, lizards etc.</p>	<p>Please refer to the main considerations in section 5.</p>



**8. CONCLUSION**

- 8.1 The woodland W1, which is the subject of this TPO, offers a significant contribution to the character and appearance of the area on Park Lane in Tolleshunt Knights due to its prominent position and its large, mature and attractive nature.
- 8.2 Therefore it is consider that the TPO should be confirmed to ensure that the local planning authority can assess any proposed works to the trees or felling of the trees which may affect the health or amenity value of the woodland that may be carried out due to the potential development of the land.

## Site Photos

In the woodland:



View from Park Lane:



Agenda Item no. 11

Our Vision: To make Maldon District a better place to live, work and enjoy

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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