

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

23 February 2018

Dear Councillor

You are summoned to attend the meeting of the;

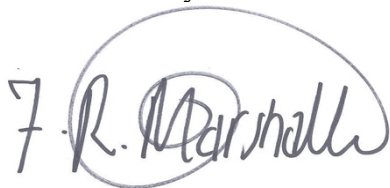
## **NORTH WESTERN AREA PLANNING COMMITTEE**

on **MONDAY 5 MARCH 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 'F. R. Marshall', enclosed within a large, loopy oval shape.

Chief Executive

### COMMITTEE MEMBERSHIP

#### CHAIRMAN

Councillor Mrs M E Thompson

#### VICE-CHAIRMAN

Councillor E L Bamford

#### COUNCILLORS

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

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

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

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 18)

To confirm the Minutes of the meeting of the Committee held on 5 February 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. **FUL/MAL/17/01228 - Poultry Sheds Moors Farm Chase Little Totham Essex**  
(Pages 19 - 34)

6. **FUL/MAL/17/01383 - Three Rivers Golf Club Honeypot Lane Stow Maries Essex**  
(Pages 35 - 46)

7. **FUL/MAL/17/01389 - Land at junction of Captains Wood Road and Maypole Great Totham** (Pages 47 - 64)

8. **HOUSE/MAL/18/0059 and LBC/MAL/18/00060 - High Hall Cottage 30 Church Road Wickham Bishops** (Pages 65 - 72)

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

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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:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 –8.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

**NOTICES****Sound Recording of Meeting**

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

**Fire**

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

**Health and Safety**

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

**Closed-Circuit Television (CCTV)**

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

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

### **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

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



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
5 FEBRUARY 2018**

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**PRESENT**

Chairman	Councillor Mrs M E Thompson
Councillors	J P F Archer, H M Bass, M F L Durham, CC, J V Keyes, D M Sismey, Miss S White and Mrs P A Channer, CC
Ex-Officio Non-Voting Member	Mrs P A Channer, CC

**1. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

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

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors E L Bamford and A K M St. Joseph.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 8 January 2018 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

Councillor Mrs M L Thompson declared a non-pecuniary interest in relation to the following applications, as she was a Member of Tolleshunt Knights Parish Council:

- Agenda Item 9 – **FUL/MAL/17/01230** – Rosemead, D'Arcy Road, Tolleshunt Knights
- Agenda Item 11 - **TPO12/17** – Beatbush Wood, Park Lane, Tolleshunt Knights.

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

Councillor Mrs P A Channer CC declared that she was also a Member of Essex County Council and had a non-pecuniary interest in relation to any matter pertaining to that authority in relation to highways, access, education etc.

Councillor J V Keyes declared a non-pecuniary interest as he was also a Member of Great Totham Parish Council.

The Committee received the reports of the Director of Planning and Regulatory Services 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.

**5. MLA/MAL/17/00582 LAND OPPOSITE 34 HALL ROAD, GREAT TOTHAM**

<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.

The Committee discussed this matter prior to the report being presented and decided that the report would be presented, followed by any public speaking and then the decision would be made whether it was necessary to consider the report in private session.

The Development Management Team Leader presented the report to the Committee and this was followed by Mr R P Garrod of 42 Seagers, Great Totham, an Objector and Mr R Forde, the Applicant's Agent, addressing the Committee.

The Chairman proposed that the Committee resolved under Section 100A (4) of the Local Government Act 1972 that the public be excluded from the meeting for this item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act and that this satisfied the public interest test.

The proposal was duly seconded and the resolution was carried.

The Chairman then adjourned the meeting for a short time to enable the members of the public to leave the Council Chamber.

There followed a lengthy debate about this application and the difficulties involved in determining it due to changes in legislation since the original planning application was made.



Councillor M F L Durham CC proposed that this application (together with Agenda Item 14 – MAL/MAL/17/00582 – Land Opposite 34 Hall Road, Great Totham) be deferred pending Counsel’s opinion.

This was duly seconded and upon a vote the motion was carried.

**RESOLVED** that this application be deferred so that Counsel’s opinion be sought and considered.

The Chairman adjourned the meeting to enable members of the public to return to the Council Chamber.

The meeting reconvened at 8.25pm and the Chairman advised the members of the public that this item had been deferred so that legal advice could be sought.

**6. FUL/MAL/17/00776 LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE**

<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

Following the Officer’s presentation of the report, Mr Boden of Langmeil, The Avenue, North Fambridge, an Objector, Mrs S Nunn from North Fambridge Parish Council and Mr S Martin of David Wilson Homes, the Applicant, all addressed the Committee.

In response to a question, the Development Management Team Leader advised that the application before the Committee was for reserved matters only. The discharge of conditions matters of sewerage and foul water would be dealt with under delegated powers.

Several questions were raised by Members and the Development Management Team Leader advised as follows:

- The viability and affordable housing was agreed at the outline planning permission stage;

- The housing mix – this was not a matter for the Council to refuse this application on as there were no conditions imposed on the outline consent with respect to this matter;
- The access at Church Lane – there was a construction management plan that required access to be agreed;
- The access to the site – the main access to the east of the site was shown on the map;
- The flood risk – this was on part of the site that was not being developed;
- The discharge of condition application – the Environment Agency (EA), Anglian Water and the Sustainable Urban Drainage (SUDs) team had been consulted and this was being dealt with separately.

Members raised serious concerns regarding flooding and drainage and were of the opinion that a completely new system was necessary to alleviate the problems in North Fambridge. The Development Management Team Leader advised that the surface water scheme contained a variety of measures to deal with the water. There were cells, ponds and other measures within the development. Neither the EA nor the SUDs teams had objected to this application and they would have done if there was an increase in water flow.

Members requested that officers considered the feedback given by Members on the flooding and sewerage issues and that stringent conditions would be imposed should this application be approved.

A question was raised about access and roads and the comments made by Essex Fire and Rescue which were summarised in the report. In response the Development Management Team Leader advised that conversations were ongoing regarding conditions and matters were progressing. Moreover, the fire turning circle would be dealt with under building regulations rather than planning.

Members further raised concerns regarding the discharge of conditions and the Development Management Team Leader noted these comments and reminded Members that they must deal with the application before them and that the discharge of conditions was to be dealt with at a later date.

Councillor H M Bass's proposal that all sewerage and relevant conditions be brought back to this Committee for determination was noted, subject to it being confirmed whether or not this was a possibility under the terms of the scheme of delegation.

This proposal was duly seconded and the motion carried.

Councillor D M Sismey then proposed that the Officer's recommendation be agreed. This was duly seconded.

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

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 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.

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

**7. FUL/MAL/17/00802 BLACKSTONE FARM, LODGE LANE., PURLEIGH**

<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

Following the Officer's presentation of the report, Ms E Padfield, the Applicant, addressed the Committee.

**RESOLVED** that this application be **APPROVED**.

**8. FUL/MAL/17/01197 E J TAYLOR & SONS, MILL WORKS, BURNHAM ROAD, HAZELEIGH**

<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

Following the Officer's presentation Mr J Crisp of EJ Taylor & Sons Ltd, the Applicant, addressed the Committee.

Councillor M F L Durham CC, a Ward Member considered that this application would improve the appearance of the building and that the Applicant was both an important business to the District and a significant employer. Councillor Durham then proposed that this application be approved contrary to the Officer's recommendation.

This was duly seconded and adequate landscaping conditions were requested.

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

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 17/03/01; 17/03/02; 17/03/05A; 17/03/03; 17/03/04; 17/03/06; 17/03/07A; 17/03/08  
REASON: For the avoidance of doubt as to the extent of this permission.
- 3 No development shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.  
REASON: To ensure that the external material to be used in the construction of the development would be appropriate to the building and the character and appearance of the area in accordance with Policy D1 of the Maldon District Local Development Plan; the Maldon District Design Guide; and Government advice contained in the National Planning Policy Framework
- 4 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter  
REASON: To ensure the boundary treatments are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan; the Maldon District Design Guide; and Government advice as contained in the National Planning Policy Framework.
- 5 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan; Maldon District Design Guide; and Government advice as contained in the National Planning Policy Framework.

- 6 Prior to first occupation of the proposed development, the proposed vehicular access shall be reconstructed at right angles to the highway boundary and to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.  
REASON: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.
- 7 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing No: 17/03/05 rev A. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.  
REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.
- 8 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.  
REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan.
- 9 The Powered two wheeler/bicycle parking facilities as shown on Drawing No: 17/03/05 rev A are to be provided prior to the first occupation of the development. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.  
REASON: To promote the use of sustainable means of transport in accordance with Policies S1 and T2 of the Maldon District Local Development Plan.
- 10 No means of external illumination of the site shall be installed on site.  
REASON: To protect the visual amenity of the rural area and the residential amenity of neighbouring properties in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.
- 11 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
  - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)
 In order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.  
 Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- REASON: To ensure that surface water drainage is available for the site in accordance with Policy D2 of the Maldon District Local Development Plan
- 12 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- REASON: To ensure that foul drainage scheme is available for the site in accordance with Policy D2 of the Maldon District Local Development Plan
- 13 The development hereby permitted shall be used solely as offices ancillary to the principal permitted use of the application site and not for other purpose (including any other purpose in Class A1-A5, B1-B8, C1-C3, D1-D2 of the Schedule to The Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
- REASON: To protect the residential amenity of neighbouring properties in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

### **INFORMATIVE**

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

Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

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.

## 9. **FUL/MAL/01230 ROSEMEAD, D'ARCY ROAD, TOLLESHUNT KNIGHTS**

<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

The Officer presented the report and confirmed receipt of a letter of representation in support of the application which she summarised. The Officer then drew attention to an error in the report at section 7.4.1 and read out the correct comment to the Committee.

Following this, Mr R Long MBE, a Supporter and Mr P Le Grys, the Applicant's Agent both addressed the Committee.

Members debated this application and whilst some Members were of the opinion that the application was contrary to the Local Development Plan (LDP), others were of the contrary view that this was an unobtrusive development, was sustainable and that security would be improved by living on the site.

The Chairman advised that the inspector, when the previous application had gone to appeal, had stated that thefts did not carry significant weight in relation to granting planning permission.

Members were reminded that each application must be considered on its own merits and if there was demonstrable harm then an application should not be allowed. Furthermore, the LDP must be adhered to.

Whilst Members had sympathy with the applicants, the application was substantially the same to the previous one and, therefore, Members of the Committee could not change their minds and approve this when it had previously been refused both by this Committee and on appeal.

Councillor J V Keyes then proposed that this application be approved contrary to the Officer's recommendation and this was duly seconded. Upon a vote the motion failed.



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

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.

**10. FUL/MAL/17/01407 HONEYWOOD FARM, HONEYPOT LANE, PURLEIGH**

<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

Following the Officer's presentation of the report, Mr A Brown, the Applicant, addressed the Committee.

Members were of the opinion that this application should be approved contrary to the Officer's recommendation. They considered that there had now been evidence of marketing the property and that the Applicant had been unable to sell it. Members had sympathy with the Applicant and the difficulties of making a living in farming which had changed over the years. The purpose of an agricultural tie was to permit farm workers to live close to their place of work and this was no longer a significant requirement.

Councillor Miss S White proposed that this application be approved contrary to the Officer's recommendation. This proposal was duly seconded.

**RESOLVED** that this application be **APPROVED**.

# 11. TPO12/17 BEATBUSH WOOD, PARK LANE, TOLLESHUNT KNIGHTS

<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

The Officer presented the report and, in response to a question, confirmed that the related planning application was still within the time limit to be determined.

A Member raised a question regarding the timing of Tree Preservation Orders (TPOs) and the Development Management Team Leader advised that planning guidance suggested that this was the appropriate time to serve a TPO. He agreed that in an ideal world Councils would survey all trees and decide which were suitable for a TPO. However, for practical reasons it was a reactionary process.

**RESOLVED** that the Tree Preservation Order (TPO) 12/17 with the following modification not be confirmed:

1. Removal of the large clearing to the north west of Beatbush Wood which was included in the TPO 12/17 when served.

There being no further items of business the Chairman closed the meeting at 10.10 pm.

MRS M E THOMPSON  
CHAIRMAN



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

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

<b>Application Number</b>	<b>FUL/MAL/17/01228</b>
<b>Location</b>	Poultry Sheds Moors Farm Moors Farm Chase Little Totham Essex
<b>Proposal</b>	Section 73A application for the use of part of site for open storage of building materials together with the formation of a hard surfaced area as a vehicle turning facility and the use by two machines/vehicles, following demolition of two poultry rearing houses.
<b>Applicant</b>	Mr. Purdy
<b>Agent</b>	Mr. Peter Le Grys - Stanfords
<b>Target Decision Date</b>	<b>16.03.2018</b>
<b>Case Officer</b>	Spyros Mouratidis, Tel: 01621 875841
<b>Parish</b>	<b>LITTLE TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

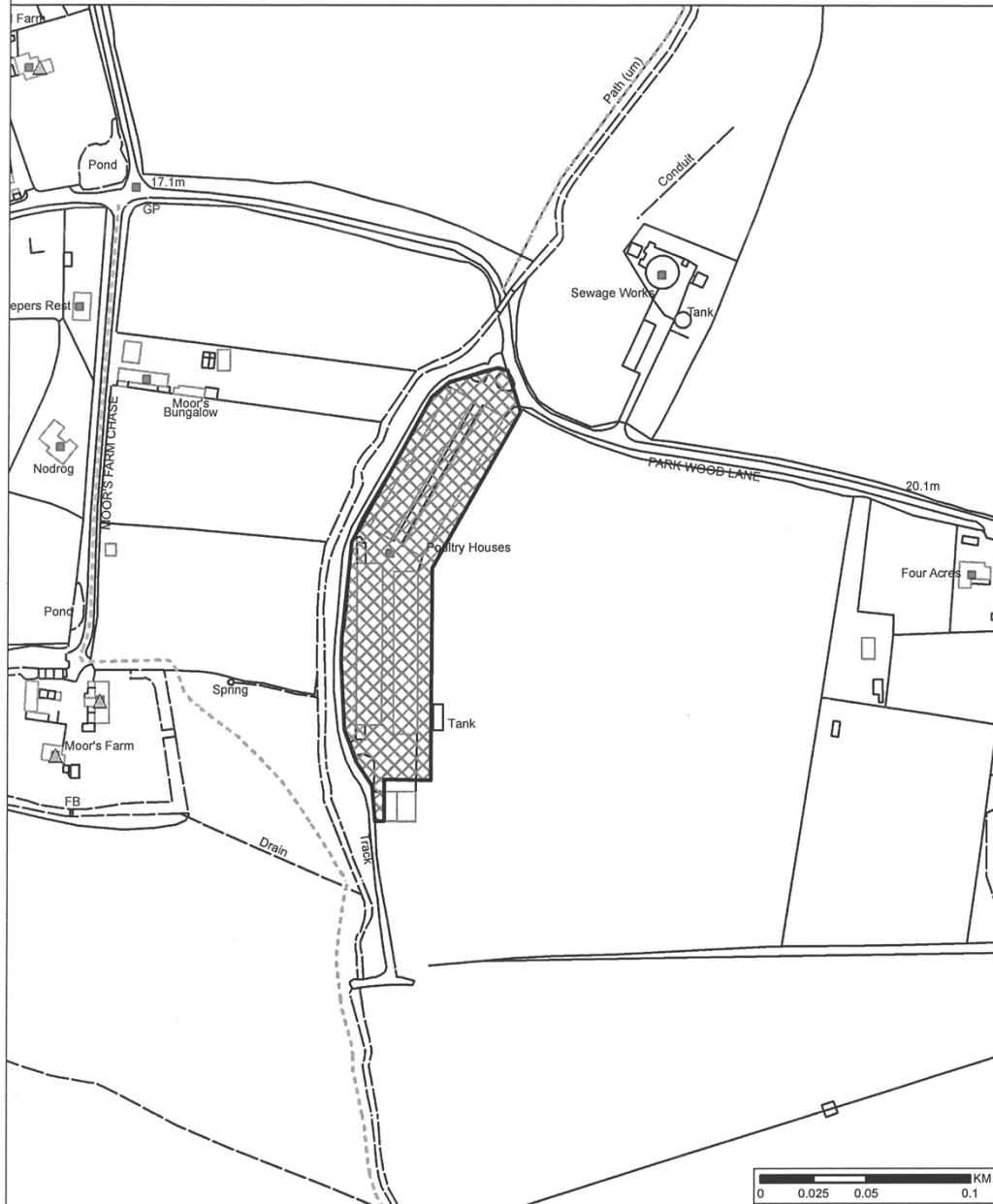
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Poultry Sheds - Moors Farm - Moors Farm Chase**  
**Little Totham FUL/MAL/17/01228**



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 Maldon District Council 100018588 2014

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	North West Area Committee
Date:	19/02/2018
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1. Planning permission is sought to use part of the site for open storage of building materials along with the internal storage permitted under permission 15/00439/FUL. Part of the site will accommodate a vehicle turning area. Two machines/vehicles will be used within the site. The use is already carried out; therefore the application is partially retrospective in nature. It is proposed to plant hedges to the northern and eastern boundary of the site.
- 3.1.2. The application site lies within a rural setting outside of any defined settlement boundary, to the southwest of the village of Little Totham. The site subject of this application is occupied by two poultry sheds set in a linear style with an open field to the east and a tree lined mature hedgerow boundary to the west. To the south of the poultry sheds and adjacent to the site there is a barn under the same ownership. Vehicle access is from Park Wood Lane to the north of the site and leads between the poultry sheds to the rear (south) part of the site. The site benefits from planning permission to be used for storage purposes. The authorised use is limited to the interior of the poultry sheds only. However, currently the majority of the site is covered by stored building materials and equipment.
- 3.1.3. There are residential properties to the west, east and north of the site, located at distances between 80m and 200m away from the site. One of the properties to the west is Moor's Farmhouse, a complex containing two grade II listed buildings.

#### **3.2. Conclusion**

- 3.2.1. The use of the site for external, open storage has resulted in a development that is unacceptable, due to its visual impact upon the intrinsic character and appearance of the area. This harm is exacerbated by the extension of the site to facilitate the turning space. The use of the site has also resulted in noise pollution, which is detrimental to the amenity of the neighbouring residential occupiers. The Council has already refused a similar application for this site. It is not considered that the submitted acoustic report has demonstrated that there is no detrimental harm upon the amenities of the neighbouring occupiers in order to overcome the previously identified harm.
- 3.2.2. Furthermore, by allowing the use to be unlimited within the site, additional strain would be put to the road network in the vicinity of the site which does not have the capacity to deal with high number of movements from larger vehicles. It is not considered that any conditions could be imposed that would overcome the harm or ensure that the harm would not grow in the future if the nature of the use changed but had not resulted in a material change of use. The development is, therefore, contrary to policies S1, S8, E1, D1, D2 and T2 of the approved Maldon District Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework.

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

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

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

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design
- 109-125 Conserving and enhancing the natural environment
- 186-187 Decision-taking
- 196-198 Determining applications

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E1 Employment
- E4 Agricultural and Rural Diversification
- T1 Sustainable Transport
- T2 Accessibility

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

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

#### **5. MAIN CONSIDERATIONS**

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

- 5.1.1. Policy E1 of the approved LDP states that: *“The Council will support and encourage the development of better quality and flexible local employment space to meet the employment target, including live work accommodation in both urban and rural areas (in accordance with other policies in this Plan). All new employment space should seek to meet the needs of local businesses and attract inward investment.”* As stated within the preamble of policy E4 of the approved LDP, the Council recognises 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. Furthermore, policy S7

seeks to support and facilitate sustainable economic development within the villages through, among others, the provision of small and micro business space.

- 5.1.2. Although, the support towards businesses in rural areas is prominent within the approved LDP, the proposal is in effect almost identical to the two Section 73 applications and identical to the full planning application previously refused by the LPA; the reasons for refusal are stated in section 6 of this report. Policy S8 of the LDP 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, employment generating proposals in accordance with Policy E1. Policy E1 of the LDP states that outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations.
- 5.1.3. Whilst some planting is proposed and/or has already taken place as mitigation for the visual impact, this was previously considered by the Council to be inadequate. No additional measures to mitigate against the visual impact of the proposal have been proposed. An acoustic report has been submitted but there are no mitigation measures proposed against the noise pollution identified on site or the potential effects of a more intensified use; this is discussed in detail later within the report. No proposed measures have been brought forward to address the potential strain of the rural highway network. Therefore, the principle of the development remains unacceptable. 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 to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.2.4. The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.5. In addition, the proposal relates to the intensification and extension of an existing employment use (use class B8) and according to policy E1 the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations.

5.2.6. The application site benefits from planning permission for a storage use which is restricted to be carried out only within the interior of the four buildings that were in situ at the time of the granting of planning permission in 2015 and were originally used as poultry sheds. When planning permission was granted it was considered that the visual impact of the change of use upon the character and appearance of the rural locality would be minimal due to the storage being contained within the original structures. Furthermore, this consideration was subject to appropriate conditions being appended to the grant of permission in order to restrict storage, operations and works being undertaken outside the existing buildings, in order to ensure the nature of the proposed use would result in limited impact upon the intrinsic character of the area and would respect the local context.

5.2.7. Subsequently, two of the original poultry sheds have been demolished and only two quarters remain on site from the other two. The majority of the rest of the site is used for external storage of building materials. Hardcore material has been laid further south and it is proposed to use part of this area as a vehicle turning space. The breach of planning control for which retrospective planning permission is sought has materially changed the appearance of the site and has resulted in a clear and demonstrable impact on the character and appearance of the area. The site no longer has the appearance of an agricultural business; instead it has the appearance of a commercial yard to the detriment of the rural character of the area.

5.2.8. As part of the application it is proposed to plant hedges to the northern and eastern boundary of the site; the hedge to the eastern boundary has already been planted. While this would offer some mitigation against the visual intrusion of the use to the



rural area, its effect is considered to be limited. The impact upon the character and appearance of the site and the locality would still be significant and detrimental as views would still be available into the site from the highway and the adjacent public footpath to the southwest. It should also be noted that any vegetation would take some considerable time to develop fully and the harm during this period would be significant. Moreover, the application is lacking any proposals to limit specific heights and types of materials that would be stored on the site and therefore it would not be possible to guarantee that the planting would have any mitigation effect upon the visual impact of the development.

- 5.2.9. The extension of the site, in order to include the additional hard surface created to the south, exacerbates the harm caused to the character and appearance of the area identified above. When viewed from the adjoining public footpath, the area which is proposed to be used as a turning space for vehicles appears as a conspicuous intrusion into the countryside. For the reasons identified above, the development is contrary to policies S1, S8, D1 and E1 of the LDP as well as guidance contained within the NPPF.

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

- 5.3.1. Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.3.2. 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.
- 5.3.3. When planning permission was granted for the change of use of the former poultry sheds, it was considered that the distance of the site from neighbouring properties coupled with the restrictions imposed by the appropriate conditions would render the scheme acceptable in terms of its impact upon the amenity of neighbouring residential occupiers. The use currently taking place at the site has resulted in unacceptable levels of noise pollution to the detriment of the amenity of the residential properties in the vicinity of the site. The impact on the acoustic environment and the amenity of nearby residents has been highlighted by the neighbouring occupiers within their representations for the previous applications, with complaints that the Council's enforcement team has received as well as by the Council's Environmental Health team in their consultation response. The identified harm is exacerbated by the open

nature of the rural locality, which allows any sound to travel wider distances and dominates due to the low levels of ambient noise.

- 5.3.4. Notwithstanding the above, it must be noted that the applicant is seeking full storage use of the site, falling within use class B8 and proposed to be operated between 7:30am and 5pm on weekdays and 7:30am and 1pm on Saturdays. Due to the nature of the proposed use, unacceptable noise could be caused by movement of products stored on site, equipment and vehicles being used, moved around, coming and going from the site, and the decorum of employees and visitors. An increase in the resulting noise and disturbance, number of occurrences and the intensification of the use could occur without the need for planning permission if the proposal is approved and therefore, the Council would be unable to control the subsequent harm through the planning process.
- 5.3.5. Moreover, the applicant has not demonstrated how any noise could be abated within the site and the LPA has real concerns about how this could be mitigated in the long-term. The onus to submit information to render the proposal acceptable lies firmly with the applicant. The Council has already refused a similar application for this site. It is not considered that the submitted acoustic report has demonstrated that there would be no detrimental harm upon the amenities of the neighbouring occupiers and fails to identify any measures to safeguard the acoustic environment of the locality. In this regard, significant weight has been given to the detailed advice provided by the Council's Environmental Health team which has been summarised in section 7.3 of this report.
- 5.3.6. It is not considered that conditions would render the application acceptable given that the level of sound containment achieved within the buildings cannot be achieved externally. Allowing additional machinery to operate on site would only exacerbate the identified harm. For the reasons highlighted previously, the development is contrary to policies S1, D1, D2 and E1 of the approved LDP and the guidance contained within the NPPF.

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

- 5.4.1. Policy T2 of the approved LDP seeks to create and maintain an accessible environment, requiring development proposals to:
- 1) Be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated, or locations where the impact can be suitably mitigated;
  - 2) Provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate;
  - 3) Improve accessibility to the countryside and the natural environment and to enhance and protect the provision of Public Rights of Way;
  - 4) Improve accessibility to buildings, streets and public spaces, particularly for those with mobility impairments;
  - 5) Provide sufficient parking facilities having regard to the Council's adopted parking standards;
  - 6) Provide sufficient and safe access to service and emergency vehicles; and
  - 7) Give appropriate consideration to encourage a people-oriented space within the development.

- 5.4.2. Similarly, 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 Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.3. The Council's adopted Vehicle Parking Standards state that for a B8 use one space is required for every 150m<sup>2</sup>. The space used for these purposes on site is approximately 6,600m<sup>2</sup>. Hence, a maximum provision of forty-five parking spaces is required. It is considered that a reasonable number of parking spaces can be secured on site with an appropriately worded condition. A condition to require the parking spaces to be marked and retained would meet the tests of the PPG. In addition, it has to be noted that the access arrangements have not been altered as a result of this development. A condition for the retention of the turning area would meet the tests of the national guidance.
- 5.4.4. While it is noted that the Highways Authority have not objected to the application on the basis of the current level of activities, from their comments it can be concluded that Park Wood Lane does not have the capacity to accommodate a substantial number of movements from larger vehicles. It is unclear what movements are or were generated by the existing or the previous use of the site and what size of vehicles were used. However, when planning permission was granted in 2015 for the storage use of the buildings, the presence of the buildings along with the conditions imposed created a natural limit to the size of vehicles that could be used on site. Without the buildings this natural limit does not exist anymore.
- 5.4.5. Furthermore, due to the unrestricted/full B8 use that this application seeks, the nature of the use could be altered significantly and could result in higher number of movements conducted by larger vehicles without the need for a new planning application. If future occupiers wish to intensify the use, this could have detrimental and demonstrable impact upon the highway safety and free flow of traffic, with potential damage to the road surface and the delays this may cause. The B8 use could introduce HGV movements along roads which are narrow, without adequate forward visibility, passing places or turning facilities. The use of an appropriately worded condition to limit the deliveries to or collections from the site to be only with non-HGVs or vehicles not exceeding 3,500kg of Maximum Authorised Mass (MAM) would not be reasonable bearing in mind that the current use already requires larger vehicles; albeit fewer in number. A condition limiting the number of deliveries to or collections from the site is unlikely it would be enforceable. Therefore, conditions would not overcome the identified potential harm of the development which is contrary to policies S1, S8, D1, T1 and T2 of the LDP as well as guidance contained within the NPPF.

## **5.5. Employment**

- 5.5.1. As already mentioned in the previous sections of this report, policy E1 of the approved LDP states that: *"The Council will support and encourage the development of better quality and flexible local employment space to meet the employment target,*

*including live work accommodation in both urban and rural areas (in accordance with other policies in this Plan). All new employment space should seek to meet the needs of local businesses and attract inward investment.”* Moreover, the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations

- 5.5.2. It is not considered that the development is in line with the above policy. Although the support of the approved LDP for employment uses is evident, the site was already in an employment use. It has not been demonstrated how the unauthorised use would create additional employment. Furthermore, the harm identified above is not considered to be outweighed by the limited potential benefits of the proposal. It must also been taken into account that storage and distribution depots generate a considerable number of lorry movements and do not normally generate high employment levels.

## **5.6. Flooding**

- 5.6.1. It has been noted that part of the site lies within a Flood Risk Zone. However, the land which has been hard surfaced remains permeable. Therefore, there is no detrimental increase of flood risk on or outside the site. A condition to require that part of the land to remain permeable would be in line with the six tests of the national guidance and policy D5 of the LDP.

## **5.7. Sustainability**

- 5.7.1. Within the NPPF, there is a presumption in favour of sustainable development. This is central to the policy approach in the NPPF, as it sets out the Government’s changes to the planning system and emphasizes the need to plan positively for appropriate new development.
- 5.7.2. Paragraph 14 of the NPPF advises that for decision-taking this means, approving development proposals that accord with the development plan without delay, but where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so should significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.7.3. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The approved LDP through the preamble to policy S1 re-iterates the requirements of the NPPF. Although conflict between the proposal and the LDP has been identified in the previous sections of this report, the sustainability of the proposal had to be considered in terms of the three dimensions of sustainable development as required by the NPPF.
- 5.7.4. With regard to economic benefits, those have been identified to be limited in relation to employment generation. Furthermore, any economic benefits arising from the additional construction works required were only for the short-term. Other economic benefits relate solely to the applicant who may benefit from the use of a cheaper site. In relation to social benefits, those are insignificant because as already explained any employment generation would be limited if there would be any generation at all. To

the contrary, additional strain to a road network of limited capacity may result to areas having trouble with accessibility to services and facilities. Finally, turning to environmental considerations, it has been considered that there is demonstrable harm in relation to the visual and acoustic impact of the development. It is considered that the identified environmental and social disbenefits of the proposal substantially outweigh its limited benefits and thus the development is considered to be unsustainable.

## **5.8. Other Matters**

- 5.8.1. The potential pollution of the brook could be controlled with the appropriate conditions if the application would be successful. In any other case pollution can be addressed with other statutory powers exercised by other departments and organisations.
- 5.8.2. The Parish Council mentioned in their response policy D3 of the LDP related to conservation. It should be noted that despite the relatively close proximity of the Listed Buildings, the use of the application site does cause any detrimental harm to their setting.

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

- **FUL/MAL/15/00439** - Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials - APPROVED [02.09.2015]
- **FUL/MAL/17/00349** – Variation of conditions 6 and 7 on approved planning permission **FUL/MAL/15/00439** (Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials) – REFUSED [24.05.2017] – APPEAL WITHDRAWN [29.09.2017]
- **FUL/MAL/17/00641** – Variation of conditions 6 & 7 on approved planning permission **FUL/MAL/15/00439** (Change of use of existing agricultural poultry sheds to be used for the storage of reclaimed building materials) – REFUSED [04.08.2017]
- **FUL/MAL/17/00984**– Use of part of site for open storage of building materials together with vehicle turning area and use by two machines/vehicles within the site (including part variation of conditions imposed upon planning permission **FUL/MAL/15/00439**) concerning the use of a former poultry rearing operation to be used for B8 storage purposes following demolition of two poultry houses. – REFUSED [04.08.2017] – APPEAL LODGED

Reasons for refusal:

*1 The use of the site for external, open storage has resulted in a development that is unacceptable, due to its demonstrable detrimental visual impact upon the intrinsic character and appearance of the existing rural area, located outside of any defined settlement boundary. This harm is exacerbated by the extension of the site to facilitate the additional vehicle turning space, the use of vehicles in the open area, and the application lacking any proposals to limit specific heights and types of materials as would be stored on the site. It is not considered that any conditions could be imposed that would overcome or mitigate against the harm of the use as is proposed, or ensure that the harm would not grow in the future if the nature of the use changed but had not*

*resulted in a material change of use. The development is, therefore, considered contrary to policies S1, S8, E1, D1 and D2 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

*2 The use of the site has also resulted in increased noise pollution, which is detrimental to the amenity of the neighbouring residential occupiers and to the quiet tranquillity of the wider adjacent rural area. The application as submitted is lacking in respect of a submitted noise report and matters of noise mitigation save for a reference to a proposed landscaping plan which is not considered in any way sufficient for this use. The development is, therefore, contrary to policy S1, D1 and D2 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

*3 The application has not proposed sufficient detail to allow the Council to consider the true impact of the movement of vehicles, and especially HGV vehicle movements, to the site. As this impact is unproven it is not possible to consider if additional strain would be placed on the local rural highway network which does not have the capacity to deal with high number of movements from larger vehicles. The development is, therefore, contrary to policy S1, D1, T1 and T2 within the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework*

## **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>
Little Totham Parish Council	Object - Noise & waste issues, BE1 design and landscaping. D2 environmental impact. Inappropriate design. Relationship to surroundings - residential properties only one field away. Site can be seen from Park Wood Lane, Scraley Road and surrounding footpaths. HGV's are destroying the road surface and verges and are far in excess of when there were poultry sheds on the site. Storage of materials already over the stipulated 3m. CC6 landscape protection. D3 conservation.	The comments have been noted to the extent they raise material planning considerations.  It should be noted that the reference to policies BE1 and CC6 is related to the superseded Replacement Local Plan and has only been taken into account in the context of Appendix Six of the LDP which correlates the superseded with the current policies.

## 7.2. Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highways Authority	No objection to the proposal as submitted	Comment noted. Please see section 5.4 of the report.

## 7.3. Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	<p>Object - The acoustic assessment is not exhaustive having occurred on one day but the author has stated that the measurements are representative of that exposed to residential properties.</p> <p>The assumptions and calculations made within the report have skewed the impact of the noise sources to which may make it unrepresentative.</p> <p>No additional penalty has been added to the final noise rating to illustrate the character of the noise from the operation.</p> <p>Using the noise propagation calculation and the figures presented within the submitted acoustic report this gives a noise level of approximately 44 dB (A) at Moors Bungalow.</p> <p>Considering the background noise level taken by the author in Moors Farm Chase of 36 dB (A) gives a rating level of +8dB. This would represent a significant impact on the background noise level hence the</p>	Comments noted see section 5.3 of the report.

Name of Internal Consultee	Comment	Officer Response
	<p>amenity of the occupiers. Therefore some form of mitigation is required.</p> <p>The author of the submitted report has considered the character of the area but deliveries of materials, unloading by forklift truck and external storage is not necessarily consistent with agricultural use.</p>	

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

7.4.1. No representations have been received by the time of writing this report.

### **8. REASONS FOR REFUSAL**

- 1 The use of the site for external, open storage has resulted in a development that is unacceptable, due to its demonstrable detrimental visual impact upon the intrinsic character and appearance of the existing rural area, located outside of any defined settlement boundary. This harm is exacerbated by the extension of the site to facilitate the additional vehicle turning space, the use of vehicles in the open area, and the application lacking any proposals to limit specific heights and types of materials that would be stored on the site. It is not considered that any conditions could be imposed that would overcome or mitigate against the harm of the use as is proposed, or ensure that the harm would not grow in the future if the nature of the use changed but had not resulted in a material change of use. The development is, therefore, considered contrary to policies S1, S8, E1 and D1 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 2 The use of the site has resulted in increased noise pollution, which is detrimental to the amenity of the neighbouring residential occupiers and to the quiet tranquility of the wider adjacent rural area. The application as submitted is lacking in respect of specific noise mitigation save for a reference to a proposed landscaping plan which is not considered in any way sufficient for this purpose. The development is, therefore, contrary to policy S1, D1, D2 and E1 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 3 The application does not include sufficient detail to allow the Council to consider the impact of the movement of vehicles, and especially HGV vehicle movements, to the site. As this impact is unproven it is not possible to consider if additional strain would be placed on the local rural highway network which does not have the capacity to deal with high number of movements from larger vehicles. The development is, therefore, contrary to



policy S1, D1, T1 and T2 within the approved Maldon District Local Development Plan and the guidance 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  
5 MARCH 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01383</b>
<b>Location</b>	Three Rivers Golf & Country Club Honeypot Lane Stow Maries Essex
<b>Proposal</b>	Erection of grounds maintenance barn and workshop with associated yard, vehicle parking, storage of materials and landscaping
<b>Applicant</b>	Mr G Peachey - Peachey's Retirement And Trust Scheme
<b>Agent</b>	Mrs Shirley Pay - Smart Planning Ltd
<b>Target Decision Date</b>	09.03.2018
<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>	Major Application

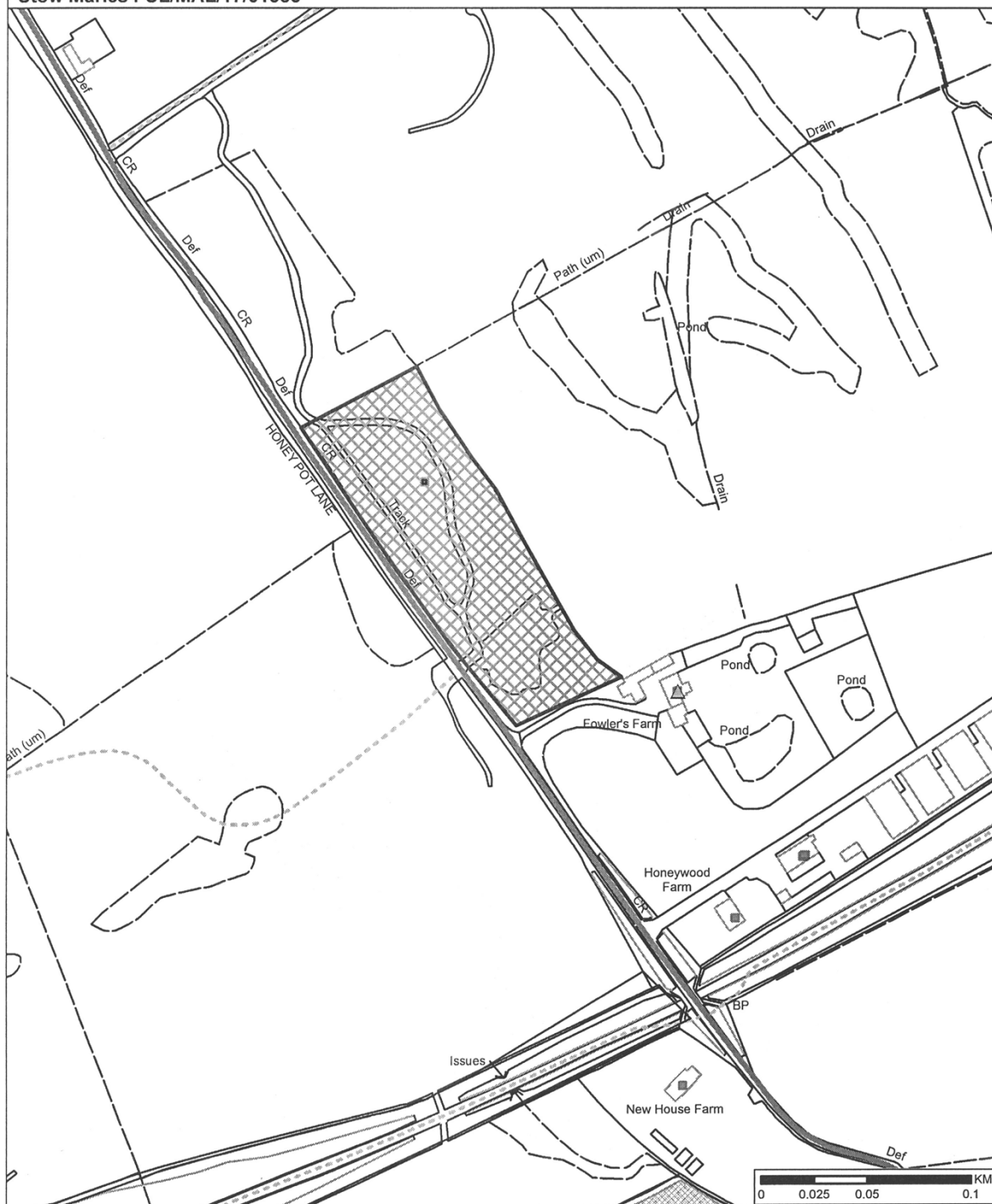
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

# Three Rivers Golf & Country Club - Honeypot Lane Stow Maries FUL/MAL/17/01383



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments: North West Area Committee

Date: 19/02/2018

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 This application relates to the golf club and golf course located to the south east of Stow Road and north east of Honey Pot Lane. The application site, edged in red, is approximately 1 ha and currently serves the golf course as an open storage yard for sand, soil, mulches and green waste arising from the maintenance of the main and adjacent golf courses. On site, there are also artificial mounds and large spoil heaps. Due to the rural nature of the site, it is also a known location of fly-tipping. Apart from the existing access point off Honey Pot Lane, the site is enclosed by existing vegetation to the north eastern, south east and south western boundary. An unmade access track to the golf course is visible within the site where it meanders onto the golf course to the north west and beyond.
- 3.1.2 The proposal seeks to level the land and to construct a maintenance barn / workshop within the site for the storage of green keepers' vehicles and equipment to be used ancillary to the Three Rivers Golf Course.
- 3.1.3 The barn / workshop would measure approximately 27.4 metres in length, 17 metres wide and have a height of 7.8 metres to ridge level. It would be constructed using green profile steel sheeting and have an appearance of an agricultural building. There will be no changes to the existing access point at Honey Pot Lane. The proposed building would almost be centrally located within the golf complex as shown on Drawing No: **16.3666/M003?** dated 24.10.2018.
- 3.1.4 Planning permission was granted in 2005 (reference: **FUL/MAL/05/00782**) for the erection of two proposed storage barns, ancillary buildings and guard netting at Three Rivers Golf Club. It was noted that one was storage barns was to be constructed to the north of the site and one to be constructed within the plot in a similar location as to the barn shown in this current application. The Applicant has confirmed in an email correspondence dated 19 January 2018 that the scheme was never implemented and as such has expired.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed grounds maintenance barn / workshop, vehicle parking and the open storage of materials to be used in conjunction with the Three Rivers Golf Course would be acceptable in this location. The barn would be sited within the plot where it is enclosed by established trees to the north east, south east, and south western boundary which offers screening when viewed in the wider area. The barn / workshop would have an appearance of an agricultural building and would not appear out of keeping within the rural setting. In this respect, the proposal would accord with Policy D1 of the Maldon District Local Development Plan (LDP), the Maldon District Design Guide, and the National Planning Policy Framework in relation to good design. As the development proposal would be used in conjunction with the golf club, the proposal would also accord with Policies S8 and E1 of the LDP.

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

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

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

- 7, 8, 14, 17, 28, 56, 57, 60

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

- Policy S1 Sustainable Development
- Policy S8 Settlement Boundaries and the Countryside
- Policy D1 Design Quality and Built Environment
- Policy E1 Employment
- Policy E5 Tourism
- Policy N2 Natural Environment, Geodiversity and Biodiversity

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

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

#### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 Policy S8 of the Maldon District Local Development Plan (LDP) states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for stringent criteria as set out in Policy S8 (a-m). The proposal is considered as an exception as the barn would primarily be used for storage and workshop purposes in connection with the Three Rivers Golf Course in accordance with Policy S8(b) 'Employment generating proposals in accordance with Policy E1 of the LDP'. The proposal would also accord with Policy S8(f) 'Rural diversification, recreation and tourism' as well as Policy S8(j) 'Green infrastructure, open space and sports facilities'. As the development proposal is directly related to an existing tourism facility within the Maldon District, it is considered that the development would also accord with Policy E5 of the LDP.
- 5.1.2 In terms of justification of the proposed development, a Planning Support Statement was submitted in support the development proposal. In this statement, it claims that the Applicant wishes to construct a storage barn / workshop ancillary to the golf course use, to facilitate and to improve the daily operations for the green keepers at the Three Rivers Golf and Country Club by locating the new building in a more central and convenient location within the golf course complex. Further, the distance

for the existing staff to travel would be shorter thus reducing fuel consumption, and subsequently making the overall operations more sustainable within the rural area. The application site is also prone to fly-tipping and was evident during an officer site inspection. It is considered that the proposal, by generating activities within the site, providing a formal presence, the erection of an entrance gate and a CCTV would help to secure the site and prevent future fly-tipping incidents

## **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. Policy D1 of the Local Development Plan also seeks to ensure that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 It is also pertinent to note that in December 2017, the Local Planning Authority 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, materials and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications. Section A03 of the guidance refers to the value of good design. It ensures that all development has a positive impact on the environment, is integrated into its immediate and wider surroundings.
- 5.2.4 The proposed barn / workshop would measure approximately 27.4 metres in length, 17 metres wide and with a height of 7.8 metres to ridge level. It would be constructed using green profile steel sheeting and have an appearance of an agricultural building. The building would be set back on average of 8 metres within the application site when measured from the north western boundary and 52 metres away from the south eastern boundary shared with Fowler's Farm. Positioned within the site, the barn / workshop would be screened by existing trees and hedges to the north east, south east and south western boundary of the site. It is proposed that additional trees and hedgerow planting would be introduced to the perimeter of the site and this can be secured by an appropriately worded condition should the application be approved.
- 5.2.5 In the 2005 planning application (**FUL/MAL/05/00782**) it was noted that the dimensions for each storage barn measured at 12 metres x 18 metres with a height between 5.3 and 5.5 metres in height to ridge level. This planning application was not implemented. Had the two storage barns been constructed, the built form of development, hardstanding and associated activities on the two sites would have been sporadic within the golf course complex. It is considered that by amalgamating the two storage barns to form one large barn would contained the said activities within the site, preventing the sprawl of development in the rural landscape.

- 5.2.6 In terms of size, scale and bulk, while it is noted that the proposed development would be approximately 2.3 metres higher than the scheme previously approved. It is considered that the orientation of the building where it runs parallel to Honey Pot Lane coupled with the roof plane sloping away from the south western boundary would appear less bulky and prominent when viewed from the public domain. The design of the barn / workshop would commensurate with the proposed use and is not considered to detract from the existing golf club, course or appear out of character with the area where agricultural barns are common features in the rural landscape.
- 5.2.7 At present, there are materials such as sand, soil, mulches and green waste (arising from the maintenance of the main and adjacent golf courses) stored within the application site. The materials are spread out to the north west and south east. The proposal would result in the storage of the materials to the south east of the site. This would visually improve the character and appearance of the rural area in accordance with Policy D1 of the LDP.

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

- 5.3.1 Policy D1 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.
- 5.3.2 The nearest neighbouring residential property to the application site is Fowler's Farm which is located immediately to the south east. As part of the application submission, it is proposed that the southern part of the site would be used for open storage for landscaping materials such as soil and sand. This open storage to the site was evident on site and also the Council has photographic evidence that this area has been used for storage of sand and soil since 2005 and could construed that the use of the site to be lawful. The Environmental Health Team has assessed the application and has raised concerns regarding the open storage of landscaping materials: soil, sand etc. as well as vehicle parking and a grounds maintenance barn and workshop as the development may impact on the existing occupiers of Fowlers Farm and Honeywood Farm. It has been advised that should the application be approved, conditions to limit the hours of operation, surface water drainage, sound proofing of the barn, and lighting to be submitted to and approved by the Council. Foul drainage details should also be submitted if only toilet / kitchen facilities are being provided. Based on the Floor Plan submitted (Drawing 16.3666/P202 dated 22 September 2017) it does not appear that these facilities are being provided and therefore a condition for foul drainage details would be unreasonable and unnecessary.

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

- 5.4.1 The Council's adopted Vehicle Parking Standards ('VPS') it states that for storage and distribution uses, a maximum of 1 space per 150m<sup>2</sup> would be required. It is calculated that three car parking spaces should be provided. As there is a workshop element within the barn, this would solely be used by the existing green keepers employed by the golf club. Further the Agent has confirmed in an email correspondence dated 8 February 2018 that the proposal would not increase in the number of green keeping staff. In this instance, it would be unnecessary to create a



large parking / hardstanding area where it could potentially harm the character and appearance of the rural area.

- 5.4.2 The Highway Authority has assessed the application and no objection is raised regarding the proposal subject to informative to be imposed should the application be approved.

## **5.5 Other Material Considerations**

- 5.5.1 The application site is situated a short distance to the north-west of Fowler's Farmhouse, which is a Grade II listed. The farmhouse is an attractive vernacular building with a gambrel roof and 17<sup>th</sup> century origins. The setting of the house is complemented by its countryside location, particularly the paddock between it and the road, and by the late brick former threshing barn adjacent to it.
- 5.5.2 Having considered the distance which separates the development proposal from Fowler's Farmhouse, and the intervening vegetation, is such that the proposed barn / workshop would not cause harm to the setting or significance of the listed building.
- 5.5.3 The Conservation Officer has advised that this proposal would cause no harm to the significance of the listed building and therefore would accord with the policies set out in Chapter 12 of the NPPF and Policy D3 of the LDP. 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. It is considered that the proposal would be consistent with this objective.

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

- **FUL/MAL/93/00719** - Extension to existing golf course to provide additional 16 holes. Allowed on Appeal 10 May 1995
- **FUL/MAL/97/00739** - Temporary greenkeepers building. Approved: 6 January 1998
- **FUL/MAL/05/00782** - Proposed Storage Barns, Ancillary Buildings and Guard Netting. Approved: 6 September 2005

## **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 objection. The Council notices that the building is relatively high and wishes the area to be landscaped to reflect this subject to an	Noted

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	approved scheme.	

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Environment Agency	No comment to make on this application	Noted
Highway Authority	No objection to make on this application	Noted
ECC Suds Team	The impermeable area for this development is below 1000sqm, the application is considered minor and is therefore beyond our statutory remit to respond.	Noted

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Services	The applicant has not considered the potential impact this development may have on the occupiers of Fowlers Farm and Honeywood Farm. Conditions to be imposed should the application be approved	Noted
Conservation Officer	The proposed barn will cause no harm to the setting or significance of the listed building.	Noted

## 7.4 Representations received from Interested Parties

- 7.4.1 No letters were received at the time of writing this report. Any comments received will be reported on the Members Update.

## 8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 16.3666/P201 Rev B, 16.3666/E101 Rev A, 16.3666/M002 Rev A, 16.3666/P203, 16.3666/P202, 16.3666/M004, 16.3666/M003, 16.3666/M001.  
REASON: For the avoidance of doubt as to the extent of this permission.
- 3 No development shall take place until samples of the facing material to be used have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.  
REASON: To ensure that appropriate external materials would be used for the construction of the development in accordance with Policy D1 of the Maldon District Local Development Plan.
- 4 No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority.  
  
If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.  
REASON: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the rural area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.
- 5 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter  
REASON: To ensure the boundary treatments are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the

Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

- 6 Prior to the commencement of development, details of the surface water schemes to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme schemes shall be implemented prior to occupation of the development hereby approved  
REASON: To ensure an appropriate surface water scheme is available for the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 7 The use of the barn / workshop hereby permitted shall not commence until sound proofing details have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented prior to the first use of the building and retained as such thereafter.  
REASON: To protect residential property from noise arising from activities on site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 8 No floodlighting or other external form of illumination of the site shall be undertaken.  
REASON: To protect the visual amenity of neighbouring residential properties in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.
- 9 Prior to the first use of the development, the car parking spaces shown on Drawing No: 16.3666/P201 Rev B dated 22.09.2017 shall be constructed, surfaced and maintained free from obstruction. The spaces shall be retained for staff parking and no other purpose thereafter.  
REASON: To ensure the appropriate level of car parking is available for the future occupiers of the site in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.
- 10 The use of the storage barn / workshop hereby permitted shall only be used for the storage of materials and equipment directly connected with the maintenance of the Three Rivers Golf Club to which it relates.  
REASON: To ensure the appropriate use of the buildings in accordance with Policy D1 of the Maldon District Local Development Plan.
- 11 The use of the barn / workshop hereby permitted shall only be undertaken between 06:00 hours and 18:00 on weekdays; between 06:00 hours and 18:00 on Saturdays, Sundays and public holidays.  
REASON: To protect the amenity of neighbouring residential properties in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.
- 12 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stacked, stored or deposited on the site to a height exceeding 2.0 metres.  
REASON: To protect the visual amenity and the amenity of neighbouring residential properties in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

## **INFORMATIVE**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The Applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

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

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

<b>Application Number</b>	<b>FUL/MAL/17/01389</b>
<b>Location</b>	Land at junction of Captains Wood Road and Maypole Road, Great Totham
<b>Proposal</b>	Variation of condition 3 (number of caravans), 4 (siting of static caravan) and 12 (approved plans) of Appeal Decision ref: APP/X1545/A/14/222038; change of use of part of the land for the stationing of caravans for residential purposes as an extension to an existing Gypsy and Traveller site; and relocation of existing stable building
<b>Applicant</b>	Mr Cooper
<b>Agent</b>	Green Planning Studio Ltd.
<b>Target Decision Date</b>	06.03.2018
<b>Case Officer</b>	Kathryn Mathews, Tel: 01621 875805
<b>Parish</b>	<b>GREAT TOTHAM</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.

**Land At Junction Of Captains Wood Road And Maypole Road**  
Great Totham FUL/MAL/17/01389



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: North West Area Committee

Date: 19/02/2018

MSA Number: 100018588



### 3. SUMMARY

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

3.1.1 The application site is located within the open countryside beyond any defined settlement boundary. It consists of part of a triangular plot situated at the junction of Captains Wood Road and Maypole Road. Planning permission for part of the site to be developed as a single Gypsy and Traveller pitch was granted at appeal in 2015 (reference **FUL/MAL/13/00920**) which has been partly implemented.

3.1.2 Planning permission is sought for the variation of condition 3 (number of caravans), condition 4 (siting of static caravan) and condition 12 (approved plans) of Appeal Decision ref: APP/X1545/A/14/2220387 (planning permission reference **FUL/MAL/13/00920**) and the change of use of part of the land for the stationing of caravans for residential purposes as an extension to an existing Gypsy and Traveller site; and the relocation of an existing stable building.

3.1.3 The existing conditions 3, 4 and 12 are worded as follows:-

Condition 3: No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time. The reason for this condition was in order to safeguard the character and appearance of the countryside.

Condition 4: The static caravan shall be sited in accordance with Drawing No 13\_551\_00 RevA. Any material change to its position, or its replacement by another in a different location, shall only take place in accordance with details that have been submitted to and approved in writing by the local planning authority. The reason for this condition was in order to safeguard the character and appearance of the countryside.

Condition 12: The development hereby permitted shall be carried out in accordance with the following approved plans:13\_551\_001, 13\_551\_002, 13\_551\_003 (Rev A) and 13\_551\_004A. The reason for this condition was for the avoidance of doubt and in the interests of proper planning.

3.1.4 The applicant seeks to vary the conditions to read as follows:

Condition 3: No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 ( of which no more than 3 shall be a static caravans) shall be stationed on the site at any time.

Condition 4: The static caravans shall be sited in accordance with Drawing No 13\_551A\_003. Any material change to its position, or its replacement by another in different location, shall be only take place in accordance with details that have been submitted to and approved in writing by the local planning authority.

Condition 12: The development hereby permitted shall be carried out in accordance with the following approved plans:13\_551A\_001, 13\_551A\_002, 13\_551A\_003 and 13\_551A\_004.

- 3.1.5 The application seeks to increase the total number of pitches on the site to 3, increase the number of caravans to 3 mobile homes and 3 touring caravans, and add 2 utility/dayrooms. The application also seeks to relocate the existing stable building and revise the location of the mobile home approved on appeal (APP/X1545/A/14/2220387).
- 3.1.6 The application is supported by a Planning Statement in which it is stated that the 'increase in the amount of the mobile homes is required to maintain the existing need in the area and this site specifically. The two additional pitches are for Mr Bill Cooper's children' and it is stated that the relocation of the previously approved mobile home is to 'form a more even compound of mobile homes'. At Sections 5 and 6 of the applicant's Planning Statement it is stated that the site would be used to accommodate a total of three gypsy pitches.
- 3.1.7 The additional mobile homes would be located immediately to the west of the part of the site which already benefits from planning permission reference **FUL/MAL/13/00920**. Two utility/day rooms are proposed: 8m x 5m, single storey with pitched roofs. Two touring caravans would be located adjacent to the mobile homes, all within a new area of hardstanding. The revised position of the stable building would be immediately to the west of the additional mobile homes. The revised position of the previously approved mobile home would be that of the existing stable building which adjoins the northern boundary of the site.
- 3.1.8 It is understood that the applicant owns the site and that part of the development the subject of the existing planning permission has been carried-out, but that the site has not been occupied to-date and that there are currently no mobile homes on site. The hardstanding and day room at the east of the site are however in place.

## 3.2 Conclusion

- 3.2.1 Having assessed the proposal against national and local policies, it is considered that the proposed development would be acceptable in principle, would not have an unacceptable impact on the character and appearance of the area and would not have an adverse impact on the amenity of existing residents or highway safety, subject to the imposition of conditions. In the absence of any demonstrated harm, the proposal complies with the relevant Policies of the Approved Local Development Plan and it is recommended that planning permission is approved.

## 4. MAIN RELEVANT POLICIES

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

### 4.1 National Planning Policy Framework (NPPF) 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 (LDP) approved by the Secretary of State**

- S1 Sustainable Development
- S7 Prosperous Rural Community
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- H6 Provision for Travellers
- T1 Sustainable Transport
- T2 Accessibility

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

- DCLG's Planning Policy for Travellers Sites, August 2015.
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD
- Maldon District Vehicle Parking Standards SPD

### **5. MAIN CONSIDERATIONS**

The primary issues which will require consideration as part of the determination of this planning application are the principle of the development and the impact of the development on the character and appearance of the area. Other relevant matters would be private amenity space and landscaping, highway safety/parking and drainage.

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

- 5.1.1 Whilst Policy S8 restricts development outside settlement boundaries, the policy contains a list of exceptions, of permissible uses in the countryside, which includes Travellers and Travelling Show people accommodation (S8(i)).
- 5.1.2 Policy H6 of the approved Maldon District Local Development Plan (LDP) sets out criteria for the assessment of proposals for travellers.
- 5.1.3 On the basis of the above, it is considered that the proposal would be acceptable in principle, subject to compliance with the criteria contained within Policy H6.
- 5.1.4 Policy H6 states that "Proposals for Traveller or Travelling Showpeople sites must meet at least one of the following criteria, and other relevant policies in this Plan, including Part 3 of this policy:
  - a) Whether the site is on an existing site that could provide additional provision through intensification and / or improved orientation; or
  - b) Whether the site could provide additional provision through appropriate expansion; or

- c) Whether the site is within existing development boundaries or strategic growth areas; or
- d) If the site is located elsewhere in the District, whether it would form sustainable development. In assessing this, the Council will have regard to the sustainability/site suitability criteria in the ‘Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection’ August 2016.”

5.1.5 The policy also includes seven criteria that it is expected that proposals and sites will comply with in order to be granted planning permission.

5.1.6 With reference to Policy H6 criteria, the site could provide additional provision through appropriate expansion and:-

- Would be appropriate in scale to the nearest settlement or dwelling(s) and would not dominate them, having regard to factors such as the scale and form of existing Travellers’ pitches in the locality, and the availability of infrastructure, services and facilities (criterion 3.a)) As part of the previous appeal, the Inspector made reference to potential integration with other residents in the locality, the health and well-being of the site’s future occupiers and did not raise concerns regarding pressure on infrastructure or services.
- The proposal would not be poorly related to the existing built-up area; capable of having access to essential services; and allow convenient access, potentially for pedestrian, cycles and public transport, as well as by private car, to key facilities (criterion 3.b)). As part of the previous appeal, the Inspector did not raise concerns regarding access to local services and facilities by occupiers of the site.
- The site is located away from an area at risk of flooding (criterion 3.c))
- The site can be accessed safely by vehicles from the public highway (see below) (criterion 3.d))
- The site is of sufficient size to provide amenities and facilities for the planned number of caravans; including parking spaces, areas for turning and servicing of vehicles, amenity blocks, play and residential amenity areas, access roads and temporary visitor areas (see below) (criterion 3.e))
- The development would be located, designed and landscaped to avoid unacceptable harm to the character of the local area and the living conditions of local residents (see below) (criterion 3.f.)
- Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.

5.1.7 Based on the above, subject to conditions being imposed (see below), Officers are of the view that the proposal would comply with LDP Policy H6 – Provision for Travellers.

5.1.8 The application has not been accompanied by a statement to confirm that the occupants of the site will comply with the PPTS definition of Travellers for planning purposes to (in Annexe 1):

*‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but*

*excluding members of an organised group of travelling showpeople or circus people travelling together as such.'*

- 5.1.9 However, the occupation of the site could be limited to those who do comply with the definition through the imposition of an appropriately worded condition. Paragraph 24 of the PPTS states that the availability of alternative accommodation for the applicants and other personal circumstances of the applicant should be considered as a relevant matter. As neither details of how the occupiers of the site will meet the abovementioned definition nor details of other personal circumstances have been provided, little or no weight can be given to the availability of other sites or any personal circumstances in the assessment of the current application.
- 5.1.10 As residential accommodation would not normally be approved at this site other than in accordance with the stated exception policy, it is considered that a condition to restrict the occupancy of the site meets the tests of reasonableness. At Sections 5 and 5 of the applicant's Planning Statement, it is specifically stated that the pitches will be used as Gypsy pitches, thereby according with the exception policy.
- 5.1.11 In relation to conditions and the variation of the former conditions, it is considered appropriate to apply weight to the relevant sections of the Planning Practice Guidance with respect to conditions and the modification of conditions. This application has been submitted as a full planning application rather than an application under Section 73 and therefore, whilst the variation of conditions is part of the proposal, it is not the only part of the proposal and therefore the limitations on the imposition of conditions by the Local Planning Authority (as related to Section 73 applications) is not applicable. If granted, a new, independent planning permission would be granted and as such it is necessary to impose a new set of conditions. The original permission would remain in place, unaffected.
- 5.1.12 Notwithstanding the above, regard should be had to the original permission and the wording of those conditions which has been found to be sound by the Planning Inspectorate. It is noted that the applicant has proposed specific wording for the amended conditions which the authority can have regard to, but in the circumstances, given that the resultant development is materially different and would be an independent planning permission rather than a 'bolt-on' to the original permission, it is considered that the Local Planning Authority can impose different conditions, provided that they comply with the standards six tests of a condition.

## **5.2 Housing Need and Supply**

- 5.2.1 The Maldon District Local Development Plan was approved by the Secretary of State on 21 July 2017. This LDP makes provision for the District's full objectively assessed housing needs including those households which meet the PPTS definition for Gypsy and Travellers. Therefore, there is no current under-provision of Gypsy and Traveller pitches within the District.
- 5.2.2 The Planning Policy Officer has provided the following advice:

*'The PPTS requires local planning authorities to set pitch targets for Gypsies and Travellers as defined in Annex 1 (see above) which address the likely permanent and transit site accommodation needs of Travellers in their area. The delivery of these*

*targets is to be taken forward through the Local Plan. Where there is no identified need, the PPTS requires that criteria-based policies included in the Local Plan to provide a basis for decisions in case applications come forward*

### *Gypsy & Traveller Accommodation Needs*

*In November 2015 the Essex Planning Officers' Association commissioned Opinion Research Services (ORS) to update to the Greater Essex1 GTAA Report 2014 in response to the new National Planning Policy Statement for the Provision of Traveller Sites (PPTS) in August 2015, which included changes in the planning definition for Travellers. Given the timeframes to prepare the Essex GTAA and the need to provide Local Plan evidence, a series of individual local authority reports were prepared between November 2016 and summer 2017. The Maldon District Gypsy & Traveller Accommodation Assessment Need Summary Report (Maldon District GTAA) was one of these, and was published in December 2016.*

*The 2016 Maldon District GTAA identified the following level of need:*

<b><i>Type of household</i></b>	<b><i>Accommodation need - number of pitches</i></b>
<i>Traveller households who meet the 2015 PPTS definition</i>	<i>1</i>
<i>Traveller households of unknown status</i>	<i>10</i>
<i>Traveller households not meeting the PPTS 2015 definition</i>	<i>8</i>

*Since the publication of the Maldon District GTAA, an appeal for two Traveller pitches was allowed at Rose Stables, Captains Wood Road, Great Totham (on 14-12-2016) (14/00769/FUL). Due to the particular circumstances of that case, the appeal decision required that, except for a named individual, the site is to be occupied by Traveller households who met the PPTS 2015 definition. In the future, if the named individual no longer resides on the site, then both pitches can only be occupied by households who meet the PPTS definition. Therefore this planning permission fully met the identified accommodation need for pitches for households who met the PPTS definition and 10% of the need from households of unknown status who may meet the PPTS definition.*

*The Maldon District GTAA recognises that there is a level of uncertainty surrounding how many of the households whose status is unknown, would meet the PPTS definition. Data that has been collected from over 2,000 household interviews that have been completed by Opinion Research Services (ORS) since the changes to PPTS in 2015 suggests that overall approximately 10% of households who have been interviewed meet the planning definition. This suggests that only 10% of the accommodation need identified for households whose status is unknown could be for households who do meet the PPTS definition. This indicates that the identified need for Traveller households of unknown status could equate to an accommodation need for 1 pitch for households who do meet the PPTS definition.*

*Although the probable need has been met (through applying the 10% proportion to the pitch needs of the 'unknown status' households), this does not necessarily mean that the accommodation needs of Traveller households who meet the PPTS definition have been met in their entirety.*

#### *Maldon District Local Development Plan*

*In July 2017 the Secretary of State approved the Maldon District Local Development Plan (LDP). The NPPF (paragraph 2) clearly states that: 'Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.'*

*To meet the accommodation needs of Traveller households who meet the PPTS definition, the Council will consider proposals through the development management process, using Policy H6. Policy H6 sets out key locational and site criteria to be considered when assessing a proposal for new Traveller accommodation.'*

- 5.2.3 On the basis of the above, whilst there is no current under-provision of Gypsy and Traveller pitches within the District, as the current proposal would comply with Policy H6, Officers are of the view that a refusal of planning permission based on housing need and supply would not be justified in this case. The abovementioned figures represent a minimum provision rather than a maximum and therefore there is no policy basis to object to increased supply.

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

- 5.3.1 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.

- 5.3.2 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”.  
“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”.

- 5.3.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;

- d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.3.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The proposed development would introduce further mobile homes, caravans, day rooms, hardstanding and other ancillary development into a rural area dominated by open countryside. The proposal would, therefore, cause some harm to the character and appearance of the area. However, with reference to criterion 3.f.) of Policy H6, Officers would accept that some harm to the character and appearance of the rural area was inevitable if additional Gypsy and Traveller pitches were to be located in the area.
- 5.3.7 No objection is raised to the location of the proposed stables as, whilst the building would be moved away from the north-eastern corner of the site, it would be located adjacent to the part of the site to be developed for residential purposes which would minimise its visual impact on its rural surroundings.
- 5.3.8 Thickening of the existing boundary vegetation/hedging, particularly along the Maypole Road boundary of the site, to minimise views into the site from its surroundings would assist in mitigating the harm caused. However, it is not considered that landscaping in addition to that already approved (reference 15/05103/DET) would be necessary.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 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. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.4.2 On the basis that there are no existing residential properties adjacent to the application site and given the residential nature and limited scale of the development proposed, it is not considered that the proposal would have an adverse impact on any existing residents.



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

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 The submitted drawings suggest that vehicle access to the additional pitches and relocated stable would be via the existing access on Captains Wood Road and that off-street parking would be available for all three residential pitches. The Highways Officer raises no objection to the proposal, subject to the imposition of conditions. In this respect it is considered that some of the conditions that have been suggested are not necessary or reasonable as they do not align with the conditions that were imposed on the original permission. It is considered that the intensification of the use of the site would not lead to additional vehicle movements to an extent that would justify more stringent conditions being imposed upon the applicant. The access to the site has been implemented under the terms of the previous permission and as no alterations to the access are proposed, it is considered that it is unnecessary and unreasonable to require the applicant to comply with different conditions that were not imposed previously.
- 5.5.4 On the basis of the above, and given the residential nature and limited scale of the development proposed, the proposal would comply with the adopted parking standards and would not cause highway safety concerns.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 The application site boundary would include sufficient space for use as private amenity space for the residential occupiers of the site. Landscaping could be required by condition but is not considered necessary in this case as it is considered that landscaping in addition to that already approved (reference 15/05103/DET) would be necessary.

## **5.7 Drainage**

- 5.7.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk.
- 5.7.2 The EHT has recommended that conditions requiring details of surface water and foul drainage are imposed if planning permission were to be granted. It is noted that in the case of the previous permissioned, it was deemed appropriate to impose a condition in relation to foul drainage, but no conditions were imposed in relation to surface water drainage. Although the area of hardstanding would increase, it is considered that it is no more necessary to require details to be submitted now, particularly as the hardstanding is described as being loose bound and permeable, which would be secured by another condition. On the basis of this advice, it is considered that the issue of foul drainage can be satisfactorily dealt with by condition.

## **5.8 Sustainability**

- 5.8.1 In relation to sustainability, as part of the previous appeal, the Inspector found the use of the site as a Gypsy and Traveller pitch as a sustainable form of development economically, socially and environmentally. The Inspector made reference to potential integration with other residents in the locality, the health and well-being of the site's future occupiers, pressure on infrastructure or services and access to local services and facilities. This assessment carries substantial weight in the assessment of the current application and there has been no material change in the planning circumstances since the appeal decision was made for a different view on this matter to now be taken.

## **5.9 Other Matters**

- 5.9.1 With reference to the Equality Act 2010, the Public Sector Equalities Duty comes in three parts: first, the decision must have due regard to the need to eliminate discrimination and harassment of Gypsies, Travellers and Roma people; secondly, the decision maker must also have due regard to their need to advance equality of opportunity for Gypsies, Travellers and Roma people; and thirdly there is a duty to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This latter aspect may involve treating some persons more favorably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equalities Act. Information regarding the intended occupiers of the additional pitches is limited but Officers are of the view that there are no conflicts in this report with the duty under section 149 to eliminate discrimination and advance equality of opportunity for persons with a protected characteristic or the European Convention on Human Rights, as incorporated into the Human Rights Act 1998.

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

The relevant planning history is set out in the table below:

- **FUL/MAL/11/00780** - Erection of small stable block with tack room and hay barn. Decision WITHDRAWN.
- **FUL/MAL/11/00987** – Erection of small single storey two stable block with hay

store. Decision APPROVED 04/04/12.

- **FUL/MAL/13/00920** – The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayroom ancillary to that use. Decision REFUSED 11/12/13. APPEAL (APP/X1545/A/14/2220387) allowed
- **DET/MAL/15/05103** – Compliance with conditions notification of **FUL/MAL/00920** allowed on appeal APP/X1545/A/14/2220387 (The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hardstanding. Condition 7. Landscaping. Condition 11. Sewage treatment system. Discharged 10/05/18.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	<p>Recommends refusal: six caravans plus support buildings well in excess of the existing maximum of two caravans for the site which would result in an unwelcome intensifying effect in an area of rural character.</p> <p>Outside the development boundary, and at a dangerous junction.</p> <p>Maldon District does not have a deficit of traveller site provision.</p> <p>For these reasons, the proposal was considered contrary to the adopted policies of Maldon District Council.</p>	Noted (refer to relevant sections of report)

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>Recommends refusal:-</p> <p>Site previously occupied unlawfully. Enforcement action lead to an application for one pitch (<b>FUL/MAL/13/00920</b>) which was allowed on appeal.</p>	The application site was not unlawfully occupied prior to the appeal being allowed. The other issues are noted (refer to relevant sections of report)

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>The application is for six caravans plus buildings which is totally unacceptable whereas the current permission is for two caravans on the site. Would result in an unwelcome intensifying effect in an area of rural character.</p> <p>Outside the settlement development limits, and at a dangerous junction and any intensification of traffic would be unacceptable.</p> <p>Maldon District does not have a deficit of traveller site provision.</p> <p>The proposal is contrary to the policies of the Approved Maldon District Local Development Plan</p>	

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
<b>Highways Officer</b>	<b>No objection subject to conditions (relating to the width and surfacing of the access way; visibility splays; turning facility; position of gates) and informatives.</b>	<b>Noted (refer to 'Highway Safety' section of report)</b>

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
<b>Environmental Health</b>	<b>No objections subject to conditions requiring details of foul and surface water drainage; and informatives</b>	<b>Noted (refer to 'Drainage' section of report)</b>
<b>Planning Policy</b>	<b>No objection subject to conditions</b>	<b>Noted (refer to 'Principle of Development' section of report)</b>

## 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:

- Jonathan Yardsley, Gun Farm, Maypole Road, Great Totham

Objection Comment	Officer Response
Does not comply with Local Plan Policies and Government guidance.	Noted (refer to relevant sections of report).
Would not respect local context or the scale and proportions of surrounding environment. Out of character with the area to detriment of local environment.	
Would have an overbearing effect on neighbours, and result in a loss of privacy, noise, disturbance, nuisance and a poor outlook	
Highway safety concerns and insufficient parking proposed	
If approved construction period should be restricted by condition	Given the nature, scale and location of the site, conditions controlling the construction period are unnecessary. The site is not located within the Green Belt.
Inappropriate development in the Green Belt	
Potential adverse effect on protected trees	There are no trees within the site subject to a Tree Preservation Order.

## 8 PROPOSED CONDITIONS

- The development hereby permitted shall begin not later than three years from the date of this decision.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 13\_551A\_001, 13\_551A\_002, 13\_551A\_003 and 13\_551A\_004.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- The application site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Government's Planning Policy for Traveller Sites.  
REASON Given the nature of the proposal the permission should be limited to occupation by Gypsies and Travellers as defined in the Planning Policy for Traveller Sites.

4. No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan) shall be stationed on the site at any time.  
REASON In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.
5. The three static caravans referred to within condition 4 above shall be sited in accordance with Drawing No. 13\_551A\_003, in the positions that are demarked "Proposed mobile home" and "Existing mobile home to be repositioned". Any material change to their positions, or their replacement by another in a different location, shall only take place in accordance with details that have previously been submitted to and approved in writing by the local planning authority.  
REASON In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.17/0
6. No works relating to the construction of the two proposed utility/day rooms shown on drawing 13\_551A/003 shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the those building have been submitted to the Local Planning Authority for approval in writing. Only the approved materials shall be used in the erection of those two buildings.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
7. The development hereby permitted shall not take place until there has been submitted to and approved in writing by the local planning authority a scheme providing details of any means of enclosure, the design and location of refuse storage facilities and any external lighting proposed, together with details of any additional hardstanding. The development shall be implemented in accordance with the approved details and the refuse storage facilities shall be provided prior to the commencement of the use hereby permitted.  
REASON In order to safeguard the visual amenities of the surrounding area and to help integrate the proposal with the surrounding countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.
8. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.  
REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.
9. No commercial activities shall take place on the land, including the storage of materials.  
REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.
10. The stable building shall be used solely for the private stabling of horses in connection with the gypsy pitches at the site and shall not be used for the purposes of livery or a riding school.

REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.

11. Neither of the two caravans marked 'Proposed mobile home' on plan 13\_551A\_003 shall be occupied until details of the package sewage treatment system to serve those caravans has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of either of the caravans marked as 'Proposed mobile home' on plan 13\_551A\_003.

No caravan positioned in the location marked 'Existing mobile home to be repositioned' on plan 13\_551A\_003 shall be occupied until that caravan has been connected to either the package sewage treatment system that is approved under the terms of this condition or the package sewage treatment system that was approved under the terms of discharge of condition application

**DET/MAL/15/05103.**

REASON To ensure satisfactory arrangements are in place for sewage disposal, in accordance with Policy D5 of the approved Local Development Plan.

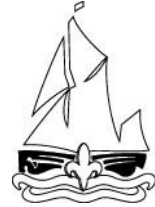
## **INFORMATIVES**

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
2. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
3. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) No dust emissions should leave the boundary of the site;
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

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

4. It is noted that the applicants have yet to apply for a caravan site licence. This is a legal requirement under the Caravan Sites and Control of Development Act 1960, the applicant must apply without further delay, and the current cost is £581.





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

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

<b>Application Number</b>	<b>HOUSE/MAL/18/00059</b>
<b>Location</b>	High Hall Cottage, 30 Church Road, Wickham Bishops
<b>Proposal</b>	Demolition of existing outbuilding within the curtilage of a listed building, proposed family room with study / home office above with glazed link and log store.
<b>Applicant</b>	Mr. & Mrs. Howell
<b>Agent</b>	Penny Little – A & P Designs Ltd
<b>Target Decision Date</b>	13.03.2018
<b>Case Officer</b>	Emma Worby, Tel: 01621 875860
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In
<b>Application Number</b>	<b>LBC/MAL/18/00060</b>
<b>Location</b>	High Hall Cottage, 30 Church Road, Wickham Bishops
<b>Proposal</b>	Demolition of existing outbuilding within the curtilage of a listed building, proposed family room with study / home office above with glazed link and log store.
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<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

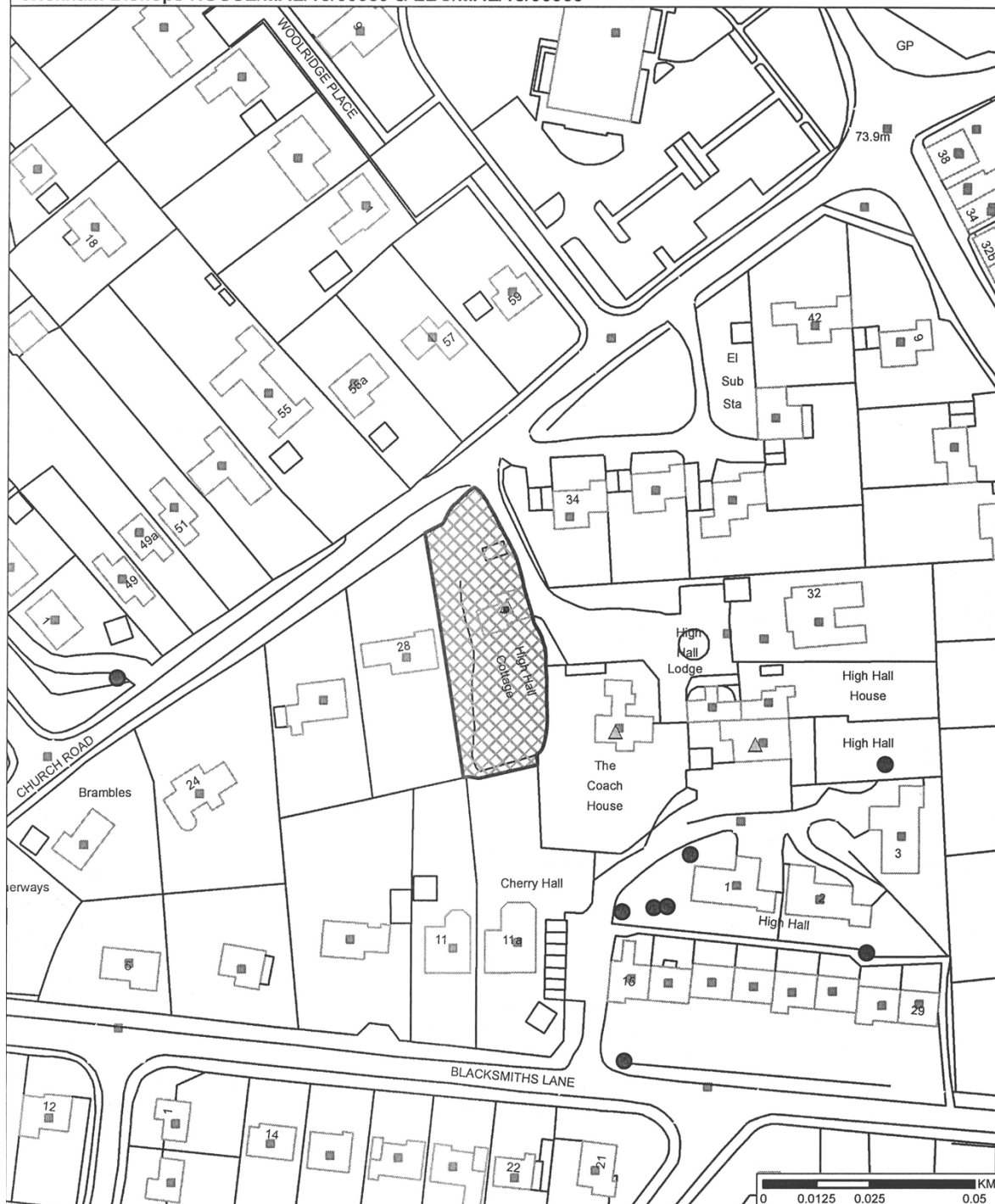
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

# **High Hall Cottage - 30 Church Road** Wickham Bishops HOUSE/MAL/18/00059 & LBC/MAL/18/00060



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Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: North West Area Committee

Date: 19/02/2018

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the southern side of Church Road within the settlement boundary of Wickham Bishops. The site is occupied by a two storey, detached dwellinghouse with a detached garage building to the north. The building is grade II listed with the historic front elevation of the building on the southern side of the property, although the highway, main entrance, garage and driveway are to the north. There is a small road running to the east of the application site which serves several other residential properties.
- 3.1.2 Planning permission is sought for the demolition of the detached garage and the addition of a two storey extension in its place attached to the main dwelling by a single storey glazed link. The extension would accommodate a dining room on the ground floor and a study on the first floor.
- 3.1.3 The two storey section would measure 6 metres in depth, 5 metres in width, with a height to the eaves of 2.35 metres and a height to the ridge of 4.8 metres. The extension would have a pitched roof with a gable end to match the roof slopes of the original property. Proposals include a storm porch on the northern elevation of the extension, two full height windows on the western elevation and three conservation roof lights on the eastern elevation.
- 3.1.4 The single storey link would have a height of 1.8 metres, a width of 4 metres and a depth of 2.5 metres. This would be glazed on the western side and brick on the eastern side and would adjoin the existing dwelling through the current kitchen.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed extension, by reason of its scale, bulk and location, would be a dominant and disproportionate addition to the host dwelling which would result in a visually intrusive and over dominant feature within the site and the locality. It is therefore considered that the proposed development would result in demonstrable harm to both the listed building's significance and the locality and is consequently not in accordance with policies D1, D3, S1 and H4 of the approved LDP.

### **4 MAIN RELEVANT POLICIES**

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

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

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

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

- D1 Design quality and built environment
- D3 Conservation and heritage assets
- H4 Effective use of land
- S1 Sustainable development
- T1 Sustainable transport
- T2 Accessibility

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

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

### **5 MAIN CONSIDERATIONS**

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

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

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.*
- 5.2.3 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 the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.2.4 Although the proposed extension would be located to the historic rear of the dwellinghouse, the rear faces the highway of Church Road and it would be highly visible from the public realm. The extension would also be prominent in views from the access highway that leads to the east of the application site. Therefore, the

proposed development would have a significant impact on the overall streetscene and the character of the area.

- 5.2.5 The detached garage currently in situ is considered to be of little architectural merit, partially blocking views of the main dwelling from the public view. However, the existing garage is far smaller than the proposed extension. Although the proposed replacement extension would mirror the gable ended roof forms on the original property, due to its large size and its location between the dwelling and the highway, it is not considered to be a subservient addition to the existing property or the surrounding area. The ridge height of 4.8 metres is considered to be an excessive addition to a property of this size and the roof form would be considered an unusual feature within the streetscene.
- 5.2.6 The proposed extension would obscure views of the existing listed building to a far greater extent than the existing building. It is noted that the building has been extended previously and therefore little of the original building can be appreciated in views from the north. However, it is considered that this impact should not be compounded by further developments that affect the setting of the listed building. When considered cumulatively, in addition to the previous extensions at the rear of the host dwelling, it is considered that the proposal would represent the further sprawl of built form at the site, creating a continuous mass in place of an existing subservient, detached outbuilding. The overall extent of the extensions would overwhelm the original listed building and materially detract from the plan form of the original dwelling.
- 5.2.7 Overall, the proposed extension is considered to be unacceptable in its setting and would detract from the appearance and be materially harmful to the existing listed building and the locality contrary to policy D1, D3 and H4 of the LDP.

### **5.3 Impact on Heritage Assets**

- 5.3.1 The Conservation Officer has advised that, although the new addition would resemble a tradition outbuilding, the further extension would undermine the property's modest character. Bearing in mind the degree to which the house has been enlarged in recent decades, the extension would further undermine the property's modest historic character. The addition would appear dominant in views of the house from what is now the main approach to it. The compact and unified form of the house would be changed by the proposal to one that is somewhat fragmented and sprawling.
- 5.3.2 Therefore the proposal would cause harm to the significance of the listed building. Using the terminology of policy D3 of the Maldon LDP and chapter 12 of the NPPF this harm would be 'less than substantial', but since there are no 'public benefits' to justify it, the Conservation Officer recommends that the applications are refused.

### **5.4 Impact on Residential Amenity**

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

- 5.4.2 The application site is bordered by three properties, No.34 Church Road, No.28 Church Road and The Coach House and Cherry Hall. As The Coach House and Cherry Hall are to the south of the application site, the proposed development would not be visible from these properties and therefore would not affect their residential amenity.
- 5.4.3 The proposed extension would be approximately 13 metres from the boundary with No.28 Church Road, due to this distance, it is considered that the extension would not have an overbearing effect on this neighbouring property. The proposals do include two full height windows and the glazed link on the ground floor of western elevation which would face No.28 Church Road. However, there are no windows on the first floor element of the design and therefore it is not considered that the proposed extension would cause any overlooking or loss of privacy.
- 5.4.4 No.34 Church Road is located on the eastern side of the High Hall Cottage however this is separated by an access road to other residential properties. Therefore, due to the distance and division between the two properties, it is considered that the proposed development would not impact on this neighbour's residential amenity.
- 5.4.5 Overall, it is not considered that the development would form an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

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

- 5.5.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Councils adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The proposed development does not include the addition of any bedrooms and therefore the property remains a four bedroom dwelling. Vehicle parking standards state that a four bedroom dwelling should have a maximum of three parking spaces. The application site has ample off-street parking facilities and therefore there would be no objections to the proposals in terms of car parking provision.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m of private amenity space for dwellings with three or more bedrooms.
- 5.6.2 The proposed development would not result in the loss of any private amenity space and therefore the proposed extension is in compliance with Policy D1 of the LDP.

## **6 ANY RELEVANT SITE HISTORY**

- **FUL/MAL/01/00274 & LBC/MAL/01/00275** – Erection of a two storey front extension – refused.

- **HOUSE/MAL/02/00133 & LBC/MAL/02/00134** - Proposed first floor and single storey rear extensions, internal alterations and new roof over bay window on front elevation – approved.
- **HOUSE/MAL/13/01096 & LBC/MAL/13/01097** – Proposed two storey infill and single storey lean-to rear extensions – approved.
- **HOUSE/MAL/14/00954 & LBC/MAL/14/00955** - Proposed additional 3 no. conservation style Velux windows to existing previous extension roofs (not original) – approved.

## **7 CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils (*summarised*)**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Wickham Bishops Parish Council	<ul style="list-style-type: none"> <li>- The neighbouring resident has spoken in support of the application.</li> <li>- The proposal, although large, is sympathetic to the existing listed dwelling and would replace a less-sympathetic building.</li> <li>- The proposal would improve the property without affecting the listed part of the building.</li> <li>- Recommend approval.</li> </ul>	No comments

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

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	<ul style="list-style-type: none"> <li>- The extension would further undermine the property's modest character.</li> <li>- The addition would appear dominant in view of the house for what is now the main approach to it.</li> <li>- The compact and unified form of the house would be changed by the proposal to one that is somewhat fragmented</li> </ul>	No comments

Name of Internal Consultee	Comment	Officer Response
	<p>and sprawling.</p> <ul style="list-style-type: none"> <li>- I recommend that the applications are refused.</li> <li>- Should the proposal be approved I would recommend that rooflights be used on the western roofslope instead of the eastern.</li> </ul>	

## 8 **REASONS FOR REFUSAL**

### **Planning Application – HOUSE/MAL/18/00059**

- 1 The scale and visual impact of the proposed development would be a dominant and disproportionate addition to the host listed building which would result in a visually intrusive and over dominant feature within the site and the locality. Therefore the proposed development would result in demonstrable harm to both the listed building's significance, setting and the locality and would be contrary to the National Planning Policy Framework and policy D1, D3, S1 and H4 of the approved Maldon District Local Development Plan.

### **Listed Building Consent – LBC/MAL/18/00060**

- 1 The scale and visual impact of the proposed development would be a dominant and disproportionate addition to the host listed building which would result in a visually intrusive and over dominant feature within the site and the locality. Therefore the proposed development would result in demonstrable harm to both the listed building's significance, setting and the locality and would be contrary to the National Planning Policy Framework and policy D1, D3, S1 and H4 of the approved Maldon District Local Development Plan.