

# Unrestricted Document Pack

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CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

29 June 2018

Dear Councillor

You are summoned to attend the meeting of the;

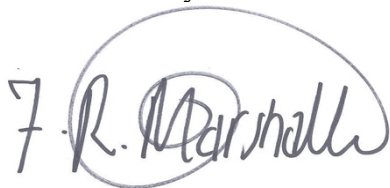
## **NORTH WESTERN AREA PLANNING COMMITTEE**

on **MONDAY 9 JULY 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, hand-drawn oval.

Chief Executive

### COMMITTEE MEMBERSHIP

#### CHAIRMAN

Councillor Mrs M E Thompson

#### VICE-CHAIRMAN

Councillor E L Bamford

#### COUNCILLORS

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

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

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**MONDAY 9 JULY 2018**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 11 June 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. **FULMAL1800436 - Land at Benton Manor, Wickham Hall Lane, Wickham Bishops, Essex** (Pages 15 - 24)

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

6. **RESMAL1800558 - Manor Farm, The Avenue, North Fambridge, Essex, CM3 6LZ** (Pages 25 - 48)

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

7. **FULMAL1800597 - Honeywood Farm, Honeypot Lane, Purleigh, CM3 6RT** (Pages 49 - 60)

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

8. **HOUSEMAL1800686 - 3 Roots Lane, Wickham Bishops** (Pages 61 - 68)

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

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

**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**

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**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)**

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## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

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

### **Legislation**

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

## **Supplementary Planning Guidance and Other Advice**

### **i) Government policy and guidance**

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

### **ii) Essex County Council**

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

### **iii) Maldon District Council**

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

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



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
11 JUNE 2018**

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**PRESENT**

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

**154. CHAIRMAN'S NOTICES**

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

**155. APOLOGIES FOR ABSENCE**

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

**156. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 14 May 2018 be approved and confirmed.

**157. DISCLOSURE OF INTEREST**

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a Member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily. She further declared in the interest of openness and transparency on Agenda Item 6 - **FUL/MAL/18/00337** and Agenda Item 8 – **LBC/MAL/18/00413** - Stow Maries Aerodrome, Hackmans Lane, Cold Norton as the Chairman of the Board she works on is also a trustee of Stow Maries Aerodrome.

Councillor J V Keyes declared a non- pecuniary interest as he sits on Great Totham Parish Council and Agenda Item 9 - **OUT/MAL/18/00540** - Land South Of Wheelers Farm, Plains Road, Great Totham as the applicant had been a neighbour of his for over thirty years. He informed the Committee he would speak to the application but abstain from voting.

Councillor M F L Durham, CC, declared a non-pecuniary interest in Agenda Item 9- **OUT/MAL/18/00540** - Land South Of Wheelers Farm, Plains Road, Great Totham as he knew the applicant and had business dealings with him until 2010. On Agenda Item 5 – **FUL/MAL/18/00160** - Land South Of The Grange Herbage Park Road Woodham Walter Essex, he informed the Committee that, although he no longer had a pecuniary interest since 2016, he knew the applicant and being a neighbour he had been called on from time to time to give advice on a non-financial basis. Therefore he would abstain from voting but remain in the Chamber to assist with any points of clarification. This was on the advice of the Council’s Monitoring Officer.

Councillor H M Bass declared a personal interest in Agenda Item 9 - **OUT/MAL/18/00540** - Land South Of Wheelers Farm, Plains Road, Great Totham, as he knew the applicant.

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.

**158. FUL/MAL/18/00160 - LAND SOUTH OF THE GRANGE, HERBAGE PARK ROAD, WOODHAM WALTER, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/00160</b>
<b>Location</b>	Land South Of The Grange Herbage Park Road Woodham Walter Essex
<b>Proposal</b>	Residential development for one detached dwelling
<b>Applicant</b>	The Warren Estate Ltd
<b>Agent</b>	Mr David Wallis - Smart Planning Ltd
<b>Target Decision Date</b>	18.04.2018
<b>Case Officer</b>	Yee Cheung 01621 876220
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In The planning application has been called in by Cllr Durham on the grounds of public interest and that some of the reasons for objection in consultation responses are not factually correct

Noted that a Members’ Update had been received detailing comments from the Coast and Countryside Officer raising concerns about the detrimental impact of the development.

Following the Officer’s presentation, Mr Brian Wells, an Objector, and Parish Councillor, Mr Peter Warren, Woodham Walter Parish Council, addressed the Committee.

Members debated the application and acknowledged that the site was outside the settlement boundary of Woodham Walter. It was suggested that the policies of the Local Development Plan (LDP) should be upheld.



The Chairman put the officer's recommendation to a vote and the application was refused in accordance with the officer's recommendation.

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

- 1 Policies S1 and S8 of the Maldon District LDP seek to provide control over new buildings in rural areas that are beyond defined settlement boundaries, to ensure that new residential developments are directed to appropriate and sustainable locations and that the countryside is protected for its landscape value as well as its intrinsic character and beauty. The application site is in a rural location outside of the defined settlement boundary for Woodham Walter where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the NPPF. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the LDP to meet the objectively assessed needs for housing in the District. The development of this site does not therefore constitute sustainable development. In addition, as far as can be assessed given the absence of complete and adequate plans, the proposed development would be an unwelcome visual intrusion into an undeveloped part of the countryside, resulting in an urbanisation of the site to the detriment of the character and appearance of the rural area. The application site is currently free from any built form of development which has a wholly rural and tranquil feel and makes a positive contribution to the character and appearance of the area. The proposal, if approved, would represent an unacceptable threat to biodiversity and would be detrimental to local wildlife interests in the area. As such, the proposal would be contrary to policies D1, S1, S2, S8, H4 and N2 of the Maldon District LDP, the MDDG, WWVDS (endorsed) and the core planning principles and guidance contained in the NPPF.

**159. FUL/MAL/18/00337 - STOW MARIES AERODROME, HACKMANS LANE, COLD NORTON, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/00337</b>
<b>Location</b>	Stow Maries Aerodrome, Hackmans Lane, Cold Norton, Essex
<b>Proposal</b>	Removal of conditions 2, 3, 4, 5 & 6 on approved planning permission <b>FUL/MAL/16/00306</b> (Change of use of buildings 3 & 4, vehicle workshop (for high performance engines) to museum & museum shop)
<b>Applicant</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Agent</b>	TMA Chartered Surveyors
<b>Target Decision Date</b>	26.06.2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	The planning application has been called in by Cllr White on the grounds of public interest

The Officer presented the report and informed the Committee that the application to remove the conditions was fully supported by the Environmental Health Team.

A brief debate ensued around enforcement of previous conditions from 2009 in respect of traffic to and from the site. The Development Management Team Leader informed the Committee that the enforcement of other conditions was not material to the assessment of this application. He advised that each permission had to be considered on its own merit and this one referred to the removal of conditions related to contaminated land and foul drainage only.

The Chairman put the recommendation to a vote and it was approved in accordance with the Officer's recommendation.

**RESOLVED** that the application be **APPROVED**, with no conditions imposed.

**160. FUL/MAL/18/00382 - ELECTRIC-KING LIMITED, OLD ORCHARD BARN, LEA LANE, GREAT BRAXTED, ESSEX, CM8 3ER**

<b>Application Number</b>	<b>FUL/MAL/18/00382</b>
<b>Location</b>	Electric-King Limited, Old Orchard Barn, Lea Lane, Great Braxted, Essex, CM8 3ER
<b>Proposal</b>	Section 73A application for change of use of redundant agricultural building to light industrial (use class B1) use.
<b>Applicant</b>	Mr Robert King
<b>Agent</b>	-
<b>Target Decision Date</b>	11.06.2018
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	<b>GREAT BRAXTED</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor John V Keyes – The Councillor and others have information about the site.

Prior to the Officer's presentation Councillor E L Bamford declared that she knew the Objector.

Following the Officer's presentation, Mrs Hopkins, an Objector, addressed the Committee. Councillor J V Keyes, Ward Member for Great Braxted, said he did not agree with the Officer's recommendation to approve and would welcome the views of fellow councillors.

A lengthy debate ensued focussing on the detrimental impact of the development. Members raised serious concerns on a range of issues and put forward reasons why this application should be refused.

Areas of concern were as follows:

- that the application was contrary to policies E4, N2 and D1 of the LDP and therefore should be refused;
- that the development represented bad neighbour development which could result in the neighbouring farm being surrounded by industrial buildings;
- that the number of conditions for approval was worrying in that the Committee had no power to ensure they were enforced;
- that the development constituted an unnecessary loss of residential amenity and possible major increase in traffic which the infrastructure could not sustain;

- that the access road was shared and curved which could not accommodate high volumes of traffic;
- that this was not the location for an industrial estate.

The Development Management Team Leader advised that the Committee needed to establish what it was about the development that was contrary to policies E4, N2 and D1. The Committee, in discussion with the Development Management Team Leader, outlined the following initial reasons for refusal:

- Contrary to Policy DI of the LDP due to the detrimental impact on the amenities of neighbouring residences by way of noise;
- Contrary to Policy N3 of the LDP due to the impact on the footpath;
- Contrary to Policies E1 and E4 of the LDP as it was not a suitable location for employment development.

The Chairman put the outline reasons for refusal to the Committee together with the proviso that the final reasons would be agreed in conjunction with the Chairman, Vice-Chairman and Ward Members. Upon a vote being taken the Committee agreed unanimously to refuse the application contrary to the Officer's recommendation and in accordance with the aforementioned outline reasons and ratification.

**RESOLVED** that the application be **REFUSED**, and that the final reasons for refusal be agreed by the Chairman, Vice-Chairman and Ward Members.

**161. LBC/MAL/18/00413 - STOW MARIES AERODROME HACKMANS LANE  
COLD NORTON ESSEX**

<b>Application Number</b>	<b>LBC/MAL/18/00413</b>
<b>Location</b>	Stow Maries Aerodrome Hackmans Lane Cold Norton Essex
<b>Proposal</b>	Structural stabilisation works to buildings 29, 31, 32, 33, 33A and 34 replacement and repair of existing timber windows and doors.
<b>Applicant</b>	The Trustees - Stow Maries Great War Aerodrome Trust
<b>Agent</b>	Mr Daniel Whent - Purcell
<b>Target Decision Date</b>	01.06.2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	The Listed Building Consent has been called in by Cllr White on the grounds of public interest

Noted that a Members' Update had been received detailing a typographical error in the report.

The Officer presented the listed building application to the Committee.

A brief discussion ensued around materials being used on the re-structure of the buildings. It was noted that English Heritage had been consulted and fully support the

work being undertaken. In addition, the Council's Conservation Officer had also been consulted and supported the work with the appropriate conditions.

Members agreed that this was part of a long-term conservation plan; the work was essential and fully supported by Historic England, the architects and engineers acting on behalf of the Trust.

Upon a vote being taken the application was approved in accordance with the Officer's recommendation

**RESOLVED** that the listed building application be **GRANTED**, subject to the following conditions:

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 236118 001; 236118 100; 236118 103; 36118 109; 236118 110; 236118 203 REV A; 236118 204 REV A; 236118 205 REV A; 236118 215; and 236118 216; 236118 300
- 3 Prior to the commencement of any works to building 33, measured drawings and photographs of the two corner fireplaces inside Building 33 shall be submitted to the Local Planning Authority for approval prior to them being dismantled.
- 4 The internal partitions, associated joinery and fireplaces to Building 33 shall be reinstated to their original positions entirely replicating the fireplaces surveyed, recorded under the terms submitted of Condition 3 of this consent within 2 years from the date of the commencement of any works to building 33 as hereby approved this Listed Building Consent.

**162. OUT/MAL/18/00540 - LAND SOUTH OF WHEELERS FARM, PLAINS ROAD, GREAT TOTHAM**

<b>Application Number</b>	<b>OUT/MAL/18/00540</b>
<b>Location</b>	Land South Of Wheelers Farm, Plains Road, Great Totham
<b>Proposal</b>	Erection of detached dwelling in connection with a rural business
<b>Applicant</b>	Upson Mowers
<b>Agent</b>	Mr, Peter Le Grys – Stanfords
<b>Target Decision Date</b>	<b>28 June 2018</b>
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-In: Cllr. John Keyes Reason: Applicant has a business which services the local area.

The Officer drew Members attention to the Members' Update detailing Essex County Council Highways Authority's response together with a summary of nine additional letters of support for the application.

Following the Officer's presentation, Mr Peter Le Grys, the Agent, addressed the Committee.

Councillor Keyes spoke in support of the application but said he would not be voting.

A discussion ensued about the location of the proposed development. A number of Members had sympathy with the application but overall felt that it was not possible to support the proposal as a rural workers dwelling under the terms of policy H7 of the LDP. Furthermore, it was felt that it was very remote from the enterprise that is claimed to be the justification for the proposed development. It was also noted that the development was primarily intended to address the needs of the individual rather than the needs of the enterprise.

Upon a vote being taken the application was refused in accordance with the Officer's recommendation.

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

1. The application site lies within a rural location outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the open character of the area and have an unjustified visual impact on the countryside. If developed, the site would be disconnected and isolated from the existing settlement and by reason of its location; it would provide poor quality and limited access to sustainable and public transportation, resulting in an increased need of private vehicle ownership. Inadequate evidence has been provided to demonstrate that an essential functional need exists for a rural workers dwelling to be erected at the site and it is therefore considered that the harm identified is not outweighed by other material planning considerations. The proposal is therefore contrary to policies S1, S2, S8, D1, H4 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2012).

There being no further items of business the Chairman closed the meeting at 8.47 pm.

MRS M E THOMPSON  
CHAIRMAN

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

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
9 JULY 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00436</b>
<b>Location</b>	Land at Benton Manor, Wickham Hall Lane Wickham Bishops Essex
<b>Proposal</b>	Change of use of disused agricultural land to residential use marked area 'A' and Change of use of disused agricultural land to residential use marked area 'B'. The proposal includes an access gate and hardstanding on land marked area B.
<b>Applicant</b>	Mr Mark Sherriff
<b>Agent</b>	Mr Mike Smith - Metcalfe Briggs Surveyors
<b>Target Decision Date</b>	18.07.2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	Wickham Bishops
<b>Reason for Referral to the Committee / Council</b>	The planning application has been called in by Councillor Bass on the grounds of public interest

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Land At Benton Manor Wickham Hall Lane Wickham Bishops**  
**FUL/MAL/18/00436**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	27/06/2018
	MSA Number:	100018588



### **3. SUMMARY**

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

- 3.1.1 Benton Manor is located within a rural setting outside the defined settlement boundary of Wickham Bishops. Adjacent to the east of the site is the rear garden of Bouncers and to the north of the site is Orchard House. To the south west of the site lies a reservoir which was originally built to irrigate the orchard within the grounds of Benton Manor. It is noted that the reservoir is now used for recreational purposes by the occupiers of Benton Manor.
- 3.1.2 A lawful development certificate for existing use of development for the timber steps and pontoon built adjacent and over the reservoir, a staff welfare hut and a summer house with associated decking was recently refused by the Council on 24 April 2018 (reference: **LDE/MAL/16/01512**).
- 3.1.3 Planning permission seeks to change the use of the land ‘Area A’ and ‘Area B’ as shown on Drawing No: 10778/01 dated 28 March 2018 to residential garden use. The application site edged in red is approximately 8 hectares but the site area of land where the change of use is proposed (hatched in grey) is approximately 1.5 hectares. The proposal also includes the erection of a new 900mm high post and rail fence between the application site and Bouncers to the south and the formation of an access gate and hardstanding along Wickham Hall Lane.

#### **3.2 Conclusion**

- 3.2.1 The application site lies outside of any settlement boundary and is therefore subject to countryside policies of restraint towards further development. The proposed extended garden area coupled with the new access gate installed along Wickham Hall Lane by reason of the harmful effect of changes to the appearance of the site and the wider rural area represents development that is considered detrimental to the character and appearance of the rural area. The proposal by way of domestication and visual intrusion to a rural setting would not enhance or protect the rural landscape. Therefore the proposal would be contrary to policies S1, S8, D1, H4 and N2 of the Maldon District Local Development Plan (LDP) and the Provision and Guidance as contained within the NPPF.

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

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

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

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

**4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T2 Accessibility

**4.3 Relevant Planning Guidance / Documents:**

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

**5. MAIN CONSIDERATIONS**

**5.1 Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its approved LDP unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 The proposal is for the change of use of two areas of land ‘Area A’ and ‘Area B’, which were formerly used for agricultural uses to the garden use for the existing occupiers at Benton Manor.
- 5.1.3 Policies S1 and S8 of the approved LDP provide the strategic position for the District through defined development boundaries for villages/urban areas within the District and seek to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy S8 specifically states that outside of the defined settlement boundaries, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.5 Policies D1 and H4 of the LDP seek to protect the geodiversity and biodiversity of the rural landscape in the District and are considered to be compliant with NPPF which seeks to protect the ‘*intrinsic character and beauty of the countryside*’. These policies state that all development must enhance the character and local context and make a positive contribution in terms of the landscape and natural environment and positively contribute to the public realm.
- 5.1.6 Policy H4 of the LDP also states that extensions to domestic gardens within the countryside will not normally be permitted. However, it goes on to state that small, unobtrusive extensions of residential curtilages into the surrounding countryside, which will not adversely affect the character and rural amenities of the site and wider countryside, may be approved where both the following criteria are met:

- 1) The proposal will not involve the loss of any important landscape, heritage features or ecology interests; and
- 2) Provision is made for suitable landscaping to ensure boundary treatments are of an appropriate rural character and appearance.

5.1.7 The Maldon District, outside of the defined settlement boundaries is predominantly rural in nature and the provision of the revised access location and its inherent impact upon the highway verges and further domestication of this extended site would result in a detriment to the character of the area. This is discussed further in a subsequent section of this officer 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 in 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 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017). Policy H4 of the LDP is also relevant to this case and has been fully discussed in Paragraph 5.1.6 above.
- 5.2.5 The change of use of two areas of land ‘Area A’ and ‘Area B’ of approximately 1.5 hectares in site area would result in significant detrimental visual impact upon the rural character and appearance of the site and the wider area. The proposal includes the removal of the existing post and rail fence and laurel hedge which is on the southern boundary of the site and to erect a new post and rail fence approximately 36 metres further south from its original position to enclose the land ‘Area B’. The boundary treatment would also include native hedge planting. The application also includes the formation of an access gate with an area of hardstanding along Wickham Hall Lane.
- 5.2.6 With regard to the change of use of the land to residential garden use, it is considered that the proposal would be likely to introduce domestic paraphernalia into the rural area which should be protected in accordance with Development Plan Policies. The inclusion of the 1.5 hectare area of land for residential use would create an encroachment to the rural area and would introduce a domestic area into a landscape of large open fields. A more managed appearance of land within a rural area would result in a discordant feature in the when viewed in the wider area and this is further exacerbated by the size and scale of the site area.
- 5.2.7 In addition, the access gate and hardstanding which forms a part of this application proposal would result in the loss of a section of a native hedgerow boundary and whilst the open section may be minimal at a width of 8 metres. It is noted that Wickham Hall Lane is an unclassified road and is narrow in width. The Highway Authority has assessed the application and raises no objection to the proposal subject to conditions. During a site inspection, it is noted that the access point has been created with timber fence forming the splays. It is noted that planting has been carried in front of the fence. A gate has also been erected at the entrance point off Wickham Hall Lane. It is considered that the removal of the existing native hedgerow which was once viewed as a field boundary in favour of the access gate and hardstanding have resulted a visual impact on the rural area as well as being contrary to the Council’s aim, through both the NPPF and the LDP, to protect the District’s natural environment and biodiversity which is under threat from such development.
- 5.2.8 Whilst it is acknowledged that a planning condition could be appended to any grant of permission to require additional soft landscaping scheme to be submitted to and approved by the Council, particularly the boundary treatment around the perimeter of the site, in this instance, it is considered that the domestication of the site by the changing the use from agriculture to residential garden use would result in detrimental visual impact, obtrusive extended urban sprawl and loss of native boundary treatments in the rural area contrary to approved policies S1, S8, D1, H4 and N2 of the LDP and it is not considered that a condition could overcome this harm.

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

- 5.3.1 The basis of policy D1 of the 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).

- 5.3.2 The nearest residential properties are Orchard House and Bouncers which are located some distance away from Benton Manor. It is not considered that the change of use of the land and the provision of an access gate and hardstanding would result in significant loss of amenity to adjacent occupiers
- 5.3.3 Therefore, it is considered that the development would not form an unneighbourly form of development or give rise to overlooking or loss of privacy, in accordance with the stipulations of D1 of the LDP.

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

- 5.4.1 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.
- 5.4.2 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.
- 5.4.3 While an access gate and hardstanding has been provided, it is not considered that the proposal would result in any change to the site in terms of parking provision and is therefore considered policy compliant for this element.

#### **5.5 Private Amenity Space and Landscaping**

- 5.5.1 Policy D1 of the 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 District 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.
- 5.5.2 The existing dwelling Benton Manor has in excess of the minimum requirement of 100m<sup>2</sup> of private rear amenity space which is in accordance with policy D1 and the SPD. The proposal seeks to increase the existing private amenity area by changing the area of the land of approximately 1.5 hectares from agricultural to residential garden use.
- 5.5.3 Notwithstanding the details as shown on the submitted plans, there is limited information with regard to the soft landscaping within the site. Therefore, should planning permission be granted for the change of use of the land, a detailed landscaping plan can be required by way of a condition which is to include full details of the location and type of the boundary treatment to the site boundary.

## **5.6 Other Material Considerations**

- 5.6.1 As mentioned in the report above, a lawful development certificate for existing use of development for the timber steps and pontoon built adjacent and over the reservoir, a staff welfare hut and a summer house with associated decking was recently refused by the Council on 24 April 2018 (reference: LDE/MAL/16/01512). While the current application shows the site area, edged in red, includes the site area which forms a part of the LDC application, it does mean that should the application be approved that the timber steps and pontoon built adjacent and over the reservoir, a staff welfare hut and a summer house with associated decking, omitted from this current planning application, may be granted consent retrospectively. While planning conditions could be imposed onto the timber steps and pontoon, the use of the staff welfare hut and the summer house to mitigate the adverse effects of the development, in this instance it is not considered that by imposing conditions would outweigh the harm to the wider area.
- 5.6.2 The submitted Site Plan (Drawing No: 10778/01 dated 28 March 2018) is clear that the change of use of land is the area of land hatched in grey annotated as 'Area A' and 'Area B' and does not relate to the change of use of the land to the south west, west and north west side of the reservoir.

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

- **FUL/MAL/07/00011** - Retention of front entrance gates and railings.  
Approved: 27.02.2007
- **LDE/MAL/16/01512** - Claim for lawful development certificate for existing use or development for the timber steps and pontoon built adjacent and over the reservoir, a staff welfare hut and a summer house with associated decking.  
Refused: 24.04.2018
- **LDE/MAL/18/00770** - Claim for lawful development certificate for existing use or development for the timber steps and pontoon built adjacent and over the reservoir, a staff welfare hut and a summer house with associated decking.  
Pending Consideration

## **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>
Wickham Bishops Parish Council	No objection subject to condition that there will be no future development of the land	Noted. This can be dealt with by the removal of permitted development rights should the planning application be removed

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highway Authority	No objection subject to conditions to be imposed should the application be approved	Noted in the officer report

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
N/A	N/A	N/A

## 7.4 Representations received from Interested Parties

- 7.4.1 A letter was received commenting on the application. The letter is summarised as set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
This field was always sheep pasture until purchased by the applicant and I support the change of use to recreational but in respect of plot 'B' which has road frontage I think it would be prudent to add a clause to prevent future development. I would add that the on line plans are absolutely unreadable.	Noted in the officer report

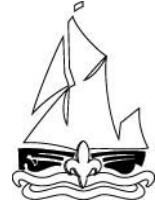
## 8.

### **PROPOSED REASON FOR REFUSAL**

- 1 The application site lies outside of any settlement boundary and is therefore subject to countryside policies of restraint towards further development. The proposed extended garden area, coupled with the new vehicle access gate and hardstanding by reason of the harmful effect of changes to the appearance of the site, will adversely affect the character and rural amenities of the site and wider countryside. The proposal by way of domestication and visual intrusion to a rural setting does not enhance or protect the rural landscape. As such the proposal is contrary to policies S1, S8, D1, H4 and N2 of the Maldon District LDP and Government guidance as contained within the NPPF.

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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
9 JULY 2018**

<b>Application Number</b>	<b>RES/MAL/18/00558</b>
<b>Location</b>	Manor Farm The Avenue North Fambridge Essex CM3 6LZ
<b>Proposal</b>	Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application <b>OUT/MAL/14/01018</b> (Outline planning application for up to 30 dwellings)
<b>Applicant</b>	David Wilson Homes
<b>Agent</b>	N/A
<b>Target Decision Date</b>	3 August 2018
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	North Fambridge
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Cllr White

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Manor Farm The Avenue North Fambridge**  
**RES/MAL/18/00558**



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: North West Committee

Date: 27/06/2018

MSA Number: 100018588

### 3. SUMMARY

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

- 3.1.1 The application site comprises farm buildings which have been unused for a number of years as part of an agricultural holding and an area of grassland. Adjoining the site, but outside of the application area is the Manor Farm farmhouse which is to be retained in residential use. Adjoining the farmhouse also on The Avenue frontage is a brick built former stable block which is currently used for storage ancillary to the dwelling. The remaining buildings lie behind the road frontage and are clustered along the western boundary of the site. These are agricultural style buildings which are used for the storage of a variety of materials and machinery, including hay. There are also areas of concrete hardstanding. The total site area is 1.25 hectares.
- 3.1.2 The site lies to the south of The Avenue which is the main residential street in the southern part of North Fambridge. The Avenue is residential in character with detached dwellings set back from the road on large plots. To the west of the site are properties in Brabant Road which are also detached on large plots. These properties typically have rear gardens in the order of 40 metres and there is mature vegetation along the common boundary with the application site. The eastern boundary of the site comprises a mature hedgerow and the southern boundary is a low broken hedgerow.
- 3.1.3 In the Local Development Plan (LDP), the application site is within the defined settlement boundary of North Fambridge. To the south is the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). Blue House Farm which is a Local Nature Reserve run by the Essex Wildlife Trust lies to the east beyond Blue House Farm Chase. The application site lies in Flood Zone 1.
- 3.1.4 Outline planning permission with all matters reserved was granted in 2016 (**OUT/MAL/14/01018** dated 11 January 2016) for the proposal of up to 30 dwellings to be erected on this site. The outline planning application was granted subject to an Unilateral Undertaking Legal Agreement to secure a School Transport Contribution and 30% of the dwellings at the site to be affordable housing. It is important to note that the principle of development on this site has been established by virtue of outline planning application **OUT/MAL/14/01018** approved by the Council. While the Council can now demonstrate a Five Year Housing Land Supply this does not count against the scheme.
- 3.1.5 A Reserved Matters application was recently refused for the approval of access, appearance, landscaping, layout and scale on approved planning application **OUT/MAL/14/01018** (Outline planning application for up to 30 dwellings) under reference **RES/MAL/17/00766**. The reason for refusal is set out below:-

*‘The proposal would result in a housing mix which would fail to accord with the requirement of Condition 28 of outline planning permission OUT/MAL/14/01018 or with the Council's Strategic Housing Market Assessment (SHMA 2014). As such, the proposal would fail to provide a sustainable, mixed community as required by Policy H2 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework’*

- 3.1.6 This current Reserved Matters (RM) application is a resubmission following the refusal to seek the approval of access, appearance, landscaping, layout and scale for the development of 30 dwellings on this site as well as addressing the housing mix which will be discussed later in the report.
- 3.1.7 The Accommodation Schedule submitted (746.500.Rev 10) shows that out of the 30 dwellings proposed, 21 would be open market dwellings and 9 would be affordable housing. The housing mix is shown in the table below:

	<b>Open Market Houses</b>	<b>Affordable Houses</b>
3 x 5 beds	3	
6 x 4 beds	6	
2 x 3 beds	0	2
19 x 2 beds	12	7
<b>Total: 30</b>	<b>21</b>	<b>9</b>

- 3.1.8 The vehicular and pedestrian access point to the site would be to the northern corner / to the north west of Manor Farm to serve the future occupiers of development.
- 3.1.9 An open public space is provided within the site and will be sited to the rear of Manor Farm, Orchard House and next to Copperfields. Plot 30 to the south of the site would flank onto this open public space.
- 3.1.10 A dwelling (Plot 1) is proposed and fronts onto The Avenue. The proposed dwellings within the site (Plots 2, 3, 4, 5, 7, 8, 9, 10, 15, 16, 17 and 18) all back onto existing properties on Brabant Road. Plot 6 and Plot 11 attached to Plot 12 (both affordable housing) flanks onto existing properties on Brabant Road to the west. Plots 19 and 20 back onto open countryside to the south. Plots 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 all share their rear boundary to the east. The remaining plots, Plots 13 and 14 are located fairly central within the site. Plot 13 flanks onto the internal road network where Plot 14 fronts onto the internal road when (also known as the shared surface as shown on the Proposed Masterplan Drawing No: 746.201.Revision 20 dated 30.04.2018).
- 3.1.11 Landscaping is introduced in the form of trees and hedges within and around the perimeter of the site to strengthen the existing natural boundary treatment. New trees are introduced and would align the shared surface on both sides.
- 3.1.12 Based on the plans submitted, it is noted that detached and semi-detached dwellings and bungalows are to be constructed within the site. All the open market dwellings

would be two-storeys in height and range between 7.8 metres and 9.3 to ridge level. Out of the nine affordable units, Plots 11, 12 and 13 would be single-storey in height and approximately 6 metres to ridge level. Based on the Master Plan No: 746.201.Revision 20 dated 30.04.2018 and the elevational drawings submitted, no rooms in the roof spaces are being proposed as there are no roof lights or dormer windows shown on the roofs of the development. The density of the development proposal is 33dph and it is noted that 0.13 hectare of the site would be public open space.

- 3.1.13 The vast majority of houses will have garages, available private amenity space and off-street parking. Plots 7, 8, 9, 10 and 14 will have parking spaces directly to the rear of the properties where Plots 1, 6, 11, 12, 13, 15, 16 and 20 will have parking spaces to directly to the front. The remaining properties (Plots 2, 3, 4, 5, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30) have off-street parking in the form of garages and spaces to the side of the house.
- 3.1.14 It is proposed that the dwellings and garages would be constructed using red multi bricks, yellow bricks, white boarding or render. Roof tiles would either be red plain tiles or grey plain tiles in accordance with Drawing No: 746. 204.07 dated 27.04.2018.
- 3.1.15 A S106 legal agreement was secured at outline planning permission stage requiring a financial contribution towards school transport and affordable housing (30%). This legal agreement and all planning conditions on the outline consent **OUT/MAL/14/01018** will still apply.

### **3.2 Conclusion**

- 3.2.1 The principle of the application site accommodating up to 30 dwellings to be erected on this site has already been established through the granting of outline planning permission **OUT/MAL/14/01018** with all matters reserved for subsequent consideration. Having taken into account the plans submitted in support of the Reserved Matters application for access, appearance, landscaping, layout and scale, it is considered that the details would be acceptable.
- 3.2.2 In the previous Reserved Matters application **RES/MAL/17/00766**, the application was refused on the basis that the housing mix had failed to meet the need of the District. In this resubmission, while the housing mix is not entirely in accordance with the SHMA, the number of smaller units proposed is considered as an improvement when compared to the previous scheme. The proposal would therefore assist the needs for the District in accordance with Policy H2 of the Maldon District LDP, Condition 28 of outline planning permission **OUT/MAL/14/01018**, and Government guidance contained in the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

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

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

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

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

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

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

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

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 Outline planning permission was granted in 2016 with all matters reserved for the construction of up to 30 dwellings on this site (**OUT/MAL/14/01018**) and as such the principle of development of the site for residential development has been established and is therefore acceptable subject to other material considerations.

- 5.1.2 Previously under the Reserved Matters application **RES/MAL/17/00766**, letters of representation were received referring to the modifications in the approved LDP where the Rural Allocation element for 75 dwellings was deleted by the Secretary of State under Policy S2 ‘Strategic Growth’. Further, it was commented that now the Council can demonstrate a Five Year Housing Land Supply, this current application **RES/MAL/17/00766** and the Reserved Matters application **RES/MAL/17/00776** at land to the west of Fambridge Road should no longer be considered.
- 5.1.3 As mentioned above in Paragraph 5.1.1, the principle of residential development has been established by virtue of outline planning permission **OUT/MAL/14/01018**. The current application is a Reserved Matters application following from the outline approval for all matters reserved. The matters of access, appearance, layout, scale and landscaping in this application for the construction of 30 dwellings on this site are to be considered.
- 5.1.4 Concerns such as the sustainability of the site were also previously raised. This issue was addressed in the outline planning application **OUT/MAL/14/01018** and application **OUT/MAL/13/00473** previous to that. Further, in the appeal decision APP/X1545/A/14/2223566 dated 3 December 2014, the Planning Inspectorate (PI) only dismissed the appeal because of the *‘proposal would not adequately provide for affordable housing it would fail to meet the needs of the community and would not be sustainable’*. For that reason, the PI concluded that *‘the harm in terms of affordable housing would outweigh the benefits in terms of overall housing and infrastructure provision’* and only on this basis the appeal was dismissed. The matter of sustainability of the site was otherwise considered acceptable.
- 5.1.5 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of 5 years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise. However, it should also be noted that the requirement to have a 5 year housing land supply should be viewed as a minimum provision rather than a maximum therefore additional housing can be supported. Furthermore, as highlighted above, the principle of providing up to 30 dwellings on the site is considered acceptable and has been established.
- 5.1.6 There are three dimensions to sustainable development as defined in the NPPF. They are the economic, social and environmental roles. The LDP through the preamble to Policy S1 reiterates the requirements of the NPPF. Policies S1 and S8 of the LDP seeks to direct development within defined settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District’s landscape. In this instance, the proposal falls within the defined settlement development of North Fambridge. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed in the report below.

**Reserved Matters to be addressed (Access, Appearance, Landscaping, Layout and Scale)**

## 5.2 Access

- 5.2.1 The proposed single access point is from The Avenue and creates a cul-de-sac. All modes of transport will be entering and leaving the site from this single access point i.e. pedestrian, cycle and vehicle. The site is bounded by existing dwellings and private gardens to the west, north and part of the north eastern boundary. The remaining eastern boundary and southern boundary are adjacent arable fields bounded by existing hedgerows. Based on the Master Plan submitted (Drawing No: 746.201.20 dated 30.04.2018) it shows one single route (shared surface) running north to south through the site with private drives, shared drives and a turning area (Size 3 Turning Head) extending from it.
- 5.2.2 This single access point was shown on the indicative plan (Drawing No: b/PvPTheAvenue.0/01 dated August 2013) which formed a part the outline planning application **OUT/MAL/14/01018** submission. Accompanied with that drawing was a Transport Statement prepared by Mayer Brown Limited dated 2013 where ECC Highways had assessed the proposal and had raised no objection subject to conditions (Conditions 13, 22 and 24 imposed on **OUT/MAL/14/01018**) as the proposal had accorded with policy requirements. The access point and the visibility splays as shown in this Reserved Matters application (Drawing No: 746.201.20 dated 30.04.2018 and General Arrangement Plan: Drawing No: 300-02 Revision P6 dated 01.05.2018) is to be in the position as previously assessed by ECC Highway, however as the 'access' forms a part of the Reserved Matters, ECC Highway have been re-consulted regarding this application. ECC Highway has stated that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions as per the Reserved Matters application previously submitted under **RES/MAL/17/00766**. That earlier application was not refused on the grounds of access and there is no reasonable basis to reach a different conclusion in relation to this application.

## 5.3 Appearance

- 5.3.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.
- 5.3.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate.
- 5.3.3 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the MDDG which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new



guide, not only looks at overall layout and form, but also the individual characteristics of the built environment. This document is now a material consideration in the assessment of all planning applications.

- 5.3.4 Based on the plans submitted, it is noted that detached and semi-detached dwellings and bungalows are to be constructed within the site. All the two-storey dwellings would range between 7.8 metres and 9.3 in height to ridge level. Three of the affordable units, Plots 11, 12 and 13 would be single-storey in height and approximately 6 metres to ridge level. The dwellings proposed would comprise of features such as gable ends, porch canopies, window head details in the brickwork, and bay windows at ground floor to create visual interest in the street scene.
- 5.3.5 In the Applicant's Design and Access Statement, it states that the external materials to be used in the construction of the development would be red and yellow facing brick work, render and white boarding combined with red or grey plain roof tiles. These external materials are also presented on the Materials Schedule dated 10.07.2017 and listed on the Materials Plan (Drawing No: 746.204.07 dated 27.04.2018). It has been suggested that the mixture of the materials to be used along with the varying design of buildings would create visual interest to the street scene. On the External Works Plan (Drawing No: 746.231.07 dated 05.06.2018), it shows other external materials such as paving slabs (footpaths), block paving and permeable block paving (shared surface / internal access into the site), and Asphalt (carriageway and footpaths) to be used within the layout of the site. The Urban Design Officer has assessed the palette materials to be used in the construction of the development and considers them to be acceptable.
- 5.3.6 In terms of design and appearance of the affordable housing element centrally located within the site, it is important that affordable housing is indistinguishable from open market housing. This is further emphasised in Section A 04 Key Objectives in the MDDG. Based on the Materials Plan submitted (746.204.07 dated 27.04.2018), it shows that the external materials to be used in the construction of the development will be the same as the open market dwellings (for example: For Plots 11, 12 and 13 which are to be affordable houses, the external materials and finishes to be used will be the same as Plots 1, 4, 5, 6, 15, 16, 22, 23, 24, 25, 28, 29, and 30 open market houses). In this respect, it is considered the type of and mixture of materials proposed is considered to be appropriate, the combination would also ensure variety and visual interest across the development site in accordance with Policy D1 of the LDP, Sections A 03, A 04 and C 20 of the MDDG, and the NPPF.

## **5.4 Landscaping**

- 5.4.1 As part of the outline planning permission **OUT/MAL/14/01018**, Condition 10 was imposed where it requires hard and soft landscaping to be addressed at the Reserved Matters stage.
- 5.4.2 Condition 10 states:-

*'The landscaping details referred to in Condition 1 above shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be*

*submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include 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. 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. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, 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.'*

5.4.3 The Reserved Matters application has been supported by the following information:-

- JBA 17/004-SK01 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
- JBA 17/004-SK02 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
- Measured Works Schedule Revision B dated 15.05.2018 prepared by James Blake Associates Ltd
- Landscape Management and Maintenance Plan (JBA 17/004 Rev B dated 15.05.2018) prepared by James Blake Associates Ltd
- Arboricultural Method Statement (JBA 17/004 AR02 Rev D dated 4 May 2018) prepared by James Blake Associates Ltd
- Landscape Programming (JBA 17/004-01 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
- Landscape Programming (JBA 17/004-02 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
- Tree Protection Plan (JBA 17/004-02 TP01 Revision C dated 26.04.2018) prepared by James Blake Associates Ltd

5.4.4 The above plans show planting details which are submitted as part of the Landscape Proposals. The Tree Officer has assessed the resubmitted proposal and has raised no objection to the proposal providing that the details are strictly adhered to. Further, this is also secured by condition in the outline consent **OUT/MAL/14/01018**, together with the timing of planting.

5.4.5 In terms of landscaping within the site, the dwellings are positioned in a way that allows for some degree of planting to the frontage of the buildings. For dwellings with deep garden frontages, it is proposed that a mixture of native and evergreen planting (ornamental shrubs) be introduced ensuring maximum year round flower / fruit for bio-diversity and ecological benefits. Where dwellings have shallow garden frontages, the same mixture of planting would apply but in smaller quantities. Tree planting of native character is also proposed within the verges which softens the appearance of the development. Further, the reduction in the size of the properties by

providing smaller units (2 beds) has resulted in the development being less cramped and appear more spacious when compared to the previous scheme under **RES/MAL/17/00766** which means that there has been the opportunity for the Applicant to provide more landscaping within the site. Also, the Applicant has stated that the majority of existing hedgerows, trees and copses along the site boundaries would be retained.

- 5.4.6 The Tree Officer and the Coast and Countryside Officer were both consulted and raised no objection to the proposal providing that the details submitted are adhered to. As no objection was raised on the grounds of the landscaping proposals previously and the proposal represents an improvement it is considered that no objection should be raised to the proposal on these grounds.

## **5.5 Layout**

- 5.5.1 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (d) Layout, orientation, and density.
- 5.5.2 Access informs 'Layout'. The proposed Master Plan shows the layout of houses in an inward orientation with principle elevations facing the access route or private drives through and within the site. Private gardens bound the west, east and southern boundaries. This layout does not allow for any permeability through the site for pedestrians and cyclists other than by the vehicle highway and as mentioned above in Section 5.2 relating to 'Access' of the officer report, all modes of transport will enter and leave the site through the single access point.
- 5.5.3 Based on the plans submitted, it shows 21 open market dwellings are detached / semi-detached with on plot parking and garaging to the front and side of each property. The nine affordable units are placed in a central position within the site. Plots 7, 8, 9, 10, 11 and 12 are semi-detached properties while Plots 6, 13 and 14 are detached properties. The built form within the plot is of similar size to the prevailing pattern of development in the locality. While it is noted that some of the proposed private amenity spaces (i.e. Plots 7, 8, 9 and 10) are smaller than existing residential properties to the north, west and north west of the site, the development complies with policy requirements contained within D1 and H4 of the LDP.
- 5.5.4 With regard to the size and layout of private amenity spaces, the EDG advises that for dwellings with one or two bedrooms, at least 50sqm of amenity space should be provided. For three / four bedrooms or more, at least 100sqm of amenity space should be provided. Policy D1 of LDP indicates that the need for amenity space in new development and this must be useable. The size and layout of private amenity spaces are also referenced under Section C 07 of the MDDG.
- 5.5.5 The detailed Layout Plan (Drawing No: 746.202.09 dated 27.04.2018) show that some open market houses would benefit from private amenity areas in excess of 100m<sup>2</sup> which meets the requirement of the EDG and the MDDG. Plots 8 and 9 would have the minimum of 50sqm and meets policy requirement. In addition to the useable sized garden spaces being provided to each dwelling, there will also be access to nearby an area of open space to the north eastern corner within the development

site. Given the scale of development and the level of provision of on-site public open space, it is considered the private amenity space and the public open space are both acceptable in accordance with Policies S1, D1 and H4 of the LDP and Section C 07 of the MDDG.

- 5.5.6 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland / infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.
- 5.5.7 The depth of the private amenity spaces for Plots 2, 3, 4, 5, 15, 16, 17 and 18 are of concern as the dwellings do not appear to meet the requirement in relation to back-to-back distances as contained within the EDG. In the EDG it is suggests that new houses should be set back at least 15 metres from the shared boundary with existing residential properties primarily to prevent overlooking or loss of privacy. Based on the Detailed Layout Plan (Drawing No: 746.202.09 dated 27.04.2018) submitted, it shows that two-storey dwellings and falls short of the requirement in the EDG, in some instances by approximately 3.5 metres (Plots 4 and 5). Having considered the depth of the existing gardens of properties fronting Brabant Road backing onto the site where some are in excess of 40 metres it is considered the harm from overlooking directly into a neighbouring property would not be demonstrable or that privacy would be compromised to such a degree to warrant refusal.
- 5.5.8 The Council has noted that the affordable houses (Plots 6, 7, 8, 9, 10, 11, 12, 13 and 14) are centrally located within the plot and integrated within the proposed development. Whilst there are no garages proposed for the affordable houses, irrespective of this, the off-street car parking arrangements are considered acceptable as they are neatly arranged to the front, side and rear of the proposed dwellings. The Accommodation Schedule (746.500.10 dated 03.05.2018) shows that seven of the affordable units would have two bedrooms and two would have three bedrooms. Based on the Detailed Layout Plan (Drawing No: 746.202.09 dated 27.04.2018), it appears that two off-street spaces will be provided for each plot in accordance with the Council's Maldon District Vehicle Parking Standards, Policies D1 and T2 of the LDP and Section C 10 of the MDDG.
- 5.5.9 As part of the outline planning permission **OUT/MAL/14/01018**, Conditions (9 and 14) were imposed where it requires surface water and flood risk to be addressed at the Reserved Matters stage.
- 5.5.10 Condition 9 states:-

*'The layout details referred to in Condition 1 above shall be designed to take account of the potential flood risk to future occupiers of the development during its lifetime (taken as a minimum of 100 years), having regard to the risk following a breach or failure of the existing flood defences for the one in 200 year event inclusive of climate change allowance. Details of the assessment of flood risk used to inform the layout shall be submitted as part of the reserved matters.'*

5.5.11 As part of the Reserved Matters application, the Applicant has submitted a Flood Risk Assessment & Surface Water Drainage Strategy (132915-R7(01)-FRA-Site B dated 10 May 2018, and Surface Water Drainage Strategy (Drawing No: 302-5 Revision B - Site B dated 15 June 2018) which discussed the flood mitigation measures such as overland flood flow, finished floor levels, safe access / egress routes, and registering with the Environment Agency's Flood Warning System.

This flood risk assessment has concluded that:

- The location at which the proposed development is within Flood Zone 1, and as such is at a very low risk of flooding from fluvial sources;
- To mitigate against the residual risk of tidal flooding, finished floor levels have been raised above the design flood level;
- Flood risk from surface water is considered very low at the site;
- Flood risk from other sources – groundwater, sewers, reservoirs and artificial sources – is demonstrated to be low;
- The development will have no impact on other forms of flooding; and
- The proposed development will increase the impermeable area on site, resulting in an increase in surface water runoff if unmanaged. Therefore off site discharge will be reduced to the 1 in 1 year greenfield rate of approximately 3.6l/s and sufficient attenuation storage will be installed to accommodate the 1 in 100 year plus 40% climate change storm event.

5.5.12 Further, the Applicant has demonstrated that the site the Sequential Test have been met, with the location of the site within Flood Zone 1 and 'Less Vulnerable' classification of the development and complies with policy D5 of the LDP, the NPPF and NPPG. The Environment Agency (EA) has been re-consulted on this current Reserved Matters application, but no response has been formally received at the time of writing this report. However, the Applicant has forwarded the Council an email correspondence dated 21 June 2018 which clearly states that EA '*would not object to the development of flood risk grounds*'.

5.5.13 In addition to the above, it is important to note that EA was supportive of the previous Reserved Matters application **RES/MAL/17/00766** for the development of 30 houses on this site. As the number of houses on this site remains the same as the previous scheme, it is not considered that this could be refused on flood risk.

5.5.14 Condition 14 states:-

*'The layout details referred to in condition 1 shall provide full details and specifications of a surface water drainage scheme within the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. Such details shall be submitted concurrently with the other reserved matters. The drainage scheme should demonstrate the surface water run-off generated up to and including the one in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The agreed scheme shall be implemented prior to the first occupation of the development.'*

- 5.5.15 For Condition 14, the Applicant submitted a Flood Risk Assessment & Surface Water Drainage Strategy (132915-R7(01)-FRA-Site B dated 10 May 2018 in support of the above. Section 9 of the submitted report discusses the surface water drainage which proposes features and criteria within the site. These include the combination of cellular infiltration tanks to be located on the southern and eastern boundaries and beneath the basin in the northeast corner of the site. All soakaways will need to be designed taking into consideration groundwater levels (to prevent any interference with the water table), any potential contamination (considered unlikely on this site) and the site-specific infiltration rates; a large detention basin and its associated cellular storage tank have been strategically located within the northeast corner of the site. It has been assessed that the topography in this area is suitable for these to be sited within the plot adjacent to proposed buildings and that permeable paving can be incorporated within all minor roads and driveways. This will be used to collect and store runoff from the houses and surrounding hardstanding areas before joining the on-site surface water network that flows into the infiltration tanks and basin; and control flow device to ensure that surface water run-off into the piped watercourses would not exceed 3.6l/s.
- 5.5.16 In addition to the above, a sustainable surface water drainage strategy has been agreed in principle with the Lead Local Flood Authority (LLFA, Essex County Council) and the Environment Agency. This drainage strategy would reduce the pre-development risk of flooding to the roads and downstream properties by restricting the post-development discharge to the average annual flow rate and by removing the blockage from the existing culvert. The ECC SUDs Team and Environment Agency (EA) have both been consulted on this revised submission. The ECC SUDs Team has raised no objection to the proposal. No formal reply has been received from the Environment Agency (EA) at the time of writing this report however it is relevant to note that EA did not object to the previous Reserved Matters application **RES/MAL/17/00766** for the development of 30 houses on this site.

## 5.6 Scale

- 5.6.1 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion. This is also reflected in the Section C14 of the MDDG.
- 5.6.2 The dwellings proposed are of two-storey and single-storey in height. A mix of gables facing the street and ridges that run parallel to the street are proposed together with different roof heights and materials would create visual interest when viewed within the site and from its immediate surroundings. Based on the submission, it is considered the development proposal is acceptable. Moreover, subject to the impact on residential amenity is considered acceptable as discussed in Section 5.5.7 of the report.
- 5.6.3 A letter of representation has been received concerning the height of Plots 11, 12 and 13 and that the development would result in loss of light to the existing occupiers at Inala, Brabant Road. Plots 11, 12 and 13 are bungalows and will be approximately 6 metres in height to ridge level. Having taken into account the height of the development and its distance away from the rear wall of Inala of approximately 25

metres, it is not considered that the scale and height of the development would significantly impact on the residential amenity of the exiting occupiers at Inala to warrant refusal.

## 5.7 Other Material Considerations

### Affordable Housing and Housing Mix

- 5.7.1 The previous Reserved Matters application **RES/MAL/17/00766** was refused for the following reason:-

*‘The proposal would result in a housing mix which would fail to accord with the requirement of Condition 28 of outline planning permission OUT/MAL/14/01018 or with the Council’s Strategic Housing Market Assessment (SHMA 2014). As such, the proposal would fail to provide a sustainable, mixed community as required by Policy H2 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework’.*

As the following housing mix was proposed:-

	<b>Open Market Houses</b>	<b>Affordable Houses</b>
5 x 5 beds	5	
9 x 4 beds	9	
3 x 3 beds	1	2
13 x 2 beds	6	7
<b>Total: 30</b>	<b>21</b>	<b>9</b>

In this current Reserved Matters application, the following mix has been proposed:-

	<b>Open Market Houses</b>	<b>Affordable Houses</b>
3 x 5 beds	3	
6 x 4 beds	6	
2 x 3 beds	0	2
19 x 2 beds	12	7
<b>Total: 30</b>	<b>21</b>	<b>9</b>

- 5.7.1 The NPPF and through Paragraph 50 identifies that local planning authorities should deliver a wide choice of high quality homes and plan for a mix of housing based on current and future demographic trends, market trends and the needs of communities. The NPPF also identifies that the type, tenure and range of housing should reflect local demand.
- 5.7.2 In terms of the Housing Mix, Policy H2 of the LDP requires that all development ‘to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population’. The Strategic Housing Market Assessment (SHMA)

provides the evidence base to the policy. Paragraph 50 of the NPPF requires local authorities to “*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*” and “*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*”.

- 5.7.3 In accordance with the Accommodation Schedule (reference: 746.500.10 dated 03.05.2018), seven x two-beds and two x three beds affordable dwellings are proposed. The Housing Team (HT) has assessed this new mix which reflects the proposed requirements of the Strategic Housing Market Assessment (SHMA, 2014). As such, the HT fully supports this application which provides affordable housing that assists in meeting the affordable housing need of the Maldon District in accordance with Policy H1 of the LDP. This has also been secured by a legal agreement at the outline stage as already mentioned in the report.
- 5.7.4 It is noted that three x five beds, six x four beds, and twelve x two beds open market housing are proposed.
- 5.7.5 In the outline planning application **OUT/MAL/14/01018**, Condition 28 states that: ‘*Details of the proposed housing size and mix shall be submitted for approval as part of the Reserved Matters submission in respect of layout and scale as referred to in Condition 1 above. The housing size mix of the development shall be in accordance with the approved details.*’ The reason for this condition was ‘*to ensure that the housing mix accords as closely as possible with the recommendations of the Strategic Housing Market Assessment Update Final Report 2012 (or any amended or updated version relevant at the time of submission of the application to discharge the planning condition) for future property size targets within Maldon District in accordance with the guidance in the National planning Policy Framework and policy H2 of the Maldon District Local Development Plan.*’ Also, this advice was repeated at the end of the decision notice **OUT/MAL/14/01018** and therefore the Applicant is fully aware of the Council’s requirements and position in relation to the SHMA.
- 5.7.6 With regard to the Housing Mix, the Applicant’s Planning Statement dated May 2018 provided a table showing the following:-

<b>RES/MAL/17/00766</b>		<b>Current Reserved Matters Application</b>	
	<b>Open Market %</b>		<b>Open Market %</b>
6 x 2 beds	28%	12 x 2 beds	58%
1 x 3 beds	5%	None	0%
9 x 4 beds	43%	6 x 4 beds	28%
5 x 5 beds	24%	3 x 5 beds	14%
Total: 21	100%	Total: 21	100%
Housing Mix Split	21 Open Market: 70% (28% and 72% split)	Housing Mix Split	21 Open Market: 70% (58% and 42% split)
	9 Affordable Housing: 30%		9 Affordable Housing: 30%



	<b>Affordable Housing %</b>		<b>Affordable Housing %</b>
7 x 2 beds	78%	7 x 2 beds	78%
2 x 3 beds	22%	2 x 3 beds	22%
Total: 9	100%	Total: 9	100%

- 5.7.7 The Council has reviewed the submitted details and has noted that the proportion of smaller units (two bed dwellings) for the open market housing has doubled within this application from 6 to 12 units. Furthermore, as a whole, the scheme overall complies with the housing mix with the 70 / 30 split for open market and affordable housing. However, with regard to the SHMA, the Applicant has provided a 58 / 42 split instead of the 60 / 40 split to be fully SHMA compliant. The housing mix has significantly improved when compared to the previously refused scheme. Whilst it is noted that the housing mix is marginally short of the SHMA requirement when taken into the mix for the development, which is 63% and that the fact that the 2% would not amount to a single dwelling, it is not considered that this shortfall would result a demonstrable harm to such a degree to warrant a reason for refusal.
- 5.7.8 The Planning Policy Team has been consulted and has advised that given the limitations set by the number of units agreed by the outline planning permission, through discussions for the reserved matters application the Applicants have changed the housing mix for the site. It has been considered that the increase in the number of two bed dwellings from 6 to 12 and reducing the number of four bed+ dwellings from 14 to 9 would provide a housing mix that responds better to the SHMA and thus would help to provide more smaller homes for local residents in the south of the District.
- 5.7.9 Having considered the resubmission, it is considered that the current proposal has addressed the reason for refusal that was set out under the Reserved Matters application 17/00766 and therefore the application should be recommended for approval subject to conditions.

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

- 5.7.15 Letters of representation have been received concerning the foul water drainage for the site and its impact on existing residential properties in North Farnbridge. As part of the application, Anglian Water Services (AWS) has been consulted on several occasions in relation to the proposed development at this site and the development at Land to the West of Farnbridge Road (**RES/MAL/17/00776**). The most recent response from AWS was dated 14 March 2018 has advised that analysis has confirmed that the connection of flows from this development has no significant impact on the performance of the foul water sewerage system. Foul water drainage will be dealt with under the Discharge of Condition application **DET/MAL/18/05092** (Conditions 16 and 29) which is currently pending consideration and it is not to be assessed at this stage.

## 5.8 Other Issues

- 5.8.1 Matters relating to external materials (C.4), archaeological works (C.5), finished floor levels (C.8), tree protection (C.25), boundary treatment (C.26), and ecology (C.27) imposed on outline planning application **OUT/MAL/14/01018** were approved by the Council on 14 May 2018 at the North Western Area Planning Committee. Only the on-site construction management plan (C.12), surface water drainage system (C.15), foul water strategy (C.16), contamination (C.18), and wastewater strategy (C.29) remains outstanding and are being considered under the terms of applications DET/MAL/18/05080 (C.18 only) and **DET/MAL/18/05092** (C.12, 15, 16, and 29). These conditions have not been discharged at the time of writing this report.

## 6 ANY RELEVANT SITE HISTORY

- MAL/729/88 – Residential Development. Refused: 16 September 1988. Appeal Dismissed.
- 13/00473/OUT - Outline planning application for up to 30 dwellings. Refused: 11 February 2014. Appeal Dismissed on 3 December 2014
- 14/01018/OUT - Outline planning application for up to 30 dwellings. Approved: 11 January 2016
- RES/MAL/17/00766 - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Refused: 4 April 2018

## 7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.7 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Farnbridge Parish Council (For the development of 30 houses on this site)	Concerns regarding to foul water and surface water scheme for the site  The lighting scheme is hazardous to wildlife and completely out of context in the village	With regard to the foul water and surface water scheme for the site, these will be dealt with under DET/MAL/18/05092.  The external lighting (C.11) is a planning condition which is not being considered under the current DET applications.

### 7.8 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response

Essex Wildlife Trust (EWT)	EWT has no comments to make in respect of this proposal.	This comment has been noted
Anglian Water Services (AWS)	AWS has reviewed the application and can confirm that as the proposal is in line with our recommended foul water drainage strategy, AWS has no objections and would recommend discharge of all conditions relating to foul water drainage.	Noted in the officer report
Environment Agency (EA)	No response at the time of writing this report.	It is noted that EA has responded directly to the Applicant and has raised no objection to the proposal.
ECC Highways	Please refer to previous comments dated 10 November 2017	Noted in the officer report
Natural England	No objection - The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal	Noted. Also, the ecology aspect of the development was a planning condition imposed on the outline planning application and has since been discharged by DET/MAL/17/05142
ECC SUDs Team	No objection - Refer to the previous response for this current application  Previous response: No objection subject to the conditions being discharged on the DET application DET/MAL/17/05142 (now DET/MAL/18/05092)	Noted in the officer report

## 7.9 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Coast and Countryside Officer	Satisfied with the landscape proposal	Noted in the officer report

Urban Design Officer	No objection to the Reserved Matters application	Noted in the officer report
Planning Policy Team	The proposal will help to provide more smaller homes for local residents in the south of the District	Noted in the officer report
Environmental Health Services	ECC SUDs Team will need to review the drainage information – Concerns regarding to road surface as ECC Highways may not adopt the street lighting, pipework for the foul and surface water drainage schemes	Noted. ECC Highways will be adopting the road following the changes to the block paving
Housing Department	Housing supports the application	Noted in the officer report
Tree Officer	No objection providing that the plans are adhere to	Noted in the officer report

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

Letters were received **objecting** to the application. The reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<b>Design of Development</b>	
<ul style="list-style-type: none"> <li>• Plots 11, 12 and 13 would result in loss of light to Inala, Brabant Road.</li> <li>• Houses will overlook existing properties at Brabant Road</li> <li>• The proposal would destroy the distinctiveness of North Fambridge</li> <li>• Appearance, layout and scale is unacceptable</li> <li>• Density is too high for a village</li> </ul>	<p>The points have been addressed in Sections 5.3, 5.5 and 5.6 of the officer report.</p>
<b>Highway</b>	
<ul style="list-style-type: none"> <li>• Lack of car parking spaces</li> <li>• Increase in traffic and pressure on the road network</li> <li>• Heavy vehicles used to transport materials, concerns regarding the risk of spillages</li> </ul>	<p>This issue has been considered in the outline planning application OUT/MAL/14/01018. Further, the Highway Authority has raised no objection to the current application.</p> <p>Transport concerns were not considered</p>

<ul style="list-style-type: none"> <li>• There should be</li> <li>• The development would have an impact on the wider highway network (Lower Burnham Road (B1012) into North Fambridge</li> </ul>	as an issue in the previous outline application and therefore would be unreasonable to warrant refusal on that basis.
<b>Surface Water and Anglian Water</b>	
<ul style="list-style-type: none"> <li>• Surface Water and Foul Water Drainage still not resolved</li> </ul>	This is is currently being dealt with under DET/MAL/18/05092

## 8 **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 2 The development shall be constructed of the external materials specified on Materials Plan Drawing No: 746. 204.07 dated 27.04.2018 and the External Works Plan Drawing No: 746.231.07 dated 05.06.2018.  
REASON To ensure that the external materials used for the construction of the development is appropriate to its site and surroundings in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.
- 3 The hard landscaping for the site shall be constructed in complete accordance with materials specified on External Works Plan Drawing No: 746.231.07 dated 05.06.2018 and retained as such thereafter.  
REASON To ensure that the external materials used for the construction of the development is appropriate to its site and surroundings in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.
- 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 17/004-SK01 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
  - JBA 17/004-SK02 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
  - Measured Works Schedule Revision B dated 15.05.2018 prepared by James Blake Associates Ltd
  - Landscape Management and Maintenance Plan (JBA 17/004 Rev B dated 15.05.2018) prepared by James Blake Associates Ltd
  - Arboricultural Method Statement (JBA 17/004 AR02 Rev D dated 4 May 2018) prepared by James Blake Associates Ltd
  - Landscape Programming (JBA 17/004-01 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
  - Landscape Programming (JBA 17/004-02 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd

- Tree Protection Plan (JBA 17/004-02 TP01 Revision C dated 26.04.2018) prepared by James Blake Associates Ltd

REASON To ensure the landscaping is appropriate and to protect the visual amenity of the area in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.

- 5 Prior to the first occupation of the development the initial footway access into the site should provide a lowered kerb for pedestrians to access the proposed shared surface. The current footway access into the site does not appear to adjoin to the shared surface and therefore should be extended into the site to ensure a safe and suitable pedestrian route is provided.

REASON: To provide a safe and accessible entrance into the site for pedestrians in accordance with Policy T2 of the Maldon District LDP and Government advice contained in the NPPF.

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

REASON To ensure that appropriate parking and turning is provided in accordance with Policy T2 of the Maldon District LDP and Government advice contained in the NPPF.

- 7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed on the roof on the rear elevation of Plots 2, 3, 4, 5, 6, 14, 15, 16, 17, 18 the dwellings hereby permitted without planning permission having been obtained from the local planning authority.

REASON To protect the residential amenity of existing properties fronting Brabant Road in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.

## **INFORMATIVE**

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

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

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

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

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
9 JULY 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00597</b>
<b>Location</b>	Honeywood Farm, Honeypot Lane, Purleigh, CM3 6RT
<b>Proposal</b>	Replacement dwelling
<b>Applicant</b>	Mr. & Mrs. Brown
<b>Agent</b>	Mr. Peter Le Grys – Stanfords
<b>Target Decision Date</b>	<b>16 July 2018</b>
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>COLD NORTON</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Mrs Sue White- Public Interest

**1. RECOMMENDATION**

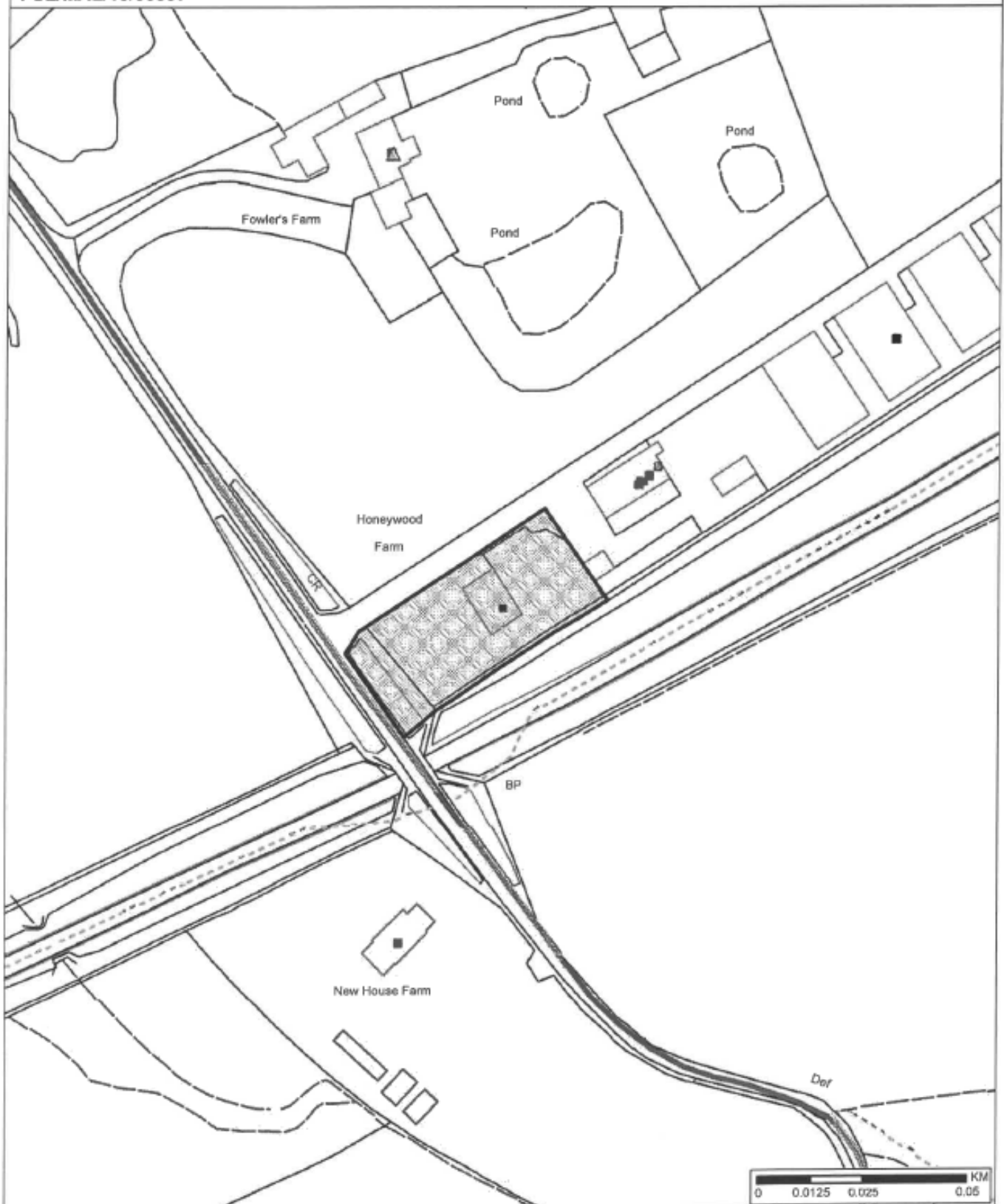
**REFUSE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

# Honeywood Farm Honeypot Lane Purleigh

FUL/MAL/18/00597



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	North West Committee
Date:	27/06/2018
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 Honeywood Farm is located to the north-eastern side of Honeypot Lane, Purleigh and is occupied by a detached bungalow with poultry sheds immediately to the rear. Planning permission was granted in 1982 for a bungalow to be erected within the farm holding subject to a restrictive agricultural occupancy condition imposed on the building. That restriction was lifted under the terms of application FUL/MAL/17/01407.
- 3.1.2 The existing dwelling is single storey, measuring 12.8 metres deep and 8.2 metres wide with a pitched roof built to an eaves height of 2.4 metres and a ridge height of 4.4 metres. A conservatory exists to the North West elevation. The dwelling is accessed from a track to the north of the application site that leads on to Honeypot Lane to the west. An amenity area is located to the rear of the dwelling that measures approximately 400 square metres and the front amenity area includes a leylandii.
- 3.1.3 Planning permission is sought for a replacement dwelling on the site of the existing dwelling and utilizing the existing footprint of the bungalow. The new dwelling would have a rectangular footprint with a two storey front projection on the south corner. The main dwelling would have a footprint of 12.8m wide and 8.1m deep with the front projection measuring 4.3m wide and 4.5m deep. A hipped roof porch is proposed to the western side elevation measuring 2m by 3m with a pitched roof and eaves height of 3.5m. A further small hipped roof porch is proposed to the front elevation and adjoining the front elevation projection. A first floor balcony is proposed to the rear (eastern) elevation which would measure 3m by 3m and have a platform height of 2.7m. Overall the dwelling would have a height of 8m with the front elevation projection having a height of 6.5m.
- 3.1.4 Fenestration is proposed to all elevations and in terms of materials the dwelling would feature grey-green manmade weatherboard cladding to the first floor of the main dwelling, a brick plinth and rendered ground floor elevations with the front elevation projection having rendered elevations. A brick chimney stack would be built on the front elevation with the roof tiles being clay pan tiles.
- 3.1.5 Internally the accommodation would be spread over two floors with open plan living space, four bedrooms and three bathrooms. The existing amenity space, boundary treatments would be retained with a new vehicle access leading from the existing private access track to the front of the dwelling.

#### **3.2 Conclusion**

- 3.2.1 The current application has been submitted after a similar proposal (referenced in a subsequent section of this report) was refused by the Council earlier in 2018. From the submitted plans, it is noted that there are no physical changes to the design of the dwelling proposed in this proposal from that submitted under a previous householder application. The key change is therefore the description of the proposal which now states it is for a replacement dwelling rather than the extension of the existing dwelling.

- 3.2.2 As such, there are no alternative design considerations over that previously submitted, but there are different policy considerations for a replacement dwelling which support a one for one replacement.
- 3.2.3 However, the resultant dwelling would not be visually different from the previous proposal and having taken all material planning considerations into account, the proposal is considered to result in material harm to the rural character of the area by way of visual harm through the scale, height and bulk of the resultant two storey dwelling, contrary to the policies of the development plan to an extent that cannot be outweighed.

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

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

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

- 14, 49 and 59

##### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (2017) (MDDG)
- Car Parking Standards

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

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

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).
- 5.1.2 The property is located within the rural area outside the development boundary for Stow Maries, which is the nearest defined settlement. However, there is no objection

to the principle of a replacement dwelling on a one for one basis, providing the proposal meets the criteria set out in policy H4 of the LDP.

## **5.2 Replacement Dwelling**

5.2.1 The proposal must be assessed against approved policy H4, which sets out criterion for replacement dwellings. These being as follows:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting; and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

**1) The residential use of the original dwelling has not been abandoned;**  
It was apparent from an Officer site visit that the property is still being used as a residential property and can function as such.

**2) The original dwelling is not a temporary or mobile structure;**  
The existing dwelling is of a sound and permanent structure. Although no internal inspection was undertaken, the dwelling appears habitable and was in use at the time of the Officer site visit.

**3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;**  
The existing structure is a mature, single storey dwelling and although acceptable does not represent a noteworthy building or include architectural features worthy of retention.

**4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;**  
Albeit the site is set above the level of the adjacent highway, the land is low lying and the existing dwelling, together with the buildings set to the rear (east) of the site are discrete in the context of the surrounding countryside.

The proposed scheme would have a comparable footprint to the existing dwelling and be located on the site of the current property. It is noted that the proposed height of the new dwelling would be 3.6m taller than the existing property and include a two storey front projection, two external porches and a rear elevation balcony. The proposal would comprise considerably more mass and bulk than the existing dwelling which is considered to result in significant detrimental visual impact upon the site and upon the character and appearance of the rural area. Albeit sited above the level of the adjacent highway, there are very limited views of the existing dwelling from the public realm.

- 5.2.2 It is noted that there are no directly adjacent properties. Fowlers Farm to the north of the site comprises a grade II listed dwelling which is a two storey dwelling but set back from the highway and with first floor accommodation served by dormer windows in the distinctive mansard and ridge roofs. The dwelling known as Newhouse Farm is located to the south-west of the site and beyond the former raised railway track which dissects Honeypot Lane. Although this property represents a two storey dwelling and is a similar distance from the highway from that proposed in this scheme, it is set perpendicular and level with the highway and is therefore more visually discrete from the public realm and less visually dominant.
- 5.2.3 The proposal is therefore considered to result in a dwelling of far greater prominence and visual dominance on the site than the existing dwelling and contrary to the criterion 4 of policy H4 of the LDP.

**5) The proposed replacement dwelling is of a design appropriate to its setting;**

The proposal would represent a modern design, to which the principle of there is no objection raised. However, it is considered that this factor does not outweigh the harm that has been identified in the preceding section of this proposal in terms of scale, bulk and mass and detrimental visual impact upon the setting. The use of high quality materials which are detailed within the submission would help to soften the impact of the dwelling but not to an extent that would enable the proposal to be found acceptable.

**6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.**

- 5.2.4 The replacement dwelling would be sited wholly within the existing residential curtilage of the existing property and predominantly on the site of the existing structure. Subject to a condition for the protection and retention of the existing soft boundary treatments and the requirement for detailing of additional landscaping, the proposal is considered acceptable on this criterion. The property does not constitute a heritage feature and being surrounded by an existing residential garden, it is unlikely to result or impact detrimentally on ecological interests.
- 5.2.5 On the basis of the above assessment, the proposal is considered contrary with the criterion of policy H4 of the approved LDP.

### **5.3 Housing Need**

- 5.3.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change. The Council will therefore support, by way of approved policy H2 a greater proportion of smaller units to meet the identified needs and demands for such housing.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. As the scheme comprises a four bedroom dwelling, the proposal's contribution to the District's identified housing need is therefore of no benefit and can only be categorized as neutral in this instance. Furthermore, this does

not outweigh the harm caused by the visual impact of the development on the countryside.

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

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

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

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

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

- 5.4.3 The site is currently viewed as the setting of a residential property with private amenity space to both the front and rear. The existing dwelling, by virtue of its low height, setting back from the highway and the landscape coverage surrounding the dwelling, represents a minor intrusion into the countryside. It is noted that the dwelling is of comparable height to the other buildings to the east of the dwelling. It is also noted that other dwellings in the surrounding area are mostly two storey and large in terms of bulk and scale but as previously stated, Fowlers Farm comprises a listed farmhouse set back from the highway and with the first floor accommodation served by dormer windows giving the appearance of a cottage style property. Newhouse Farm which is set to the south-west of the site, is a two storey property but it is set perpendicular to the highway and is topographically level with it. Albeit set a similar distance from the highway as the dwelling at the application site, it is less visually dominant in its setting and within the public realm.

- 5.4.4 It is noted that the existing dwelling has a large footprint, which is not unusual for a bungalow. However, due to its height it is considered that the dwelling has a discreet impact on the countryside setting.

- 5.4.5 In this instance it is considered that the increased height of the proposal, the two storey front projection and the increased bulk and mass, would result in the dwelling having a materially greater visual impact on the streetscene. As a result, the proposed dwelling would become a more prominent feature in the site and have a far more dominating impact on the character of the site, particularly when viewed from the entrance and the public realm. Whilst it is noted that views of the dwelling would be partially obscured by landscaping at the boundaries, it is considered that this would not wholly mitigate the visual impact and would only provide seasonal mitigation.

- 5.4.6 In terms of appearance, the dwelling is considered to be of acceptable design and therefore no objection is raised in that regard. However, it is considered that this

factor does not outweigh the harm that has been identified above. The use of high quality materials, which are detailed within the submission, would also help to soften the impact of the dwelling, but not to an extent that would enable the proposal to be found acceptable.

- 5.4.7 It is noted that the existing vehicle access from Honeypot Lane runs along the entire depth of the site and leads to agricultural buildings to the east of the site. Currently, there is no parking provision within the amenity space and the proposal would provide for frontage access and parking from the farm track. However, as previously assessed, the size of the existing front amenity space could adequately provide for a parking and turning area within the site which already contains an area of hardstanding. The large hedgerow to the front of the site, which lies on a steep bank down to Honeypot Lane, would partially shield the parking area from the public realm and the wider field and roadway hedgerows assist in softening the impact of this aspect of the proposal.
- 5.4.8 Overall, as the proposal would substantially increase the height, bulk and mass of a dwelling in this location and its impact on the streetscene, it is considered that it would result in material harm to the character and appearance of the site and the wider rural District. The proposal is therefore considered to be contrary to policies S1, D1 and H4 of the approved Maldon District Local Development Plan and the provisions and guidance as contained within the Framework.
- 5.4.9 It is noted that this current scheme has been revised from the preceding scheme which was refused, by way of its description from householder extension to that for a replacement dwelling. However, there are no discernible differences between the two schemes and the visual impact on the countryside would be the same and there are not considered to be any new materials considerations.
- 5.4.10 Policy D1, and the recently adopted Maldon District Design Guide, give clear and unequivocal guidance on the criterion for all development to respect and enhance the character and local context of the development and make a positive contribution in terms of landscape setting, the historic environment and scale, form, massing and proportion.
- 5.4.11 Therefore, given the scale, bulk and massing of the proposed dwelling and the extent of built form on the site, it is not considered that the revision to the description of the current proposal has overcome previous concerns which would significantly harm the site and result in detrimental impact upon the character and appearance of the area contrary to S8, D1 and H4 of the LDP and the guidance and provisions as contained within the NPPF.

## **5.5 Impact on Residential Amenity**

- 5.5.1 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.
- 5.5.2 The dwelling at the application site is located approximately 100 meters from the nearest dwelling to the north (Fowlers Farm) and 60 meters from the nearest dwelling to the south west (Newhouse Farm). As there are no other dwellings within the



immediate vicinity of the application site it is considered that the proposed dwelling would not cause a loss of light to any neighbouring properties. The proposed dwelling would not have an overbearing impact on any property and the windows of the proposed dwelling, the proposed balcony and the use of the enlarged dwelling would not cause a loss of privacy or disturbance to an extent that would justify the refusal of the application and would therefore accord with approved policy D1 of the LDP for this element.

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

- 5.6.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising four or more bedrooms require a maximum of three parking spaces.
- 5.6.3 Given that the proposed dwelling shown on the floor plans would accommodate four bedrooms and is remote from community support facilities and services, the recommended standard of three car parking spaces is considered a prerequisite. An area of hardstanding exists at the front of the proposed dwelling which has space to accommodate adequate car parking for in excess of this number. Therefore, no concerns are raised. The ECC Highway Department has been consulted but there is no policy objection to the proposal and no conditions are recommended.
- 5.6.4 The scheme is therefore considered to accord with the criteria of approved policy T2 of the LDP.

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

- 5.7.1 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.
- 5.7.2 The protection and retention of the existing boundary treatments would help assimilate any new dwelling into the site. No landscaping plans have been submitted with the proposal, but conditions to ensure boundary protection and appropriate hard and soft landscaping can be appended to any subsequent grant of permission.
- 5.7.3 Due to the size of the site, the rear amenity space would be well in excess of the abovementioned standards and therefore would be in accordance with D1 of the LDP.
- 5.7.4 In this respect the scheme is considered to accord with policies D1, N2 and H4 of the LDP.

## 5.8 Other Material Considerations

- 5.8.1 The Parish Council has raised an objection to the proposal as it is considered that the proposed development is contrary to policy S8 and would significantly increase the scale and bulk of the dwelling contrary to policies D1 and H4 of the LDP. Their comments have been addressed within the main body of the report.
- 5.8.2 The Councils Environmental Health Service has been consulted as this proposal represents a replacement dwelling. There is no objection to the proposal but conditions for the details of foul and surface water drainage schemes are recommended. Such conditions are considered appropriate and necessary in this instance and can be appended to any grant of permission.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/01407** - 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) Approved
- **FUL/MAL/16/01044** - Removal of an agricultural occupancy condition.  
Allowed on Appeal.
- **FUL/MAL/16/00270** - Removal of Condition 3 (Agricultural Occupancy Condition) on approved planning permission FUL/MAL/82/00003. Refused
- **FUL/MAL/3/82** Agricultural Dwelling Approved

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object Contrary to policies S8, D1 and H4 of the LDP	The comments of the Parish Council are noted

### 7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority (ECC)	No Objection No Conditions Recommended	The comments of the service are noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection Subject to conditions for Surface Water and Foul Drainage	The comments of the EHS are noted

### 7.4 Representations received from Interested Parties

7.4.1 At the time of writing this report, no letters of representation had been received.

## 8. PROPOSED REASONS FOR REFUSAL

- 1 The proposed dwelling as a result of its scale, height, bulk and mass would result in an incongruous form of development that does not reflect the character of the area to the detriment of the character and appearance of the area, failing to protect or enhance the natural beauty, tranquility amenity and traditional quality of the rural District outside of settlement boundaries. The quantum of development and intensification of the built form would therefore fail to meet the requirements of policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan, the Core Planning Principles and Guidance as contained in the National Planning Policy Framework and the Maldon District Design Guide (2017).

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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
9 JULY 2018**

<b>Application Number</b>	<b>HOUSE/MAL/18/00686</b>
<b>Location</b>	3 Roots Lane, Wickham Bishops
<b>Proposal</b>	First floor front extension
<b>Applicant</b>	Mr. & Mrs. Trevor & Janet James
<b>Agent</b>	Mr. Mark Crocker
<b>Target Decision Date</b>	30.07.2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Bass – public interest

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

# **3 Roots Lane Wickham Bishops** **HOUSE/MAL/18/00686**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	27/06/2018
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the western side of Roots Lane in the settlement boundary of Wickham Bishops. The site is occupied by a two storey detached dwellinghouse with an integral garage and a balcony on the front elevation.
- 3.1.2 Planning permission is sought for a first floor extension on the front elevation over the existing flat roof porch. The extension would have a dual pitched roof and would have a width of 3.2 metres, a depth of 2.75 metres, eaves height of 4.95 metres and a ridge height of 6.75 metres. This would accommodate an en-suite bathroom for the master bedroom on the first floor. The first floor extension would overhang the ground floor to the south by 0.6 metres and would be supported by a post.
- 3.1.3 The proposals include a circular window on the front elevation to match the existing on the ground floor and a small window on the southern elevation of the proposed extension. The extension and some of the existing first floor front elevation would be finished with a white horizontal boarding.
- 3.1.4 From the previous application (reference **HOUSE/MAL/18/00206**) which was refused planning permission, the proposed and existing projections have been aligned in terms of depth, the room use has been changed from a dressing room to an ensuite bathroom, a side window has been added and the proposed finish has been changed from render to horizontal boarding.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the design, positioning and visual impact of the proposed development would be an incongruous addition to the host dwelling which would result in a visually intrusive feature within the site and locality.
- 3.2.2 It is therefore considered that the proposed development would result in demonstrable harm to both the dwelling and the locality and is consequently not in accordance with policies D1, S1 and H4 of the approved LDP.

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

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

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

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

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

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

- S1 Sustainable Development
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The principle of extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, 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 in the approved Maldon District Local Development Plan (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:-

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



g) Energy and resource efficiency.

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The proposed development is located on the front elevation of the dwellinghouse and is highly visible from the public realm. Therefore the proposed development would have a significant impact on the overall streetscene and the character and appearance of the dwelling and the surrounding area.
- 5.2.6 The proposed roof form in the previous application (HOUSE/MAL/18/00206) was slightly set back from the existing projection on the front elevation. The proposed extension in the current application would match the depth of the existing projection and would not be set back. Although this is considered to be an aesthetic improvement on the previous design, the proposed development would still have varying ridge heights and a valley between the two pitched roofs which is considered to result in a contrived and incongruous roofscape.
- 5.2.7 A window has been added to the side elevation of the proposed extension, however, the circular window on the front elevation remains at an elevated location. This arrangement was previously considered to create a large, blank surface at the front of the property which is considered to be of limited architectural merit. Although the proposed development will now be finished with horizontal boarding rather than render, it is considered that this would still result in a large and bulky addition to the front elevation of the existing dwelling.
- 5.2.8 From the previous application, a post has been included to support the overhanging section of the proposal in a more traditional design. However, this is still considered to create an un-balanced, top-heavy form of development which would add to the contrived appearance of the proposed development. Therefore these changes are not considered to overcome the previous reason for refusal.
- 5.2.9 Overall, the proposed extension is considered to be an incongruous addition to the front elevation and roofscape and would detract from the appearance of the existing dwelling thereby being materially harmful to the character and appearance of the streetscene and the locality contrary to policies D1 and H4 of the LDP. It is considered that the previous concerns raised in relation to application HOUSE/MAL/18/00206 have not been satisfactorily addressed.

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

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by two neighbouring properties No.1 Roots Lane to the South and No.5 Roots Lane to the North.
- 5.3.3 The boundary with No.1 Roots Lane would be 9 metres from the proposed development and there would be one additional first floor window on the south

elevation facing No.1. Due to the separation distance, it is not considered that the proposed development would have an overbearing effect on this neighbouring property. The proposed window would serve an ensuite bathroom and therefore a condition could be imposed to request that this is obscure glazed. Therefore, it is not considered that this additional window would result in any overlooking to this neighbouring property.

5.3.4 The view of the proposed development from No.5 Roots Lane would be blocked by the existing dwelling and therefore it is not considered that the development would affect this neighbouring property to the north.

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

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

5.4.1 Policy 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.

5.4.2 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.

5.4.3 The proposed development would not result in the loss of any car parking provision and does not include any additional bedrooms. Therefore, as no additional car parking spaces would be required, there are no objections in this regard.

#### **5.5 Private Amenity Space and Landscaping**

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted 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 25m<sup>2</sup> for flats.

5.5.2 The proposed development would not result in the loss of any private amenity space and therefore there are no objections in this regard.

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

- **HOUSE/MAL/18/00206** – First floor front extension – Delegated refusal.

## 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	No letters of representation had been received. Councillors considered that the application had addressed the Planning Authority's concerns over the prior application, which the Parish Council had recommended be approved. The Planning Committee recommended approval.	Comments noted

### 7.2 Representations received from Interested Parties

- 7.2.1 One letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The proposal appears to make good use of the available space in an attractive manner.	Comments noted

## 8. PROPOSED REASONS FOR REFUSAL

- 1 The proposed extension, by virtue of its design, positioning, scale and visual impact, would represent an incongruous and disproportionate addition to the host dwelling which would be a visually intrusive feature within the site and the locality. Therefore the proposed development would result in demonstrable harm to both the dwelling and the locality and would be contrary to the NPPF and policies D1, H4 and S1 of the approved Maldon District LDP and the MDDG.

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