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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

16 November 2018

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 26 NOVEMBER 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



Head of Paid Service

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 26 NOVEMBER 2018

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

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 29 October 2018 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **FUL/MAL/18/01017 - Land North of Maypole Hall, Maypole Road, Great Totham**
(Pages 15 - 24)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

6. **FUL/MAL/18/01180 - Maltings Cottage, Maypole Road, Great Totham, Essex**
(Pages 25 - 40)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

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

Reports for noting:

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

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

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 6.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES**Sound Recording of Meeting**

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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)

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

BACKGROUND PAPERS

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

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

Development Plans

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

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

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

ii) Essex County Council

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

iii) Maldon District Council

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

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

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
29 OCTOBER 2018**

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, D M Sismey, A K M St. Joseph and Miss S White
Ex-Officio Non-Voting Member	Councillor Mrs P A Channer, CC

1. CHAIRMAN'S NOTICES

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

2. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 1 October 2018 be approved and confirmed.

3. 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 an interest in Agenda Item 5 **FUL/MAL/17/01071** – Stow Maries Aerodrome, Hackmans Lane, Purleigh, Essex – in that a fellow councillor is a trustee of tow Maries and that she works with the Chairman of Stow Maries on other issues. Finally she informed the Committee that, on advice from the Monitoring Officer, she cannot participate in this Item as she was not present for the initial discussion at the Committee on 3 September 2018.

Councillor M Durham, 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

Councillor J V Keyes, declared a non-pecuniary interest in Agenda Item 6 **FUL/MAL/18/00966** – Land North of Birchwood Farm, Birchwood Road, Purleigh, Essex in that he had previously provided haulage services to the land owner, nothing to do with the brewery.

Councillor Miss S White an interest in Agenda Item 6 - **FUL/MAL/18/00966** – Land North of Birchwood Farm, Birchwood Road, Purleigh as she knew the land owner and some of the objectors, not the applicant.

4. FUL/MAL/17/01071 - STOW MARIES AERODROME, HACKMANS LANE, PURLEIGH, ESSEX

Application Number	FUL/MAL/17/01071
Location	Stow Maries Aerodrome Hackmans Lane Purleigh Essex
Proposal	Variation of conditions 13 & 14 on approved planning permission FUL/MAL/09/00250 (Re-instatement of airfield and erection of 2 x no. aircraft hangars to match former buildings on site)
Applicant	The Trustees Stow Maries Great War Aerodrome
Agent	TMA Chartered Surveyors
Target Decision Date	4 September 2018
Case Officer	Yee Cheung
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In by Councillor Miss S White on the grounds of public interest

A Members' Update was submitted detailing a further letter of representation received post publication of the agenda.

The Chairman introduced the item and advised the Committee that this was on the agenda in order to ratify a previous decision and therefore not open for debate. The decision on the number of flights still stands as previously agreed. The item was being presented to address a change to the Unilateral Undertaking and this approach has been corroborated by the Monitoring Officer.

Following the Officer's presentation Councillor Durham proposed that the Officer's recommendation be accepted.

Councillor Sismey joined the meeting at this stage.

The Chairman put the Officer's recommendation to the Committee. Upon a vote being taken this was agreed.

RESOLVED that planning permission be **Approved** subject to the conditions set out below and the completion of a satisfactory Unilateral Undertaking to deliver the mitigation as detailed in Section 8 of the original report.

1. The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos 08/1002/31, 08/1002/22 and 08/1002/30 that are attached to planning application FUL/MAL/09/00250; Location Plan: TMA/734/01 Revision B; Noise Impact Assessment dated 20 September 2017; and Habitat Regulations Assessment Screening Report dated 13 April 2018.
REASON To ensure that the development is carried out in accordance with the details approved.
2. The external surfaces of the two hangars hereby approved shall be constructed

of materials and finish as detailed on Drawing Nos 08/1002/31, 08/1002/22 and 08/1002/30 as submitted with planning application FUL/MAL/09/00250.

REASON To ensure the external appearance of the development is appropriate to the conservation area in accordance with policy D3 of the Maldon District Local Development Plan.

- 3 No development related to the construction of the hangars approved by the permission, including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the agreed programme of works.

REASON To protect the site which is of archaeological interest in accordance with policy D3 of the Maldon District Local Development Plan.

- 4 A record of all flying activity and aircraft based at the site shall be maintained by the airfield operator and made available in a suitable format for inspection and copying by the Local Planning Authority at any reasonable time. Such record shall as a minimum contain dates, times, aircraft type, description of activity including runway in use and details of any public complaint associated with the activity.

In pursuant to the above, on the first anniversary of this approval and every two years thereafter, the applicant shall demonstrate to the satisfaction of the Local Planning Authority, through the submission of a report from a competent person and using actual flight records, that the LOAEL of 50dB LAeq 12hr has not been exceeded at any property in the vicinity of the airfield except on “Special Public Flying Events”. In the event that an exceedance is identified the applicant shall prepare and implement a noise reduction plan to further control the number and/or type of aircraft using the airfield such that the 50dB LAeq 12hr is not exceeded at any noise sensitive property.

REASON To allow the activity at the site to be monitored, to protect the amenities of the occupants of nearby dwellings and the amenity of the countryside in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 5 There shall be no more than 15 aircraft in a flight worthy condition kept at the site at any one time.

REASON To ensure that the intensification of activity at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 6 The type of aircraft using the airstrip for take-off and landing purposes shall be limited to fixed wing, single propeller driven aircraft.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.

- 7 No helicopters (unless in the event of an emergency), microlights, gliders or hot air balloons shall be flown or land upon the site.

REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring

- residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 8 Aircraft shall only take off or land at the site during the following hours:-
- October to March (inclusive) - 08.00 hours to sunset or 20.00 hours, whichever is the earlier
 - April to September (inclusive) - 08.00 hours to 20.00 hours
- REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 9 No flying school activities or other training flights shall operate from the site.
REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 10 No more than 4 public events which include a programme of flying displays (to be known as ‘Special Public Flying Events’) shall take place in any calendar year. Such events shall not exceed 2 consecutive days. Such events shall be organised in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 11 There shall no more than 3,000 aircraft movements (defined as a take-off OR landing) undertaken from the site during any one calendar year (1 January - 31 December). This annual limit to be subject to a daily limit, in any 24 hour period, of 30 movements (15 take-offs and 15 landings), apart from days on which Special Public Flying Events take place when the movement limit shall be 120 movements (60 take-offs and 60 landings).
REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 12 No charter or fare paying flights shall operate from the airfield.
REASON To ensure that the activities at the site does not cause unacceptable harm to the amenity value of the countryside, and amenities of neighbouring residents in accordance with policies S1, D1 and D2 of the adopted Maldon District Local Development Plan.
- 13 An investigation and risk assessment, in addition to any assessment provided with the planning application in relation to the hangars, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing from the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (a) a survey of the extent, scale and nature of contamination;
 - (b) an assessment of the potential risks to human health, property, controlled waters and the environment;

- (c) an appraisal of the remedial options, and proposal of preferred option(s).
REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 14 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority prior to the construction of the hangars. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 15 The approved remediation scheme must be carried out in accordance with its terms prior to the construction of the hangars other than required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation schemes works. Following completion of measures identified in the approved remediation scheme a verification report (also known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to approval in writing of the Local Planning Authority.
REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14 which are subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation a verification report must be prepared in accordance with the requirements of condition 15, for approval in writing of the Local Planning Authority.
REASON To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

**5. FUL/MAL/18/00966 - LAND NORTH OF BIRCHWOOD FARM,
BIRCHWOOD ROAD, PURLEIGH, ESSEX**

Application Number	FUL/MAL/18/00966
Location	Land North of Birchwood Farm Birchwood Road Purleigh Essex
Proposal	Erection of building with associated parking and access to be used as a brewery for Maldon Brewing Company.
Applicant	Mr N Farmer - Maldon Brewing Company Ltd.
Agent	Laura Dudley-Smith - Strutt & Parker
Target Decision Date	30 October 2018
Case Officer	Yee Cheung
Parish	PURLEIGH
Reason for Referral to the Committee / Council	The planning application is called in by Councillor Miss S White due to public interest

A Members' Update was submitted advising that an additional letter of support had been received post publication of the agenda.

Following the Officer's presentation, Mr Martyn Reed, an Objector and Mr Nigel Farmer, the Applicant addressed the Committee.

A debate ensued where Members discussed issues of employment generation, the location of the site which was not deemed to be an intrusion into the rural countryside, the need to set sensible timings around deliveries and the importance of supporting local businesses.

Councillor Miss S White proposed that the application be approved contrary to the Officer's recommendation. This was duly seconded. Upon a vote being taken the decision to approve was agreed.

RESOLVED that the application be **APPROVED** subject to conditions being determined between the Chairman, Ward Members and Officers.

There being no further items of business the Chairman closed the meeting at 8.18 pm.

MRS M E THOMPSON
CHAIRMAN



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
NORTH WESTERN AREA PLANNING COMMITTEE
26 NOVEMBER 2018

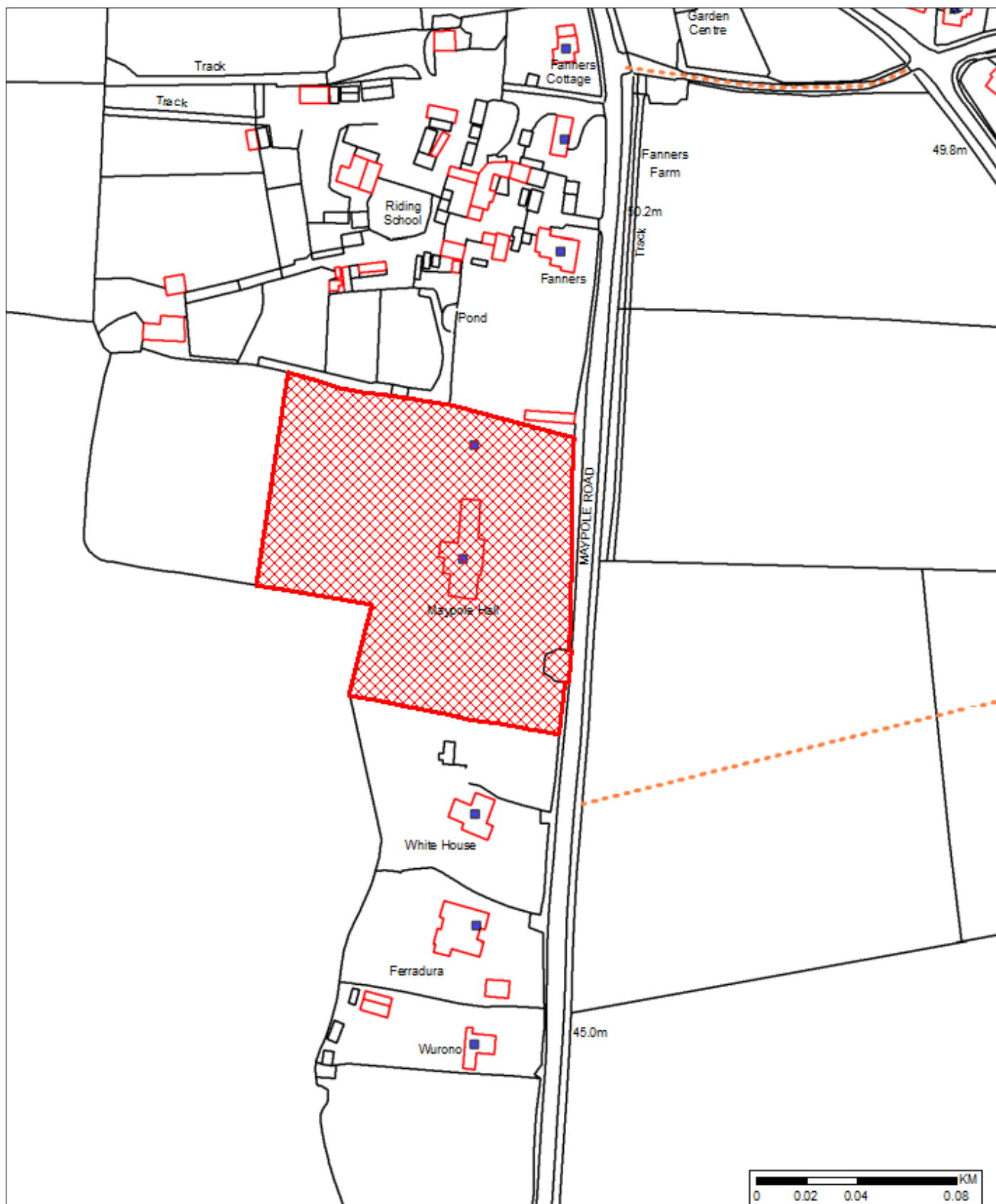
Application Number	FUL/MAL/18/01017
Location	Land North of Maypole Hall, Maypole Road, Great Totham
Proposal	Proposed single-storey two bedroom annexe that is incidental to the main dwelling and change of land to garden land
Applicant	Mr. Teasel
Agent	Ms. Annabel Brown – Annabel Brown Architect
Target Decision Date	06.12.2018
Case Officer	Emma Worby
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor J V Keyes – public interest Major Application – site size over 1ha

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



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 Maypole Road, outside of any defined settlement boundary. The site is currently occupied by a large detached two storey dwelling with a driveway from the entrance gates and a large private amenity space.
- 3.1.2 Planning permission is sought for a two bedroom, single storey annexe to the north west of the main dwelling. The annexe would accommodate two bedrooms, two bathrooms, a kitchen/dining/living space and a utility room. The annexe would be 14.6 metres in length, 5.9 metres in depth with an eaves height of 2.9 metres and a ridge height of 5.5 metres. There would also be a flat roof section on the south elevation which would have a width of 7.5 metres, a depth of 1.8 metres and a height of 2.8 metres.
- 3.1.3 The annexe would be constructed of brick and timber walls, with clay roof tiles and aluminum powder coated window and door frames. The west elevation includes a timber canopy at a height to match the annexe and a depth of 5.36 metres.
- 3.1.4 The annexe is situated on land which is not currently part of the residential curtilage of Maypole Hall. The established residential curtilage appears to be an 8,880 square metre area of land that measures approximately 118 metres wide at the Maypole Road frontage, 69 metres deep at the north boundary and 85 metres deep at the south boundary. The application also seeks planning permission for the change of use of an area of land measuring 3,900 square metres from agricultural use to residential use. This is a rectangular piece of land to the west of the main dwelling and the existing residential curtilage.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, as a result of its scale and positioning, is not considered to be ancillary to the main dwelling and would represent the excessive development of the residential site. The additional built form and domestication of this part of the application site would cause the sprawl of built form into an area that is currently underdeveloped and therefore contributes positively to the rural landscape and the intrinsic beauty of the countryside. Therefore, it is considered that the proposal would fail to meet the requirements of policies S1, S8, D1 and H4 of the LDP and guidance 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 2018 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining application
- 124-132 Achieving well designed places

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
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal includes a 3,953m² extension to the existing residential garden into the countryside, on a piece of land located to the west of the existing curtilage of the main dwelling. This would be to accommodate the position of the proposed annexe which would be outside of the current residential curtilage. Policy H4 of the LDP states that:

‘Extensions to domestic gardens within the countryside will not normally be permitted. 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.’*

- 5.1.2 Therefore, the proposed change of use from agricultural land to residential garden is not usually permitted under this section of the policy. The change of use would not involve the loss of any important landscape, heritage features or ecological interest and, due to the location of the site, boundary treatments are not considered necessary in this instance. The affected land is currently grassed land that, although technically considered to be agricultural, appears as an extension of the garden area of the dwelling and as such it is not considered that the change of use would be unacceptable in visual terms. Although the change of use of the land on its own would be considered acceptable, the proposed annexe would impact this change of use and therefore the proposal should be considered in its entirety.

- 5.1.3 The proposed annex building would be a large building that would contain two bedrooms, an en-suite, a bathroom, a kitchen/dining/living area and a utility. The building would therefore have all accommodation required to be used as a self-contained dwelling, far in excess of what can be considered to be an ancillary annex.

In this instance regard is had to recent appeal decision APP/X1545/D/18/3195846 at Lennel House, Tudwick Hall Road, Tolleshunt D'Arcy which concluded that *“The appellant is clear that the proposed accommodation is intended to remain ancillary to the main dwelling and points to the condition attached to the planning permission for the existing outbuilding. The Council has suggested the use of a similar condition in the event that the appeal is allowed. The appellant has not objected to this suggested condition. Its imposition would avoid any doubt regarding the acceptable occupation of the extended building. With this condition in place, I consider that the proposal would not conflict with development plan Policies S1 or S8 insofar as they deal with new dwellings in the countryside.”* Although the circumstances are materially different it is considered that, subject to the imposition of a suitable condition, the Local Planning Authority can proceed on the basis that the proposal will be used as an annex and not an independent dwelling, which would not be acceptable in this countryside location. The comments about the extent of accommodation that are set out above do however have implications for the scale of the building and it is noted that the visual implications of this will be discussed further below.

- 5.1.4 The principle of providing facilities in association with existing residential accommodation, such as an annexe, is considered acceptable in principle in line with policies S1 and H4 of the approved LDP. However its impact on the surrounding countryside and character of the rural area, alongside the change of use of land, will be considered below.

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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.2.3 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 (MDDG)(2017).

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

5.2.6 The proposed annexe would be located 71 metres from the nearest highway, Maypole Road to the east, and there is also well-established hedging between the site and the road which would partially obscure the view of the proposed development from the streetscene. Therefore view from the public realm would be limited and it is not considered that the proposed development would have a significant impact on the streetscene or the character of the area.

5.2.7 The site is currently open in nature with a two storey, large dwelling located in the middle of the site. The provision of a further structure on this site is considered to extend the built form and sprawl of residential development onto an otherwise undeveloped piece of land. The annexe would be located 40 metres from the host dwelling and therefore the building would be considered isolated and not ancillary to the main dwelling on the site. The remote location of the annexe, which is located beyond the current residential curtilage, would further exacerbate the sprawl of development and urbanisation of the site. The section of land where the annexe is proposed is not currently residential land and therefore the proposed development is considered to impact the intrinsic character and beauty of the countryside.

5.2.8 The design of the annexe structure in itself is not objected to and the external materials and detailing is considered to be acceptable and appropriate for this type of development. However, it is considered that the excessive scale and bulk of the structure, with a floor space of 100m² and a ridge height of 5.5 metres, would have a detrimental visual impact on the existing site and exceed what can reasonably be considered ancillary. Therefore, the annexe is considered to result in the domestication and urbanisation of this currently open and spacious plot.

5.2.9 Therefore, due to its positioning, scale and bulk, the proposed annexe is considered to be unacceptable in its setting and would not be considered to be ancillary to the main dwelling contrary to policies S8, D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by one neighbouring property, White House on Maypole Road. However the boundary with this property would be 115 metres from the proposed annexe. Therefore, due to this separation distance, it is not considered that the proposed development would have an impact on this neighbouring property.
- 5.3.3 It is noted that a number of objections have been received from customers and the proprietor of the neighbouring riding stables to the north of the application site, Marvens Riding Stables. Concerns are raised with regards to the impact of the construction and use of the building on the safety of the horses and their riders. It is not considered that this is a planning matter and therefore it cannot be taken into consideration within this assessment. Two conditions have been suggested by the objectors regarding limiting construction works on Saturdays and the requirement of a high wall or fence between the proposed development and the boundary. As constructions works are temporary it is considered that a condition to limit construction times would not be necessary. It is also considered that the erection of a wall or fence between the proposed development and the boundary would be unnecessary and unreasonable requirement in this case.
- 5.3.4 Therefore, it 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 minimum 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 development does not propose a separate vehicle or pedestrian access from Maypole Road and all access would remain through the existing access for Maypole Hall. As an annexe would be ancillary to the main dwelling, it would not require separate parking provision. Maypole Hall has a private driveway and off road parking for a number of vehicles in excess of the requirement in the SPD, therefore there are no objections with regard to parking or highway safety.

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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The private amenity space for Maypole Hall is considerably in excess of the requirement within the Maldon Design Guide SPD. Therefore there are no objections with regard to this.
- 5.5.3 It is also noted that the proposal include the change of use of some of the land from agricultural to residential use which would provide an extra 3,953m² of private amenity space.

5.6 Other Material Considerations

- 5.6.1 The annexe accommodation would be single storey and would provide two bedrooms, two bathrooms, a separate open plan living room, kitchen and dining area and a utility room. Details have not been provided within the application as to the use of the annexe.
- 5.6.2 Given that the annexe is located in isolation to the main dwelling, concerns are raised in relation to the creation of a separate planning unit, this is exacerbated by the level of accommodation proposed which is considered to go beyond satisfying the functional needs of the occupier and in effect the proposal could represent a self-contained unit of accommodation. This is further demonstrated by the positioning of the annexe close to the northern boundary of the site and beyond the current residential curtilage.
- 5.6.3 It is therefore considered necessary to impose a condition on any planning permission to restrict the occupancy of the annexe if permission is granted to ensure that the use remained ancillary.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/04/01253** – One detached residential property - refused
- **FUL/MAL/12/01018** – Replacement dwelling – approved
- **OUT/MAL/13/01102** – Demolition of existing dwelling and erection of two detached dwellings each comprising 563 square metres of floor spaces – refused
- **FUL/MAL/14/00593** - Removal of condition 2 relating to application FUL/MAL/12/01018 (Replacement dwelling) Replacement of drawing 1063.L.003C with 1063.L.003D – approved
- **FUL/MAL/15/00045** - Removal of Condition No.2 of FUL/MAL/12/01018 in order to increase the size of Bedroom B – approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>The site is located outside of the defined settlement boundary for Great Totham where policies of restraint apply. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District.</p> <p>The Development would be contrary to the guidance and provisions of the National Planning Policy Framework and in particular paragraphs 7, 14 and 17 as well as being contrary to policies S1, S2, S8, T1 and D1 of the Approved Maldon District Plan.</p>	Comments noted

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Two conditions relating to foul water and surface water drainage and five informatives recommended.	Comments noted

7.3 Representations received from Interested Parties

- 7.3.1 13 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The site is outside of the settlement boundary for Great Totham and therefore the development would be contrary to the NPPF and the LDP. • The development would border two ménages at Marvens Riding Stables and would therefore put at risk the safety of horses, ponies and their riders. • The noise and disruption of building works could upset the horses and ponies such that riding them would become unsafe, which would put the business at risk. • Two conditions should be imposed to prevent working on Saturdays and the requirement of a high fence or wall to be constructed. 	<p>Please see section 5.1 of the report</p> <p>This is not a planning consideration</p> <p>This is not a planning consideration</p> <p>These conditions are not considered to be reasonable or enforceable and therefore could not be used for this application.</p>

8. **REASON FOR REFUSAL**

- 1 The proposed annexe accommodation by virtue of its scale and positioning remote from the host dwelling, would not appear adequately ancillary to the main dwelling and would represent the excessive development of the site. The additional scale of the proposed built form and the domestication of this part of the application site would detract from the character and appearance of the site and reduce the positive contribution that it makes to the rural landscape and the intrinsic beauty of the countryside. The proposal would therefore be contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and the National Planning Policy Framework.



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
26 NOVEMBER 2018**

Application Number	FUL/MAL/18/01180
Location	Maltings Cottage Maypole Road Great Totham Essex
Proposal	Refurbishment and extension of existing cottage (demolition of 1990's extension) and courtyard housing scheme of six new, accessible 2 bedroom homes.
Applicant	Ms Dennison
Agent	Ms Annabel Brown - Annabel Brown Architect
Target Decision Date	04.12.2018
Case Officer	Yee Cheung - 01621 854477
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	The planning application is called in by Councillor J V Keyes 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.

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south-west side of Maypole Road, just outside the development boundary of Wickham Bishops village. The site is occupied by a dwelling and is attached to a single-storey and two-storey building, known as the malting, which fronts the highway. The malting was historically used to collect grains within the single-storey part of the building, before being moved to the kiln for drying within the two-storey part of it.
- 3.1.2 To the northwest side of the bungalow is a double garage. The access and egress point to the site is shared with a property called 'Quinneys' which is located some 55 metres away to the south-west of the application site.
- 3.1.3 The garden area to the rear of the property is laid to grass and is surrounded by brick walls and a high hedgerow. Within the garden are ornamental and semi-mature trees.
- 3.1.4 The site is bounded on all sides by residential properties on spacious plot sizes. To the north-west is 'Greenlands'. To the south-west is 'Quinneys'. To the south-east is Wickham Lodge. Directly opposite the site are residential properties 'Mapstones', 'Ravello', and 'Ballington'.
- 3.1.5 Planning permission is sought to demolish a 1990s extension which forms a part of the existing cottage located within the centre of the plot; to convert, extend and refurbish the remaining existing cottage (the malting building) to a two / three bed dwelling. The proposal would also include an integral garage, the construction of a garden room, and the formation of a garden area to the southern side of the building. In addition to the above, the proposal would also include the construction of a housing scheme comprising six, two-bed houses in a courtyard arrangement. The dwellings would be part single-storey and two-storey with ridge heights ranging between 4.6 metres when measured at its lowest point up to 6.8 metres at its highest point.
- 3.1.6 Each dwelling (Plots 1-6) measures approximately 4.7 metres deep when measured at its narrowest point and 8.5 metres at its deepest point. The width of the properties varies between 9.5 metres and 9.8 metres. At ground floor of the properties, a bedroom, WC, kitchen / dining room and a living room are proposed. A further bedroom with an en-suite is proposed at first floor level.
- 3.1.7 Off-street parking is proposed within the site in the form of carport and garages. Block Plan PL10 shows nine parking spaces are available within the centre of the plot. Private amenity spaces are proposed either to the side or rear of dwellings.
- 3.1.8 The proposal also includes the conversion of the existing malting into a two/three bed dwelling. At ground floor of the malting, a living room, kitchen, garden room, utility room, storage / boiler room, garage, and a study / bedroom 3 are proposed. Two bedrooms (one with a shower room) and a bathroom are proposed at first floor level.
- 3.1.9 A communal bin store is proposed to the north side of Plot 1.

- 3.1.10 It is proposed that the dwellings would be constructed using facing brickwork and weatherboarding for the external walls. Clay tiles and slates would be used for the roof. The doors and windows would comprise of either be uPVC or aluminium.
- 3.1.11 This proposal is a resubmission following a recent refusal for the residential development of six, two-bed units and a detached chalet bungalow (reference: FUL/MAL/18/00751). The current application seeks to address the reasons for refusal listed below:-

“The proposal would by reason of its position, size, design and external appearance, cause demonstrable harm to the Non-Designated Heritage Asset and if approved would materially and adversely affect its local architectural and historic interest and significance. The development would also represent an intrusive development, out of character and appearance with the prevailing pattern of development in the locality. Its unsympathetic scale and form would not protect or enhance the natural or built environment. Therefore the proposal would be contrary to policies S1, S8, D1, D3, H4 and S8 of the Maldon District Local Development Plan, Maldon District Design Guide, and Government guidance contained within the National Planning Policy Framework”.

“Given the restrictive size of the amenity spaces proposed and the location of the proposed development, the proposal is considered to result in amenity spaces that would fail to be adequate in meeting the needs of future occupiers of the site, to the detriment of their amenity and standard of accommodation. The proposal would fail to accord with policies D1 of the Maldon District Local Development Plan, the Maldon District Design Guide and Government advice contained within the National Planning Policy Framework”.

3.2 Conclusion

- 3.2.1 The proposal would, by reason of its layout, size, design and external appearance, represent an incongruous development, out of character and appearance with the prevailing pattern of development in the locality. Its unsympathetic scale and form would not protect or enhance the natural or built environment. Further, the proposed bin store, by reason of its poor location, would not be conveniently located to encourage use by the future occupiers of the site. It is considered that the proposal would be contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (MDLDP), Maldon District Design Guide (MDDG), and Government guidance contained within the National Planning Policy Framework (NPPF).
- 3.2.2 The parking bays proposed would fail to accord with Policy T2 of the Local Development Plan (LDP) as the dimension of the bays falls short of the dimensions contained in the Vehicle Parking Standards 2018.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Achieving sustainable development
- 11 The presumption in favour of sustainable development
- 47-50 Delivering a sufficient supply of homes
- 102-105 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-128 Achieving well-designed places
- 189-192 Proposals affecting heritage assets

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG)
- Maldon District Car Parking Standards (SPD 2018)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The application site is outside the defined development boundary of Wickham Bishops, and therefore the development of this site would be contrary to Policy S8 of the LDP which is unequivocal in the purpose of directing development to within defined development boundaries. This approach is to protect the rural countryside from unnecessary development that should otherwise be located in existing settlements / urban areas.

5.1.2 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development includes Policy S8 (h) Rural Exception Sites for Affordable Housing in accordance with Policy H5, but not for open market housing or self-build houses.

- 5.1.3 As mentioned above, the application site lies outside the settlement of Wickham Bishops, and Policy S8 applies to this case. The principle of the proposed development would be contrary to the policies of the development plan and as such there is no policy justification to support the proposal that would result in a net increase of housing at this site.
- 5.1.4 Policy S8 should be read in connection with Policy S2. Policy S2 identifies the Council's housing supply to 2029. The Council's Five Year Housing Land Supply Report (published October 2018) demonstrates that there is a deliverable housing supply equivalent to 5.54 years. In order to future proof the Five Year Housing Land Supply, against the forthcoming publication of the Housing Delivery Test results (to be issued by the Ministry of Housing, Communities and Local Government, expected November 2018), a 20% buffer has been applied. Even with the 20% buffer, there is still more than five year's supply of housing land in the District. As there is a sufficient supply of housing land in the District, NPPF Paragraph 11d is not engaged.
- 5.1.5 The Council has noted that directly opposite the application site is 'Ravello', a house that has been constructed outside the development boundary of Wickham Bishops. This house was allowed on appeal (FUL/MAL/14/00441). To the north-west of Ravello is a site for the development of 14 houses. That site also lies outside the development boundary and was allowed on appeal (OUT/MAL/15/00267). These residential developments were allowed as they were considered before the approval of the LDP by the Secretary of State where the Council was not able to demonstrate a five year housing land supply.
- 5.1.6 While it is noted that the application site is considered to be in a sustainable location in terms of accessibility, the planning application has to be considered in the light of other Development Plan Policies, these include the design of development, its impact on the character and appearance of the area and the loss of a Non-Designated Heritage Asset. These considerations will be discussed in the officer report below.

5.2. Housing Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 61 of the NPPF where it requires local authorities '*to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals*' and to plan for houses needed including '*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)*'.
- 5.2.2 The proposal would provide six x two-bed dwellings and the retention of a part of the existing cottage. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom

units. Policy H2 therefore encourages the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.

- 5.2.3 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The Council considers that the residential scheme proposed in this application would be supported as it provides smaller units for the District in accordance with the SHMA. Therefore the proposal would make a positive contribution, albeit a small number, in respect of social sustainability.

5.3 History Background of the Site

- 5.3.1 Maltings Cottage and the adjoining historic structures are of local architectural and historic interest, as a valuable example of a late-Georgian rural maltings. The tallest part of the building, which originally functioned as the kiln, has a distinctive form with a half-hipped gambrel roof, and it is a particularly attractive element in the streetscene. The building exhibits quality materials, detailing and workmanship.
- 5.3.2 Having considered its local architectural and historic interest, the Conservation Officer was consulted for further advice. Same as the previous consultation response, the Conservation Officer has acknowledged that the building has been much altered, as a result of its conversion to a house early in the 20th century, by its extension in the 1970s and later by the insertion of uPVC windows. These alterations have diminished the building's significance to some degree. Nevertheless, it is considered that the building meets the adopted criteria for Maldon District Council's "Assets of Local Heritage Value" and it has been advised that the building possesses sufficient interest to be regarded as "Non-Designated Heritage Asset" for the purposes of Paragraph 197 of the NPPF. The building's heritage significance should therefore be taken into account in determining the application.
- 5.3.3 Paragraph 197 of the NPPF relates to designated and to Non-Designated Heritage Assets and states the effect of an application on the significance of a Non-Designated Heritage Assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect Non-Designated Heritage Assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.3.4 As the current proposal involves the conversion of the malting building instead of demolishing it and that other dwellings are positioned away from this Non-Designated Heritage Assets, it is considered that the development would have a lesser impact when compared to the previous planning application where the proposal was to demolish the malting building.
- 5.3.5 The Conservation Officer was consulted and has advised that the revised scheme would see the retention of the historic malting building. The proposal includes the removal of the cottage's large modern 1990s extension, which would improve the ability to read the heritage asset as a distinct structure. A courtyard of six semi-detached and modestly scaled cottages would be built to the rear of malting building. The Conservation Officer has recognise that the loss of the 1990s extension would be

a benefit, and that the scheme has some architectural merit, but some harm will be caused to the setting of the heritage asset as a result of the more intensive development of its setting. Therefore it is considered that the significance of the Non-Designated Heritage Asset would be “less than substantial”.

- 5.3.6 The harm of the development proposal must be weighed against the benefits of the proposal, including the loss of the unattractive 1990s extension, and any public benefits. In this instance, it is considered the harm caused would be moderate. The proposal would, on balance, accord with Policy D3 of the LDP and the NPPF.

5.4 Design and Impact on the Character of the Area

- 5.4.1 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.

- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2018). The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.4.3 The above principle is also set out 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
- 5.4.4 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 natural and built environment. This document is now a material consideration in the assessment of all planning applications.

- 5.4.5 The application site lies outside the defined development boundary of Wickham Bishops. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.4.6 The proposal is a resubmission following a recent refusal for the demolition of the existing house and the construction of six, two-bed dwellings in the form of terraced properties with a chalet style bungalow to the rear with associated parking and turning area (reference: FUL/MAL/18/00751). The current application seeks to demolish a 1990s extension which forms a part of the existing cottage, to convert the existing cottage (the malting building) into a two / three bed dwelling with associated off-street parking with a garden room extension and garden area which will be located almost central to the plot. To the south-east, south-west, and north-west, six x two bed dwellings are proposed in a courtyard arrangement.
- 5.4.7 In terms of the design and appearance of the development, the dwellings lack architectural quality. The elongated frontages, varied roof designs (i.e. asymmetric and gable ends of the new build and half hipped roof of the existing malting building) and varied heights appear incoherent when viewed in the street scene. While the built form of development in a courtyard arrangement could vaguely be argued as a rural / farmstead type development and connected to the existing malting building, it is considered that the development is out of keeping with its wider context when viewed next to existing dwellings on spacious and generous sized plots. Further, the type of dwellings proposed on this plot are not characteristic of dwellings that are commonly found along this part of Wickham Bishops and therefore would also be visually out of keeping in the area.
- 5.4.8 The use of external materials such as cladding would assist in alleviating and breaking up the elongated frontages of the built form. However, the use of the materials appears confusing and at odds with the overall development scheme particularly where vertical and horizontal claddings are proposed. The openings for windows, doors and on the roofs appear random and do not appear to have been carefully considered due to their sizes and positions on each building.
- 5.4.9 Section C13 of the MDDG states that *‘while it is important to ensure best use of land in an efficient and cost-effective manner, density should be appropriate to the location and respond to and/or enhance the character of the existing settlement and context. Typically, densities decrease the further from the centre of a settlement. Lower densities may be more appropriate in Agricultural or Arcadian settlements and edge of settlement sites’*. The development proposal appears at odd with the prevailing character and appearance of the area as it forms a courtyard arrangement which is not apparent in the locality. This type of site layout currently proposed is not found towards the south-east part of Maypole Road, outside the village envelope as

residential properties to the south-east of the village are on spacious plots and peters out as it becomes more rural in nature. The proposed dwellings on this plot also appears cramped and to some degree, overdeveloped when compared to the density of development in close proximity of this site, and therefore would not make a positive contribution to the character of the area.

- 5.4.10 The MDDG advises that *‘refuse and recycling bins should be carefully designed to create a sense of order and reduce litter and vandalism’*. It is noted that the communal bin store would be located to north side of Plot 1 and forms an enclosure to the private amenity space. Having considered the distance of the communal bin store and its location, it is not considered that the future occupiers of the site would be encouraged to use this facility as it is inconveniently tucked to the rear of Plot 1 next to main road. It is noted that the doors to the bin store opens outwards which would result in the future occupiers of the site stepping onto the green verge, close to the main road. Household waste could also be left outside the bin store which would have a visual impact in the street scene.
- 5.4.11 Having considered the above, it is considered that the proposal would fail to accord with policies S1, D1, S8 and H4 of the LDP, the MDDG and Government advice 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. This is supported by section C07 of the MDDG (2017).
- 5.5.2 In terms of loss of privacy and overlooking, it is noted that there are roof lights proposed on the rear elevations of Plots 1 and 2. The four large roof lights provide light to the living rooms at ground floor while the two smaller roof lights would serve en-suites at first floor level. Therefore it is not considered that these windows on Plots 1 and 2 would result in loss of amenity to the existing occupiers at ‘Green Lands’ to a degree to warrant refusal as this window could be obscure glazed should the application be approved. As the internal layout of the Plots 3, 4, 5 and 6 are identical to Plots 1 and 2, it is not considered that any loss of amenity would occur to the existing occupiers at ‘Quinneys’ to the south-west and ‘Wickham Lodge’ to the south-east.
- 5.5.3 No first floor windows are proposed on the flank wall of Plots 2, 3, 4, 5 and 6. As such, no loss of privacy or overlooking would occur to the existing occupiers at ‘Green Lands’, ‘Quinneys’ and ‘Wickham Lodge’. The proposal would therefore accord with Policy D1 of the LDP.
- 5.5.4 Having considered the distances between ‘Green Lands’ (19 metres away), ‘Quinneys’ (37 metres away) and ‘Wickham Lodge’ (13 metres away) it is not considered that the development proposal would result in loss of light or outlook to the existing occupiers of those properties to warrant refusal.

- 5.5.5 With regard to noise and disturbance, this would be only be for a short period of time during the construction of the development, and would be unreasonable to refuse the application on this basis.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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.
- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.6.3 Based on the Proposed Ground Floor Plan submitted (PL10) it shows that Plots 1 and 2 each benefit from 3 off-street parking spaces. Plots 3, 4, 5 and 6 each benefit from two off-street parking spaces. The conversion of the malting building would enable the provision of two-off-street parking. In the Maldon District Vehicle Parking Standards Supplementary Planning Document (2018), it stipulates that for two and three bed dwellings a minimum of two car parking spaces would be required to meet Policy T2. The proposal provides car parking in the form of car ports and a communal parking area within the centre of the development. The proposal would therefore accords with Policy T2 of the LDP.
- 5.6.4 The plan shows that each parking bay measures approximately 2.5 metres x 4.8 metres. This dimension would have accorded with the Vehicle Parking Standards 2006. However, the proposal does not accord with the current standards in the Vehicle Parking Standards 2018 where the requirement is 2.9 metres x 5.5 metres. The dimensions of the car ports proposed within the site measures 2.7 metres x 4.8 metres. These also fail to meet policy requirements where 3 metres x 7 metres is now required. The proposal would therefore fails in this respect.
- 5.6.5 In terms of access, a new pedestrian and vehicular access point would be created to serve the future occupiers of the site. The Highway Authority has assessed the

proposal and has raised no objection to the proposal subject to conditions should the application be granted.

5.7 Private Amenity Space and Landscaping

- 5.7.1 With regard to the size of amenity spaces, the council has adopted the Essex Design Guide (EDG) as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for 1-2 bedroom dwellings, at least 50m² of amenity space would be required. For dwellings that have 3 or more bedrooms, 100m² should be considered. This policy requirement is also reflected in Section C07 'residential outdoor amenity' of the MDDG. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.7.2 The private amenity spaces proposed for the six x two bed dwellings range between 50 and 84sqm. The garden area for the converted malting building would be approximately 75sqm. In this respect, the proposal would accord with Policy D1 of the LDP and Section C07 of the MDDG. It is noted that the garden sizes proposed have addressed the previous reason for refusal.

5.8 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy

- 5.8.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.8.2 Natural England anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses of Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.3 Prior to the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive

interest features of these coastal European designated sites, through increased recreational pressure.

- 5.8.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.8.6 To accord with Natural England's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? **Yes**

Does the planning application fall within the specified development types? **Yes – The proposal is for six x dwellings and to refurbish / extend the existing cottage (malting building)**

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? **No**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**

Summary of Appropriate Assessment

As a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England's interim advice is guidance only, it is not considered that mitigation would, in the form of a financial contribution, be necessary in this case.

Conclusion

Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

5.9 Other Considerations

- 5.9.1 The Environmental Health Service has assessed the proposal and raised no objection to the proposal providing conditions are imposed in relation to surface water and foul drainage details are submitted to and approved by the Council should the application be approved.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/04/01042** - Convert garage into habitable room, build new double garage. Approved on 08.11.2004
- **FUL/MAL/18/00751** - Demolition of existing house and redevelopment of the site to provide 4 No. end terrace two-storey two bed units, 2 No. mid terrace two-storey two bed units each with private amenity space, 2 No. car parking spaces each and storage unit. 1 No. chalet bungalow to rear of site with private amenity space and garage. Refused on: 28.08.2018

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Object: The proposal would harm the malting building; have an unacceptable intrusive urbanising effect; impact on neighbouring properties; out of scale and character with the prevailing pattern of development in the locality	Noted in the officer report.
Wickham Bishops Parish Council	<u>Approve:</u> Outside development boundary, but this has not prevented development. Development would not impact on the streetscene due to its courtyard arrangement but density is out of keeping with the neighbouring properties. The proposal would preserve the malting building.	Noted in the officer report.

Name of Parish / Town Council	Comment	Officer Response
	The smaller units would meet the Wickham Bishops Housing Survey Needs 2017.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection subject to conditions should the application be granted.	Noted in the officer report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No objections providing conditions are imposed regarding surface water and foul drainage to be submitted and approved.	Noted in the officer report.
Conservation Officer	It is advised that harm caused to the significance of the non-designated heritage asset would be “less than substantial”, and could be fairly described as moderate.	Noted in the officer report.

7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
<ul style="list-style-type: none"> • Increase in traffic and impact on Blue Mill Bridge. • Noise level increase during construction work. • New homes / estate development would ruin the character of the village. • The development is too dense and not in keeping with surrounding properties on spacious plots. 	Noted in the officer report. With regard to the increase traffic on Blue Mill Bridge, there is no evidence to suggest that the future occupiers of this site would have an impact on this bridge. It would therefore be unreasonable to refuse the proposal on this basis.

8. REASONS FOR REFUSAL

- 1 The proposal would by reason of the position, size, layout, design and external appearance of the proposed dwellings, represent an intrusive development, out of keeping with the character and appearance of the prevailing pattern of development in the locality. Its unsympathetic scale and form would not protect or enhance the natural or built environment. Further, the close proximity of the bin store next to Plot 1 and the main road would result in detrimental impact upon the future occupiers of that property. The location of the bin store would not be attractive for the future occupiers of the site. The proposal is therefore unacceptable and fails to accord with policies S1, S8, D1 and H4 of the MDLDP, MDDG, and Government guidance contained within the NPPF.
- 2 The proposed development would not be served by sufficient car parking of adequate size to comply with the Maldon District Vehicle Parking Standards 2018. The proposal would therefore be served by inadequate parking which would have the potential to cause unsafe parking, to the detriment of highway safety and contrary to Policy T2 of the MDLDP.