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

21 December 2018

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **MONDAY 7 JANUARY 2019 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 7 JANUARY 2019

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 12)

To confirm the Minutes of the meeting of the Committee held on 26 November 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/18/01191 - Land North Of Poplar Grove Chase, Great Totham, Essex**
(Pages 13 - 28)

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

6. **FUL/MAL/18/01201 - The Barn, Fambridge Road, Mundon, Essex, CM9 6NL**
(Pages 29 - 42)

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

7. **FUL/MAL/18/01255 and LBC/MAL/18/01256 - Ferry Boat Inn, Ferry Road, North Fambridge, Essex, CM3 6LR** (Pages 43 - 60)

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

8. **FUL/MAL/18/01362 - Wickham Barn, Station Road, Wickham Bishops, Essex, CM8 3JB** (Pages 61 - 72)

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

9. **FUL/MAL/18/01403 - Plainswood House, 25 Plains Road, Great Totham, Essex, CM9 8DT** (Pages 73 - 80)

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

10. **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 – 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES**Sound Recording of Meeting**

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

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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)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2015
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

ii) Essex County Council

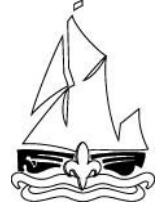
- Essex Design Guide 1997 (Note: superseded by Maldon Design Guide)
- Essex and Southend on Sea Replacement Waste Local Plan 2017

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2016 / 17
- Maldon Design Guide - 2017
- Central Maldon and Heybridge Masterplan - 2017
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement –2006
- Wickham Bishops Village Design Statement – 2010
- Althorne Village Design Statement - 2015
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

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

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
26 NOVEMBER 2018**

PRESENT

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

642. CHAIRMAN'S NOTICES

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

643. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M F L Durham, CC, J V Keys and A K M St Joseph.

644. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 29 October 2018 be approved and confirmed.

645. 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.

Councillor H M Bass declared a non-pecuniary interest in Agenda Item 6, FUL/MAL/18/01180 - Maltings Cottage, Maypole Road, Great Totham, Essex as he resides close to the property. Due to a personal interest, Councillor Bass advised that he would abstain from voting on this item.

646. FUL/MAL/18/01017 - LAND NORTH OF MAYPOLE HALL, MAYPOLE ROAD, GREAT TOTHAM

| | |
|---|---|
| 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 | The planning application is called in by Councillor J V Keyes on the grounds of public interest. |

Following the Officer's presentation, Mrs Clare Dobie, an Objector, addressed the Committee.

A discussion ensued with Members commenting on the siting of the annexe not meeting the Councils requirements due to its distance from the main dwelling. Furthermore, there were concerns around the impact of noise on residents and neighbours.

Members raised concern over the impact construction and future occupants could have on horses stabled at the Riding School. Equally it was acknowledged how noise generated by the Riding School could be a disturbance for future occupants.

The Development Management Team Leader acknowledged the possible impact on both parties and advised the Committee that the Environmental Health Team had not expressed concern over noise levels. It was also confirmed that the annex was situated on the same plot of land as the main dwelling and therefore could not be refused on the grounds of sustainability.

The Chairman put the Officer's recommendation of refusal to the Committee and upon a vote being taken this was agreed.

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

- 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.

647. FUL/MAL/18/01180 - MALTINGS COTTAGE, MAYPOLE ROAD, GREAT TOTHAM, ESSEX

| | |
|---|---|
| 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. |

Following the Officer's presentation, Ms Annabel Brown, the Agent addressed the Committee.

A discussion ensued where Members acknowledged that the application satisfied housing needs within the district and they welcomed development on this site. The Committee raised concern regarding the design, commenting on the number of properties and the limited parking.

The Chairman put the Officer's recommendation of refusal to the Committee and upon a vote being taken this was agreed.

RESOLVED that the application is **REFUSED** for the following reasons:

- 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.

There being no further items of business the Chairman closed the meeting at 8.13 pm.

MRS M E THOMPSON
CHAIRMAN

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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
7 JANUARY 2019**

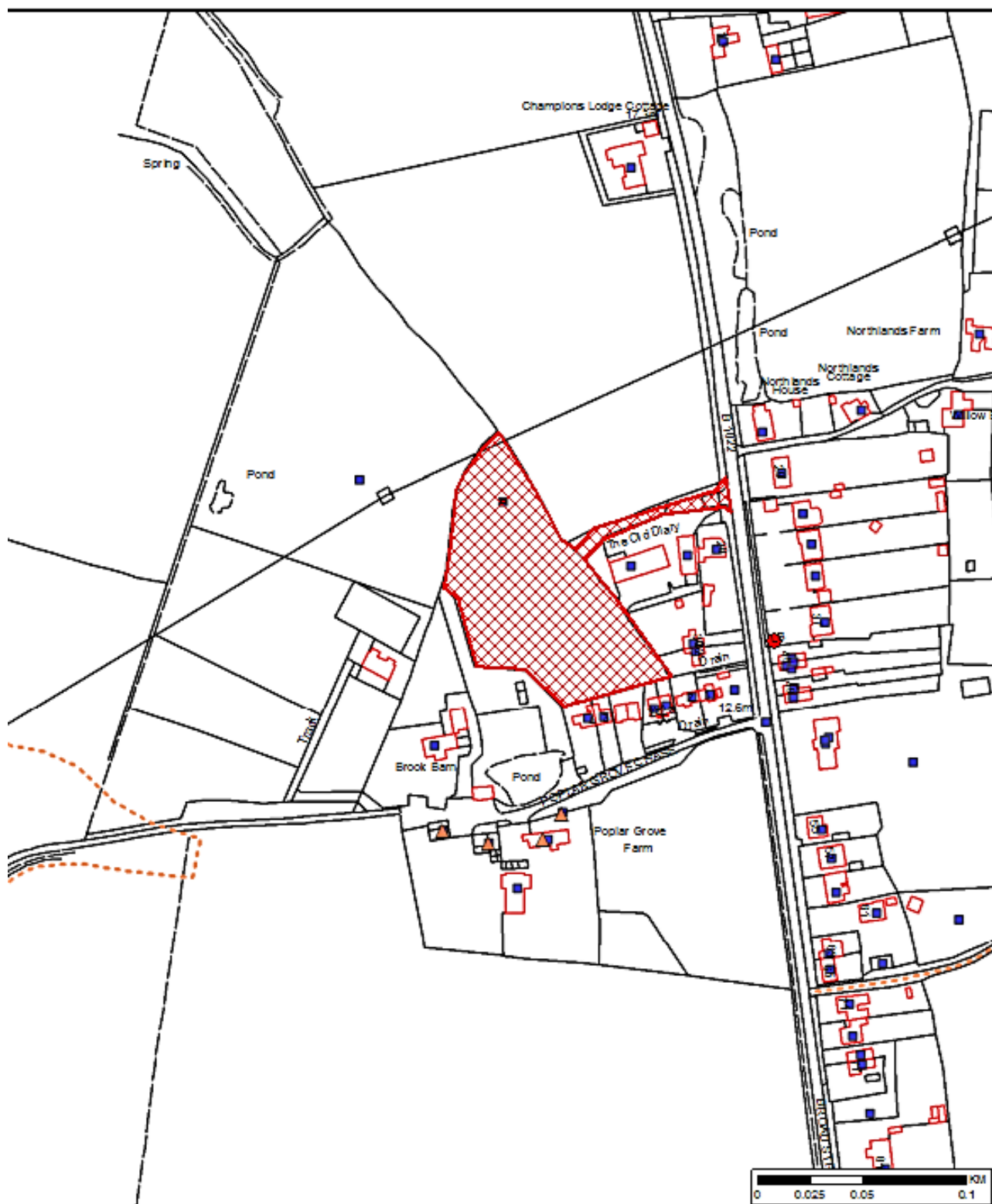
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|---|---|
| Application Number | FUL/MAL/18/01191 |
| Location | Land North of Poplar Grove Chase Great Totham Essex |
| Proposal | One exemplar custom-built dwelling |
| Applicant | Mr & Mrs Lawson |
| Agent | Stanfords - Peter Le Grys |
| Target Decision Date | 6 December 2018 |
| Case Officer | Yee Cheung |
| Parish | GREAT TOTHAM |
| Reason for Referral to the Committee / Council | The application has been called in by Cllr 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.



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 18/12/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the west of Broad Street Green Road it is an irregular shape and access will be taken through the former dairy which fronts onto Broad Street Green Road. The bulk of the site is located to the rear of a stretch of linear residential development which fronts Broad Street Green Road and Poplar Grove Chase and is currently used as pasture land for the grazing of donkeys. The eastern end of the site is occupied by an office building, an industrial building, and smaller outbuildings which are used for storage purposes and a catering equipment company. These buildings are accessed from the B1022 off Broad Street Green Road.
- 3.1.2 Planning permission was previously refused for the erection of one dwelling on this site FUL/MAL/16/00743. That application was appealed and was subsequently dismissed in April 2017 (reference: APP/X1545/W/16/3162966 dated 11 April 2017). The Planning Inspectorate had considered that the proposed dwelling would harm the character and appearance of the countryside and the loss of a building that could be used to provide employment opportunities on an undesignated employment site.
- 3.1.3 The current application is for the construction of an ‘exemplar custom-built dwelling’ on this plot. The principal building is in a linear form with two-storey projection to the east and a three-storey projection to the west.
- 3.1.4 The dwelling would measure approximately 43 metres in width (when measured at its widest point) and 36.1 metres in depth. The dwelling comprises of varying roof design and heights where they range at 5.6 metres, 8.6 metres, and 9.4 metres to ridge level.
- 3.1.5 At the lower ground floor of the dwelling, a lower terrace, gym, wine cellar, snug / tv room, and a games room, and a shower room are proposed. The ground floor comprise of a plant room, carport, garage, boots room, study / games room, drawing room, formal dining room, kitchen / living room / sun room, an orangery / potting shed, and two bedroom with a shared bathroom. At first floor level, three bedrooms (all with en-suite) and two dressing rooms are proposed. There are two stairwells and a lift for access between the floor levels.
- 3.1.6 It is proposed that the dwelling will be constructed using weatherboarding, clay plain roof tiles, red facing brickwork, and aluminium powder coated windows. In some places, green grass roof will be used in the development.

3.2 Conclusion

- 3.2.1 It is considered that the proposal, by reasons of its design, scale, bulk, height, and mass would introduce a substantial dwelling into the undeveloped countryside creating a sprawl that would be harmful to the character and appearance of the rural area, contrary to policies which seeks to focus development within identified settlement boundaries. The proposal would be contrary to policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework. Further, the design of the proposal is not considered to meet the high standards required under Paragraph 79 of

the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Achieving sustainable development
- 11 The presumption in favour of sustainable development
- 59-76 Delivering a sufficient supply of homes
- 77-79 Rural housing
- 102-105 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-128 Achieving well-designed places

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
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF 2018)
- Maldon District Design Guide SPD 2017
- Maldon District Vehicle Parking Standards SPD 2018
- Planning Practice Guidance (PPG)

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 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. Therefore, in the absence of special circumstances, there is no justification for locating a new dwelling on a site where housing development would not normally be permitted.
- 5.1.3 The application site lies outside of the defined settlement boundaries of Heybridge and Great Totham (South). There is sporadic residential development close to the site to the south on Poplar Grove Chase, with a continuous ribbon development to the east side of Broad Street Green Road. Whilst the site lies outside the defined settlement boundaries of Heybridge and Great Totham (South), it is noted that bus services are available close by with shopping and community facilities in nearby Great Totham and Heybridge. The development site is therefore considered to be moderately sustainable in terms of accessibility in accordance with Policies T1 and T2 of the Local Development Plan; and Government guidance contained in The National Planning Policy Framework where it seeks to promote sustainable travel choice for the future occupiers of the site. This view was also supported by the Planning Inspectorate on an appeal decision APP/X1545/W/14/3001153 dated 8 April 2015 on land adjacent to 2 Poplar Grove Chase which lies approximately 110 metres to the south of the application site. Therefore the site is considered to be reasonably sustainable location in terms of accessibility.
- 5.1.4 However, accessibility is not the only aspect of sustainability and in this regard it is considered that the environmental impact of development, particularly in terms of its visual impact outweighs all other considerations and as such the proposal is not considered to represent sustainable development. This will be fully discussed below.
- 5.1.5 In relation to the above, it is noted that the applicant is attempting to utilise an exception that exists within the NPPF which might allow for residential development outside of a settlement. Paragraph 79 of the NPPF states that *“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply.... e) the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”* For reasons that are to be discussed fully in section 5.3 below, it is considered that this exception does not apply as the dwelling is not of exceptional quality as it is not truly outstanding or innovative and would not

break new ground in terms of architecture or sustainability. Furthermore, the development would not enhance the immediate setting.

- 5.1.6 In the previous planning application FUL/MAL/16/00743 for the erection of a dwelling on this site which was subsequently dismissed on appeal by the Planning Inspectorate, the proposal required the demolition of the existing employment building and the construction of a new driveway to access the dwelling. This was not accepted as that proposal would have resulted in the *'loss of a building that could be used to provide employment opportunities and would significantly reduce the amount of land available for employment uses on an undesignated site'*. The current proposal would utilise the existing driveway to the Applicant's business and to the rear of the site to the new dwelling. Therefore the loss of employment would not be applicable to this case.
- 5.1.7 The other issues to consider when determining this application are the design of the development and its effects on the character and appearance of the rural area which will be discussed in the 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 seeks to construct one, five bedroom house. 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 Strategic Housing Market Assessment (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 principle of development would not be acceptable. The Council considers that the residential scheme proposed in this application would fail to provide smaller units for the District in accordance with the SHMA, contrary to the aforementioned policy. It is considered that the benefits of the scheme are minimal and would have limited contribution in terms of sustainability in this regard.

5.3 Design and Impact on the Character of the Area

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (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”.

5.3.3 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

5.3.4 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide (MDDG) which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout 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.

5.3.5 The Maldon District, outside of the defined settlement boundaries is predominantly rural in nature and the provision of a large, part two and three storey detached dwelling, an extensive amenity space, and hard and soft landscaping on the site would urbanise the site to the significant detriment of the character of the area.

- 5.3.6 The application site lies to the rear of an area occupied by an industrial style building (Use Class B1) on the west side of Broad Street Green Road. Most of the site is an open field immediately to the north of houses in Poplar Grove Chase which is used as a paddock for the grazing of donkeys. The site therefore makes a contribution to the rural character of the locality and is not considered to be in need of enhancement. Access to the proposed dwelling would be via the existing junction with Broad Street Green Road and through the site which is owned and operated by the Applicant.
- 5.3.7 The application site lies outside the defined development boundaries of Great Totham and Heybridge. In terms of landscape character, the site is identified in Section B03 in the Maldon District Design Guide as ‘Lower Chelmer River Valley (A7) and Wooded Farmland Landscapes (F3). The area is characterised by large fields in predominantly flat landscape with only slightly undulating arable fields and some woodland. There are views through gaps in roadside and field boundaries, so the few scattered buildings to the north and west of the site are visible within this sensitive, open landscape. The proposal would be to the rear of existing development on Broad Street Green Road and Poplar Grove Chase. It would therefore be unrelated to any of the existing ribbon development along the road where the houses have a direct relationship with the street.
- 5.3.8 The Planning Inspectorate did not describe the site as remote, but deemed that the proposal would represent an isolated development that would result in a material incursion of built form into the open and undeveloped countryside. Although the proposed dwelling would not be especially visible from the public realm its height, bulk and substantial width, but it is likely that glimpse of the dwelling through the deciduous trees would be seen in long southerly views along Broad Street Green Road. The development would therefore appear intrusive in the surrounding landscape. It would also be highly prominent from the rear of the homes in Poplar Grove Chase. The location would not only be harmful to the appearance of the countryside but also contrary to the Council’s spatial strategy of focusing new development within settlement boundaries.
- 5.3.9 The Council has considered the Landscape Appraisal prepared by Lucy Batchelor-Wylam dated August 2018 where it comments that “*the settlement at Broad Street Green is set to change markedly if the planned North Heybridge Garden Suburb were to take place....*”. The North Heybridge Garden Suburb development and its close proximity to the application site are noted. However, it is important to note that between the application and the North Heybridge Garden Suburb is a large area of open space and landscape. The purpose of this open space / landscape is to avoid coalescence with the outer lying settlement pattern and not to conflict with the existing rural character and appearance of the surroundings including the existing landscape character. Therefore the proposed development would not integrate with this development to the south of the site to justify approval of this application.
- 5.3.10 In terms of design and appearance, the Applicant has considered the dwelling to be an ‘exemplar’ dwelling. The dwelling would be part two and three storeys in height. It is acknowledged that part of the dwelling would be sunk into the ground which means that the dwelling, when viewed in the distance, would appear as a two-storey dwelling house. The dwelling comprising of full length glazing, varying roof heights, and designs, green grass roof, and louvres is of some architectural merit, but is not

considered to be truly outstanding or innovative to outweigh the harm. In terms of design and sustainability, the use of a ground source heat pump, biomass boiler, using local traditional forms and materials is a consideration in all development proposals in accordance with Policies D1 and D2 of the LDP. With regard to the orientation of windows for solar gain, such design is not a new innovation nor is brise soleil / external louvres to reduce heat gain by deflecting sunlight.

- 5.3.11 The NPPF 2018 (Paragraph 79) advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances listed apply. This includes that the dwelling is of exceptional quality, in that it: *‘is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area’*.
- 5.3.12 It is important to note that the design requirements are for ‘truly outstanding’ or ‘innovative’, ‘reflecting the highest standard of architecture’. These requirements are for above and beyond a development being attractive or of a good design.
- 5.3.13 It is not expressively clear within the Applicant’s submission as to why it is considered that the proposed dwelling should be considered as to be of such a high standard as to be considered to fall within Paragraph 79 of the NPPF. The dwelling appears to contain a number of inconsistent additions and alterations. Furthermore, the proposed development is considered to contain a number of unresolved design elements including the poor roof design, relationship between the two and single-storey elements, the fenestration choice, and palette of materials. Therefore the proposal is not considered to be either outstanding, innovative, or reflect the highest standards in architecture.
- 5.3.14 In this instance it is not considered that the features employed in the design of the dwelling or the circumstances are exceptional to merit approval. The proposal if approved will noticeably change the character of the area through residential development and associated domestic paraphernalia for car parking and private amenity area, thereby not enhancing the setting either. The development would greatly increase the adverse visual impact of this stretch of modest built development, thus detracting from the intrinsic beauty of the countryside and harming the character and appearance of the rural area. It would also result in the urban sprawl of the built form into the countryside on land that at present is rural in nature.
- 5.3.15 The Urban Design Officer has assessed the proposal and is not convinced that the proposal is outstanding or innovative promoting high levels of sustainability or raising the standard of design for the area. The proposal would therefore fail to accord with Policies S1, S2, S8, D1, and H4 of the LDP and Government advice contained in the NPPF.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).

- 5.4.2 The submitted floor plans show that the land will be excavated to allow lower ground floor to be constructed. While there are full length glazing proposed to serve the gym and the snug / tv / games room, these openings will be screened by the retaining earth and therefore would not impact on the amenity of neighbouring residential properties. At ground floor where there are full length glazing on all elevations, it is not considered that the development would impinge or result in a loss of privacy or overlooking particularly to existing residential properties to the south and south west of the site along Poplar Grove Chase, this is especially true having regard to the separation distances of 30 and 40 metres.
- 5.4.3 The first floor windows to the south and south west of the building serving the bedrooms and stairwells would be approximately 50 and 60 metres away from existing occupiers at Poplar Grove Chase. It is considered that the distance coupled by proposed landscaping around the shared boundaries could mitigate the potential of overlooking and loss of privacy.
- 5.4.4 Having considered the position of the dwelling within the plot and its relationship with neighbouring residential properties, it is not considered that the development would have an adverse impact on the occupiers of those properties to warrant refusal. Therefore the proposal would accord with Policy D1 of the LDP in this respect.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 In the Vehicle Parking Standards, it states that for a dwelling with four or more bedrooms, a minimum of three parking spaces would be required. In the submitted plans, it shows that the dwelling to have two carports and a garage. Further, there will

be a large area of hardstanding to the front of the carports and a garage to accommodate further vehicles. In this respect, the proposal would accord with Policies T2 and D1 of the LDP.

- 5.5.4 The Highway Authority has assessed the application and raises no objection subject to conditions and informative being imposed should the application be approved. The conditions recommended relates to the use of unbound surface materials, preventing surface water from flowing onto the highway, and the loading / unloading / reception and storage of building materials and manoeuvring of all vehicles to avoid obstruction to the highway during construction period. Having considered the scale and nature of the site, and the location where the dwelling will be positioned, it is not considered that the conditions recommended by the Highway Authority would be relevant to this case.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon District Design Guide SPD (MDDG) advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms.
- 5.6.2 Based on the Site Plan submitted (Drawing No: PA 02 Rev D), it shows that the private amenity to be approximately 3820sqm. This exceeds policy requirement and meets Policy D1 of the LDP. On this plan, it also shows a basic diagram of trees to be retained and new trees / hedgerow to be planted. This does not show the number or the species of planting to be introduced on site. A planning condition for landscaping would be necessary to minimise the visual impact of the development should the application be approved.

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS

- 5.7.1 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.
- 5.7.2 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), 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.

- 5.7.3 Prior to the 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.
- 5.7.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (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.
- 5.7.5 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 Habitats Regulations Assessment (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.
- 5.7.6 To accord with Natural England’s requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (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 the construction of a five bed house**

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.

5.8 Other Considerations

- 5.8.1 It is noted that a letter of representation has been received in support of the application. The planning merits contained in the letter have been considered. It is considered that the benefits arising from this proposal would not outweigh the environmental harm the development would cause to the rural area.

6 ANY RELEVANT SITE HISTORY

- **FLUF/MAL/91/00293** - Closure of existing vehicular access and formation of new access. Approved: 04.06.1991
- **FUL/MAL/09/00532** - Change of use from Milk Depot to employment and light industrial (B1). Extensions and alterations to existing building. Approved: 17.08.2009
- **HOUSE/MAL/13/00292** - Erection of a timber framed single storey garage. Approved: 18.06.2013
- **COUPA/MAL/14/00554** - Conversion of office to residential units. Refused: 06.08.2014
- **FUL/MAL/15/01200** - Replace existing B1 industrial building with proposed children's day nursery and one dwelling. Refused: 26.01.2016. Appeal dismissed: 11 April 2017 (reference: APP/X1545/W/16/3154913)
- **FUL/MAL/16/00743** – One dwelling. Refused: 25.08.2016. Appeal dismissed: 11 April 2017 (reference: APP/X1545/W/16/3162966)
- **FUL/MAL/16/01231** – Extension to office building to form an attached live/work unit. Refused: 12.07.2017. Appeal dismissed: 11.08.2017
- **FUL/MAL/17/01272** - Extension to office building to form an attached live/work unit. Refused: 07.03.2018. Appeal in Progress

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: 1) Outside the development boundary 2) Backland development | Noted |

| Name of Parish / Town Council | Comment | Officer Response |
|-------------------------------|---|------------------|
| | 3) Excessive in scale, form and mass 4) Out of character with the surrounding area | |

7.2 Statutory Consultees and Other Organisations

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|------------------|
| Highway Authority | No objection subject to conditions and informative being imposed should the application be approved | Noted |

7.3 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|------------------------------|--|------------------------------|
| Environmental Health Service | No objection subject to conditions and informatives being imposed should the application be approved | Noted |
| Urban Design Officer | Not convinced that the proposal is outstanding or innovative promoting high levels of sustainability or raising the standard of design for the area. | Noted in the officer report. |

7.4 Representations received from Interested Parties

- 7.4.1 2 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"> Absurd domestic dwelling at the same location as the one previously refused An approval would have fundamentally altered the style and appearance of Poplar Grove Chase Note that there have been several applications on this site that have been refused / dismissed by the Planning Inspectorate | Noted in the officer report |

7.4.2 1 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

| Supporting Comment | Officer Response |
|--|-----------------------------|
| <ul style="list-style-type: none">• Vast improvement to the site• Enhance the outlook from No. 32 Broad Street Green• It is positioned far away and avoid impact to surrounding properties | Noted in the officer report |

8 **REASONS FOR REFUSAL**

- 1 The proposed development is not considered to be a truly outstanding or innovative design and therefore does not meet the requirement of Paragraph 79 of the National Planning Policy Framework. The dwelling, by virtue of its location, scale, bulk and unsympathetic design, would be a visually prominent, intrusive and discordant feature within the street scene and the wider locality to the detriment of the openness of the countryside, causing unacceptable harm to the character and appearance of the rural landscape. In addition, the position of the dwelling would be out of character with the prevailing pattern of development in the locality which would have a serious and adverse effect on the visual amenity of the wider rural area failing to provide any visual enhancement to the landscape. The proposal would therefore fail to accord with Policies S1, S2, S8, D1 and H4 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.

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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
7 JANUARY 2019**

| | |
|---|--|
| Application Number | FUL/MAL/18/01201 |
| Location | The Barn, Fambridge Road, Mundon |
| Proposal | Proposed single storey office extension and attached storage building with associated hardstanding and vehicle parking |
| Applicant | Mr. Ian Corcoran - I.D. Corcoran Ltd |
| Agent | Mr. Anthony Cussen - Cussen Construction Consultants |
| Target Decision Date | 08.01.2019 |
| Case Officer | Emma Worby |
| Parish | GREAT TOTHAM |
| Reason for Referral to the Committee / Council | Member Call In – Councillor Miss S White (public interest) |

1. RECOMMENDATION

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


2. SITE MAP

Please see overleaf.

18/01201/FUL

The Barn, Farnbridge Road, Mundon



| | | |
|--|---------------|-------------------------|
|  <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> | Scale: | 12,000 |
| | Organisation: | Maldon District Council |
| | Department: | Department |
| | Comments: | |
| | Date: | 12/12/2018 |
| | MSA Number: | 100018588 |
| www.maldon.gov.uk | | |

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the eastern side of Fambridge Road outside of any defined settlement boundaries. The site is occupied by a single storey detached building which was previously a barn that has since been converted to commercial premises with a B1 use with some storage. The building is set back from the road to the rear of the site and is accessed by a centrally located driveway which runs through the site to a car parking area located in the south east corner of the site. There are residential properties to the north and south of the site, an agricultural field to the east and Fambridge Road to the west.
- 3.1.2 Planning permission is sought for a single storey extension to the north of the existing building to accommodate further office and storage space. The existing flat roof store room to the north of the main office will be demolished to allow for the proposed development. The proposed extension would comprise of an office extension consisting of a reception room, WCs and an open office. This section would have a width of 11.4 metres, a depth of 9.5 metres and a height of 4.5 metres with a glazed wall on the western (front) elevation and four windows and patio style doors on the rear elevation. Adjoined to the northern elevation of the office section of the extension would be three individual storage rooms with three timber doors on the western elevation. This section would have a width of 18.4 metres, a depth of 8.1 metres and a height of 4.3 metres. The entire extension would have a red brick plinth, dark stained weatherboard walls and a composite slate roof.
- 3.1.3 The proposal includes a new gravel surface between the driveway and the front elevation of the proposed extension including parking spaces for six vehicles and block paving directly to the north, east and west of the proposed extension. A copper beech hedgerow would be located around the proposed car parking spaces.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its location, scale and design would not harm the appearance, character of the locality and, due to their relationship with the adjoining properties, the proposed development is not considered to result in any undue harm by way of overlooking or loss of amenity. It is therefore considered that the proposed development is in accordance with policies D1, S1, S8 and E1 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 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development

- 38 Decision-making
- 47-50 Determining applications
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- E1 Employment
- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of extending buildings in association with existing businesses and employment sites is generally considered acceptable. Policy S8 of the LDP sets out aim to protect the intrinsic character and beauty of the countryside. This states that outside of defined settlement boundaries, the Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of thirteen types of development including ‘employment generating proposals, in accordance with Policy E1’.

The impact of the proposed development on the intrinsic character and beauty of the countryside has been assessed in section 5.3 of this report.

- 5.1.2 Policy E1 (employment) of the LDP states that:

‘The Council will encourage employment generating development and investment in the District to support the long term growth vision outlined in the Council’s Economic Prosperity Strategy (EPS).’ With ‘this will be achieved through the regeneration, modernisation and expansion of existing employment sites.’

Although this site is not an employment site highlighted within the policy, the proposal states that the proposed extension would create an additional six jobs at the existing employment site and therefore it would be considered in accordance with policy E1 of the LDP.

- 5.1.3 The application is supported by a planning statement which justifies the need for the proposed office extension and storage units, highlighting the following points:
- The applicant requires extra office space and storage to enable and sustain the impetus of the economic growth of enterprise.
 - Provision of the extra office space would enable the employment of a further 6 full time staff and cope with company growth for the foreseeable future.
 - The provision of additional secure storage facilities is required for the storage of expensive technical tools and equipment which are used in the execution of the applicant's day to day business. Currently such items are being stored on the site in buildings which amount to little more than sheds.

This justification is considered to be appropriate grounds to support the proposal as it meets the abovementioned criteria and therefore it is considered that the proposed development would be in accordance with policy E1 of the approved LDP.

- 5.1.4 The current use of the site is considered to be a business use falling within Use Class B1. It is noted that the application does include both additional office space and some additional storage space which could be considered B8 (storage and distribution) use. However the application does not specify a change of use of the site and it is not unusual for a B1 use to contain some ancillary storage. Therefore, it is considered that the primary use of the site would still fall within Use Class B1 use. Therefore a change of use application is not considered to be necessary in this instance.

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5 The proposed development would be adjoined to the north of the existing building on the application site and would be located 55 metres from the western boundary of the site with Fambridge Road. The proposed site plan indicates that a copper beech tree hedgerow would be planted adjacent to the proposed car parking spaces which would sit between the proposed extension and Fambridge Road. Therefore the view of the proposed development would be limited from the public realm.
- 5.2.6 The proposed extension would result in an additional footprint of 200m² and would have a maximum height of 4.5 metres which would match that of the existing building. The proposed extension would be larger than the existing building and therefore would be a relatively dominant addition. However, the barn-like design would suit the rural environment and the existing converted building and the proposed materials would match that of the existing building and are considered to be well suited to the countryside location. The application site is large in size and the proposed development would be located to the rear of the site, furthest from the road, which is considered to reduce any impacts on the streetscene. Due to the spacious nature of the site, the proposed extension would not be considered a cramped or contrived addition to the site.
- 5.2.7 The proposal includes some additional hardstanding to the west of the proposed extension for car parking which is to be constructed of a gravel surface. With a paved area around the west, north and east elevations of the proposed extension. The paved area is minimal and is not considered to result in an urbanisation of the application site and the gravel parking area is considered to be a suitable material to accommodate parking in a rural environment.
- 5.2.8 Therefore, it is considered that the development, by reasons of its scale, design and appearance would not result in a demonstrable harm to the character and appearance of the existing building and the intrinsic character and beauty of the countryside in accordance with policies D1, S8 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 Maldon District Design Guide (2017).
- 5.3.2 The application site has two neighbouring properties, Ashlea, Fambridge Road to the north and Redoaks Farm, Fambridge Road to the south.
- 5.3.3 The proposed development would be 2.7 metres from the boundary with Ashlea and would be approximately 37 metres from the dwelling at this neighbouring property. Due to this distance and the single storey nature of the proposed development, it is not considered that the extension would have an overbearing impact on this neighbouring property. Furthermore, no windows are proposed which would directly face the dwelling or the private amenity space of Ashlea and therefore it is not considered that the proposed development would significantly overlook this neighbouring property.
- 5.3.4 The proposed development would be 34 metres from the boundary with Redoaks Farm and the existing building would sit between this boundary and the proposed development. As the view of the extension would be largely blocked by the existing building and due to the separation distance, it is not considered that the proposed development would have an impact on this neighbouring property by way of loss of light or loss of privacy.
- 5.3.5 On consultation, the Council's Environmental Health team requested that a noise impact assessment was submitted to demonstrate the impact of noise from the increased activity on the site on the neighbouring amenity. This was completed by dB Consultation Ltd on 30/11/2018 and made a number of recommendations to limit the impact of noise. These included limiting the speed of vehicles on the site, limiting the times the store rooms can be accessed and staff can use the site and erecting signs to request that noise is kept to a minimum. On receipt of this report, the Environmental Health team confirmed that they have no objections to the proposal subject to the inclusion of eight conditions. The conditions recommended to mitigate the impact on the neighbouring amenity include restricted operational hours, restricted delivery hours, use of machinery, external storage, extraction and ventilation and illumination of the site.
- 5.3.6 It is noted that Environmental Health have recommended the hours of use to be between 08:00 hours and 17:30 hours on weekdays, between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays. However under the existing permission, FUL/MAL/17/00015, Condition 5 states the premises shall only be occupied from between 08:00 hours until 19:00 hours on Mondays to Saturdays and not at any time on Sunday and Bank Holidays. It is not considered reasonable or necessary to alter the hours of use condition under this application, and therefore the condition regarding the hours of use will remain in line with the existing permission.

- 5.3.7 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 proposed development includes an additional six car parking spaces on the site to serve the proposed six additional employees. This parking area would be located to the west of the proposed extension and would join the existing access from Fambridge Road. The Maldon District Vehicle Parking Standards SPD states that offices B1 (a) use should provide 1 space per 20sqm. The total office space would result in a floor area of approximately 260m² which would therefore need a minimum of 13 car parking spaces. Including the additional six spaces proposed the site would have a total of 18 car parking spaces, including two disabled car parking bays, and therefore would be in accordance with the requirement.
- 5.4.4 The Highways Authority was consulted on the proposed development and has no objections. No new access points are proposed onto Fambridge Road.

5.5 Other Material Considerations

- 5.5.1 The Environmental Health team has also recommended conditions regarding a scheme for surface water drainage and foul water drainage, which are considered to be reasonable and necessary and therefore have been included.
- 5.5.2 The Economic Development team has not objected to the proposed development and has stated that it would support the expansion of the business. No conditions have been requested.

6. ANY RELEVANT SITE HISTORY

- **LDE/MAL/10/00891** - Lawful Development Certificate for the change of use of a barn to residential – Refused
- **FUL/MAL/11/00896** - Change of use of barn building to residential C3, with curtilage land – Refused and dismissed at appeal
- **COUPA/MAL/14/00514** - Prior notification of a proposed change of use from agricultural barn to class B1 to use as offices – Prior approval refused

- **FUL/MAL/14/00801** - The change of use of the agricultural barn to Class B1 use offices. Associated parking and utilisation of existing access onto Fambridge Road – Refused
- **FUL/MAL/15/00050** - Change of use of barn to B1 offices (resubmission of FUL/MAL/14/00801) – Approved
- **FUL/MAL/15/00700** - Conversion of the barn to residential use to create new dwelling, curtilage and parking and enhancements to site including biodiversity/landscaping improvements – Refused and dismissed at appeal
- **FUL/MAL/17/00015** - Variation of condition 3 and condition 5 on approved planning permission FUL/MAL/15/00050 (Change of use of barn to B1 offices - resubmission of FUL/MAL/14/00801) – 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 | The Parish Council believes that the proposed development is sustainable and does not conflict with Policies contained within the Maldon District Local Development Plan 2014 - 2029. | Comments noted |

7.2 **Statutory Consultees and Other Organisations**

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|----------------|-------------------------|
| Highways Authority | No objections | Comments noted |

7.3 **Internal Consultees**

| Name of Internal Consultee | Comment | Officer Response |
|---------------------------------------|--|---|
| Environmental Health (first response) | There is no information about how the business operation will change on site as a result of the development. Currently with permission for B1 office use, it can operate in proximity to residential development with little adverse impact. However, there will be an increase in vehicle movements due to an increased number of staff, but there will also presumably be work vehicles arriving to load | Comments noted and a noise impact assessment was requested from the applicant's agent |

| Name of Internal Consultee | Comment | Officer Response |
|---|--|--|
| | and unload equipment. This hasn't been quantified. Increased activity on site and particularly on the northern boundary including the loading and unloading of equipment onto vehicles may affect the amenity of those living locally and we will need further information in the form of a noise impact assessment before we can comment further. | |
| Environmental Health (second response) | I write further to the receipt of the noise impact assessment. The report states that the existing use of the site is predominately for office work, storage of office supplies, PPE, hand held equipment and spare materials with the purpose of the proposed development to increase office staff capacity for administration and management purposes and to expand the indoor storage space so materials currently stored outside can be stored inside. I understand from the report that there is no intention to increase deliveries or the loading and unloading of vans or other materials. Therefore, I have no objections to the proposal subject to the inclusion of 8 conditions. | Comments noted and 7 recommended conditions are included. However the hours of use condition will remain in line with the existing permission. See section 5.3.6. |
| Economic Development | Recommend the proposal as it will enable an already established business to fulfill its expansion requirements on their existing site which will also create a further 6 jobs | Comments noted |

7.4 Representations received from Interested Parties

- 7.4.1 1 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 |
|--|---|
| - Very distressed by the Parish Councils response and presumed | The view of the Parish Council has been noted and will be taking into |

| Objection Comment | Officer Response |
|--|---|
| that Maldon have ripped up the rule book regarding the development of green belt land | consideration within the assessment. It is noted that the application site is not located on green belt land. |
| - Object to granting consent for the barn to be turned into an enlarged complex or residential property | Comments noted. The application does not include any residential properties and therefore this cannot be considered |
| - The site was previously had a barn and an equestrian use | Comments noted |
| - Expanding the property will mar the lifestyle of the neighbouring properties | This is not a planning consideration |
| - It is outside of the defined settlement boundary in a rural area and is not suitable for expanded office or residential purposes | Discussed within section 5.1 |
| - No need for an additional unit of expanded office or residential accommodation in this setting | Discussed within section 5.1. The application does not include any residential properties and therefore this cannot be considered |
| - The expansion of the use of the barn will introduce domestic activities into a rural setting and increase pressure on services | The application does not include any residential properties and therefore this cannot be considered |
| - The barn does not accord with design principles | Discussed within section 5.2 |
| - Experiencing more noise disruption | Discussed within section 5.3 |

The main points raised in this letter of representation regarding planning matters have been addressed above. Details were also submitted within this letter with regard to the history of the site and previous applications. The relevant planning history of the site has been noted in section 6 of this report. Any other details of site history and ownership are not considered to be relevant to this application. The letter of representation also includes details of the barn being used as a dwelling and of an enforcement appeal decision in relation to the use of the barn as a dwelling. However the application being assessed within this report is in regards to the lawful office use of the building and therefore any history regarding residential uses is given little weight in this assessment.

- 7.4.2 1 letters 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 |
|--|--|
| <ul style="list-style-type: none">- The works are a minor addition to the overall site- The extension is in keeping with the rest of the site and surrounding area- The site is adjacent to the busy industrial yard which has extensive working hours and vehicle movements which causes no nuisance to surrounding properties- The extension would support a rural business | Comments noted and discussed within the report |

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1131/01, 1131/02, 1131/05, 1131/04, 1131/03, 1131/07, 1131.06, Noise Impact Assessment.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development works above ground level shall take place until details of the surface water drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).You are advised that in order to satisfy the soakaway condition the following details will be required: - details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To comply with policy D5 of the Maldon District Local Development Plan.

- 5 All foul sewage shall discharge to the public sewer as specified in the application form, unless otherwise agreed in writing by the Local Planning Authority.

REASON To comply with policy D5 of the Maldon District Local Development Plan.

- 6 The premises shall only be occupied between 08:00 hours and 19:00 hours on Mondays to Saturdays, and shall be closed Sundays and Public Holidays. No persons shall be present upon the premises outside the permitted hours.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 7 Deliveries to and collections from the site shall only be undertaken between 08:00 hours and 17:30 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 8 No machinery shall be operated and no process shall be undertaken outside of the building.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 9 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 10 No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

REASON In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policy D1 of the Maldon District Local Development Plan.

- 11 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be retained as such thereafter.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

INFORMATIVES

- 1 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.

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

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

- 3 It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
7 JANUARY 2019**

| | |
|---|--|
| Application Number | FUL/MAL/18/01255 |
| Location | The Ferry Boat Inn, Ferry Road, North Fambridge |
| Proposal | Demolition of existing conservatory and erection of new south bar/restaurant wing, kitchen extension to rear (east), demolition of existing north-west single-storey extension and internal alterations to existing inn, reorganisation of existing car park to west and modifications to car park access, creation of new patio and other paved areas |
| Applicant | Mr. Dylan Kalis - Yacht Havens Group |
| Agent | Mr. Chris Hewitt - 2C Design Consultants |
| Target Decision Date | 11.12.2018 |
| Case Officer | Emma Worby |
| Parish | TOLLESHUNT D'ARCY |
| Reason for Referral to the Committee / Council | Member Call In – Councillor Miss S White (public interest) |

| | |
|---|--|
| Application Number | FUL/MAL/18/01256 |
| Location | The Ferry Boat Inn, Ferry Road, North Fambridge |
| Proposal | Demolition of existing conservatory and erection of new south bar/restaurant wing, kitchen extension to rear (east), demolition of existing north-west single-storey extension and internal alterations to existing inn, reorganisation of existing car park to west and modifications to car park access, creation of new patio and other paved areas |
| Applicant | Mr. Dylan Kalis - Yacht Havens Group |
| Agent | Mr. Chris Hewitt - 2C Design Consultants |
| Target Decision Date | 11.12.2018 |
| Case Officer | Emma Worby |
| Parish | TOLLESHUNT D'ARCY |
| Reason for Referral to the Committee / Council | Member Call In – Councillor Miss S White (public interest) |

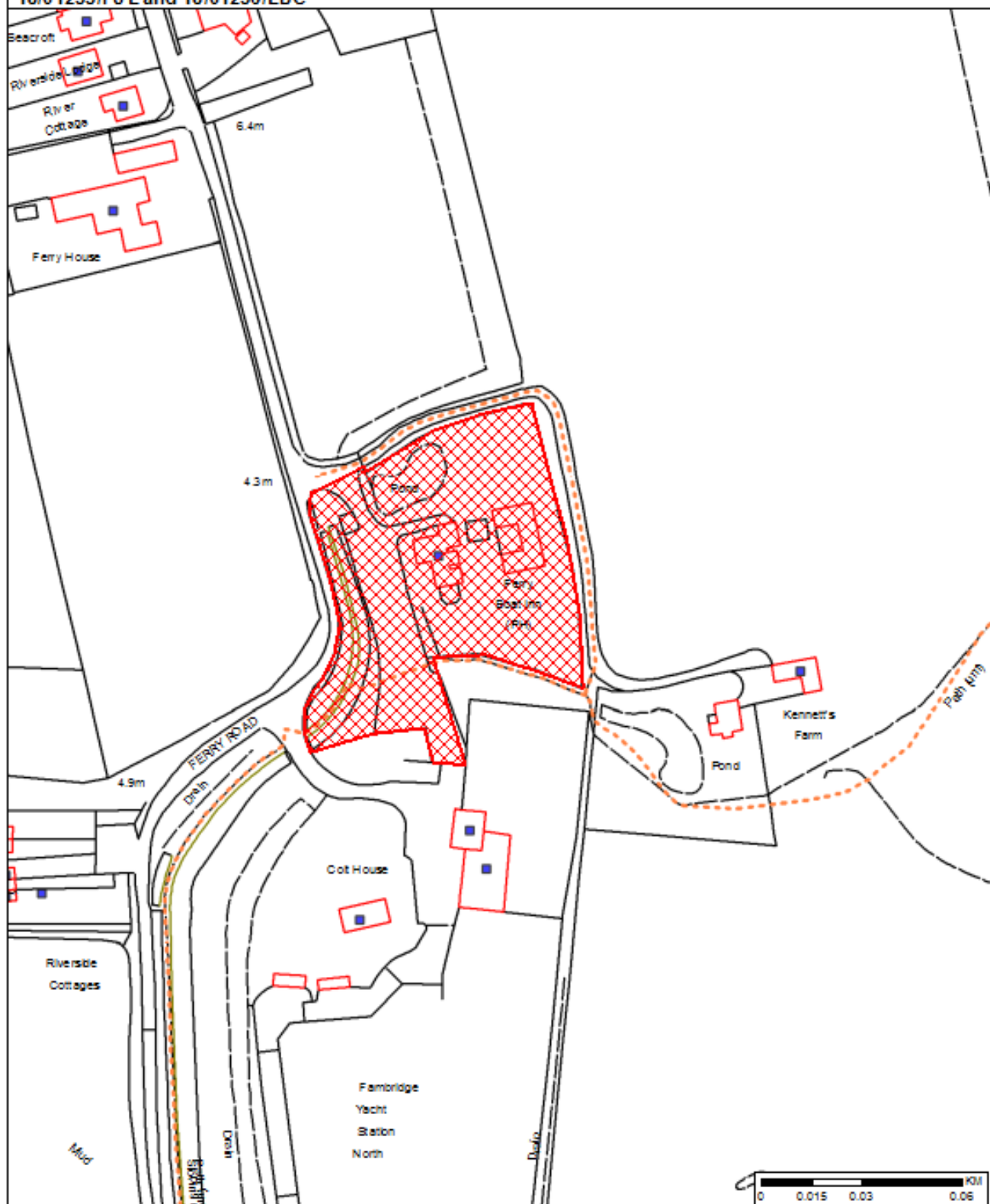
1. RECOMMENDATION


REFUSE planning permission and **REFUSE** listed building consent for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

The Ferry Boat Inn, Ferry Road, North Fambridge
18/01255/FUL and 18/01256/LBC



| | | |
|--|---------------|-------------------------|
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| | Organisation: | Maldon District Council |
| | Department: | Department |
| | Comments: | |
| | Date: | 11/12/2018 |
| | MSA Number: | 100018588 |

www.maldon.gov.uk

3. SUMMARY

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

3.1.1 The application site is located to the east of Ferry Road, to the south of the settlement of North Fambridge. The site measures 0.6 hectares in area, 77 metres deep (measured at the north boundary) and a maximum of 93 metres wide.

3.1.2 The site contains a Grade II listed building that is statutorily described as follows:

“House, now public house. C18, altered in C19. Timber framed, weatherboarded, roofed with handmade red clay tiles and slates. 3 bays facing W, with an external stack at each end. 2 storeys. One-bay extension to left, with gambrel roof, of one storey with attic. Mid-C19 wing extending forwards from the junction, with external stack at left side, of 2 storeys. C20 flat-roofed single-storey extensions in left front angle and behind main range. Ground floor, one C20 casement, one splayed bay of C20 casements, 2 late C19 tripartite sashes. First floor, 2 late C19 tripartite sashes and one sash. Half-glazed door at front of lean-to porch. The roof of the front wing only is slated. Stone slab floor in bar to left of entrance. Shown as Ferry Farm, with 50 acres, in the tithe award of 1840 (Essex Record Office D/CT 133), and as the Ferry Boat Public House in the Ordnance Survey map of 1873, by which date it had largely achieved its present form.”

3.1.3 The main part of the existing building measures 10.5 metres wide, 4.5 metres deep and 6.5 metres tall with a slightly reduced height, 5.2 metre projection to the north side that measures the same depth and 5.5 metres tall to the ridge. To the front is a two storey projection that measures 4 metres by 4.2 metres with a maximum height of 5.9 metres, to the north side of which is a single storey flat roofed projection that measures 4 metres deep and 3 metres wide. To the front of the building and the south of the 2 storey front projection is a single storey lobby and canopy projection that measures 1.2 metres deep and 4 metres wide with a lean-to roof built to a height of 2.4 metres. To the rear are three projections of varying heights, widths and depths. To the side is a conservatory projection that measures 5.7 metres deep and 6.3 metres wide with a maximum height of 3.6 metres.

3.1.4 To the rear of the site is a ‘horse-shoe’ shaped, single storey building that measures 19.3 metres wide and a maximum of 12 metres deep. This building was approved under the terms of application FULA/MAL/99/00096 to be used as guest accommodation.

3.1.5 To the frontage of the site, forward of the building, is an informal parking area and vehicle access that measures approximately 1,000 square metres in area. This is separated from the highway by a grassed bank that increases in height to the south. To the north of the building is a pond and soft landscaped area. To the south of the building is an outdoor seating area.

3.1.6 Planning permission and listed building consent are sought for the demolition of parts of the existing building and the erection of replacement extensions.

- 3.1.7 The elements of the existing building that are to be removed include the following:
- The flat roofed single storey front projection to the north side of the two storey projection.
 - The existing conservatory to the south side of the building.

- 3.1.8 The proposed extensions would consist of the following:
- A barn-style side extension on the southern elevation to replace the existing conservatory to accommodate a new bar and additional seating area. This extension would have a pitched roof with half-hipped roof elements on the east and west elevations. The extension would have a width of 6.2 metres, a depth of 14 metres, an eaves height of 2.8 metres and a ridge height of 6.2 metres. A disabled access would be located on the western elevation with an open-side veranda with a width of 4.6 metres, a depth of 0.7 metres, an eaves height of 2.1 metres and a peak height of 2.8 metres. This extension, including the veranda, would be set back 1.5 metres from the front elevation of the main building. A full length window would be located on the eastern elevation and a flue to serve an internal log burner would be located at the eastern end. This extension would be given a weatherboarding cladding with a dark, natural timber finish.
 - A lean-to structure would be located on the southern elevation joining the main roof in a catslide fashion. This would have a width of 9.7 metres, a depth of 1.5 metres, an eaves height of 2.1 metres and a peak height of 2.8 metres. 2.8 metres of this would be an open veranda and the remaining section would be an enclosed extension, with a side entrance door and full length glazing.
 - The provision of a new external staircase at the rear of the building to provide access to the first floor through a new door with a 0.5 metre pitched roof at a height of 4.6 metres above ground level.
 - To the rear (east) of the existing toilet and to the north of the proposed barn-style extension would be a new single storey wing to accommodate the kitchen and rear entrance lobby. The existing toilet would become a pot wash and food preparation area. This extension would have a width of 5.4 metres, a depth of 7.6 metres, an eaves height of 2.3 metres and a maximum height of 3.4 metres. This extension would have a flat roof concealed by the use of a dummy mansard roof to the north and east elevations. This would have a rear entrance on the eastern elevation and a secondary door and a window on the northern elevation.

The proposed extensions would create additional floor space measuring 172m².

- 3.1.9 Other external works include (but are not limited to) the following:
- Infilling the opening on the west wall where the single storey front projection is to be removed.
 - Infilling of a window on the south elevation of the existing kitchen.
 - Infilling of the existing external door on the northern elevation of the existing kitchen and the external face rendered to match the adjacent wall.
 - Reduction in the size of the window on the north elevation of the existing kitchen.

- The current white painted weatherboard cladding on the external walls would be stripped, repaired or treated and re-painted to match the existing.

3.1.10 The main internal works would include (but not be limited to) the following:

- The removal of the existing bar and its relocation into the barn-style extension.
- The removal of the existing kitchen and the relocation of the toilets to that area.
- The removal of the existing toilets to accommodate a pot washing and food preparation area.
- The removal of the modern elements of the fireplace in the ground floor south room and restoration to its likely earlier form.
- The doors leading to the existing toilets and double doors leading into the conservatory will be removed.

3.1.11 The existing car park to the front of the pub would be enlarged to provide an additional 15 spaces. The car park would have 40 spaces including three disabled bays. The car park would have a loose gravel surface with the edges demarked by sunken strips of timber. The existing access point would also be enlarged and would have a black tarmac surface. There would be a new paved patio area to the south and east of the new barn-style extension and there would be block paving between the new kitchen and the existing letting block. The plans submitted do not indicate that any trees would be lost as part of the development.

3.1.12 The previously refused application (reference FUL/MAL/18/00238 and LBC/MAL/18/00239) comprised extensions of a different design and comprising a total of five extensions. It also included the infilling of the pond to the north of the main building and an larger proposed parking area which provided a total of 55 car parking spaces and was laid in tarmac.

3.2 Conclusion

3.2.1 Having taken all material planning considerations into account, it is found that the development would not adversely impact upon residential amenity or highway safety and parking provision. It is also noted that the proposals intend to assist the performance of the community facility.

3.2.2 However, due to the design and scale of the proposed works, it is considered that the proposals would cause harm to the character and appearance of the existing listed building, the streetscene and the surrounding area in general. It is therefore considered that planning permission and listed building consent should be refused.

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 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 83 Supporting a prosperous and rural economy
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- E3 Community Services and Facilities
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposed development relates to the expansion of an existing Public House outside the development boundary for North Fambridge. Policy S8 seeks to direct new development to within identified settlements to protect the District's countryside and its intrinsic character and beauty. Policy S8 includes a list of suitable uses within the countryside including employment generating proposals and community services

and facilities, both of which are considered to be applicable to this case. Therefore, as the proposal relates to the extension of an existing building rather than the erection of a new building or a creation of a new unacceptable use, there is no objection in principle to the proposed development. Furthermore, policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities within the District. The proposal is supported in principle through local plan policies as well as the NPPF.

- 5.1.2 It is noted that the proposal is for the extension of the existing public house and that the application form and accompanying submission do not indicate that the intention would be to change the use of the premises, which is currently considered to be A4 use. However, it is noted that the proposal indicates the addition of a 'new south bar/restaurant wing' and that the layout would be more akin to a restaurant than a public house in some respects. The application should be assessed on the basis of that which is before the Local Planning Authority and as such it is not appropriate to consider that the proposal represents a change of use. However, if approved, a condition should be used to clarify this matter.
- 5.1.3 It is noted that there are concerns from local residents regarding the shift towards a restaurant layout and a larger emphasis on providing food. However the applicant has stated in the submission that The Ferry Boat Inn, in recent years, has struggled as a business due to the lack of seating and its cramped environment. It is considered that a larger food offer is reflective of current industry trends and would help retain this community asset.
- 5.1.4 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 5.1.5 The overall principle of the proposed development is therefore supported as it would allow the expansion of an existing rural business, which accords with paragraph 83 of the NPPF which states that decisions should enable:
 - a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

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 MDDG (2017).

- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the Local Development Plan (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 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.

- 5.2.7 The proposed extensions would largely be located to the southern side and rear of the existing building. The side extension would be highly visible from Ferry Road to the west of the site. Views from other directions would be limited due to substantial landscaping around the site. Therefore it is considered that the proposed development would have a significant impact on the streetscene, the character of the area and the visual impact on the countryside.
- 5.2.8 The Council's Conservation Officer was consulted on the proposal and has advised, in line with the comments mentioned in section 7.3 of this report, that the proposed development would cause 'less than substantial harm' to the significance of the heritage asset using the terminology of the NPPF and policy D3 of the Maldon LDP. The degree of harm in this instance would be moderate, arising as a result of the scale and bulk of the proposed extensions. On the basis of the moderate harm which would be caused to the significance of the listed building, the Conservation Officer has objected to the application.
- 5.2.9 The barn-style extension on the southern side of the main building would replace the existing conservatory extension. The removal of the conservatory, which adds little to the setting of the listed building, would be a welcome amendment to the site. However, the scale and bulk of the proposed side extension is significantly larger than the existing conservatory. This extension has been designed to replicate a traditional rural barn like building with dark timber cladding and a catslide roof on the southern elevation. This extension would be 0.35 metres lower than the main part of the building and would have a half hipped roof on the east and west elevations, intended to reduce the bulk of the building. There were concerns in the previous application (FUL/MAL/18/00238 and LBC/MAL/18/03124) regarding the proposed development unduly attracting attention away from the listed building. Although the side extension has been set back 1.5 metres from the front elevation and finished in different materials to differentiate it from the listed building, it is still considered to be a prominent addition which would be considered to dominate the existing building and attract attention from the listed building. The Conservation Officer has stated the current proposal appears less sprawling and incoherent than the previous iteration. However due to its size, the proposed extension could not be considered a minor or subservient addition to the original building.
- 5.2.10 The kitchen extension to the east would have a flat roof concealed by a dummy-pitched roof and would be finished in materials to match the existing building. This part of the building would be located to the rear and would not be visible from the streetscene, which would reduce its impact on the character of the area. The Council's Conservation Officer has expressed concerns regarding the squat appearance of this part of the extension. Although there would be limited views of this part of the building, the impact upon the existing building should be taken into account and the proposed kitchen extension would create a relatively large feature attached to the oldest external part of the building. Due to the squat appearance and the large footprint of the proposed extension, of approximately 45m², it is considered that this part of the proposal would also impact the setting of the listed building.
- 5.2.11 As per the previous application (FUL/MAL/18/00238 and LBC/MAL/18/03124), due to the size of the extensions, it is considered to increase the buildings visual impact on the countryside. Although it is considered that the barn-like extension would be a more rural style of development and would be better suited to this countryside

location, on balance, it is still considered that the cumulative impact of the proposed development would represent a sprawl of additions to the existing building which would have a negative impact on the site and the surrounding countryside.

- 5.2.12 The proposal includes several internal alterations to the existing listed building to allow the implementation of the proposed development. Changes such as the restoration of the southern ground floor fireplace are considered to represent a minor positive enhancement to the listed building. However the relocation of the bar from the main section of the listed building to the extension, although not specifically mentioned by the Conservation Officer, is considered to have a significant impact on the interior of this part of the building.
- 5.2.13 The car park to the west of the building would be increased by 15 car parking spaces and the access point would be enlarged. This would result in additional hardstanding on the site, along with additional paving around the proposed extension. However, the proposed car park is to be finished with a loose gravel surface which is considered to be suitable for the rural environment and the proposed hardstanding would be much less than previously proposed which is considered to be an improvement to the previous scheme. The previous proposal to remove the pond, which is considered to contribute to the rural appearance of the site, has been omitted and therefore this change is welcomed.
- 5.2.14 It should be noted that whilst the Conservation Officer objected to the application the harm caused must be weighed against the public benefits anticipated to arise from the proposal, including some minor enhancements (such as the restoration of the southern fireplace) and securing an optimum viable use for the building, having first been given special regard following the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990. Notwithstanding these positive aspects, overall it is considered that the comments of the Conservation Officer are well founded. Although the proposal would provide some benefits to the existing listed building, it is considered that on balance the moderate harm identified by the Conservation Officer is not acceptable in this instance.
- 5.2.15 The positive elements of development at this site, mostly relating to the enhancement of the performance of the public house and the associated benefits relating to employment and economic activity are noted. However, it is considered that these public benefits do not outweigh the harm that has been identified within the specialist advice that has been received and the proposed development would be contrary to policies S8, D1, D3 and H4 of the LPD.

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 sits in relative isolation. The proposed development is not considered to have an overbearing impact or result in a loss of privacy on any neighbouring properties.

- 5.3.3 No objection has been received from the Council's Environmental Health team. However, they have recommended a condition regarding details of the illumination of the site and a scheme for the ventilation of the building and the treatment of all smells and fumes to protect the amenity of neighbouring occupiers. They have not commented on any potential increase in noise and therefore it is not considered that there are grounds to determine that the expanded building would result in noise that would detract from the amenities of neighbouring residents.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 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 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.
- 5.4.3 The proposed development would increase the number of car parking spaces by 15 spaces, creating a total of 40 spaces including 3 disabled spaces. These spaces would be located on the eastern and southern side of the existing car park. The SPD states that sites with an A4 (drinking establishments) outside of a town centre location should have a minimum 1 parking space per 5m². As the proposed floor space of the building would be approximately 480m², 40 spaces would be below the requirement. However, on balance, it is considered that the number of spaces proposed would be reasonable as further car parking provision would result in further visual impact on the countryside as demonstrated by the previous application. Therefore, on balance, there are no objections with regard to car parking.
- 5.4.4 The proposal includes the enlargement of the existing access point onto Ferry Road to improve the access to and from the site. The Highways Authority was consulted on the application and has confirmed that they have no objections subject to the inclusion of five conditions. The plans submitted also show the existing public footpaths 10, 15 and 14 which would not be impacted by the proposed development.

5.5 Flood Risk

- 5.5.1 The site where the development is proposed lies within Flood Zone 3. Policy D5 of the approved LDP states that development should be appropriately located relative to flood risk and not increase flood risk on site or elsewhere.
- 5.5.2 The proposed development is considered to constitute minor development as the works relate to an extension to an existing commercial building with a floor space of less than 250 square metres. As such, formal consultation with the Environment Agency is not required and the standing advice of the Environment Agency can be utilised.
- 5.5.3 The site is within flood zone 3 and is therefore at significant risk of flooding. In this regard it is considered that the proposed development must be undertaken in a manner that would include suitable flood resilience and be built to an appropriate ground level and that this would be adequate mitigation to address the requirements of the Standing Advice.
- 5.5.4 The previous plans to infill the pond have been removed and therefore it is considered that the retention of the pond would have a positive impact on the surface water drainage at the site. On consultation with the Council's Environmental Health team, a condition was recommended to request a scheme of surface water drainage before the implementation of the development. Due to the location of the site, it is considered that this condition is reasonable and therefore it would be included.
- 5.5.5 In terms of the sequential test, whilst it is noted that there is land within the district that is less liable to flooding, it is noted that the proposal relates to the extension of an existing building and an existing use at the application site and there is therefore no other location to viably or reasonably undertake the proposed development. As such, the sequential test is passed.
- 5.5.6 The applicant has submitted a flood risk assessment to accompany the application. This states that improved floor resistance measures can be introduced to the new development such as raised floor slabs, socks, electrical switches and services and the use of water resistant floor and wall materials. It also states that sustainable drainage measures will be required due to the significant increase in the buildings footprint. This would be encompassed by the surface water condition stated above.

5.6 Ecology

- 5.6.1 The NPPF (the Framework) states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.6.2 Policy N2 of the LDP which states that "All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance."

- 5.6.3 The application site contains a listed building, a pond and various trees and areas of soft landscaping. The site is also within reasonably close proximity of areas that are designated for their ecological interests and protected by those designations. As such there are various triggers to require suitable consideration and mitigation of protected species at the site.
- 5.6.4 Natural England Standing Advice sets out that in such circumstances an assessment should be undertaken to establish the likely presence of protected species. This should include sufficient survey work to inform a scheme of protection and mitigation. The standing advice states that *“When the proposal is likely to affect a protected species you can grant planning permission if....an appropriate survey was carried out by a qualified ecologist at the time of year specified in the standing advice [and] mitigation plans are acceptable.”*
- 5.6.5 Previous ecological concerns in the application (FUL/MAL/18/00238 and LBC/MAL/18/03124) were relating to the loss of the pond on the site. This pond is now to be retained and therefore any protected species in this habitat will not be impacted. Therefore, it is considered that the second previous reason for refusal has been overcome.
- 5.6.6 An ecological appraisal was undertaken by the applicant in December 2017, which was also submitted as part of the previous application. This is now accompanied by a dusk emergence and pre-dawn re-entry survey for bats which was undertaken in August 2018. This indicated that no bat roosting activity was associated with the building and only low levels of foraging behaviour was recorded. It suggests that no further surveys are required but the potential for future roosting cannot be ruled out and therefore some precautionary recommendations have been made. Therefore, a condition would be included to ensure that the recommendations in this report and the previous ecological appraisal are undertaken.

6. ANY RELEVANT SITE HISTORY

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

| Application Number | Description | Decision |
|--|--|----------|
| FULF/MAL/90/00659 and LBC/MAL/90/00660 | Conservatory with glazed roof and part elevations all as portable made up unit on brick | Approved |
| FULF/MAL/93/00103 and LBC/MAL/93/00104 | Demolition of existing porch and erection of single storey side extension | Approved |
| FUL/MAL/93/00649 and LBC/MAL/93/00650 | Second storey rear extension | Approved |
| FUL/MAL/99/00096 | Proposed erection of six single storey accommodation units to rear of Ferryboat Inn | Approved |
| FULA/MAL/99/00096 | Proposed erection of six single storey accommodation units to rear of Ferryboat Inn. Amended plans – re-siting of units 3m | Approved |

| Application Number | Description | Decision |
|---------------------------------------|--|-----------------|
| | towards eastern boundary | |
| FUL/MAL/18/00238 and LBC/MAL/18/00239 | Side and rear extensions with internal and external alterations, alterations to parking and access with new parking area | Refused |

6.2 The reasons for refusal of the previous application (FUL/MAL/18/00238 and LBC/MAL/18/00239) were:

- 1 *The proposed development, by virtue of the scale, position, form, mass and appearance of the proposed extensions, would represent incongruous and sprawling additions to the existing listed building that would be harmful to the character, appearance and setting of the listed building and the character and appearance of the site, the streetscene and the rural area in general. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.*
- 2 *It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed developments would not cause harm to protected species and their habitats at and near the site. The proposal is therefore unacceptable and contrary to policies N2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework and the Natural England Standing Advice.*

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------------|--|---|
| North Fambridge Parish Council | Whilst we are not objecting to this application, we do consider that some of the design choices are poor. In particular, the siting of the disabled toilet and baby change near the main bar whilst the other toilets are sited at the other end of the building may lead to incorrect use of the disabled toilet. | Comments noted. The internal location of the toilets are not considered to be a planning matter and would fall under separate legislation |

7.2 **Statutory Consultees and Other Organisations**

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|--|-------------------------|
| Highways Authority | The Highways authority does not object to the proposals as | Comments noted |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|--|-------------------------|
| | submitted subject to the inclusion of five conditions. | |

7.3 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|---|---|
| Conservation Officer | <ul style="list-style-type: none"> - The scale and form is similar to the refused proposal, however the footprint has been reduced - The main extension now resembles a traditional barn - The omission of the conservatory and the southern return wing is an improvement - The current proposal appears less sprawling and incoherent than the previous iteration - The scale and position would still, to some degree, erode the compact and relatively modest proportions of the existing historic building - The use of the dummy pitched roof on the kitchen range will create an awkwardly squat appearance - The restoration of the southern ground floor fireplace would represent a minor positive enhancement - The proposal will cause 'less than substantial harm' to the significance of the heritage asset - Object to the application due to the moderate harm caused to the significance of the listed building - However, it will be down to the determining officer or committee to make a balanced judgement weighing the harm identified against any public benefits the scheme poses. | Comments noted and discussed in section 5.2 of this report. |
| Environmental Health | No objections to the proposal | Comments noted and |

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|--|-------------------------|
| | subject to the inclusion of five conditions. | conditions included |

7.4 Representations received from Interested Parties

- 7.4.1 10 letters were received objecting to the application FUL/MAL/18/01255 and 13 letters were received objecting to the application LBC/MAL/18/01256. 8 of these letters objected to both application, with two only objecting to the application FUL/MAL/18/01255 and five only objecting to the application LBC/MAL/18/01256. The reasons for objection are summarised as set out in the table below:

| Objection Comment | Officer Response |
|---|---|
| <ul style="list-style-type: none"> - Some modernisation is required however the proposed internal alterations will not benefit the pub and the local community it serves | Comments noted |
| <ul style="list-style-type: none"> - The car park is in need of re-surfacing | This is included within the proposal |
| <ul style="list-style-type: none"> - The pond should remain as it is in keeping with traditional features | The current proposal does not include the removal of the pond |
| <ul style="list-style-type: none"> - Traditional pub surroundings would be lost if this application proceeds | The design is discussed in section 5.2 |
| <ul style="list-style-type: none"> - Current events may not occur if the pub becomes primarily a restaurant | This is not considered to be a planning matter |
| <ul style="list-style-type: none"> - The character of the existing pub and bar area would be lost | The design is discussed in section 5.2 |
| <ul style="list-style-type: none"> - We do not want or need a restaurant with a bar in the village, we want a pub that sells food as it is now | The principle of development is discussed in section 5.1 |
| <ul style="list-style-type: none"> - This is a listed building and should not be subjected to gratuitous modernisation | The impact on the listed building is discussed in section 5.2 |
| <ul style="list-style-type: none"> - Essex has lost many pubs of character over recent years and conversions to chain-like restaurants guarantees their history and appeal is removed entirely | The impact on the listed building is discussed in section 5.2 |

| Objection Comment | Officer Response |
|---|---|
| <ul style="list-style-type: none"> - A complete renovation is not required - This work is clearly planned to remove the facility of the village pub from the benefit of local residents - The applicant have not taken the residents into considerations at any stage and have, for the last five years, leased this establishment purely for financial gain - Not sustainable in this area and over ambitious for this remote location | <p>This is not considered to be a planning matter</p> <p>The proposal does not include a change of use and the site would still be primarily used as a public house (A4 use)</p> <p>The conduct of the applicant is not taken into consideration as part of a planning application</p> <p>The merits of the business are not considered to be a planning matter</p> |

8. **REASONS FOR REFUSAL**

FUL/MAL/18/01255

- 1 The proposed development, by virtue of the scale, position, form, mass and appearance of the proposed extensions, would represent incongruous and sprawling additions to the existing listed building that would be harmful to the character, appearance and setting of the listed building and the character and appearance of the site, the streetscene and the rural area in general. This harm is not outweighed by the suggested benefits of the proposal. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and D3 of the Maldon District LDP and the guidance contained within the NPPF and the MDDG.

LBC/MAL/18/01256

- 1 The proposed development, by virtue of the scale, position, form, mass and appearance of the proposed extensions, would represent incongruous and sprawling additions to the existing listed building that would be harmful to the character, appearance and setting of the listed building. The proposal would therefore cause harm to the significance of the heritage asset that would not be outweighed by other public benefits of the proposal. The proposal is therefore unacceptable and contrary to policy D3 of the Maldon District LDP and the guidance contained within the NPPF.

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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
7 JANUARY 2019**

| | |
|---|--|
| Application Number | FUL/MAL/18/01362 |
| Location | Wickham Barn Station Road Wickham Bishops |
| Proposal | Removal of Condition 6 on approved application FUL/MAL/16/00218 (Erection of part single, part two storey outbuilding in the grounds of Wickham Barn for use as artist's studio / workshop and short-term living accommodation for visiting artists) |
| Applicant | Mr Jolyon Madden |
| Agent | Holmes & Hills LLP |
| Target Decision Date | 10 January 2019 |
| Case Officer | Yee Cheung |
| Parish | WICKHAM BISHOPS |
| Reason for Referral to the Committee / Council | The planning application is called in by Councillor H M 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.

3. SUMMARY

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

- 3.1.1 Wickham Barn is located to the south west side Station Road, outside the defined settlement boundary of Wickham Bishops. Wickham Barn is not listed but forms part of a localised cluster of historic buildings and structures, many of which were in the past associated with the large Grade II* listed Wickham Place located approximately 140 metres to the north east.
- 3.1.2 The site is laid to grass with existing soft landscaping around the perimeter of the site. To the south west of the site, it is noted that part of the land is used as grazing land and for the keeping of farm animals. There is an agricultural building which runs parallel to the northern boundary of the site shared with ‘Carters’, a Grade II listed building. Located approximately 20 metres away to the south of Wickham Barn is a detached cart lodge
- 3.1.3 The River Blackwater bounds the garden and grazing land to the south and south eastern boundary of the site with a public footpath running alongside the riverbank.
- 3.1.4 Planning permission was granted in 2016 (FUL/MAL/16/00218) for the construction of an outbuilding in the grounds of Wickham Barn for use as artist’s studio / workshop and short-term living accommodation for visiting artists subject to a S106 legal agreement. The legal agreement was to ensure that the building would remain ancillary to the main dwelling house ‘Wickham Barn’ and the plot would not be subdivided resulting a new detached residential property as this would not have been granted in a remote rural location as it would conflict the definition of sustainable development contained in the National Planning Policy Framework.
- 3.1.5 An officer site visit took place on 28 November 2018 and it was evident that construction work for the artist studio / guest accommodation has commenced on site.
- 3.1.6 The proposal seeks to remove Condition 6 of planning application FUL/MAL/16/00218 where it stipulates that:
- ‘The development hereby permitted shall only provide short-term living accommodation and occupied by visiting artists for purposes ancillary to the existing dwelling ‘Wickham Barn’ as a single dwelling house and not as a separate or independent unit of residential accommodation’.*
- ‘REASON: To safeguard the character and appearance of the rural area and the amenity of the residents of both the residential annexe and the host dwelling in accordance with policy BE1 of the Maldon District Replacement Local Plan, policies S1, S8, D1 and H4 of the Maldon District Local Development Plan, and Government advice as contained within the National Planning Policy Framework’*
- 3.1.7 The Applicant wishes to use the new building as his family’s primary residence and for ‘Wickham Barn’, the existing dwelling, to be disposed of as a separate dwelling house.

3.2 Conclusion

- 3.2.1 The application site lies outside the defined settlement boundary of Wickham Bishops wherein both Development Plan Policies and Government Guidance points towards the continued restraint of new development in the countryside. The Council acknowledged at the time when this proposal was considered that the development was contrary to Development Plan Policies. As the development was presented to the Council as an artist studio, workshop, and guest accommodation for visiting artists and personal use, the proposal was in line with Policy E5 of the, then emerging, LDP and the planning principles contained within the NPPF. Further, the Applicant had signed a legal agreement with the Council that the development would be used in conjunction with Applicant's work and business and not for the building to be occupied as a separate or independent residential unit from Wickham Barn.
- 3.2.2 The proposal to remove Condition 6 of planning application FUL/MAL/16/00218 for the new build to be occupied by the Applicant and his family and for Wickham Barn, the existing dwelling, to be disposed of as a separate dwelling house would fail to accord with Development Plan Policies as the development results in a new dwelling being constructed outside the settlement boundary of Wickham Bishops where open-market development is not supported. The development would therefore represent an unwarranted and unjustified development in the countryside which is unsustainable in terms of accessibility and environmental impact.

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
- H2 Housing Mix
- E5 Tourism
- 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 local development plan (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. It is considered that the removal of Condition 6 of planning application FUL/MAL/16/00218 would be in conflict with Policies S1, S2 and S8 of the LDP as this would result in a new dwelling being erected outside the settlement boundary where such development is not look upon favourably. The dwelling would be in a rural location where it is approximately 2 miles away from the centre of Wickham Bishops where there are local services and facilities. There are no public footways or street lighting. This would not only deter pedestrians from using the local bus services especially during winter months and inclement weather, but could also deter the future occupiers from cycling to the local villages. In terms of accessibility, it is highly likely the development would result in the future occupiers being highly reliant upon modes of private transport and vehicles

to access services and facilities. Thus the development would be in conflict with Policy T2 of the LDP and the NPPF.

- 5.1.4 The principle of a new dwelling, without the restriction, would simply be a new dwelling in the countryside. The 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.

5.2 Background History for the Site

- 5.2.1 In the 2016 planning application, the development proposal for the artist's studio / workshop and short-term living accommodation for visiting artists in the countryside was supported and approved. The development was viewed favorably at the time as it was in accordance with policies contained in the Maldon District Replacement Local Plan (2005) and the Maldon District Local Development Plan (MDLDP) which was pending consideration by the Secretary of State (approved on 21 July 2017). The building was to be used by the Applicant as an artist's studio and for visiting artists to work alongside the Applicant.
- 5.2.2 The development was contemporary and unusual in terms of design and appearance with its wedge-like form. The proposal was considered 'interesting' and 'exciting' development for the District and the Council was supportive of the scheme at the time as the development was in accordance with Policy E5 of the Local Development Plan. The application was approved subject to conditions and a legal agreement to prevent the building within the plot from being separated / sub-divided and for the building to be occupied as an ancillary accommodation in connection with the occupation of the main house 'Wickham Barn'. The removal of Condition 6 of planning application FUL/MAL/16/00218 would therefore be in conflict with Policies S2, S8 and E5 of the LDP.
- 5.2.3 It is important to note that this application, if approved, would become a stand-alone application with no legal agreement attached. As a new planning application, the legal agreement would not bind to and all the previous restrictions approved under planning application FUL/MAL/16/00218 would fall away.

5.3 Design and Impact on the Character of the Area

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

- 5.3.3 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
- 5.3.4 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.
- 5.3.5 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.
- 5.3.6 The proposal is for the removal of Condition 6 imposed on planning application FUL/MAL/16/00218 for the construction of a part single, part two storey building in the grounds of Wickham Barn for use as artists’ studio / workshop and short-term living accommodation for visiting artists.
- 5.3.7 The removal of Condition 6 would not have an impact on the design, external appearance or siting of the contemporary building. The external materials such as corrugated solid steel sheeting (wall and roof), timber cladding, full length glazing, and aluminum fenestration detailing to be used in the construction of the development proposal have been submitted and discharged by Discharge of Condition application:

DET/MAL/17/05074 (Condition 3). However the building would lack justification and therefore would represent unwarranted domestication of the countryside.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 No first floor windows are proposed on the north and south elevation of the building serving Bedroom 1 and Bedroom 2. Also, given the distance between the development proposal between 'Carters' to the north, Wickham Place Farm and 'Wickham Place' to the north east, 'The Chase' and 'Mill Cottage' to the east, and 'Hillside Cottage' to the south east, it is not considered that the development proposal would result no harm to amenity of these residential properties by way of overlooking, interlooking or loss of privacy, visual impact, light, and noise. Further, no issues were raised in relation to the impact on residential amenity in the previous application FUL/MAL/16/00218. The proposal would therefore accord Policy D1 of the Local Development Plan and Government advice contained in the NPPF.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 Wickham Barn is served by two accesses, one to the north east with the second to the south east of the dwelling. The access to the north east which leads to an area of hardstanding allows off-street parking for at least three vehicles. The second access point to the south east of Wickham Barn leads to a four bay carport and an area of

hardstanding within the plot. It is noted that there will be no changes to the existing access points as they will serve the existing and future occupiers of the site. There is ample off-street parking spaces and turning area within the plot without impacting on highway safety irrespective whether the site will be used for visiting artists or to be occupied by the Applicant. The proposal would therefore accord with Policy T2 of the LDP. The Highway Authority has been consulted and raises no objection to the proposal.

5.6 Private Amenity Space and Landscaping

- 5.6.1 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.
- 5.6.2 Wickham Barn is located within a well landscaped and extensive ground which is laid to grass with modest size outbuildings. Approximately 15 metres away to the south eastern side of the dwelling is an open bay carport which runs parallel to the north eastern boundary of the site. The proposed building to be constructed would be positioned perpendicular to the existing carport and will occupy some garden land. Whilst this development would reduce the size of the existing garden, it is not considered the reduction of the garden area would be significant and demonstrably harmful to justify refusal. The development is considered to be proportionate and would not appear cramped or over developed within plot. In this respect, the proposal would be in accordance with Policy D1 of the LDP. Again the Council had raised no objection to the size of the private amenity area in the previous application FUL/MAL/16/00218.
- 5.6.3 In terms of hard and soft landscaping, this was approved by the Discharge of Condition application DET/MAL/17/05074 (Condition 5). The only change that is likely to occur would be a new boundary treatment separating 'Wickham Barn' and the new build should the application be approved. No details have been submitted in relation to the boundary treatment in this application although a condition can be imposed for this detail to be provided at a later stage.

5.7 Designated and Non-Designated Heritage Assets

- 5.7.1 The application is in the vicinity of listed buildings. Among these listed buildings, the most important is Wickham Place, located to the north-east of the application site, a very fine and quite large early eighteenth century house which is justifiably listed at Grade II*. The only Georgian house in the Maldon District larger than this is Braxted Place, Great Braxted. Wickham Place is surrounded by a complex of associated historic structures including to the south-east a former mill house and to the north-west a coach house, a stock yard wall and an outbuilding dated 1705 (now Wickham Place Farm) all of which are individually listed at Grade II.

- 5.7.2 To the north of the application site is Carters, a tiny timber-framed house faced with Victorian red brick and gault brick dressings and banding. It has charming detailing such as panelled shutters, decorative bargeboards and a timber-framed porch; all contributing to a picturesque effect. It is Grade II listed. The recently completed large extension to the rear replaced one of a similar size which dated from the mid-twentieth century.
- 5.7.3 To the east of the application site is Road Bridge, which carries Station Road over the River Blackwater. It is Grade II listed. This elegant Georgian bridge is constructed of red brick and has three large semi-circular arches with key stones and two small overflow arches.
- 5.7.4 Wickham Barn is not listed but is of local interest and can be regarded as an undesigned heritage asset in the terms of Paragraph 197 of the NPPF. The proposal which was previously approved as an artist's studio would now just become a dwelling and will be located to the southern part of the grounds to Wickham Barn. The barn would be contemporary in design. It is shaped like a wedge with low eaves at the east end rising to two-storey in height to the west.
- 5.7.5 In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In terms of impact on the setting of nearby listed buildings, it is considered that the impact from the proposal would be minimal and not amounting to harm. The Conservation Officer raised no objection to the proposal at the time that the original application was considered.
- 5.7.6 The Conservation Officer has been consulted for the removal of Condition 6 and again has raised no objection to the proposal.

5.8 Other Considerations

- 5.8.1 As part of the application submission for the removal of Condition 6 of FUL/MAL/16/00218, the Applicant has submitted details of personal circumstances that have led to the change in the project and the need for financial stability for the Applicant's family. While the Council fully sympathises with the Appellant's personal circumstances, the planning application has been assessed on its planning merits and in this instance, the removal of Condition 6 if approved, would conflict with Development Plan Policies.

6 ANY RELEVANT SITE HISTORY

- **FUL/MAL/02/00470** - Construct first floor extension to outbuilding and erect ground floor extensions and canopy. Approved: 21.06.2002.
- **HOUSE/MAL/10/00820** - Move existing vehicular access 5 metres to the north west, erect new gate, replace hedgerow and fencing on boundary. Approved: 23.11.2010.
- **HOUSE/MAL/12/00902** - Proposed ancillary car port building to serve the dwelling house. Approved: 30.01.2013.

- **FUL/MAL/16/00218** - Erection of part single, part two storey outbuilding in the grounds of Wickham Barn for use as artists' studio / workshop and short-term living accommodation for visiting artists. Approved: 21.06.2016 subject to a S106 legal agreement (signed and dated 21 June 2016).

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 | <u>Object:</u> Sympathetic to the owners' personal circumstances but noted that these did not constitute planning considerations, and that consent would create a residential property by sub-division of a garden outside the development boundary, contrary to LDP | Noted in the officer report |

7.2 Statutory Consultees and Other Organisations

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|-------------------------|
| Highway Authority | No objection | Noted |
| Natural England | No comment to make on the removal of Condition 6. | Noted |

7.3 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|--|-------------------------|
| Environmental Health Service | No comment to make on this application | Noted |

7.4 Representations received from Interested Parties

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

The application site lies outside the defined settlement boundary of Wickham Bishops wherein both Development Plan Policies and Government Guidance points towards the continued restraint of new development in the countryside. It is considered that the proposal to remove Condition 6 of planning application FUL/MAL/16/00218 for the new build to be occupied by the Applicant and his family and not for an artist studio, workshop, and guest accommodation for visiting artists would represent a separate dwelling unit which is unjustified and visually intrusive in its rural location. Further, the development of the site for a new dwelling remote from community services and essential support facilities and inaccessible by sustainable modes of transport in this rural location is contrary to the overarching objectives contained within the NPPF 2018. The poor accessibility to the site would significantly and demonstrably outweigh the benefits of the proposal when assessed against Policies S1, S2, S8, D1, H4 and T2 of the MDLDP.



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
7 JANUARY 2019**

| | |
|---|---|
| Application Number | FUL/MAL/18/01403 |
| Location | Plainswood House, 25 Plains Road, Great Totham |
| Proposal | Construction of detached garages, gymnasium and garden room |
| Applicant | Mr. Thomas Gregan |
| Agent | Mr. Anthony Cussen - Cussen Construction Consultants |
| Target Decision Date | 08/01/2019 |
| Case Officer | Emma Worby |
| Parish | GREAT TOTHAM |
| Reason for Referral to the Committee / Council | Member Call In – Councillor J Keyes (public interest) |

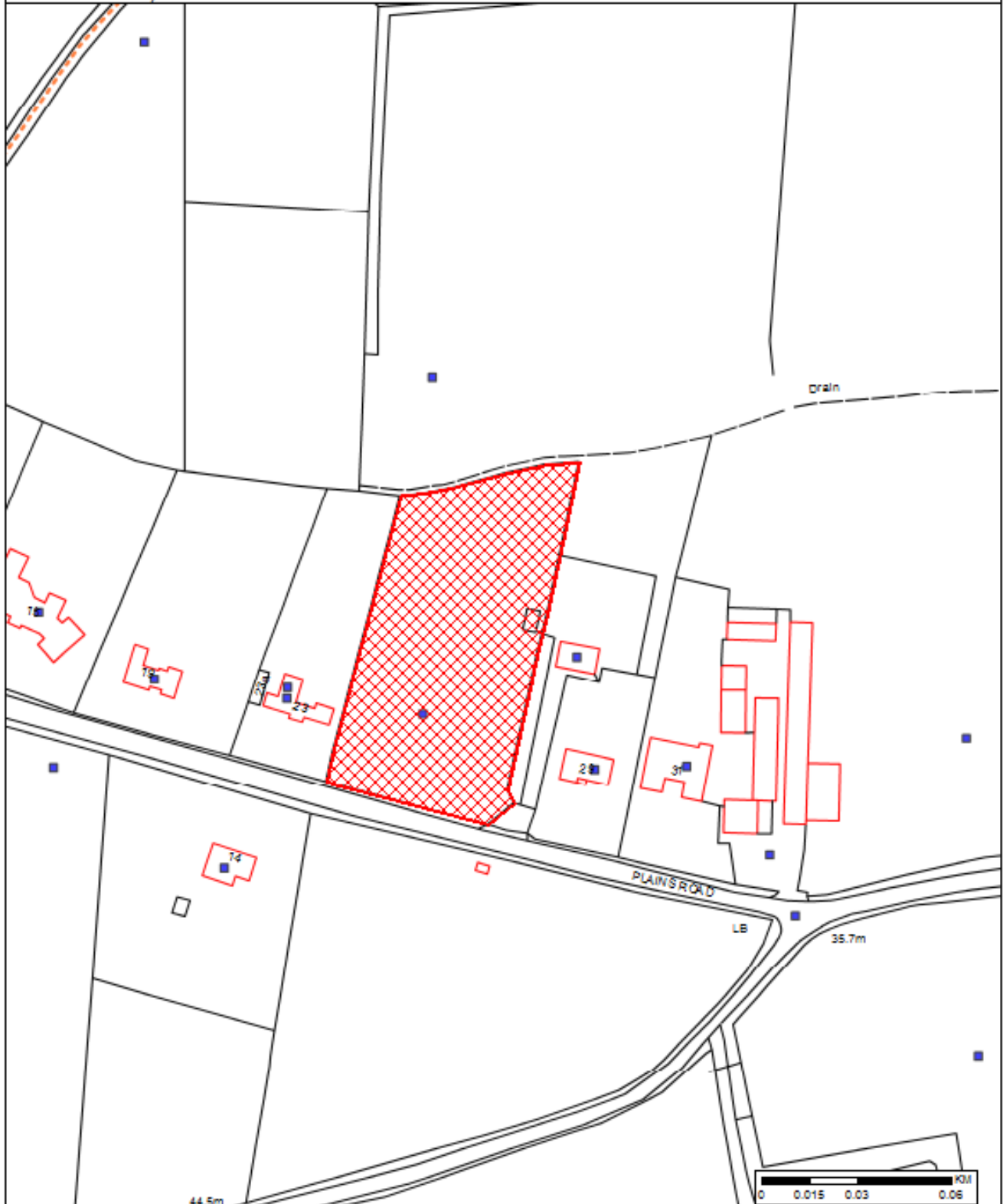
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

18/01403/FUL
25 Plains Road, Great Totham



| | | |
|---|---------------|-------------------------|
|  <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> | Scale: | 1:1,881 |
| | Organisation: | Maldon District Council |
| | Department: | Department |
| | Comments: | |
| | Date: | 12/12/2018 |
| | MSA Number: | 100018588 |
| www.maldon.gov.uk | | |

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Plains Road and outside of any defined settlement boundaries. The site is occupied by a recently constructed two storey detached dwellinghouse which is surrounded by ample amenity space. A driveway is located between the front elevation of the property and a large timber entrance gate and brick wall is set slightly back from Plains Road. The surrounding area is rural in nature with several large dwellings located along this section of the road.
- 3.1.2 Planning permission is sought for a single storey outbuilding to the west of the main dwelling to accommodate two garages, a gymnasium and a garden room. The entire building would have a footprint of 232m². The outbuilding would be constructed of facing brickwork and natural slate roof tiles to match the existing dwelling. The ground level on the site, where the outbuilding would be located, decreases to the north.
- 3.1.3 The most southerly part of the outbuilding would comprise a three bay garage with three garage doors located on the southern elevation. This would have a width of 11.1 metres, a depth of 6.6 metres, an eaves height of 2.6 metres and a ridge height of 6.1 metres. There would be an open canopy projection located on the southern elevation which would have a width of 4.3 metres, a depth of 1.5 metres, an eaves height of 2.3 metres and a maximum height of 4.8 metres. Adjoined to the north of this garage would be a further two-bay garage with two garage doors located on the eastern elevation. This would have a width of 8 metres, a depth of 6.5 metres, an eaves height of 2.4 metres and a ridge height of 6.1 metres.
- 3.1.4 Adjoining the north elevation of the second garage would be a further section of the outbuilding to accommodate the gymnasium. This would have a patio doors and window on the eastern elevation. This part of the building would have a width of 8.1 metres, a depth of 5.5 metres, an eaves height of 2.5 metres and a ridge height of 6 metres. Due to the reduction in the ground level, this part of the building would be 0.8 metres lower than the adjoining garage to the south. Adjoining the northern elevation of the gymnasium would be the final section of the outbuilding to accommodate a garden room. This would have a door on the southern elevation and bi-fold doors on the northern and eastern elevations. The garden room would have a width of 8.9 metres, a depth of 6.1 metres, an eaves height of 2.9 metres and a ridge height of 6.1 metres.
- 3.1.5 The proposal includes a gate and wall between the main dwelling and the proposed outbuilding with a maximum height of 2 metres and an area of hardstanding to the south of the outbuilding to provide vehicle access to the front garages. Details of the material to be used for the hardstanding have not been provided.
- 3.1.6 It is noted that the block plan shows the depth of the total building at 28.047 metres, whereas the depth of the building on the floorplans and elevation plans is 28.647 metres. In this instance, the larger of the two measurements has been considered within this assessment.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, as a result of its location and scale, is not considered to be incidental to the main dwelling and would represent the excessive development of the residential site. The scale of the building is disproportionate to the host dwelling and would represent a sprawling mass to the detriment of the character and appearance of the site and its rural setting. Therefore, it is considered that the proposal would fail to meet the requirements of policies S1, S8, D1 and H4 of the Local Development Plan (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)
- Maldon District Design Guide SPD (MDDG)
- Essex Design Guide
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle 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 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 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 development would be located to the western side of the main dwelling and would be approximately 33.5 metres from the boundary with Plains Road. Although set back somewhat from the road, due to its position to the side of the main dwelling, the proposed development would be visible within the public realm. Therefore, it would have some impact on the streetscene and the character of the area.
- 5.2.7 From the road it is likely that only the front part of the development, the three-bay garage, would be visible. However, with a width of 11.1 metres and a height of 6.1 metres, this would still be a significant structure on its own. Although its design and proposed materials would match that of the recently constructed dwellinghouse, it is considered that the size of the proposed outbuilding would be an overly large addition to the site. The outbuilding is divided into four separate sections, two garages, a gymnasium and a garden room. However, these would be adjoined to create a single outbuilding which has a depth of 28.5 metres which has a similar footprint to that of the main dwelling. The plans provided show that the existing dwelling has an approximate footprint of 234m² and the proposed outbuilding would have a footprint of 232m². Therefore, this is considered to be a disproportionate addition to the main dwelling and not a subservient or incidental outbuilding.
- 5.2.8 The building would be located in the space between the main dwelling and the western boundary of the site. This would increase the built form on the application site which is located outside of any defined boundaries and therefore can be considered countryside. Although the location of the proposed development is within the residential curtilage of the main dwelling, it is still considered that the proposed development would erode the spacious nature of the site and result in an excessive amount of built form in this rural location.
- 5.2.9 The cumulative effect of the proposed hardstanding from the existing driveway to the front of the building, covering an area of approximately 255m², and the proposed gates/wall are considered to contribute to the sprawl of built form on the site and would further add to the loss of the open and spacious nature of the site.
- 5.2.10 Overall the proposed development, due to its location, size and bulk, is considered to be an unacceptable addition to the site and would detract from the appearance and be materially harmful to the existing dwelling and the locality contrary to policies D1, S8 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 site is bordered by two neighbouring properties, No.23 Plains Road to the west and No.29 Plains Road to the east. It is noted that the location plan submitted indicates that No.29 Plains Road is under the same ownership as the application site.
- 5.3.3 The proposed outbuilding would be 2 metres from the boundary with No.23 Plains Road at the southernmost point of the development and 1.7 metres from the boundary at the northernmost point. The dwelling at No.23 is set forward of the proposed

building and the main dwelling on the application site by approximately 7.5 metres and is approximately 2.8 metres from the shared boundary. Although the elevation of the proposed outbuilding facing this property would be 28.5 metres in length, due to its single storey nature and the distance from the neighbouring dwelling, it is not considered to have an overbearing effect on this neighbouring property.

- 5.3.4 There are no windows on the western elevation of the proposed development which would face this neighbouring dwelling to the west. However, there are glazed bi-fold doors on the rear (north) elevation which could face the rear of the private amenity space at No.23. However, as the building is single storey in nature, it is not considered that the proposed development would result in a loss of privacy for this neighbouring property.
- 5.3.5 The proposed outbuilding would be 44 metres from the boundary with No.29 Plains Road. Furthermore, the large main dwelling is located between the proposed development and this boundary. Therefore, it is not considered that the proposed development would have an impact on this neighbouring property.
- 5.3.6 Therefore, it is not considered that the development would represent an uneighbourly 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 proposed development does not result in any additional bedrooms on the site and would increase the car parking provision within the garages by providing an additional five car parking spaces. Therefore, there are no objections with regard to car parking. The main access to the site would remain the same and no additional accesses would be created as part of the proposed development.

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 proposed development would result in the loss of some of the private amenity space on the application site. The private amenity space for Plainswood House is considerably in excess of the requirement within the Maldon Design Guide SPD. Therefore there are no objections with regard to this.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/13/00072** - Demolition of existing barn and erection of a bungalow single dwelling unit. Change of land use from B1 to C3 - Approved
- **FUL/MAL/13/00620** – Erection of two no.4 bedroom homes and change of land use to C3 – Refused
- **FUL/MAL/14/00055** - Erection of two no.4 bedroom homes and change of land use to C3 – Refused
- **FUL/MAL/14/00887** - Demolition of existing barn and erection of a new single dwelling, including new access onto Plains Road and change of use of land to residential (class C3) (amendment to and repositioning of dwelling approved under reference 13/00072/FUL onto adjacent paddock – Approved
- **FUL/MAL/16/00226** - Vary condition 2 of approved application FUL/MAL/14/00887 (Revised drawings to include increased ceiling height at ground floor level. Introduction of two rearward facing Juliet balconies. Change of external finishes from render to facing brickwork. Relocate the footprint of the dwelling further back on the site). Vary drawings – 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 | No response | N/A |

8. REASONS FOR REFUSAL

Reason for Refusal:

- 1 The proposed development, by reason of its positioning, scale and bulk, 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 LDP and the NPPF.