

# Unrestricted Document Pack

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

25 January 2019

Dear Councillor

You are summoned to attend the meeting of the;

## **NORTH WESTERN AREA PLANNING COMMITTEE**

on **MONDAY 4 FEBRUARY 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 4 FEBRUARY 2019**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 20)

To confirm the Minutes of the meeting of the Committee held on 7 January 2019 (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/18/01425 - The Pavilion, Braxted Park, Braxted Park Road, Great Braxted** (Pages 21 - 30)

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

6. **HOUSE/MAL/18/01453 - 38 Blacksmiths Lane, Wickham Bishops** (Pages 31 - 38)

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

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

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## Reports for noting:

In accordance with the Council decision made on 2 November 2017 (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

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

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

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

## **NOTICES**

### **Sound Recording of Meeting**

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

### **Fire**

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

### **Health and Safety**

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

### **Closed-Circuit Television (CCTV)**

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

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

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

### **Legislation**

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

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

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

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

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

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

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

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

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



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
7 JANUARY 2019**

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**PRESENT**

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

**712. CHAIRMAN'S NOTICES**

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

**713. APOLOGIES FOR ABSENCE**

There were none.

**714. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 26 November 2018 be approved and confirmed.

**715. DISCLOSURE OF INTEREST**

Councillor J V Keyes disclosed a non-pecuniary interest in Agenda Item 9 – FUL/MAL/18/01403 Plainswood House, 25 Plains Road, Great Totham as he had bought items from the applicant, in a previous business had carried out haulage for the applicant and the land backed onto land he owned.

Councillor Mrs P A Channer declared a non-pecuniary interest as a Member of Essex County Council who were consulted on matters to with highways, education etc. She also declared a non-pecuniary interest in Agenda Item 6 – FUL/MAL/18/01201 The Barn, Fambridge Road, Mundon as she knew the Agent.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council who were consulted on matters to with highways, education etc.

Councillor H M Bass declared a non-pecuniary interest in the following applications:

- Agenda Item 6 – FUL/MAL/18/01201 The Barn, Fambridge Road, Mundon as he had made a Civic visit to these premises in his role as Chairman of the Council and met with the applicant, but as with all civic visits had not discussed planning.
- Agenda Item 8 – FUL/MAL/18/01362 Wickham Barn, Station Road, Wickham Bishops as he had visited the site and spoken to the applicant but not given any opinion.
- Agenda Item 9 – FUL/MAL/18/01403 Plainswood House, 25 Plains Road, Great Totham as he was acquainted with the applicant.

Councillor Miss S White declared a non-pecuniary interest in Agenda Item 6 – FUL/MAL/18/01201 The Barn, Fambridge Road, Mundon and Agenda Item 7 – FUL/MAL/18/01255 and LBC/MAL/18/01256 as she knew the applicant and objectors.

Councillor J P F Archer declared a non-pecuniary interest in Agenda Item 6 – FUL/MAL/18/01201 The Barn, Fambridge Road, Mundon and Agenda Item 7 – FUL/MAL/18/01255 and LBC/MAL/18/01256 as she knew the applicant and objectors.

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

**716. FUL/MAL/18/01191 - LAND NORTH OF POPLAR GROVE CHASE, GREAT TOTHAM, ESSEX**

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

Following the Officers' presentation the Agent, Mr Le Grys addressed the Committee.

Councillor J V Keyes, a Ward Member, advised that he had called in this application and supported the proposed development. Councillor D M Sismey, the other Ward Member, made reference to a recent appeal decision on this site which upheld the Council's decision to refuse the previous application and although the design was semi-innovative he did not feel it was exceptional.

A debate ensued. In response to questions, Officers highlighted the location of the Garden Suburb in relation to the site and explained that in order to comply with the



exemption at paragraph 79 of the National Planning Policy Framework (NPPF) the design of a scheme had to really be innovative and outstanding.

Following further discussion, Councillor Keyes proposed that the application be approved, contrary to Officers recommendation and for reasons relating to the architectural design, its ecological value and an improvement to the surrounding area. This proposal was duly seconded but upon a vote being taken the proposal was declared lost. The Chairman then put the Officers' recommendation of refusal to the Committee which upon a vote being taken was agreed.

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

- 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.

**717. FUL/MAL/18/01201 - THE BARN, FAMBRIDGE ROAD, MUNDON, ESSEX, CM9 6NL**

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

It was noted from the Members' Update that reference to the Parish of Great Totham in the table above was incorrect and that this should state Purleigh.

Councillor Miss White, a Ward Member, proposed that the application be approved in accordance with Officers' recommendation. This proposal was duly seconded and upon a vote being taken agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 2 The development hereby permitted shall be carried out in 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.
- 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.
- 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.

- 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.

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.

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.

- 6 No machinery shall be operated and no process shall be undertaken outside of the building.
- 7 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
- 8 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.
- 9 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.

**718. FUL/MAL/18/01255 AND LBC/MAL/18/01256 - FERRY BOAT INN, FERRY ROAD, NORTH FAMBRIDGE, ESSEX, CM3 6LR**

<b>Application Number</b>	<b>FUL/MAL/18/01255</b>
<b>Location</b>	The Ferry Boat Inn, Ferry Road, North Fambridge
<b>Proposal</b>	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
<b>Applicant</b>	Mr. Dylan Kalis - Yacht Havens Group
<b>Agent</b>	Mr. Chris Hewitt - 2C Design Consultants
<b>Target Decision Date</b>	11.12.2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>TOLLESHUNT D'ARCY</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Miss S White (public interest)

<b>Application Number</b>	<b>FUL/MAL/18/01256</b>
<b>Location</b>	The Ferry Boat Inn, Ferry Road, North Fambridge
<b>Proposal</b>	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
<b>Applicant</b>	Mr. Dylan Kalis - Yacht Havens Group
<b>Agent</b>	Mr. Chris Hewitt - 2C Design Consultants
<b>Target Decision Date</b>	11.12.2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>TOLLESHUNT D'ARCY</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Miss S White (public interest)

It was noted from the Members' Update that reference to the Parish of Tolleshunt D'Arcy in the table above was incorrect and that this should state North Fambridge.

Following the Officers' presentation the Agent, Mr Hewitt addressed the Committee.

Councillor H M Bass proposed that the Committee deal with both the FUL and Listed Building application together. This proposal was duly seconded. The Chairman advised that there was still a need to have separate votes on both applications.

Councillor Miss S White, a Ward Member, referred to the design and supported the proposed development on balance. Councillor J P F Archer, the other Ward Member, supported these views, provided some history regarding the application and referred to how the pub was a focal point and good for the village of North Fambridge. The views of the Ward Members were supported by other Members of the Committee.

Councillor Mrs P A Channer disclosed an interest in this application as it was in her Essex County Division, she had frequented the pub over a number of years and knew the previous landlord.

Following further discussions, Councillor Miss White proposed that both applications be approved, contrary to the Officers' recommendation. This was duly seconded. In response the Officer clarified and it was agreed that the reasons for approval related to the support for local employment and business, the design being acceptable and the benefits outweighing harm to the listed building. The Officer then outlined a number of conditions to be applied to the applications should the Committee be mindful to approve the applications. Upon votes being taken both applications were approved contrary to Officers' recommendations for the reasons detailed above with appropriate conditions as outlined by Officers.

At this point Councillor D M Sismey raised a question regarding why details of letters of representation were not being shown in reports, as the Council had agreed this should be detailed. In response the Development Management Team Leader advised that this was being progressed, although there were some related issues regarding data protection which had to be addressed.

**FUL/MAL/18/01255:**

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

1. The development hereby permitted shall begin no later than three years from the date of this decision.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following approved plans and documents: 2CD01814-PRSP Rev A, 2CD01814-PBPL Rev B, 2CD01814-PRLO Rev A, 2CD01814-EXLO, 2CD01814-EBPF, 2CD01814-EPFP Rev B, 2CD01814-EXEL, 2CD01814-EXLP, 2CD01814-PREL Rev C, 2CD01814-PRLP Rev B, 2CD01814-PRBD, 2CD01814-PRIE

REASON: For the avoidance of doubt as to the extent of this permission.

3. Prior to their use in the development hereby approved, details of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the proposed development is of adequate design quality to respect the character and appearance of the listed building and the surrounding area in accordance with policies D1 and D3 of the Maldon District Local Development Plan.

4. Notwithstanding the content of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, the extensions hereby granted shall only be used for purposes falling within Use Class A4 of the Use Classes Order 1987.

REASON: To clarify the terms of the permission and ensure that the building is used for the approved purposes, particularly having regard to the weight that was applied to the community benefit of the development in determining to approve the application, in accordance with policy E3 of the Maldon District Local Development Plan.

5. The development hereby permitted shall not be first beneficially used until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

REASON: To ensure the provision of adequate parking at the site in accordance with the Councils Adopted Parking Standards and policy T2 of the Maldon District Local Development Plan.

6. The public's rights and ease of passage over footpaths number 10 and 15 in North Fambridge shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies D1 and T2.

7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) 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 ensure that adequate arrangements are in place for the handling of surface water and to ensure that there is no increased risk of surface water flooding, in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

8. No development works shall occur above ground level until details of the foul 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.

REASON: To ensure that adequate arrangements are in place for the handling of foul water in the interests of ensuring that the development does not result in

pollution, in accordance with policy D2 of the Maldon District Local Development Plan.

9. Prior to the first use of the building for the purposes hereby approved details of all external illumination of the site shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that lighting does not detract from the visual amenity of the site or the rural setting or cause light pollution in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

10. Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse storage including details of any bin stores shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained for such purposes at all times thereafter.

REASON: To ensure that waste is adequately stored and disposed of and does not detract from the character and appearance of the site in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

11. The use of the building hereby permitted shall not commence until a scheme for the ventilation of the building and the treatment of all smells and fumes including the details of the attenuation of all equipment shall first have been submitted to and approved in writing by the local planning authority. The works as approved shall be installed and operational prior to the commencement of the use of the building and retained as such thereafter.

The scheme should include ventilation of the new bar/restaurant to regulate the temperature of the room during hot weather without the need to open doors and windows.

REASON: In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policy D2 of the Maldon District Local Development Plan.

12. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc., indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: To ensure that the impact of the development is suitably mitigated and does not detract from the character and appearance of the area, in accordance with policy D1 of the Maldon District Local Development Plan.

13. Details of the measures that shall be included within the development in accordance with section 10.7 of the Conclusions and Recommendations section of the submitted Flood Risk Assessment (Revision D - Dated October 2018) shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level. Subsequently the development shall only be undertaken in full accordance with the approved details.

REASON: To ensure that the development does not create or is subjected to an increased risk of flooding in accordance with policy D5 of the Maldon District Local Development Plan.

14. The development shall only be undertaken in full accordance with the Recommendations set out within Section 4.0 of the submitted Ecological Appraisal (Dated December 2017) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development has suitable regard to the potential ecological interests of the site and the surrounding area in accordance with policy N2 of the Maldon District Local Development Plan.

15. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON: To ensure that the impact development does not detract from the character and appearance of the area, in accordance with policy D1 of the Maldon District Local Development Plan.

**LBC/MAL/18/01256:**

**RESOLVED** that Listed Building consent be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of this decision.

REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following approved plans and documents: 2CD01814-PRSP Rev A, 2CD01814-PBPL Rev B, 2CD01814-PRLO Rev A, 2CD01814-EXLO, 2CD01814-EBPF, 2CD01814-EPFP Rev B, 2CD01814-EXEL, 2CD01814-EXLP, 2CD01814-PREL Rev C, 2CD01814-PRLP Rev B, 2CD01814-PRBD, 2CD01814-PRIE

REASON: For the avoidance of doubt as to the extent of this consent.

3. Prior to their use in the development hereby approved, details and samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure the proposed works enhances or maintains the character and appearance of the listed building in accordance with policy D3 of the Maldon District Local Development Plan.

4. Once the modern brickwork has been removed from the southern ground-floor fireplace, a specification for its restoration (based on the condition of what is uncovered) shall be submitted for approval prior to implementation. Subsequently the works shall be undertaken only in accordance with the approved details.

REASON: To mitigate the impact of the approved works on the character and fabric of the listed building in accordance with policy D3 of the Maldon District Local Development Plan.

5. Large-scale drawings of all new or replacement windows – illustrating elevations at 1:20 and section details of glazing bars, head, cills, jambs etc. – shall be submitted for approval prior to installation. Subsequently the works shall be undertaken only in accordance with the approved details.

REASON: To ensure the proposed works enhances or maintains the character and appearance of the listed building in accordance with policy D3 of the Maldon District Local Development Plan.

6. The metal chimney flue to the extension shall be finished black.

REASON: To mitigate the impact of the approved works on the character and fabric of the listed building in accordance with policy D3 of the Maldon District Local Development Plan.



**719. FUL/MAL/18/01362 - WICKHAM BARN, STATION ROAD, WICKHAM BISHOPS, ESSEX, CM8 3JB**

<b>Application Number</b>	<b>FUL/MAL/18/01362</b>
<b>Location</b>	Wickham Barn Station Road Wickham Bishops
<b>Proposal</b>	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)
<b>Applicant</b>	Mr Jolyon Madden
<b>Agent</b>	Holmes & Hills LLP
<b>Target Decision Date</b>	10 January 2019
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	The planning application is called in by Councillor H M Bass on the grounds of public interest.

It was noted from the Members' Update that a consultation response had been received from the Conservation Officer.

Following the Officers' presentation the Applicant, Mr Madden addressed the Committee.

Councillor H M Bass, a Ward Member, advised that he had called in this application and provided Members with some history of the site and surrounding area where some exemptions had previously applied in relation to planning approval. He supported the proposal and felt that if this was a new application an exemption under Section 79 of the National Planning Policy Framework could be applied. Councillor Bass felt that the building should be preserved and sought the support of the Committee to grant approval.

A debate ensued. In response to a question, the Development Control Team Leader advised the Committee that it could refuse the application, remove the condition or vary the condition. Should Members be mindful to approve the application Officers would be suggesting alternative conditions for the other permissions to reflect that some of the conditions had been discharged, rather than need them to be discharged again.

Councillor Bass proposed that the application be approved, contrary to Officers' recommendation for reasons relating to section 79 of the National Planning Policy Framework. Members were advised that Officers would also suggest with the removal of condition 6 that all other conditions be amended to reflect the discharge that has occurred. This was noted. The proposal was duly seconded and upon a vote being taken this was duly agreed.

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

1. The development hereby permitted shall be carried out in complete accordance with the drawings approved under the terms of application 16/00218/FUL: 1603.01.01, 1603.01.02, 1603.03.01, 1603.03.02, 1603.03.03, 1603.03.04  
REASON: To ensure that the development is carried out in accordance with the details as approved

- 2 The materials used in the construction of the development hereby approved shall be as approved under the terms of discharge of condition application 17/05074/DET unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure the use of appropriate materials for the development in the interest of visual amenity, and in accordance with policies S1, D1 and H4 of the Maldon District Local Development Plan

- 3 Unless otherwise approved in writing by the Local Planning Authority, the hard and soft landscaping of the site shall be undertaken in full accordance with the details approved under the terms of discharge of condition application 17/05074/DET.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure appropriate hard and soft landscaping at the site, in the interest of visual amenity and the character of the rural area, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

- 4 The foul drainage scheme approved under the terms of discharge of condition application 17/05074/DET shall be implemented prior to the first occupation of the development unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure appropriate foul drainage at the site in accordance with policy D2 of the Maldon District Local Development Plan.

- 5 Unless alternative details are first approved in writing by the Local Planning Authority, the development hereby permitted shall be carried out in complete accordance with the Flood Risk Assessment prepared by Evans Rivers and Coastal Ltd dated April 2016 Report ref 1538/RE/04-16/01 and the Ground Floor internal finished floor level shall not be constructed lower than the 10.10m AOD level contained in Paragraph 5.7 of the Flood Risk Assessment.

REASON: To reduce the risk of flooding to the proposed development in accordance with policy D5 of the Maldon District Local Development Plan and Government advice contained within The National Planning Policy Framework.

**720. FUL/MAL/18/01403 - PLAINSWOOD HOUSE, 25 PLAINS ROAD, GREAT TOTHAM, ESSEX, CM9 8DT**

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

It was noted from the Members' Update that a consultation response from Great Totham Parish Council had been received.

Councillor Mrs P A Channer advised that she should have declared a non-pecuniary interest in this application as she knew the Agent.

Councillor J V Keyes, a Ward Member, referred to having called in the application and provided Members with some detail regarding the surrounding area. He advised that he had no objection to the development and proposed that it be approved, contrary to Officers recommendation. This proposal was duly seconded.

In response to a question, Members were advised that the development was more than 4m tall which was why it required planning permission.

In light of the earlier proposition the Officer highlighted a number of conditions to be applied if Members' were mindful to approve the application and it was clarified that the reasons for approval should relate to the visual impact being acceptable in the rural setting and having no harmful impact to the neighbours. The Chairman then put the proposal in the name of Councillor Keyes, duly seconded and upon a vote being taken this was agreed.

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

1. The development hereby permitted shall begin no later than three years from the date of this decision.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the following approved plans and documents: 1077/15, 1077/16 and 1077/17  
REASON: For the avoidance of doubt as to the extent of this permission.
3. The external surfaces of the building(s) shall be constructed of the materials set out on the application form/approved plans submitted with the application.  
REASON: To ensure the proposed development has a suitable design quality and visual impact in the interests of protecting the character and appearance of the site and the surrounding area, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

4. The building hereby approved shall not be used at any time for any purpose other than purposes ancillary to the residential use of the dwelling known as Plainswood House, 25 Plains Road, Great Totham.  
REASON: To clarify the terms of the permission and protect the rural character of the site in accordance with policies S1, S8, D1 and H4 of the Maldon District Local Development Plan.

There being no further items of business the Chairman closed the meeting at 8.50 pm.

MRS M E THOMPSON  
CHAIRMAN



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

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
4 FEBRUARY 2019**

<b>Application Number</b>	<b>FUL/MAL/18/01425</b>
<b>Location</b>	The Pavilion Braxted Park Braxted Park Road Great Braxted
<b>Proposal</b>	Retention of Pavilion at Braxted Park
<b>Applicant</b>	Braxted Capital Management Limited
<b>Agent</b>	Mrs Nicola Bickerstaff - Strutt And Parker
<b>Target Decision Date</b>	23.01.2019
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>GREAT BRAXTED</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in from Councillor Keys due to public interest.

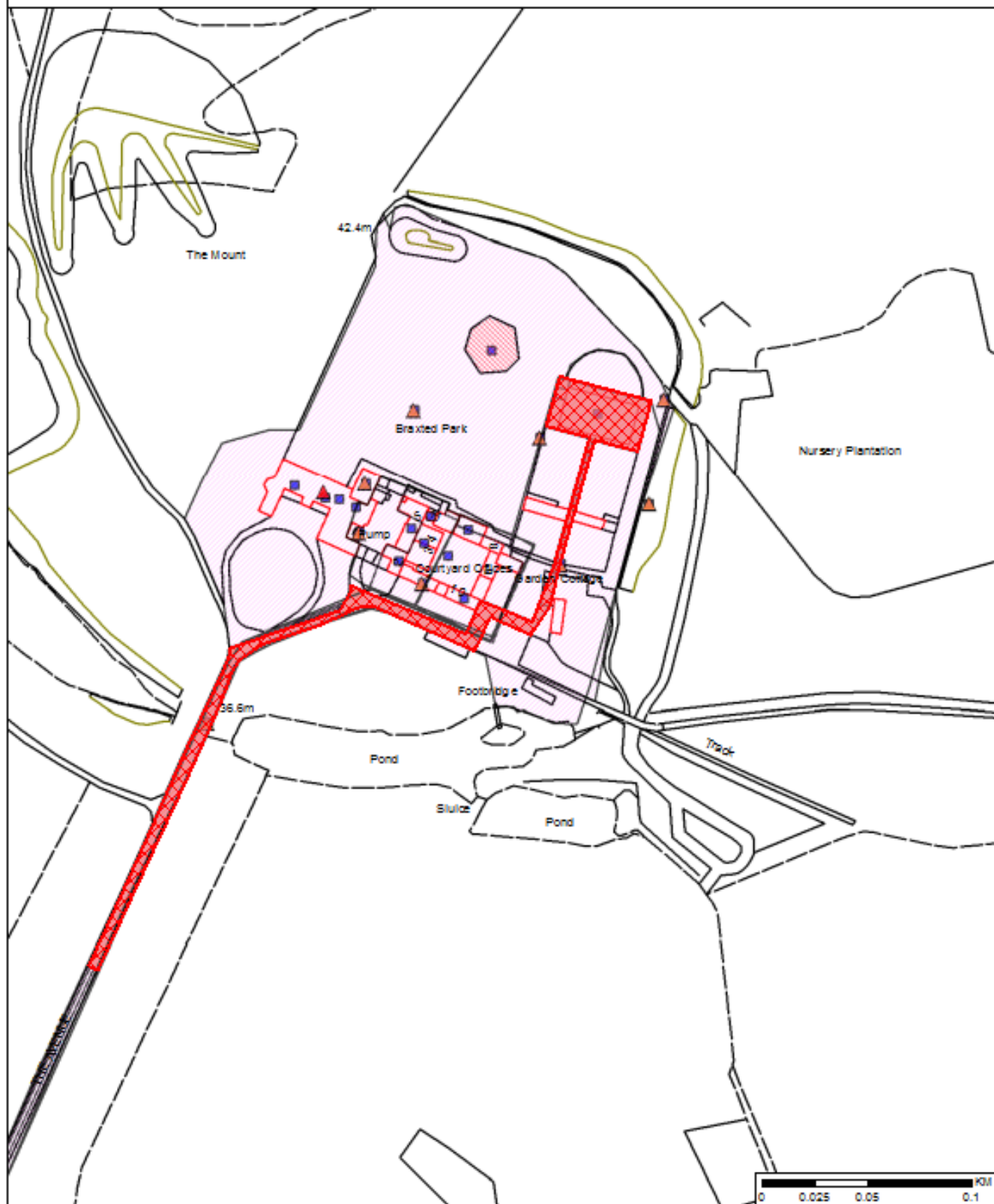
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

# The Pavilion Braxted Park Braxted Park Road Great Braxted



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments:

Date: 23/01/2019

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 Braxted Park House is a Grade II\* Listed Building and Braxted Park is included within Historic England's Register of 'Parks and Gardens of Special Historic Interest'. Within the grounds of the house are a number of other buildings and structures listed in their own right.
- 3.1.2 The application relates to the walled kitchen garden to the east of the Grade II\* listed house and adjoins part of the private gardens associated with Braxted Park House along its northern boundary. The walls are Grade II listed in their own right, in recent years the walls, together with the kitchen garden and glasshouses have been restored them to their former glory. A dwelling known as 'Garden Cottage' is located to the south of the walled garden within the Braxted Park grounds. The site is located approximately 400m north of Braxted Road. There are a number of dwellings on the southern side of Braxted Road some of which are directly opposite the access to Braxted Park.
- 3.1.3 Planning permission is sought to permanently retain the existing pavilion within the walled garden of the Braxted Park Estate.
- 3.1.4 Temporary planning permission was given in February 2005 by application FUL/MAL/04/00986 and LBC/MAL/04/00988 for the construction of a marquee within the listed walled garden of Braxted Park. A condition (3) was imposed upon applications FUL/MAL/04/00986 and LBC/MAL/04/00988 requiring the dismantling of the marquee between 2 January and Maundy Thursday of each year.
- 3.1.5 Planning permission was subsequently granted in August 2005 for the non-compliance with condition 3 of FUL/MAL/04/00986 and LBC/MAL/04/00988 for a seven year term which expired in September 2012.
- 3.1.6 A further application for the variation of condition 3 of approved planning permission FUL/MAL/04/00986 and LBC/MAL/04/00988 to allow the marquee to be present all year round for a further period of 7 years was granted permission on 1<sup>st</sup> October 2012 and is due to expire on 1<sup>st</sup> October 2019.
- 3.1.7 Planning permission is sought to permanently retain the existing pavilion within the walled garden of the Braxted Park Estate with a restrictive condition tying the use and permanence of the pavilion to the applicant 'Braxted Capital Management Limited'. However, for reasons discussed below, it is considered that this condition cannot be imposed.

#### **3.2 Conclusion**

- 3.2.1 The harm caused to the grade II listed walls of the kitchen garden by the proposed permanent erection of the Pavilion would not be outweighed by public benefits. Therefore, the proposed development is considered to be contrary to policy D3 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework (NPPF).

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

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

##### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 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
- E3 Community Services and Facilities
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

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

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

- 5.1.1 The pavilion already exists at the site having been first granted to support the maintenance of the listed buildings at the site and the grounds. The pavilion has had three previous temporary planning permissions (FUL/MAL/04/00986, FUL/MAL/05/00665 and FUL/MAL/12/00250). The 2004 application allowed the erection of a marquee, but required its dismantling for part of the year. The 2005 permission allowed for the permanent erection of the marquee for a 7 year period extension that was. Subsequently the 2012 application granted temporary permission until 01 October 2019. Therefore the pavilion remains a temporary structure.



- 5.1.2 It is noted that host buildings of this type are often used for purposes such as wedding/function venues and in this regard it is considered that the use has some economic and community benefits and can draw broad support from the NPPF.
- 5.1.3 This application proposes to permanently retain the pavilion with a restrictive condition restricting the use to the applicant 'Braxted Capital Management Limited'. However, it is not possible to tie a planning permission to a business. PPG states '*A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.*' This condition would therefore not be reasonable and any reliance upon it should be disregarded.
- 5.1.4 The proposal would result in the permanent erection of the pavilion which was specifically not supported at the time of the last application. As will be discussed further below, even with regard being had to the benefits of the proposal, 'less than substantial' harm has been identified that is not outweighed by public benefits and it is clear that the application is contrary to the policy D3 of the MDLDP which states:
- Development proposals that affect a heritage asset (whether designated or non-designated) and / or its setting will be required to:*
- 1) *Preserve or enhance its special character, appearance, setting – including its streetscape and landscape value - and any features and fabric of architectural or historic interest;*
- 5.1.5 PPG states that '*It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.*' Notwithstanding that the proposal is for the permanent retention of the pavilion and that the above guidance, given the importance of the pavilion to the wedding/functions business at Braxted Park and to allow time to find an alternative scheme to be identified, Officers have invited the applicant to make a case to justify the granting of a further temporary permission. However, this suggestion has been rejected by the applicant. Therefore, as it is considered that there is not an appropriate condition that could satisfy the wishes of the applicant and appease the concerns raised by Officers, it is recommended that the application is refused.

## **5.2 Impact on the Setting of the Listed Building**

- 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 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage assets must preserve or enhance its special character, appearance, setting and any features and

fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.2.3 The pavilion, which has been in situ since 2005, is not visible from public vistas and therefore does not impact the wider area.
- 5.2.4 It is clear from the planning history of the application site and the comments provided by the Conservation Officer that the pavilion results in minor/moderate harm to the setting of the walled garden and that the pavilion was not intended to be a permanent structure on site.
- 5.2.5 When considering the initial applications in 2004 it was accepted that the erection of a pavilion, although quite large, would be unlikely to materially harm the setting of the listed building or compromise the concept of Grade II Walled Garden providing that it was not stationed on the land in perpetuity. As the scheme incorporated significant benefits to restore and enhance the former character of the garden with extensive planting, formal garden design and features together with the refurbishment of the glasshouses, it was accepted that such benefits would outweigh the impact of the temporary pavilion.
- 5.2.6 Whilst the pavilion is not a particularly prominent feature in the setting of the other nearby heritage assets and does not harm their significance. The setting of Grade II listed wall is affected. In this regard it is noted that the Conservation Officer has stated that:
- “Much of the structure is concealed by the listed garden wall. It almost completely fills the northern compartment of the walled garden, meaning that the internal space of this part of the garden cannot be appreciated as it was intended to be while the structure is in place. Visually, it is a somewhat discordant feature due to its modern form and materials which contrast with the traditional character of the gardens. On the other hand, it is a simple and unostentatious structure. Its tent-like appearance gives it a temporary character, so that it is not read as a permanent alteration to the walled garden. I would describe the harm caused by the pavilion to the significance of the garden as minor / moderate.”*
- 5.2.7 When viewing the kitchen garden outside of the walls, the roof of pavilion protrudes slightly above the tops of the walls. This has some minor impact on the appreciation of the walled garden from outside.
- 5.2.8 The harm, identified above, must be weighed against the public benefits of the proposal which include heritage benefits, having first given special regard to the desirability or preserving the setting of the heritage assets affected in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2.9 At the time of the application in 2012 for a further temporary permission, it was stated by the Conservation Officer *‘No objection to vary Condition 3 of approved planning permission FUL/MAL/04/00986 to allow the marquee to be constructed all year round for a further period of seven years. This would enable dialogue and discussion with English Heritage and the Applicant to address the marquee and the need of a*

*permanent structure on site. The Conservation Officer objects to the permanent retention of the marquee.* ' Furthermore within the assessment of that application it states '*Based upon the information submitted by the applicant, it is evident that there is a need for a structure for wedding functions/corporate events. By giving a temporary consent, the Council could start liaising with the applicant for a permanent structure elsewhere within the Braxted Park Estate that would have less of an impact to the Grade II listed wall garden.*' It was considered at that time that it would be the final temporary consent granted for the pavilion and that a permanent structure in an alternative location, which caused less harm, would be discussed before the expiration of the 2012 permission. It is noted that the applicant has considered and ruled out a permanent structure on the application site on financial grounds. However, this is not considered to justify or outweigh the identified harm caused by the permanent erection of the pavilion.

5.2.10 The above assessment is in line with the Conservation Officers views and those within the previous applications.

5.2.11 Whilst the Council acknowledge that the pavilion is an integral part of wedding/functions business, the harm identified to the setting of the listed wall and the fact this harm would continue perpetually. In this instance the harm is considered to outweigh the benefits of the scheme.

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

5.3.1 Historically, no concerns have been raised in relation to the impact on the residential amenity of the neighbouring dwellings. There are no new material considerations, under the terms of this application that would alter this stance.

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

5.4.1 Historically, no concerns have been raised in relation to access, parking and highway safety. There are no new material considerations, under the terms of this application that would alter this stance.

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

- **FUL/MAL/04/00986** - Proposed venue for weddings/corporate events and associated facilities. Erection of a marquee and renovation/restoration of stores and glasshouses. Approved.
- **LBC/MAL/04/00988** - Proposed venue for weddings/corporate events and associated facilities. Erection of a marquee and renovation/restoration of stores and glasshouses. Granted.
- **FUL/MAL/05/00665** - Non-compliance with 3 imposed upon Listed Building Consent LBC/MAL/04/00988 to permit the permanent erection of marquee in relation to use of walled garden for weddings and corporate events. Approved
- **LBC/MAL/05/00705** - Non-compliance with 3 imposed upon Listed Building Consent LBC/MAL/04/00988 to permit the permanent erection of marquee in relation to use of walled garden for weddings and corporate events. Granted.

- **FUL/MAL/12/00250** - Variation to Condition 3 of approved planning permission FUL/MAL/04/00986 to allow the marquee to be constructed all year round for a further period of 7 years. Approved.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Great Braxted Parish Council	Support.	Noted.

### **7.2 Statutory Consultees**

<b>Name of Statutory Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Historic England	Historic England has no objection to the application on heritage grounds. While we do have concerns, we consider that the application meets the requirements of the NPPF, in particular paragraph numbers 196.	Noted.

### **7.3 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	The degree of harm in this instance is minor / moderate. This harm must be weighed against the public benefits of the proposal (which include heritage benefits) having first given special regard to the desirability or preserving the setting of the listed buildings. From this basis the Officer is supportive of approval for temporary consent but not permanent retention.	Noted.

**8. REASONS FOR REFUSAL**

The harm caused to the Grade II listed walls by the proposed permanent erection of the Pavilion would not be outweighed by public benefits. Therefore, the proposed development is considered to be contrary to policy D3 of the MDLDP and the guidance contained within the NPPF.

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

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
4 FEBRUARY 2019**

<b>Application Number</b>	<b>HOUSE/MAL/18/01453</b>
<b>Location</b>	38 Blacksmiths Lane, Wickham Bishops
<b>Proposal</b>	Single storey pitched roof outbuilding
<b>Applicant</b>	Mr Steve Challis
<b>Agent</b>	Mr Richard Bailey – RJB Architect
<b>Target Decision Date</b>	05.02.2019
<b>Case Officer</b>	Hayleigh Parker-Haines
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In - Councillor H Bass – public interest

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

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### **3. SUMMARY**

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

- 3.1.1 The application site is located to the southern side of Blacksmiths Lane and falls within the settlement boundary of Wickham Bishops. The site is occupied by a two storey semi-detached property with a shed to the south east of the dwellinghouse.
- 3.1.2 Planning permission is sought for the construction of a single storey outbuilding. This would have a depth of 6.9 metres, a width of 5.6 metres and a maximum height of 4.2 metres with an eaves height of 2.5 metres. This would replace the shed that is currently in the same location. The proposed outbuilding would be constructed of render, white wooden windows and doors and slate roof tiles.
- 3.1.3 The proposed outbuilding would have three windows and a door to the western side elevation and two roof lights over the northern end of the outbuilding. The outbuilding would accommodate a workshop and an incidental living space.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed outbuilding, by reason of its location and design would not harm the appearance or character of the locality to an extent that would justify the refusal of the application and, due to its relationship with the adjoining properties, the proposed development is not considered to result in undue harm by way of overlooking, loss of light or loss of amenity. In addition the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies D1, S1 and H4 of the approved Local Development Plan (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:**

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 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
- T1 Sustainable Transport
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

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

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

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

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

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

*“The 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”.*

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

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

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.5 Despite being to the rear of the dwellinghouse and set back within the application site the proposed development would be highly visible from within the public realm. However, due to the single storey nature of the development and that the outbuilding would be set back from the host dwelling, the development would be a subservient addition to the application site. It is therefore not considered to have a detrimental impact on the surrounding area.
- 5.2.6 Furthermore, the proposed outbuilding would take up a footprint of 32m<sup>2</sup>. Although, this is considered to be a moderate addition, due to the size of the amenity space to the rear of the property it is not considered to result in a cramped form of development and is not considered to represent overdevelopment of the site.
- 5.2.7 The proposed materials of render and slate tiles are considered to be suitable for this type of development and would not be out-of-keeping with the surrounding area or the application site as the host dwelling is rendered.
- 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 dwelling and the locality in accordance with policies D1 and H4 of the LDP.

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

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by three neighbouring properties. To the east is Jardine, to the south is Stratton and to the west is No.36 Blacksmiths Lane.
- 5.3.3 The proposed outbuilding would sit 0.7 metres from the shared boundary with Jardine and over 11 metres from the neighbouring dwellinghouse. There are no windows proposed on the western elevation facing this property which avoids any issues in regards to loss of privacy to the neighbouring occupiers. Furthermore, due to the single storey nature of the proposed development and the substantial degree of separation, it is not considered that the proposed development would cause an unacceptable impact in regards to loss of light or cause the outbuilding to have an overbearing impact on this neighbouring property.
- 5.3.4 The proposed outbuilding would sit a minimum of 0.2 metres from the shared boundary with Stratton and approximately 8 metres from the neighbouring dwellinghouse. It is noted that the land to the north of the application site is 1 metre lower than that of the application site and that the neighbouring dwellinghouse is angled in such a way that the dwelling faces partially away from the proposed outbuilding which would reduce the impact in regards to loss of light. There are no windows proposed on the northern elevation facing this property which avoids any issues in regards to loss of privacy to the neighbouring occupiers. Furthermore, due

to the single storey nature of the proposed development and the orientation of the properties, it is not considered that the proposed development would cause an unacceptable impact in regards to loss of light or cause the outbuilding to have an overbearing impact on this neighbouring property.

- 5.3.5 The proposed outbuilding would sit 11 metres from the shared boundary with No.36 Blacksmiths Lane. Due to this degree of separation and the single storey nature of the proposed outbuilding, it is not considered to result in a loss of light or have an overbearing impact on this neighbouring property. Although, there are 3 windows and a door with a window on the western side elevation of the proposed development, the existing boundary treatment in place and the degree of separation is considered to overcome any issues in regards to loss of privacy.
- 5.3.6 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 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 not alter the existing parking provision at the site or the number of bedrooms. Therefore, there is no objection in terms of car parking.

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

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for

each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.

- 5.5.2 The proposed development would result in the loss of approximately 32m<sup>2</sup> of amenity space. However, the garden would still remain in excess of 100m<sup>2</sup>. Therefore, the proposed extension is in compliance with policy D1 of the LDP.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/74/00189** – Bedroom - Approved.
- **FUL/MAL/78/01182** – Extension – Approved.
- **FUL/MAL/A/78/01182** – Amended Plans - Approved

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	No letters of representation have been received. It was reported that the dwelling to the rear of the site had a high degree of overlooking into the applicants garden and the proposed outbuilding might improve the privacy. The design was considered to be in keeping with locality. Councillors noted that a dilapidated shed would be replaced by the proposed. The planning committee recommends approval.	Comments noted

### 7.2 Representations received from Interested Parties

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

Objection Comment	Officer Response
The outbuilding being 4.2 metres in height would have an overbearing nature on neighbouring properties to the rear of the application site, especially as these properties are 1 metre lower than the application site.	This has been discussed in point 5.3.4 of this 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: 01, 02, 03 and 04.  
          **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 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 NPPF.
- 4        The outbuilding shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 38 Blacksmiths Lane.  
          **REASON** To ensure that the development is carried out in accordance with the details as approved